



# 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 22, 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

## APPROVAL OF MEETING MINUTES

*Approval of the October 4, 2011, and October 18, 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.*

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

### Items 1 through 8

### Recommendation of the Budget and Finance Committee

*Present: Supervisors Chu, Mirkarimi, Kim*

1. **110999 [Administrative Code - Financial Policy Regarding Selected Nonrecurring Revenues]**  
**Sponsors: Mayor; Chiu, Farrell and Chu**  
 Ordinance amending the San Francisco Administrative Code Section 10.60, and adding Section 10.61, to adopt a binding financial policy under Charter Section 9.120 providing that Selected Nonrecurring Revenues may only be spent on Nonrecurring Expenditures. (Controller)  
  
 (Fiscal Impact.)  
  
 11/01/2011; CONTINUED ON FIRST READING.  
 11/15/2011; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**

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

*Present: Supervisors Avalos, Elsbernd*

- 2.     **110927     [Liquor License - 3821-24th Street]**  
Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to James Mead, for Noe Valley Wine Merchants, located at 3821-24th Street (District 8), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

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

- 3.     **110981     [Liquor License - 290-292 - 14th Street]**  
Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Peter Acworth for The Armory Club, located at 290-292 - 14th Street (aka 1799 Mission Street) (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

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

*Present: Supervisors Avalos, Mar, Elsbernd*

- 4.     **110982     [Liquor License - 251 Rhode Island Street]**  
Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Steve and Brooke Waterhouse for the Project One Gallery, located at 251 Rhode Island Street (District 10), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

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

**Recommendations of the Land Use and Economic Development Committee**

*Present: Supervisors Mar, Cohen, Wiener*

**5. 111095 [Conveyance of Easement - Silicon Valley Power - Bay Division Pipeline Nos. 3 and 4 Crossovers Project - Santa Clara]**

Resolution 1) approving and authorizing conveyance of a perpetual, nonexclusive easement to Silicon Valley Power, a division of the City of Santa Clara, at no charge, for the installation, construction, operation, inspection, maintenance, repair, and replacement of electrical facilities, including underground cable, a transformer and a meter in City's real property at the Guadalupe River site off Lick Mill Boulevard in the City of Santa Clara, to provide electrical power required for the Bay Division Pipeline Nos. 3 and 4 Crossovers Project No. CUW38001; 2) adopting findings under the California Environmental Quality Act; 3) 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 4) 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?**

**6. 111113 [Accept and Expend Gift - Balboa Park Improvement Project - Valued Up to \$2,500,000]**

**Sponsors: Mayor; Avalos**

Resolution accepting and expending a gift valued up to \$2,500,000 from The Trust for Public Land to the Recreation and Park Department for the Balboa Park Improvement Project.

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

**Recommendation of the Public Safety Committee**

*Present: Supervisors Mirkarimi, Cohen*

**7. 110993 [Police Code - Commercial Parking Permits]**

Ordinance amending the San Francisco Police Code Section 1215.2 to modify the requirements for the Chief of Police to refer applications for Commercial Parking Permits to the Municipal Transportation Agency for review of traffic impacts. (Municipal Transportation Agency)

11/15/2011; PASSED, ON FIRST READING.

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

**Recommendation of the Rules Committee**

*Present: Supervisors Kim, Elsbernd, Farrell*

- 8. **110904 [Administrative Code - References to the Bureaus of Architecture, Engineering, and Construction Management]**  
Ordinance amending the San Francisco Administrative Code Section 2A.190 to deem each reference to the "Bureau of Architecture," "Bureau of Engineering," and "Bureau of Construction Management" in the San Francisco Municipal Code to be a reference to the "Department of Public Works." (Public Works Department)

11/15/2011; PASSED, ON FIRST READING.

