



# BOARD OF SUPERVISORS

## CITY AND COUNTY OF SAN FRANCISCO

### AGENDA

Hearing Room 416  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tuesday, October 4, 2011 - 2:00 PM

#### Regular Meeting

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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](http://www.sfbos.org)

#### BOARD COMMITTEES

##### Committee Membership

**Budget and Finance Committee**  
Supervisors Chu, Mirkarimi, Kim

**City and School District Select Committee**  
Supervisors Cohen, Avalos, Chu, Commissioners 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  
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

## **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.

## **Meeting Procedures**

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience 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; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, 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. 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.

**IMPORTANT INFORMATION:** The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications should be submitted to the Clerk of the Board, Clerk of a Committee or its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution.

**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, 1 Dr. Carlton B Goodlett Place, or 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 (Room 250) and the Committee Room (Room 263) 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, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. 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; phone at (415) 554-7724; fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

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

**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.*

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

**Items 1 through 7**

**Recommendation of the Budget and Finance Committee**

*Present: Supervisors Chu, Mirkarimi, Kim*

- 1.     **110900     [Administrative Code - Film Fees and Rebate Program]**  
**Sponsor: Farrell**  
Ordinance amending the San Francisco Administrative Code Sections 57.5 and 57.8 to:  
1) decrease filming fees for smaller-budget productions; 2) include documentary films, docudrama films, and "reality" programming among eligible productions for the Film Rebate Program; 3) exempt productions by nonprofit entities, public service announcements, and qualifying student productions from film fees; and 4) make environmental findings.  
  
(Fiscal Impact)  
  
09/27/2011; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**

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

*Present: Supervisors Avalos, Mar, Elsbernd*

- 2.     **110884**     **[Accept and Expend Grant - the STOP Study - \$443,333]**  
          **Sponsor: Wiener**  
          Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant from the Centers for Disease Control and Prevention in the amount of \$443,333 to fund the STOP Study for the period of June 15, 2011, through June 14, 2012.  
  
          **Question: Shall this Resolution be ADOPTED?**

**Recommendations of the Public Safety Committee**

*Present: Supervisors Mirkarimi, Cohen*

- 3.     **110846**     **[Administrative Code - Postrelease Community Supervision Program]**  
          **Sponsors: Mirkarimi; Cohen**  
          Ordinance amending the San Francisco Administrative Code by adding Article XXII, Sections 2A.300 and 2A.301, Chapter 2A to: 1) designate the Adult Probation Department as the county agency responsible for providing postrelease community supervision to eligible inmates released from state prison, as required under California Penal Code section 3451; and 2) authorize the Adult Probation Department to develop a Home Detention and Electronic Monitoring Program that can be used as a supervision tool and sanction for persons who violate conditions of their Postrelease Community Supervision Program.  
  
          09/27/2011; PASSED, ON FIRST READING.  
  
          **Question: Shall this Ordinance be FINALLY PASSED?**
  
- 4.     **110901**     **[Police Code - Safe Storage and Enhanced-Lethality Ammunition Findings]**  
          **Sponsors: Mirkarimi; Campos, Cohen and Chiu**  
          Ordinance amending the San Francisco Police Code by adding Sections 4511 and 613.9.5 to add findings to ordinances: 1) requiring a handgun to be kept in a locked container or disabled with a trigger lock; and 2) prohibiting the sale of enhanced-lethality ammunition.  
  
          09/27/2011; PASSED, ON FIRST READING.  
  
          **Question: Shall this Ordinance be FINALLY PASSED?**

**Recommendations of the Rules Committee**

*Supervisors Kim, Elsbernd, Farrell*

- 5. 110139 [Settlement of Lawsuit - Loren Miller Homes - \$317,500]**  
Ordinance authorizing settlement of the lawsuit filed by Loren Miller Homes, a California corporation, against the City and County of San Francisco for \$317,500; the lawsuit was filed on July 22, 2010, in San Francisco Superior Court, Case No. CGC-10-501831; entitled Loren Miller Homes v. City and County of San Francisco, et al. (City Attorney)  
  
