



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, November 16, 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

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

(This item will be read at the Board Meeting on the third Tuesday of each month.)

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

Should the Mayor fail to appear after five minutes of the item being called, the Clerk shall remove the item from the Board's agenda, and the item shall not be considered by the Board. Should the Mayor appear and the Board therefore consider this item, public comment for this item will take place during general public comment.

CONSENT AGENDA

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

Items 1 through 20

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi

**1. 101099 [Business and Tax Regulations Code - Common Administrative Provisions; Parking Tax; Business Registration]
Sponsors: Mirkarimi; Dufty**

Ordinance amending the San Francisco Business and Tax Regulations Code by: (1) amending Article 6 (Common Administrative Provisions) to revise provisions relating to: certificates of authority to collect third-party taxes; prepayment and remittance requirements for hotel and parking operators; enforcement procedures and penalties; and to otherwise clarify and update the provisions of Article 6; (2) amending Article 9 (Tax on Occupancy of Parking Space in Parking Stations), Article 10 (Utility Users Tax), and Article 12 (Business Registration), to lengthen the time period that service suppliers must preserve records from 4 years to 5 years and to extend the payment date of the registration certificate; (3) repealing Sections 608 through 608.8 of Article 9 (Tax on Occupancy of Parking Space in Parking Stations); and (4) amending the San Francisco Administrative Code by amending Article XIII (Funds), Chapter 10 (Finance, Taxation, and Other Fiscal Matters), to correct references to the California Government Code.

11/09/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. 101100 [Business and Tax Regulations Code - Adding to the Definition of "Control," Revising the Enforcement Authority, and Making Other Nonsubstantive Changes]

Sponsors: Mirkarimi; Dufty

Ordinance amending Article 22 of the Business and Tax Regulations Code by amending Sections 2201 through 2210, 2215, 2216, 2218, 2220, 2225, 2226, 2229, 2230, 2232, and 2233 and repealing Sections 2217, 2223, 2224, and 2237, to establish a presumption that certain operators, signatories and owners control the business affairs of the parking station, revise the Enforcing Agency's authority to permit the use of all authority granted by law and by Article 6 of this Code, and make other nonsubstantive changes.

11/09/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Avalos, Mirkarimi, Elsbernd

3. **101306 [Purchase Agreement - Permanent Access Road Easement - Parcel Nos. 016-002-011 and 016-002-012 - Stanislaus County - \$500]**
Resolution approving and authorizing an agreement for the purchase of a permanent access road easement totaling 751 square feet over a portion of Assessor's Parcel Nos. 016-002-011 and 016-002-012 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of \$500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

Question: Shall this Resolution be ADOPTED?

4. **101307 [Purchase Agreement - Permanent Access Road Easement - Parcel No. 016-002-048 - Stanislaus County - \$2,500]**
Resolution approving and authorizing an agreement for the purchase of a permanent access road easement totaling 398 square feet over a portion of Assessor's Parcel No. 016-002-048 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301, for a purchase price of \$2,500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, Avalos, Dufty

5. **101314 [Accept and Expend Grant - Environmental Assessment Heat Wave and Air Quality Project - \$106,526]**
Sponsor: Chu
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Centers for Disease Control and Prevention in the amount of \$106,526 to fund the Environmental Health Assessment of Vulnerability to Heat Wave and Air Quality Project for the period September 1, 2010, through August 30, 2011.

Question: Shall this Resolution be ADOPTED?

6. **101315 [Accept and Expend Grant - 2010 County Coverage Expansion Planning Project - \$225,000]**
Sponsor: Dufty
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$225,000 from the Blue Shield of California Foundation to fund the 2010 County Coverage Expansion Planning Project for the period of September 1, 2010, through August 31, 2011.

Question: Shall this Resolution be ADOPTED?