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

**REGULAR AGENDA**

**UNFINISHED BUSINESS**

**From the Board**

- 9. **111030 [Administrative Code - Health Care Security Ordinance]**  
**Sponsors: Chiu; Cohen**  
Ordinance amending the San Francisco Administrative Code Sections 14.1, 14.3, 14.4, and adding Section 14.1.5 to: 1) clarify that only expenditures reasonably calculated to benefit the employee shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 2) require that contributions to a health reimbursement account remain available to the employee for two years; rather than one year; 3) condition use of a health reimbursement account in 2012 upon carry-over of any balance in the account at the end of 2011; 4) provide, in the alternative if triggered by court action, that only amounts actually paid to provide employee health care services shall satisfy the employer expenditure requirements of the Health Care Security Ordinance; 5) require employers imposing surcharges on customers to use the full amount collected under the surcharge for employee health care expenditures; 6) add an employee notification requirement; 7) modify penalty provisions; and 8) set an operative date.

10/25/2011; CONTINUED ON FIRST READING.

11/01/2011; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

11/01/2011; CONTINUED AS AMENDED ON FIRST READING. Supervisor Cohen requested to be added as a co-sponsor.

Privilege of the floor was granted to Jason Elliot (Mayor's Office) who responded to questions raised throughout the discussion.

11/15/2011; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

11/15/2011; PASSED ON FIRST READING AS AMENDED.

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

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

*Present: Supervisors Chu, Mirkarimi, Kim*

10. 111094 **[Memorandum of Understanding Amendment - Alameda County Resource Conservation District - Not to Exceed \$775,000]**  
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the first amendment to the Memorandum of Understanding with the Alameda County Resource Conservation District for an amount not to exceed \$775,000 and with a total duration of 14 years, pursuant to Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact)

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

*Present: Supervisors Chu, Kim*

11. 111111 **[California Constitution Appropriations Limit for FY2011-2012]**  
**Sponsor: Chu**  
Resolution establishing the appropriations limit for FY2011-2012 pursuant to California Constitution Article XIII(B).

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

12. 111152 **[Airport Lease and Use Agreement - Swiss International Air Lines, Limited]**  
Resolution approving the terms of 2011 Airline/Airport Lease and Use Agreement L11-0182 between the City and County of San Francisco and Swiss International Air Lines, Limited, to conduct international flight operations at San Francisco International Airport. (Airport Commission)

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

*Present: Supervisors Chu, Mirkarimi, Kim*

13. 111153 **[Contract Extension - Voting System - Not to Exceed \$2,264,800]**  
Resolution approving an amendment to the existing contract between the City and County of San Francisco, through its Department of Elections, and Dominion Voting Systems for an amount not to exceed \$2,264,800 and to extend the term of the contract through December 10, 2013. (Elections Department)

(Fiscal Impact)

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



- 14. 111166 [Accept and Expend Grant - Health Impact Assessment for Healthy Sustainable Development - \$167,061]**  
**Sponsor: Campos**  
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 \$167,061, to fund the Health Impact Assessment for Healthy Sustainable Development for the period September 1, 2011, through August 31, 2012, and waiving indirect costs.

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

- 15. 111172 [Supporting Goals for Federal Funding - FY2012-2013 Community Development Block Grant and Emergency Solutions Grant Programs]**  
Resolution supporting FY2012-2013 Community Development Block Grant and Emergency Solutions Grant Consolidated Plan goals. (Mayor's Office of Housing)

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

- 16. 111173 [Funding Application - CalHome Program - \$1,500,000]**  
Resolution authorizing the Mayor's Office of Housing to: 1) submit an application to the California Department of Housing and Community Development for funding under the CalHome Program for \$1,500,000; 2) execute a standard agreement, if selected, for such funding and any amendments thereto; and 3) submit any related documents necessary to participate in the CalHome Program. (Mayor's Office of Housing)

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

- 17. 111191 [Issuance of Qualified Energy Conservation Bonds - Not to Exceed \$8,291,079]**  
**Sponsor: Chu**  
Resolution approving the issuance of not to exceed \$8,291,079 aggregate principal amount of Qualified Energy Conservation Bonds to be issued by the Public Utilities Commission of the City and County of San Francisco, acting on behalf of the City and County of San Francisco; approving the execution and delivery by the Commission of an Equipment Lease/Purchase Agreement, an Acquisition Fund and Account Control Agreement, a Direct Purchase Agreement, and a Filing Agent Agreement; and authorizing the taking of appropriate actions in connection therewith; and related matters.