09/27/2011; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**
  
- 6. 110692 [Settlement of Lawsuit - West Bay Builders, Inc. - City to Retain \$900,000]**  
Ordinance authorizing settlement of the lawsuit entitled West Bay Builders, Inc. v. City and County of San Francisco, San Francisco Superior Court Case No. CGC-10-503366, arising from a breach of contract dispute regarding Contract No. 6159A for construction of a new Recreation and Park Department (RPD) facility known as the Minnie and Lovie Ward Recreation Center and Ocean View Park, for which West Bay Builders, Inc., served as the prime contractor, calling for the RPD to retain \$900,000 from the contract balance and including other material terms of said settlement. (City Attorney)  
  
09/27/2011; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**
  
- 7. 110954 [Settlement of Lawsuit - Julio Calero - \$75,000]**  
Ordinance authorizing settlement of the lawsuits filed by Julio Calero against the City and County of San Francisco for \$75,000; the lawsuits were filed on September 18, 2009, and March 19, 2010, in San Francisco Superior Court, Case Nos. CGC-08-479969 and CGC-10-497921; entitled Julio Calero, et al. v. City and County of San Francisco, et al. and Julio Calero, et al. v. Colin Construction Company, et al. (City Attorney)  
  
09/27/2011; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**

## REGULAR AGENDA

### UNFINISHED BUSINESS

#### Recommendation of the Budget and Finance Committee

*Present: Supervisors Chu, Kim*

8.     **110720**     **[Administrative Code - Gift Funds]**  
          **Sponsors: Mayor; Chiu and Chu**  
          Ordinance amending the San Francisco Administrative Code to: 1) create a Recreation and Parks Gift Fund; 2) update the Mayor's Earthquake Emergency Relief Fund to broaden its purpose as a general disaster recovery fund; and 3) amend the Mayor's Fund for the homeless to change the administering agency.
- 09/20/2011; PASSED, ON FIRST READING.
- 09/27/2011; AMENDED.
- 09/27/2011; PASSED ON FIRST READING AS AMENDED.
- Question: Shall this Ordinance be FINALLY PASSED?**

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

*Present: Supervisors Mar, Cohen, Wiener*

9.     **110854**     **[Environment Code - Green Building Requirements for City Buildings]**  
          **Sponsors: Mayor; Mar**  
          Ordinance amending the San Francisco Environment Code, Chapter 7, Sections 700 through 713, to update the green building requirements for the design, construction, and operation of City buildings.
- 09/27/2011; AMENDED.
- 09/27/2011; PASSED ON FIRST READING AS AMENDED.
- Question: Shall this Ordinance be FINALLY PASSED?**

**From the Land Use and Economic Development Committee Without Recommendation**

*Present: Supervisors Mar, Cohen, Wiener*

10. 110589 **[Planning Code - Zoning Map - Establishing the Lombard and Scott Street Affordable Group Housing Special Use District - 3151-3155 Scott Street]**  
**Sponsors: Chiu; Avalos, Kim, Mar, Mirkarimi and Campos**  
Ordinance amending the San Francisco Planning Code Section Map 2SU, and adding Section 249.55, to: 1) create the Lombard and Scott Street Affordable Group Housing Special Use District for the real property encompassing 3151-3155 Scott Street (Assessor's Block No. 0937, Lot No. 001), at the southwest corner of Scott and Lombard Streets, in order to facilitate the development of an affordable group housing project; and 2) making 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.  
  
09/20/2011; CONTINUED ON FIRST READING.  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**From the Rules Committee Without Recommendation**

*Present: Supervisors Kim, Elsbernd, Chu*

11. 110718 **[Campaign and Governmental Conduct Code - Capping the Amount of Public Matching Funds]**  
**Sponsors: Farrell; Elsbernd**  
Ordinance amending the San Francisco Campaign and Governmental Conduct Code Section 1.144 to cap the amount of public matching funds.  
  
09/20/2011; CONTINUED ON FIRST READING.  
  