7. **101360** **[Accept and Expend Grant - HIV Testing Disproportionately Affected Populations - \$877,273]**
Sponsor: Dufty
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$877,273 from the Centers for Disease Control to fund the project Expanded HIV Testing for Disproportionately Affected Populations for the period of September 30, 2010, through September 29, 2011, waiving indirect costs.
- Question: Shall this Resolution be ADOPTED?**
8. **101362** **[Accept and Expend Gift - Joseph Lee Recreation Center - \$162,063]**
Sponsor: Maxwell
Resolution authorizing the Recreation and Park Department to accept and expend a gift from the John and Lisa Pritzker Family Fund for \$54,021 annually for FYs 2010-2011, 2011-2012, and 2012-2013, for a total of \$162,063, for general operating support of Joseph Lee Recreation Center.
- Question: Shall this Resolution be ADOPTED?**

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Mar, Chu, Maxwell

9. **101155** **[Administrative Code - Open Data Policy]**
Sponsor: Mayor
Ordinance amending the San Francisco Administrative Code to add Section 22D to establish the City's Open Data policy and require City departments to make appropriate data available to the public.
- 11/09/2010; PASSED, ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Chiu

10. **100992** **[General Plan - 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)
- 11/09/2010; PASSED, ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

- 11. 100993 [Zoning Map - 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. (Planning Department)

11/09/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Maxwell, Mar, Chiu

- 12. 101229 [Planning Code - Landmark Designation of 1890 Chestnut Street (Marina Branch Library)]**

Sponsor: Alioto-Pier

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)

11/09/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 13. 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)

Question: Shall this Resolution be ADOPTED?

- 14. 101304 [Crystal Springs Pipeline Number Two Replacement Project Findings]**
Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Crystal Springs Pipeline Number 2 Replacement Project No. CUW37801, part of the Water System Improvement Program for the improvements to the regional water supply system, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

15. 101305 **[Lower Crystal Springs Dam Improvements Project Findings]**
Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Lower Crystal Springs Dam Improvements Project No. CUW35401, including the Mitigation Habitat Actions at ten sites mostly in San Mateo County, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Campos, Alioto-Pier, Mar

16. 101288 **[Settlement of Lawsuit - Cheryl Austin - \$268,452]**
Ordinance authorizing settlement of the lawsuit filed by Cheryl Austin against the City and County of San Francisco for \$268,452, inclusive of attorneys' fees and costs; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498110; entitled Cheryl Austin v. City and County of San Francisco. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

17. 101289 **[Settlement of Lawsuit - Nyree Monroe - Up to \$31,000]**
Ordinance authorizing settlement of the lawsuit filed by Nyree Monroe against the City and County of San Francisco for up to \$31,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC 10-498109; entitled Nyree Monroe v. City and County of San Francisco; other material terms of said settlement are reinstatement. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

18. 101290 **[Settlement of Lawsuit - Edward Kriete - \$575,000]**
Ordinance authorizing settlement of the lawsuit filed by Edward Kriete against the City and County of San Francisco for \$575,000; the lawsuit was filed on April 17, 2009, in the San Francisco Superior Court, Case No. CGC 09-487483; entitled Edward Kriete v. City and County of San Francisco. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. 101303 **[Settlement of Lawsuit - Viz Media, LLC - \$219,000]**
Ordinance authorizing settlement of the lawsuit filed by Viz Media, LLC, against the City and County of San Francisco for \$219,000; the lawsuit was filed on August 10, 2010, in San Francisco Superior Court, Case No. CGC-10-502460; entitled Viz Media, LLC, v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 20. 101340 **[Settlement of Lawsuit - Regal Stone, Ltd. - City to Receive \$3,717,096.52]**
Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Regal Stone, Ltd, et al. for the sum of \$3,717,096.52, including previous initial payment of \$2,000,000; the lawsuit was filed on December 10, 2007, in San Francisco Superior Court, Case No. CGC-07-469876 (transferred to Monterey County Superior Court, Case No. M98173); entitled City and County of San Francisco, et al., v. Regal Stone, Ltd., et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

- 21. 100889 **[Adopting Findings Related to the Conditional Use Appeal on Property Located at 1268 Grant Street]**
Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 18160, approving Conditional Use Application 2010.0438C on property located at 1268 Grant Street. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Mar, Chu

- 22. 101157 **[Administrative Code - Updating Provisions Consistent with State and Local Law and Related Clean-Up Provisions on Employee Relations]**
Sponsor: Mayor
Ordinance amending Section 16.200 through Section 16.222 of the San Francisco Administrative Code regarding Employee Relations to update provisions consistent with state and local law and related clean-up provisions.