(Fiscal Impact)

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

**18. 111192 [Issuance of New Clean Renewable Energy Bonds - Not to Exceed \$6,600,000]****Sponsor: Chu**

Resolution approving the issuance of not to exceed \$6,600,000 aggregate principal amount of New Clean Renewable Energy Bonds to be issued by the Public Utilities Commission of the City and County of San Francisco, acting on behalf of the City and County of San Francisco (Commission); approving the execution and delivery by the Commission of an Equipment Lease/Purchase Agreement, an Acquisition Fund and Account Control Agreement, a Direct Purchase Agreement, and a Filing Agent Agreement; and authorizing the taking of appropriate actions in connection therewith; and related matters.

(Fiscal Impact)

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

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

*Present: Supervisors Avalos, Mar, Elsbernd*

**19. 101055 [Environment Code - Checkout Bags and Checkout Bag Charge]****Sponsor: Mirkarimi**

Ordinance amending the San Francisco Environment Code by: 1) amending Section 1702 to extend the restrictions on checkout bags from supermarkets and chain pharmacies to all retail establishments and food establishments in the City and County of San Francisco, and clarify terms; 2) adding Section 1703.5 to require stores to add a checkout bag charge of 10 cents, rising to 25 cents, if they provide a customer with a checkout bag; 3) setting an operative date of July 1, 2012; and 4) making environmental findings.

(Economic Impact)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

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

*Present: Supervisors Campos, Farrell, Chiu*

**20. 111075 [Campaign and Governmental Conduct Code - Televising Ethics Commission Meetings]****Sponsors: Campos; Chiu**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding Section 3.301 to require the Ethics Commission to televise its meetings on San Francisco Government Television (SFGovTV).

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

21. 110931 **[Board Response to the 2010-2011 Civil Grand Jury Report Entitled "Continuity Reports Reviewing the State of Prior Recommendations]**  
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 "Continuity Reports Reviewing the State of Prior Recommendations. (Clerk of the Board)
- Question: Shall this Resolution be ADOPTED?**

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

*Present: Supervisors Mar, Cohen, Wiener*

22. 111076 **[Allowing Playground Structures in Certain Portions of Sue Bierman Park]**  
**Sponsors: Chiu; Mar**  
Ordinance amending the conditions previously placed on portions of Sue Bierman Park, authorizing the construction of playground structures, and making CEQA findings.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

**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 4:00 p.m. 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 4:00 p.m. 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 4:00 p.m.:

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 4:00 p.m.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4:00 p.m.

- 23. 111183 [Public Hearing - Conditional Use Appeal - 2041 Larkin Street]**  
 Hearing of persons interested in or objecting to the decision of the Planning Commission's September 22, 2011, Conditional Use Authorization identified as Planning Case No. Case No. 2010.1083C, by its Motion No. 18448, under Planning Code Section 209.6(b) to install a wireless telecommunications service facility consisting of up to six panel antennas and related equipment in an existing church as part of AT&T's Wireless Telecommunications Network within the RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District, on property located at 2041 Larkin Street, Assessor's Block No. 0572, Lot No. 003. (District 3) (Appellant: Laura Albert on behalf of the Russian Hill Community Association) (Filed October 24, 2011) (Clerk of the Board)

**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.)**

- 24. 111184 [Approving Planning Commission Decision Related to Conditional Use Authorization - 2041 Larkin Street]**  
 Motion approving decision of the Planning Commission by its Motion No. 18448, approving Conditional Use Authorization identified as Planning Case No. 2010.1083C on property located at 2041 Larkin Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

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

25. 111185 **[Disapproving Planning Commission Decision Related to Conditional Use Authorization - 2041 Larkin Street]**  
Motion disapproving decision of the Planning Commission by its Motion No. 18448, approving Conditional Use Authorization identified as Planning Case No. 2010.1083C on property located at 2041 Larkin Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**
26. 111186 **[Preparation of Findings Related to the Conditional Use Authorization - 2041 Larkin Street]**  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2010.1083C on property located at 2041 Larkin Street.
- Question: Shall this Motion be APPROVED?**