09/27/2011; CONTINUED ON FIRST READING.  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**

Present: Supervisors Kim, Elsbernd, Farrell

**12. 110955 [Settlement of Lawsuits - Mitchell Engineering; Authorization of Bonds and Appropriation of Funds - Not to Exceed \$15,750,000]**

Ordinance: 1) authorizing settlement of all claims arising out of nine lawsuits involving Mitchell Engineering and the City and County of San Francisco; 2) declaring the intent of the San Francisco Public Utilities Commission to reimburse certain expenditures for settlement costs from proceeds of future bonded indebtedness for purposes of complying with Section 147(f) of the Internal Revenue Code of 1986, as amended; 3) authorizing the issuance of Settlement Bonds in connection therewith, as well as the associated financing cost to issue; 4) appropriating \$15,750,000, including insurance proceeds in the total amount of \$750,000, project construction funds in the total amount of \$920,207, and proceeds of Settlement Bonds in the amount of \$14,079,793; and 5) authorizing the use of substitute fund balance as a source in lieu of Settlement Bonds if available. (City Attorney)

09/27/2011; PASSED ON FIRST READING.

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

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Mirkarimi, Kim

**13. 110870 [Engineering Design Agreement No. CS-879A - Water System Improvement Program - Not to Exceed \$14,000,000]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase Engineering Project Design Services Agreement No. CS-879A for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts not to exceed \$14,000,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact)

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

**14. 110871 [Engineering Design Agreement No. CS-879B - Water System Improvement Program - Not to Exceed \$15,000,000]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase Engineering Project Design Services Agreement No. CS-879B for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts not to exceed \$15,000,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact)

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

- 15. 110872 [Engineering Design Agreement No. CS-879C - Water System Improvement Program - Not to Exceed \$16,500,000]**  
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase Engineering Project Design Services Agreement No. CS-879C for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts not to exceed \$16,500,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact)

**Question: Shall this Resolution be ADOPTED?**
  
- 16. 110874 [Management Services Agreement No. CS-918 - Water System Improvement Program - Not to Exceed \$17,500,000]**  
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase New Irvington Tunnel Construction Management Services Agreement No. CS-918 for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts not to exceed \$17,500,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact)

**Question: Shall this Resolution be ADOPTED?**
  
- 17. 110875 [Management Services Agreement No. CS-963 - Water System Improvement Program - Not to Exceed \$34,000,000]**  
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute amendments to increase Program Construction Management Services Agreement No. CS-963 for Water System Improvement Program (WSIP) funded projects with total revised agreement amounts not to exceed \$34,000,000 pursuant to Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact)

**Question: Shall this Resolution be ADOPTED?**
  
- 18. 110960 [Office of the Controller to Examine Confidential State Board of Equalization Tax Records]**  
Resolution authorizing designated officers and employees of the City and County of San Francisco to examine sales or transactions and use tax records of the State Board of Equalization pursuant to California Revenue and Taxation Code Section 7056. (Controller)

**Question: Shall this Resolution be ADOPTED?**
  
- 19. 110961 [MuniServices, LLC, to Examine Confidential State Board of Equalization Tax Records]**  
Resolution authorizing MuniServices, LLC, to examine sales or transactions and use tax records of the State Board of Equalization on behalf of the City and County of San Francisco pursuant to California Revenue and Taxation Code Section 7056. (Controller)

(Fiscal Impact.)

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

- 20. 110972 **[Contract - San Francisco Community Health Authority - Provider Payment Services for the Healthy San Francisco Program]**  
**Sponsor: Mayor**  
 Resolution authorizing the Director of Public Health and the Director of the Office of Contract Administration/Purchaser to retroactively contract with the San Francisco Community Health Authority for provider payment services for the Healthy San Francisco Program for the term of July 1, 2011, through June 30, 2012.  
  
 (Fiscal Impact)  
  
**Question: Shall this Resolution be ADOPTED?**

- 21. 111005 **[Accept and Expend Grant - Primary and Behavioral Health Care Integration - \$473,485]**  
**Sponsor: Kim**  
 Resolution authorizing the San Francisco Department of Public Health to accept and expend a grant from Department of Health and Human Services, Substance Abuse and Mental Health Services, and Center for Mental Health Services in the amount of \$473,485 to fund the Primary and Behavioral Health Care Integration for the period September 1, 2011, through August 31, 2012.  
  
