



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, April 5, 2011 - 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, ROSS MIRKARIMI, SCOTT WIENER

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfbos.org

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu

Budget and Finance Sub-Committee
Supervisors Chu, Mirkarimi, Kim

City and School District Select Committee
Supervisors Cohen, Avalos, Chu, Fewer, Maufas, Norton

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

Government Audit and Oversight Committee
Supervisors Campos, Farrell, Chiu

Land Use and Economic Development Committee
Supervisors Mar, Cohen, Wiener

Public Safety Committee
Supervisors Mirkarimi, Cohen, Campos

Rules Committee
Supervisors Kim, Elsbernd, Farrell

Meeting Days

Wednesday
1:00 PM

Wednesday
10:00 AM

2nd and 4th Thursday
3:30 PM

2nd and 4th Monday
10:00 AM

2nd and 4th Thursday
10:00 AM

Monday
1:00 PM

1st and 3rd Thursday
10:30 AM

1st and 3rd Thursday
1:30 PM

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

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

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

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

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

Know Your Rights Under The Sunshine Ordinance

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

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

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

Lobbyist Registration and Reporting Requirements

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

Agenda Item Information

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

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

APPROVAL OF MEETING MINUTES

Approval of the March 1, 2011, Board Meeting Minutes.

COMMUNICATIONS

CONSENT AGENDA

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

Items 1 through 3

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Avalos, Mar, Elsbernd

- 1. 110292 [Accept and Expend Grant - Federal Emergency Operations Center - \$800,000]**
Sponsor: Farrell
Resolution authorizing the Department of Emergency Management to accept and expend grant funds in the amount of \$800,000 from the California Emergency Management Agency for improvements to the City's Emergency Operations Center.
Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

2. 101053 [Planning Code - Zoning - Establishing Consistent Setback, Street Frontage, Off-Street Parking, and Other Planning Code Requirements and Procedures Across Various Use Districts]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 124, 132.2, 136, 144, 145, 145.1, 145.5, 150, 151.1, 155, 161, 186, 206.3, 209.8, 210.3, 212, 231, 243, 253, 253.2 and 307, and by repealing Sections 175.1, 175.2, 175.3, 175.4, 175.5, 209.10, and 249.26 to: 1) create comprehensive and consistent street frontage controls for residential districts; 2) create consistent ground floor controls for industrial districts; 3) permit certain small corner commercial uses in RM-3 and RM-4 districts; 4) modify floor area ratio controls in the Van Ness Special Use District; 5) modify conditional use requirements for buildings over 40 feet in RM and RC districts; 6) amend the procedure for granting exceptions from off-street parking and loading requirements; 7) allow parking and loading exceptions to preserve historic buildings and landmark trees; 8) make certain Planning Code controls consistent across C-3 Districts; and 9) streamline language and correct out-of-date Code references; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

03/29/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

3. 110010 [Planning Code - Zoning - NC-3 District of Fillmore Street between Bush and McAllister Streets]

Sponsor: Mirkarimi

Ordinance: 1) amending Section 145.4 of the San Francisco Planning Code to require active ground-floor commercial uses in properties fronting on Fillmore Street between Bush and McAllister Streets in the NC-3 District; and 2) adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

03/29/2011; 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

Recommendation of the Budget and Finance Committee

Present: Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu

4. **100962** **[Appropriating \$1,300,000 of General Fund Reserve - Ethics Commission Public Election Campaign Finance Fund for FY2010-2011]**
 Sponsors: Avalos; Mirkarimi, Campos and Mar
 Ordinance appropriating \$1,300,000 of General Fund Reserve for the Ethics Commission in the Public Election Campaign Finance Fund for FY2010-2011.
- (Fiscal Impact.)
- 03/15/2011; CONTINUED ON FIRST READING.
- 03/29/2011; PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

NEW BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu

5. **110352** **[Disproportionate Federal Cuts to the Community Development Block Grant Program]**
 Sponsors: Mayor; Chu, Avalos, Chiu, Mirkarimi and Kim
 Resolution urging the Federal government to minimize the cuts to the Community Development Block Grant Program proposed by the President and the United States Congress.
- Question: Shall this Resolution be ADOPTED?**

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Chu, Kim

- 6. **110210** **[Airline/Airport Lease and Use Agreements - Various Airlines]**
Resolution approving leases to the terms of eight (8) new Airline/Airport Lease and Use Agreements between the City and various airlines, effective July 1, 2011, to allow such Airlines to conduct domestic and international flight operations at San Francisco International Airport. (Airport Commission)

Question: Shall this Resolution be ADOPTED?

- 7. **110318** **[Accept and Expend Grant - Used Motor Oil Recycling - \$114,138]**
Sponsor: Mar
Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$114,138 from the California Department of Resources Recycling and Recovery for the purpose of increasing Used Motor Oil Recycling and Household Hazardous Waste Management.