10/26/2010; CONTINUED ON FIRST READING.

11/09/2010; CONTINUED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Public Safety Committee

Present: Supervisors Chiu, Mirkarimi, Elsbernd

- 23. 101062 **[Updating Enforcement and Compliance Procedures for Nuisance]**
Sponsors: Avalos; Campos
 Ordinance amending the San Francisco Health Code Articles 6 and 11 by amending Sections 580, 581, 596, 599, and 600, and adding Sections 292.5, 596.5, 602.3, and 610 to: 1) add requirements for refuse collection and storage in multi-story residential facilities; 2) update nuisance definitions; 3) add potential attorneys' fees recovery for the prevailing party in those cases which the City elects to recover attorneys' fees; 4) require owners of rental property to provide contact information to the Department; 5) add civil penalties; and 6) expand administrative penalties and procedures.

 (Supervisor Elsbernd dissented in Committee.)

 10/26/2010; CONTINUED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

- 24. 101271 **[Appropriating \$9,035,065 of Certificate of Participation Expenses for Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability for FY2010-2011]**
Sponsor: Mayor
 Ordinance appropriating \$9,035,065 of Certificate of Participation Series 2011A Delivery Date Expenses to fund multiple Capital Improvement Projects in the Department of Public Works and Mayor's Office on Disability in the General Services Agency - Office of the City Administrator for FY2010-2011, and placing these funds on Controller's reserve pending issuance of the Certificates of Participation.

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 25. 091106 **[Approval of a Historical Property Contract for 1818 California Street (Lilienthal-Orville Pratt House)]**
Sponsor: Alioto-Pier
 Resolution under Chapter 71 of the San Francisco Administrative Code, approving a historical property contract between Nakamura FLP, the owner of 1818 California Street (Lilienthal-Orville Pratt House), and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.

Question: Shall this Resolution be ADOPTED?

26. 101294 **[Professional Services Agreement - FSP PPM Management, LLC - Curbside Management Program - Not to Exceed \$10,450,000]**
Resolution approving the Professional Services Agreement, Airport Contract 8994 - to manage and staff the Curbside Management Program between FSP PPM Management, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, in an amount not to exceed \$10,450,000, pursuant to San Francisco Charter Section 9.118(b). (Airport Commission)
- Question: Shall this Resolution be ADOPTED?**
27. 101301 **[Approval of Contract - AnsaldoBreda, Inc. - Repair of Damaged LRVs - Not to Exceed \$32,854,622]**
Resolution approving Contract No. CPT 626.02, repair of damaged light rail vehicles, between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and AnsaldoBreda, Inc., to rebuild up to seven damaged light rail vehicles, in an amount not to exceed \$32,854,622, and for a term not to exceed six years, with expenditures limited to \$13,000,000 pending certification of additional funding. (Municipal Transportation Agency)
- (Fiscal Impact.)
- Question: Shall this Resolution be ADOPTED?**
28. 101359 **[Annual Report - Greater Union Square Business Improvement District and Modifying Management District Plan]**
Sponsor: Chiu
Resolution regarding Greater Union Square Business Improvement District, receiving and approving the District's Annual Report for FY2009-2010 as submitted pursuant to Section 36650 of the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's Management Agreement with the City, which includes the District's proposed budget for FY2010-2011; modifying the Management District Plan in accordance with the Annual Report; and conforming the Management Agreement to changes in the Management District Plan.
- Question: Shall this Resolution be ADOPTED?**

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, Avalos, Dufty

29. 101351 **[Planning Code - Zoning - Temporary Uses and Mobile Food Facilities]**
Sponsor: Dufty
Ordinance amending the San Francisco Planning Code by adding Section 102.31 to define a Mobile Food Facility, amending Section 205 and adding Section 205.4 to establish a new category of temporary uses, and amending Sections 212, 790.91, 790.93 and 890.90 to clarify that Mobile Food Facilities need not be conducted within enclosed buildings; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