**Question: Shall this Resolution be ADOPTED?**

**From the Budget and Finance Committee Without Recommendation**

*Present: Supervisors Chu, Mirkarimi, Kim*

- 22. 111034 **[Tax Credit Agreement - U.S. Bancorp - SFJazz Investment of \$11,104,275]**  
**Sponsor: Kim**  
 Resolution making findings under the California Environmental Quality Act and approving a new market tax credit indemnification agreement with U.S. Bancorp Community Development Corporation in connection with its investment of \$11,104,275 for the new SFJazz Building at 205 Franklin Street.  
  
 (Fiscal Impact)  
  
**Question: Shall this Resolution be ADOPTED?**

**From the City Operations and Neighborhood Services Committee Without Recommendation**

*Present: Supervisors Avalos, Mar, Elsbernd*

- 23. 110899 **[Administrative Code - False Advertising by Limited Services Pregnancy Centers]**  
**Sponsors: Cohen; Chiu, Wiener, Kim, Chu and Mar**  
 Ordinance amending the San Francisco Administrative Code by adding Chapter 93, Sections 93.1 through 93.5, to prohibit limited services pregnancy centers from making false or misleading statements to the public about pregnancy-related services the centers offer or perform.  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**

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

*Present: Supervisors Campos, Farrell, Chiu*

24. 110791 **[Board Response to the 2010-2011 Civil Grand Jury Report Entitled “Hiring Practices of the City and County of San Francisco”]**  
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled “Hiring Practices of the City and County of San Francisco” 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?**

25. 110793 **[Board Response to the 2010-2011 Civil Grand Jury Report Entitled “San Francisco’s Ethics Commission: The Sleeping Watchdog”]**  
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2010-2011 Civil Grand Jury Report entitled “San Francisco’s Ethics Commission: The Sleeping Watchdog” and urging the Mayor to cause the implementation of accepted findings and recommendations through his 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 Mar, Cohen, Wiener*

26. 110913 **[Gift Acceptance - Powell Street Promenade]**  
**Sponsor: Kim**  
Resolution acknowledging and accepting the Union Square Business Improvement District’s gift of the Powell Street Promenade on Powell Street, between Geary Boulevard and Ellis Street, and dedicating these improvements to public use.

**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.

**27. 110945 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 1171 Sansome Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 16, 2010, Case No. 2008.015E, that a project located at 1171 Sansome Street (aka 1111 Sansome Street) is exempt from environmental review under Categorical Exemption, General Rule Exclusion [State CEQA Guidelines Section 15061(b)(3)]. The proposed work involves subdivision of an existing undeveloped lot into a 3,300 square foot parcel and a 9,300 square foot parcel, Lot No. 40, in Assessor Block No. 113. (District 3) (Appellants: David Davies, Jack Weeden, and Verdica Puri)

(Filed August 22, 2011; Companion Measure to File Nos. 110946, 110947, and 110948.)

**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.)**

**28. 110946 [Affirming the Exemption Determination - 1171 Sansome Street]**

Motion affirming the determination by the Planning Department that the 1171 Sansome Street project (aka 1111 Sansome Street) is exempt from environmental review. (Clerk of the Board)

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

**29. 110947 [Reversing the Exemption Determination - 1171 Sansome Street]**

Motion reversing the determination by the Planning Department that the 1171 Sansome Street project (aka 1111 Sansome Street) is exempt from environmental review. (Clerk of the Board)

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

**30. 110948 [Preparation of Findings to Reverse the Exemption Determination - 1171 Sansome Street]**

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 1171 Sansome Street (aka 1111 Sansome Street) is exempt from environmental review.

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

### **SPECIAL ORDER 4:00 P.M.**

**31. 110835 [Public Hearing - Appeal of Tentative Parcel Map - 1171 Sansome Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated June 30, 2011, approving a Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040. (District 3) (Appellants: David Davies and Jack Weeden). (Clerk of the Board)

(Filed July 11, 2011; Companion Measure to File Nos. 110836, 110837, and 110838.)

08/02/2011; CONTINUED.

09/06/2011; 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 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.)**

**32. 110836 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map - 1171 Sansome Street]**

Motion finding the Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; approving the decision of the Department of Public Works; and approving the Tentative Parcel Map. (Clerk of the Board)

08/02/2011; CONTINUED.

09/06/2011; CONTINUED.