Question: Shall this Resolution be ADOPTED?

From the Budget and Finance Sub-Committee Without Recommendation

Present: Supervisors Chu, Mirkarimi, Kim

- 8. **110155** **[Business and Tax Regulations Code - Payroll Expense Tax Exclusion in Central Market Street and Tenderloin Area]**
Sponsors: Mayor; Kim, Chiu, Farrell, Cohen, Wiener and Chu
Ordinance amending Article 12-A of the Business and Tax Regulations Code by adding Section 906.3 to establish a payroll expense tax exclusion for businesses located in the Central Market Street and Tenderloin Area and requiring persons with an annual payroll expense of over \$1,000,000 to enter into a Community Benefits Agreement with the Office of Economic and Welfare Development.

(Fiscal Impact; Economic Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Avalos, Elsbernd

9. 110255 **[Endorsing Community Concerns of Surveillance, Racial, and Religious Profiling]**
Sponsors: Mirkarimi; Mar, Avalos and Campos
Resolution endorsing "Community Concerns of Surveillance, Racial, and Religious Profiling of Arab, Middle Eastern, Muslim, and South Asian Communities (AMEMSA) and Potential Reactivation of Police Department's Intelligence Gathering," a report published by the San Francisco Human Rights Commission.

03/08/2011; REFERRED to the Public Safety Committee.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

10. 101537 **[Planning Code - Urban Agriculture]**
Sponsors: Mayor; Chiu and Cohen
Ordinance amending the Planning Code to update controls related to urban agricultural uses by adding Section 102.34 to define urban agriculture, including neighborhood agriculture and large-scale urban agriculture, and amending Sections 204.1, 209.5, 227, 234.1, 234.2, and Articles 7 and 8 to regulate such uses in various zoning districts; and making findings including environmental findings and findings of consistency with General Plan and Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?
11. 110313 **[Settlement Agreement and Lease Amendment - Forty Niners, Ltd.]**
Sponsors: Mayor; Chiu and Cohen
Ordinance authorizing a settlement agreement and related lease amendment with the San Francisco Forty Niners, Ltd. (the 49ers) to settle a claim made by the 49ers on June 18, 2010, against the City and County of San Francisco relating to the condition of Candlestick Stadium; exempting any new City policy requirements that the City's Administrative Code would otherwise require for a material amendment to the lease.

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

COMMITTEE REPORT

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

The following item will be considered by the Rules Committee at a Special Meeting on Thursday, March 31, 2011, at 1:30 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, April 5, 2011.

12. 110142 **[Appointment, Ethics Commission - Dorothy Liu]**
Motion appointing Dorothy Liu, term ending February 1, 2017, to the Ethics Commission.
(Clerk of the Board)

Question: Shall this Motion be APPROVED?

ROLL CALL FOR INTRODUCTIONS

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

PUBLIC COMMENT

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

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

CLOSED SESSION - CONFERENCE WITH CITY ATTORNEY - Existing Litigation

The public comment legally required under California Government Code Section 54954.3 and San Francisco Administrative Code Section 67.15(a) prior to adoption was provided and completed on March 22, 2011.

13. 110331 [Closed Session – Lawsuit - CTIA v. CCSF – Case No. 10-3224]

Sponsor: Chiu

Motion that Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with or receiving advice from the City Attorney regarding a lawsuit entitled CTIA v. City and County of San Francisco, Case No. 10-3224, filed in the Northern District of California, related to an ordinance adopted by the Board often referred to as the "Cell Phone Right to Know" Legislation.

This closed session is held pursuant to Government Code Section 54957.6 and Administrative Code Section 67.10(d)(1). Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending lawsuit.

03/22/2011; APPROVED.

03/22/2011; CONTINUED.

Question: Shall the Board of Supervisors RECONVENE in Closed Session?

[Elect To Disclose]

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

[Elect Not to Disclose]

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

After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.

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 14 and 15

- 14. **110341 [Bishop Otis Charles Day - April 24, 2011]**
Sponsor: Wiener
 Resolution honoring Otis Charles and proclaiming April 24, 2011, to be Bishop Otis Charles Day in the City and County of San Francisco.

Question: Shall this Resolution be ADOPTED?

- 15. **110371 [Final Map 4343 - Mission Bay]**
 Motion approving Final Map No. 4343, Mission Bay, a 669 unit residential and 18 unit commercial condominium project within three buildable lots being a subdivision of Assessor's Block No. 8710 Lot No. 4; approving a Public Improvement Agreement related to the Final Map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay South Redevelopment Pan and Plan Documents. (Public Works Department)

 03/28/2011; 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:_____

16. 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 March 22, 2011, to March 28, 2011, for reference by President to appropriate committee on April 5, 2011.