- 30. 101352 [Various Codes - Mobile Food Facilities - Department of Public Works Permitting Authority]**
Sponsor: Dufty
Ordinance amending the San Francisco Police Code and San Francisco Public Works Code by repealing Articles 17.2 (Regulations for Mobile Caterers; Permit and License Provisions) and 17.3 (Permit Regulations for Pushcart Peddlers), transferring the regulations to a new Article 5.8 of the Public Works Code commencing with Section 184.80, redefining Mobile Caterers and Pushcart Peddlers as Mobile Food Facilities; making other amendments to implement the transfer, including new fee and penalty provisions and new notice and hearing procedures; amending Sections 440 and 451 of the San Francisco Health Code and repealing Section 249, amending Section 249.1, and adding Section 249.23 to the San Francisco Business and Tax Regulations Code to update definitions and add annual fees and plan check fees for Mobile Food Facilities; and adopting environmental findings.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

- 31. 101079 [Water Efficient Irrigation]**
Sponsors: Mayor; Maxwell and Mar
Ordinance amending the San Francisco Administrative Code by repealing Chapter 63 in its entirety and adding a new Chapter 63, requiring the development and maintenance of landscape irrigation controls for specified new construction landscapes and landscape rehabilitation projects.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 32. 100765 [Support for the Preservation and Restoration of Sacred Heart Church]**
Sponsor: Mirkarimi
Resolution urging the Department of Building Inspection to diligently monitor the status and the condition of the Historic Sacred Heart Church, documenting the understanding between the Megan Furth Academy and its neighbors, seeking re-installation of the exterior stained glass windows and requesting the City Attorney to open an investigation for the purpose of enforcing possible violation of the Building and Planning Codes.
- (Supervisor Maxwell dissented in committee.)
- 06/15/2010; REFERRED to the Land Use and Economic Development Committee.
- Question: Shall this Resolution be ADOPTED?**

Recommendation of the Rules Committee

Present: Supervisors Campos, Alioto-Pier, Mar

- 33. 101220 [Appointment, San Francisco Public Utilities Commission - Art Torres]**
Motion confirming the Mayor's appointment of Art Torres to the San Francisco Public Utilities Commission, Seat 2, for the term ending August 1, 2014. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**

From the Rules Committee Without Recommendation

Present: Supervisors Campos, Alioto-Pier, Mar

34. 101347 **[Confirming Appointments, Treasure Island Development Authority Board of Directors - Larry Del Carlo and Larry Mazzola, Jr.]**
Sponsor: Mayor
Motion confirming the appointments of Larry Del Carlo to succeed John Rahaim; term ending February 26, 2013; and Larry Mazzola, Jr. to succeed Owen Stephens, term ending April 28, 2014, to the Treasure Island Development Authority Board of Directors.
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. 101353, approved November 2, 2010.)

35. 101354 **[Public Hearing - Resolution to Establish the Ocean Avenue Community Benefits District]**
Sponsor: Avalos
Hearing of persons interested in or objecting to proposed Resolution establishing a property-based business improvement district to be known as the "Ocean Avenue Community Benefits District," ordering the levy and collection of assessments against property located in that district for fifteen years commencing with FY2010-2011, subject to conditions as specified, and making environmental findings.
Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Committee of the Whole Adjourn and Report

36. 101355 **[Resolution to Establish the Ocean Avenue Community Benefits District]**
Sponsor: Avalos
Resolution establishing a property-based business improvement district to be known as the "Ocean Avenue Community Benefits District," ordering the levy and collection of assessments against property located in that district for fifteen years commencing with FY2010-2011, subject to conditions as specified, and making environmental findings.
Question: Shall this Resolution be ADOPTED?

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

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

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

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

37. 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.)

09/14/2010; CONTINUED.

09/28/2010; CONTINUED.