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

**33. 110837 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map - 1171 Sansome Street]**

Motion finding the Tentative Parcel Map for a 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; disapproving the decision of the Department of Public Works; and disapproving the Tentative Parcel Map. (Clerk of the Board)

08/02/2011; CONTINUED.

09/06/2011; CONTINUED.

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

**34. 110838 [Preparation of Findings Related to the Tentative Parcel Map Disapproval - 1171 Sansome 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 2-lot subdivision located at 1171 Sansome Street, Assessor's Block No. 0113, Lot No. 040. (Clerk of the Board)

08/02/2011; CONTINUED.

09/06/2011; CONTINUED.

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

## **SPECIAL ORDER 4:00 P.M.**

**35. 110977 [Public Hearing - Appeal of Mitigated Negative Declaration - 3151-3155 Scott Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department's issuance and the Planning Commission's affirmation of a Mitigated Negative Declaration (Case No. 2010.0420E) adopted and issued on July 14, 2011, under the California Environmental Quality Act, for a project located at 3151-3155 Scott Street. The proposed work involves the conversion of a building formerly used as a 29-room tourist hotel (d.b.a. King Edward II) to a group housing use with up to 24 affordable group housing units (for transitional age youth (i.e., youth transitioning out of foster care because they have turned 18 years old) between the ages of 18 and 24), one manager's unit, and rooms for programmatic needs. The subject property is located in the NC-3 (Moderate-Scale Neighborhood Commercial) District, and a 40-X Height and Bulk District, Assessor's Block No. 0937, Lot No. 001. (District 2) (Appellants: Lori Brooke and Steven L. Hammond on behalf of the Cow Hollow Association, joined by Various Associations.) (Clerk of the Board)

(Filed September 8, 2011; Companion Measure to Files 110978; 110979, and 110980.)

**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 negative declaration 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.)**

- 36. 110978 [Affirming the Issuance of a Final Mitigated Negative Declaration - 3151-3155 Scott Street]**  
Motion affirming the issuance by the Planning Department of a Final Mitigated Negative Declaration for a project located at 3151-3155 Scott Street. (Clerk of the Board)  
  
**Question: Shall this Motion be APPROVED?**
  
- 37. 110979 [Reversing the Issuance of a Final Mitigated Negative Declaration - 3151-3155 Scott Street]**  
Motion reversing the issuance by the Planning Department of a Final Mitigated Negative Declaration for 3151-3155 Scott Street.  
  
**Question: Shall this Motion be APPROVED?**
  
- 38. 110980 [Preparation of Findings to Reverse the Issuance of a Final Mitigated Negative Declaration - 3151-3155 Scott Street]**  
Motion directing the Clerk of the Board to prepare findings reversing the issuance by the Planning Department of a Final Mitigated Negative Declaration for 3151-3155 Scott Street. (Clerk of the Board)  
  
**Question: Shall this Motion be APPROVED?**

**SPECIAL ORDER 4:00 P.M.**

- 39. 110935 [Public Hearing - Conditional Use Appeal - 3151-3155 Scott Street]**  
Hearing of persons interested in or objecting to the decision of the Planning Commission's July 14, 2011, Conditional Use Authorization identified as Planning Case No. 2010.0420CETZ, by its Motion No. 18405, under Planning Code Sections 303 and 249.55 to convert a vacant tourist hotel (dba Edward II Inn) to a group housing use containing up to 25 units (24 units for transitional age youth between 18 and 24, and one manager's unit) within the NC-3 (Moderate Scale, Neighborhood Commercial) District, the Lombard and Scott Street Affordable Group Housing Special Use District (SUD) and a 40-X Height and Bulk District, on property located at 3151-3155 Scott Street, Assessor's Block No. 0937, Lot No. 001. (District 2) (Appellant: Adam Polakoff on behalf of Cow Hollow Association, joined by Various Associations.)  
  
(Filed August 15, 2011; Companion Measure to File Nos. 110936, 110937, and 110938.)  
  
09/13/2011; 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.)**

**40. 110936 [Approving the Planning Commission's Decision Related to the Conditional Use Authorization - 3151-3155 Scott Street]**

Motion approving the Planning Commission's decision, by its Motion No. 18405, approving the Conditional Use Authorization identified as Planning Case No. 2010.0420CETZ on property located at 3151-3155 Scott Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

09/13/2011; CONTINUED.