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

27. 111230 **[Public Hearing - Conditional Use Appeal - 199 Leland Avenue]**  
Hearing of persons interested in or objecting to the decision of the Planning Commission's October 6, 2011, Conditional Use Authorization identified as Planning Case No. 2011.0294C, by its Motion No. 18458, under Planning Code Sections 711.83, 303, and 790.80 to install a Wireless Telecommunications Facility consisting of nine new panel antennas on the rooftop and six new equipment cabinets in the garage of an existing three-story mixed used building that is approximately 30 feet tall within a NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, on property located at 199 Leland Avenue, Assessor's Block No. 6251, Lot No. 016. (District 10) (Appellant: Winnie Tsang on behalf of the Visitation Valley Business Improvement Group) (Filed November 4, 2011) (Clerk of the Board)
- 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.)**

28. 111231 **[Approving Planning Commission Decision Related to Conditional Use Authorization - 199 Leland Avenue]**  
Motion approving decision of the Planning Commission by its Motion No. 18458, approving Conditional Use Authorization identified as Planning Case No. 2011.0294C on property located at 199 Leland Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**

29. 111232 **[Disapproving Planning Commission Decision Related to Conditional Use Authorization - 199 Leland Avenue]**  
Motion disapproving decision of the Planning Commission by its Motion No. 18458, approving Conditional Use Authorization identified as Planning Case No. 2011.0294C on property located at 199 Leland Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**
30. 111233 **[Preparation of Findings Related to the Conditional Use Authorization - 199 Leland Avenue]**  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2011.0294C on property located at 199 Leland Avenue. (Clerk of the Board)
- 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 21, 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, November 22, 2011.*

31. 111215 **[Lease Agreement - State of California - Rincon Hill Dog Park]**  
**Sponsor: Kim**  
Resolution approving the execution of a Lease Agreement for a portion of Assessor Block No. 3766, Lot No. 011, by and between the City and County of San Francisco, and the State of California, acting by and through its Department of Transportation (Caltrans); and adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the City's General Plan and Eight Priority Policies; and authorizing other actions in furtherance of this Resolution.
- Question: Shall this Resolution be ADOPTED?**

## ROLL CALL FOR INTRODUCTIONS

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

## PUBLIC COMMENT

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

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

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

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

### Items 32 through 37

- 32. 111222 [Opposing the Federal “Super Committee” Farm Bill Process]**  
**Sponsor: Mar**  
 Resolution urging our elected United States Senators and Representatives to oppose the inclusion of the Farm Bill in the “Super Committee” process and to support a full legislative process for the 2012 Farm Bill.
- 11/08/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 11/15/2011; CONTINUED.
- Question: Shall this Resolution be ADOPTED?**
- 33. 111249 [Employer Pickup - Pre-Tax Payroll Deduction Plan for Service Credit Purchases (Contribution Code 14)]**  
**Sponsor: Elsbernd**  
 Resolution authorizing the City and County of San Francisco to implement pre-tax payroll deduction plan for all employees in CalPERS, pursuant to the Internal Revenue Code §414(h)(2).
- 11/15/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

- 34. 111251 [Opposing the Sale of Certain Rat and Mouse Poisons]**  
**Sponsor: Cohen**  
Resolution urging San Francisco residents to avoid purchasing or selling certain rat and mouse poison products that have been determined by the United States Environmental Protection Agency to pose unacceptable risks to children, pets, and wildlife.  
  
11/15/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**
- 35. 111252 [Supporting Expansion of Boundaries - Gulf of the Farallones and Cordell Bank National Marine Sanctuaries]**  
**Sponsor: Mirkarimi**  
Resolution supporting House Resolution 192 and Senate Bill 179, which will expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary.  
  
11/15/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**
- 36. 111253 [Accept and Expend Grant - San Francisco Arts Commission's WritersCorps Program - \$70,000]**  
**Sponsor: Mayor**  
Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of \$70,000 from the National Endowment for the Arts Learning in the Arts for Children and Youth Program for general operating support for WritersCorps, with a grant cycle of July 1, 2011, through June 30, 2012.  
  