10/19/2010; 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 Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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

- 38. 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)

09/14/2010; CONTINUED.

09/28/2010; CONTINUED.

10/19/2010; CONTINUED.

Question: Shall this Motion be APPROVED?

- 39. 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)

09/14/2010; CONTINUED.

09/28/2010; CONTINUED.

10/19/2010; CONTINUED.

Question: Shall this Motion be APPROVED?

- 40. 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)

09/14/2010; CONTINUED.

09/28/2010; CONTINUED.

10/19/2010; CONTINUED.

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 4:00 P.M.

41. 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.)

09/14/2010; CONTINUED.

09/28/2010; CONTINUED.

10/19/2010; 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 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.)

42. 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 No. 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

09/14/2010; CONTINUED.

09/28/2010; CONTINUED.

10/19/2010; CONTINUED.

Question: Shall this Motion be APPROVED?

43. 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)

09/14/2010; CONTINUED.

09/28/2010; CONTINUED.

10/19/2010; CONTINUED.

Question: Shall this Motion be APPROVED?

44. 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)

09/14/2010; CONTINUED.

09/28/2010; CONTINUED.

10/19/2010; CONTINUED.

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 4:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole**

(Pursuant to approval of Item No. 55, File No. 101404)

45. 101405 [Public Hearing - Appointing a Successor Mayor]

Sponsors: Avalos; Campos and Daly

Hearing to consider the motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Committee of the Whole Adjourn and Report**46. 101406 [Appointing a Successor Mayor]**

Sponsors: Avalos; Campos and Daly

Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Question: Shall this Motion be APPROVED?

COMMITTEE REPORTS

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

The following item will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, November 15, 2010, at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, November 16, 2010.

- 47. 101057 [Planning Code - Health Care Services Master Plan]**
Sponsors: Campos; Mar, Maxwell, Mirkarimi, Avalos, Chiu and Daly
Ordinance amending the San Francisco Planning Code by adding Sections 342 to 342.10 requiring the preparation of a Health Care Services Master Plan identifying the current and projected needs for, and locations of, health care services within San Francisco and recommending how to achieve and maintain appropriate distribution of, and equitable access to, such services; requiring that medical institutions applying for land use approvals obtain a consistency determination from the Planning Commission determining that the proposed use promotes the goals recommended in the Master Plan; providing fees for the consistency determination, 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.

Question: Shall this Ordinance be PASSED ON FIRST READING?

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 48 through 55

- 48. 101398 [Accept and Expend Grant - Project ITRIP - \$42,384]**
Sponsor: Chu
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$42,384 from the University of California, San Francisco (UCSF), to fund the project ITRIP Follow Up; for the period of September 1, 2010, through February 28, 2011, waiving indirect costs. (Public Health Department)
- 11/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 49. 101399 [Accept and Expend Grant - WritersCorps Program - \$10,200]**
Sponsor: Chu
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of \$10,200 from the California Arts Council's Artists in Schools Program to help support the cost of a WritersCorps contracted teaching artist at Mission High School in San Francisco. (Arts Commission)
- 11/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 50. 101400 [Accept and Expend Grant - Arts Commission's Art Education Program - \$15,000]**
Sponsor: Chu
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of \$15,000 from the California Art Council to help support the Arts Commission's Arts Education Program. (Arts Commission)
- 11/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

51. 101401 [Supporting the Promotion and Deployment of Broadband Internet Access in California and San Francisco]

Sponsor: Chiu

Resolution joining with 31 California counties in supporting the work of the California Emerging Technology Fund's Get Connected! public awareness program; embracing the California Emerging Technology Fund's goal to achieve broadband Internet access at home for 80% of all Californians by 2015; embracing a goal to achieve broadband Internet access for 90% of San Franciscans by 2015, with a focus on connecting seniors and low income households; requesting that the Department of Technology report back on strategic actions planned that will remove barriers and promote the deployment and adoption of broadband.