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

**41. 110937 [Disapproving Planning Commission's Decision Related to the Conditional Use Authorization - 3151-3155 Scott Street]**

Motion disapproving the Planning Commission's decision, by its Motion No. 18405, approving Conditional Use Authorization identified as Planning Case No. 2010.0420CETZ on property located at 3151-3155 Scott Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

09/13/2011; CONTINUED.

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

**42. 110938 [Preparation of Findings Related to the Conditional Use Authorization - 3151-3155 Scott Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2010.0420CETZ on property located at 3151-3155 Scott Street. (Clerk of the Board)

09/13/2011; CONTINUED.

**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 Government Audit and Oversight Committee at a Special Meeting on Friday, September 30, 2011, 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, October 4, 2011.*

**43. 110998 [Administrative Code - Health Care Security Ordinance]**

**Sponsors: Campos; Cohen, Mar, Avalos, Kim and Mirkarimi**

Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, and 14.4 to: 1) clarify that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) add an employee notification requirement; 3) modify penalty provisions; and 4) set an operative date.

**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.

Questions on the For Adoption Without Committee Reference Agenda are on for adoption, or approved, as indicated.

### Items 44 through 49

**44. 111061 [Urging Governor Jerry Brown to Support Assembly Bill 438 - Protect Public Libraries from for-Profit Corporation Takeovers]**

**Sponsor: Avalos**

Resolution urging Governor Jerry Brown to support and implement Assembly Bill 438 that protects public libraries from for profit corporate takeovers.

09/27/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 45. 111062 [Mission Hiring Hall Day - October 13, 2011]**  
**Sponsor: Avalos**  
Resolution declaring October 13, 2011, as Mission Hiring Hall Day in the City and County of San Francisco to commemorate the 40th Anniversary and to acknowledge its contributions to community based employment services and honoring Mission Hiring Halls commitment to the creation, preservation, and advocacy of economic justice for our San Francisco workers and communities.

09/27/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**
  
- 46. 111063 [Supporting the Central Subway Project and Replacement Housing Obligation]**  
**Sponsors: Chiu; Kim, Cohen, Mar, Wiener, Elsbernd, Mirkarimi, Chu, Avalos, Campos and Farrell**  
Resolution supporting the Central Subway Project, replacement of all demolished rent controlled units, and that which provides relocation packages to all displaced tenants.

09/27/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**
  
- 47. 111064 [Walk to School Day - October 5, 2011]**  
**Sponsor: Kim**  
Resolution declaring October 5, 2011, as Walk to School Day in the City and County of San Francisco to promote the safety and health of San Francisco children.

09/27/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**
  
- 48. 111065 [Extending the Life of the Western SoMa Citizens Planning Task Force]**  
**Sponsor: Kim**  
Resolution extending the life of the Western SoMa Citizens Planning Task Force.

09/27/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**
  
- 49. 111066 [George Washington High School Day - October 15, 2011]**  
**Sponsor: Mar**  
Resolution celebrating the Diamond Jubilee of George Washington High School and proclaiming October 15, 2011, as George Washington High School Day in the City and County of San Francisco.

09/27/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**50. 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 20, 2011, through September 27, 2011, for reference by President to appropriate committee on October 4, 2011.*

**111024 [Settlement of Lawsuit - Norman T. Larson, et al. - \$122,500]**

Ordinance approving settlement of the lawsuit filed by Norman T. Larson, San Francisco Apartment Association, San Francisco Association Of Realtors, Coalition For Better Housing, Round Hill Pacific and John Zanghi (collectively "Larson Petitioners") against the City and County of San Francisco by payment by the City and County of San Francisco to the Larson Petitioners' counsel Nielsen Merksamer Parrinello Gross & Leoni, LLP, in the amount of \$122,500 and other terms; the lawsuit was filed on December 10, 2008, in the San Francisco Superior Court, Case No. 509-083, entitled Larson et al. vs. City and County of San Francisco. (City Attorney)

09/21/2011; RECEIVED AND ASSIGNED to the Rules Committee.