110333 [Settlement of Lawsuit - Michael Pinkston - \$30,000]

Ordinance authorizing the settlement of lawsuit filed by Michael Pinkston against the City and County of San Francisco for \$30,000; the lawsuit was filed on March 24, 2010, in San Francisco Superior Court, Case No. CGC-10-498074, entitled Michael Pinkston v. City and County of San Francisco, et al. (City Attorney)

03/22/2011; RECEIVED AND ASSIGNED to the Rules Committee.

110334 [Transportation Code - Limits for Parking at Inoperable/Broken Meters]

Ordinance amending San Francisco Transportation Code, Division I, by amending Section 7.2.30 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for on-street parking, and adding Section 7.2.65 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for off-street parking. (Municipal Transportation Agency)

03/28/2011; ASSIGNED UNDER 30 DAY RULE to the City Operations and Neighborhood Services Committee.

110377 [Petitions and Communications]

Petitions and Communications received from March 22, 2011, through March 28, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on April 5, 2011.

From Public Library, regarding a grant line item budget revision. Copy: Each Supervisor (1)

From Department of Elections, regarding disclaimer requirements for local ballot measures for a potential June 2011 Consolidated Special Election. Copy: Each Supervisor (2)

From Public Utilities Commission, submitting the 2010 Annual Report of the Public Utilities Revenue Bond Oversight Committee. Copy: Each Supervisor, RBOC Clerk (3)

From Office of the Treasurer/Tax Collector, submitting the cash shortage and overage fund balance report for February 2011. Copy: Each Supervisor (4)

From Planning Department, regarding the 2010 Census and population change in San Francisco. Copy: Each Supervisor (5)

From Coalition of Bayview Hunters Point Community Organizations, regarding alleged conspiracy by the EPA Region 9 and the Department of Public Health to cover-up dangers of the Lennar Corporation's development at the Hunters Point Naval Shipyard. Copy: Each Supervisor (6)

From Coalition on Homeless, submitting opposition to the proposed payroll tax exemption in the Tenderloin and Mid-Market area. File No. 110155 (7)

From State Office of Historic Preservation, regarding the nomination of the North Beach Branch Public Library to the National Register of Historic Places. Copy: Each Supervisor (8)

*From concerned citizens, urging the Board to take action to restore the wetlands at Sharp Park Golf Course. 25 letters (9)

From concerned citizens, regarding the Parkmerced project. File No. 110206, 19 letters (10)

From Northwest Community Response Network, regarding the proposed payroll tax exemption for the Tenderloin and Mid-Market area. Copy: Each Supervisor, Budget and Finance Committee Clerk, File No. 110155 (11)

From concerned citizens, submitting support for proposed legislation that bans the delivery of unwanted Yellow Pages in San Francisco. File No. 110114, 11 letters (12)

*From concerned citizens, submitting opposition to proposed legislation that bans the delivery of unwanted Yellow Pages in San Francisco. File No. 110114, 25 letters (13)

From Mayor's Office of Housing, submitting a line item summary of the resources allocated to District 11. (14)

From Larry Caruso, regarding "No Smoking Signs" at transit stops. (15)

From concerned citizens, regarding the Housing Element Plan. 3 letters. (16)

From Tomas Picarello, submitting support for the appointment of Charles Pitts to the Shelter Monitoring Committee. Copy: Each Supervisor, File No. 110067 (17)

From Sandy Weil, submitting support for using Prop N tax revenues as a sustainable solution to support Strybing Arboretum as a free public garden. File No. 110113, Copy: Budget and Finance Committee (18)

From Anmarie Mabbutt, regarding the policies for leasing real property. (19)

From Avalon Bay Communities, Inc., responding to proposed legislation that urges them to utilize sub-contractors that compensate workers consistent with area standard wages. File No. 110283, Copy: Each Supervisor (20)

From Patrick Monette-Shaw, regarding the Laguna Honda Volunteers, Inc.'s tax returns. (21)

From the Panhandler Boycott Team, regarding street images of the Tenderloin. Copy: Each Supervisor (22)

From concerned citizens, regarding the sidewalk sitting ban. (23)

From Tim Giangioffe, regarding crime in San Francisco. (24)

*From National Park Service, submitting a draft Environmental Impact Statement for the extension of the F-Line Streetcar Service to Fort Mason Center. (25)

From Clerk of the Board, the following individuals have submitted a Form 700 Statement: (26)

Ohn Myint - annual

Chris Rustom - annual

Catherine Stefani, Legislative Aide - annual

Frances Hsieh, Legislative Aide - annual

Ross Mirkarimi, Supervisor - annual

(An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is available at the Clerk's Office, Room 244, City Hall.)

ADJOURNMENT