11/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

52. 101402 [Declaring November 18, 2010, as Bay Area Young Positives Day]

Sponsors: Dufty; Campos

Resolution declaring November 18, 2010, as Bay Area Young Positives Day to recognize 20 years of providing peer-based, specialized, culturally competent services to the San Francisco Bay Area's HIV positive youth.

11/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

53. 101403 [Declaring December 9, 2010, as CHEER SF Day in San Francisco]

Sponsors: Dufty; Campos

Resolution declaring December 9, 2010, as CHEER SF Day in San Francisco to commemorate the 30th Anniversary of the world's first LGBT-identified cheerleading team that raises funds for local, national, and international service agencies.

11/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

54. 101139 [Process for Nominating and Selecting a Successor Mayor]

Sponsor: Chiu

Motion directing the Clerk of the Board of Supervisors to propose a process for nominating and selecting a successor to the Mayor.

11/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

55. 101404 [Committee of the Whole - Public Hearing to Consider the Appointment of a Successor Mayor]

Sponsor: Avalos

Motion that the Board convene as a Committee of the Whole on November 16, 2010, to consider the appointment of successor Mayor for the City and County of San Francisco.

11/09/2010; 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: _____

56. 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 RESOLUTION

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

100598 [Lease of Real Property at 238 Eddy Street]

Resolution authorizing the Master Lease of the Windsor Hotel at 238 Eddy Street for the Department of Public Health. (Real Estate Department)

11/08/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

101392 [Petitions and Communications]

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

From concerned citizens, submitting opposition to proposed legislation regarding setting nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items. File No. 101096, 23 letters (1)

From concerned citizens, submitting support for proposed legislation regarding setting nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items. File No. 101096, 2 letters (2)

From the Port, regarding funding for the construction project at Exploratorium Piers 15/17. File No. 091178 (3)

From Dominic Maionchi, regarding the West Harbor renovation. File No. 101302 (4)

From Library Users Association, submitting support for proposed legislation designating the North Beach Branch Library as a landmark in San Francisco. File No. 101230, 2 letters (5)

From Lee Goodin, submitting opposition to proposed legislation designating the North Beach Branch Library as a landmark in San Francisco. File No. 101230, 2 letters (6)

From Aaron Goodman, regarding the Parkmerced project. 3 letters (7)

From Bay Area Clean Water Agencies, submitting support for proposed legislation regarding Safe Drug Disposal. File No. 100455 (8)

From Office of the Controller, submitting the Parks Maintenance Standards Annual Report for FY2010-2011. (9)

From Office of the Controller, submitting the August 2010 Government Barometer Report. (10)

From Office of the Treasurer and Tax Collector, submitting their Investment activity for fiscal year-to-date of the portfolios under the Treasurer's management. (11)

From Cristi Sturgill, regarding sitting or lying down on a public sidewalk in San Francisco. (12)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from November 5, 2010, until November 7, 2010. Supervisor Carmen Chu will serve as Acting-Mayor. Copy: Each Supervisor, City Attorney (13)

From Department of Public Health, submitting their Annual Report of gifts received in FY2009-2010. (14)

From Department of Human Resources, submitting their Annual Report on sexual harassment complaints filed in FY2009-2010. Copy: Each Supervisor (15)

From Chloe Jager, urging the Board of Supervisors to pass legislation banning smoking on the fire escapes in apartment buildings. (16)

From James Corrigan, regarding the number of firefighters at Starbuck's and Pete's coffee shops. (17)

From T Mobile, submitting notification of two cellular antennas to be installed at 2016 Chestnut Street. (18)

From Ivan Edgar Pratt, urging people to support and donate funds to the San Francisco City Academy School. (19)

From Dr. Schneider, submitting support for the public park at Sharp Park. (20)

From State Fish and Game Commission, submitting notice of the new hearing date regarding the Alameda Creek. (21)

From concerned citizens, submitting opposition to proposed Westside recycled water treatment plant in Golden Gate Park. 7 letters (22)

From James Chaffee, regarding the Library Commission. (23)

From Francisco Da Costa, regarding the Lennar Corporation. (24)

From Michele Garside, regarding open space in San Francisco. (25)

ADJOURNMENT