**111025 [Settlement of Lawsuit - City to Pay \$500 for Sub-Surface Easement in San Mateo County]**

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface easement of approximately 27,829 square feet in property owned by San Mateo County Transit District, located in Menlo Park, California, commonly known as SBE 872-41-20P; filed June 3, 2010, in San Mateo County Superior Court, Case No. CIV 495644; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; and Does 1 through 100. (City Attorney)

09/23/2011; RECEIVED AND ASSIGNED to the Rules Committee.

**PROPOSED RESOLUTIONS**

*Proposed resolutions received from September 20, 2011, through September 27, 2011, for reference by President to appropriate committee on October 4, 2011.*

**110372 [Contract Amendment - San Francisco General Hospital - Emergency Electrical Generation System - Not to Exceed \$20,500,000]**

Resolution authorizing the Director of Public Works to execute an amendment to the emergency public work contract to install a new, permanent emergency electrical generation system at San Francisco General Hospital to increase the not to exceed amount from \$18,000,000 to \$20,500,000. (Public Works Department)

09/20/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**110986 [Airport Concession Lease - Amendment No. 1 to Terminal 3 Newstands - Pacific Gateway Concessions, LLC]**

Resolution approving Amendment No. 1 to Terminal 3 Newsstands Lease No. 04-0165 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

09/22/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**110987 [Airport Concession Lease - Amendment No. 4 to Boarding Areas B and C Principal Retail - Pacific Gateway Concessions, LLC]**

Resolution approving Amendment No. 4 to Boarding Areas "B" and "C" Principal Retail Concession Lease No. 98-0228 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

09/22/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**110988 [Airport Concession Lease - Amendment No. 3 to North Terminal Bookstore - Books, Inc.]**

Resolution approving Amendment No. 3 to North Terminal Bookstore Lease No. 00-0176 between Books, Inc. and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

09/22/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

111023

**[Agreements - Renewable Energy Generating Facilities]**

Resolution authorizing the San Francisco Public Utilities Commission General Manager to enter into two long term interconnection agreements for renewable energy generating facilities, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

09/26/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**111054 [Petitions and Communications]**

Petitions and Communications received from September 20, 2011, through September 26, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on October 4, 2011.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

\*From concerned citizens, submitting support for bird safe buildings. File No. 110785, Approximately 500 letters (1)

\*From concerned citizens, submitting support for preserving Sharp Park wetlands and wildlife. File No. 110966, Approximately 530 letters (2)

From Tomas Nakada, submitting support for saving the historic 18-hole Sharp Park Golf Course. (3)

From concerned citizens, submitting support for the Commission on Animal Control and Welfare's humane pet acquisition proposal in defense of animals. 10 letters (4)

From Desiree Mitchell, regarding the Central Subway. (5)

From Public Utilities Commission, submitting report regarding the NRG Energy Center. (6)

From Clerk of the Board, the following individuals have submitted a Form 700 Statement: (7)

Leslie Hilger, Legislative Aide - Leaving

Viva Mogi, Legislative Aide - Leaving

From Chloe Jager, submitting opposition to providing a free MUNI Fast Pass for San Francisco youth. File No. 111032 (8)

\*From concerned citizens, submitting opposition to proposed legislation concerning false advertising by limited services pregnancy centers. File No. 110899, 100 letters (9)

From Anne Doherty, submitting support for proposed legislation that prohibits public nudity. File No. 110967 (10)

From Office of the Controller, submitting the Airport Commission's fixed assets report. (11)

From CitiReport, regarding the pending proposal to amend San Francisco's public finance law. (12)

From Office of the Controller, submitting the Airport Commission's compliance audit of Federal Express and the concession audit of Amoura Cafe. (13)

From State Fish and Game Commission, regarding the proposed emergency regulatory action relating to the recreational take of abalone. (14)

From concerned citizens, submitting support for the formation of the West Portal Community Benefit District. File No. 111007, 5 letters (15)

From Joseph Basuino, submitting opposition to the formation of the West Portal Community Benefit District. File No. 111007 (16)

From Ranit Banerjee, submitting support for the proposed cell site project located at 660-670 4th Street. File No. 110941 (17)

From Francisco Da Costa, regarding Huntersview and the HopeSF Program. (18)

\*(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**