11/15/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**
- 37. 111258 [California Clerk of the Board of Supervisors Association Week - November 28 to December 2, 2011]**  
**Sponsors: Chiu; Avalos, Campos, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener**  
Resolution honoring the California Clerk of the Board of Supervisors Association and recognizing the vital services performed by the Clerks of the Boards of Supervisors and their staff and proclaiming the week of November 28 to December 2, 2011 as California Clerk of the Board of Supervisors Association Week in the City and County of San Francisco. (Clerk of the Board)  
  
11/15/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**



### 38. 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 November 8, 2011, to November 14, 2011, for reference by President to appropriate committee on November 22, 2011.*

#### **111239 [Police Code - Vehicle Press Cards]**

Ordinance amending San Francisco Police Code Sections 939, 939.1, 939.3, 939.5, and 939.7, and repealing San Francisco Police Code Sections 939.2, 939.4, and 939.6 to remove the Chief of Police's authority to issue or regulate Vehicle Press Cards. (Municipal Transportation Agency)

11/14/2011; RECEIVED FROM DEPARTMENT.

11/22/2011; ASSIGNED UNDER 30 DAY RULE to the Public Safety Committee.

#### **111240 [General Plan Amendment - 676 Howard Street and 935 Folsom Street (SFMOMA Expansion/Fire Station Relocation and Housing Project)]**

Ordinance amending the San Francisco General Plan Map 2 of the Community Facilities Element as part of the San Francisco Museum of Modern Art Expansion/Fire Station Relocation and Housing Project; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

11/14/2011; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

## PROPOSED RESOLUTIONS

*Proposed resolutions received from November 8, 2011, to November 14, 2011, for reference by President to appropriate committee on November 22, 2011.*

**111241 [Master Lease Amendment - United States Navy - Treasure Island Land and Structures]**

Resolution approving the 36th Amendment to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the United States Navy to increase the premises by adding Building 449 located at Avenue C and 4th Street. (Treasure Island Development Authority)

11/09/2011; RECEIVED FROM DEPARTMENT.

11/22/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**111242 [Sublease Amendment - Swords to Plowshares, Inc. - 1441 and 1443 Chinook Court]**

Resolution authorizing the execution of a Second Amendment to Sublease between the Treasure Island Development Authority and Swords to Plowshares, Inc., for premises located at 1441 and 1443 Chinook Court. (Treasure Island Development Authority)

11/09/2011; RECEIVED FROM DEPARTMENT.

11/22/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**111243 [Sublease Amendment - Haight Ashbury Free Clinics, Walden House - 1440 Chinook Court]**

Resolution authorizing the execution of a Third Amendment to Sublease and Consent to Assignment between the Treasure Island Development Authority and Haight Ashbury Free Clinics, Inc., dba Haight Ashbury Free Clinics - Walden House, for premises located at 1440 Chinook Court. (Treasure Island Development Authority)

11/09/2011; RECEIVED FROM DEPARTMENT.

11/22/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**111244 [Settlement of Unlitigated Performance Bond Claim - Travelers Casualty and Surety Company of America - City to Receive \$250,000]**

Resolution authorizing settlement of an unlitigated performance bond claim by the San Francisco Airport Commission against Travelers Casualty and Surety Company of America relating to a lease default by Mexicana Airlines. (City Attorney)

11/10/2011; RECEIVED FROM DEPARTMENT.

11/22/2011; RECEIVED AND ASSIGNED to the Rules Committee.

**111234 [Petitions and Communications]**

Petitions and Communications received from November 8, 2011, through November 14, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on November 22, 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, regarding saving the Sharp Park Wetlands. File No. 110966, Copy: Budget and Finance Committee Clerk, 14 letters (1)

From Farella Braun & Martell, regarding the proposed vacation of Hunt Street in conjunction with development of the SFMOMA Expansion Project. File No. 111213, Copy: Each Supervisor, Land Use Committee Clerk (2)

From Commission of Animal Control and Welfare, urging Grants for the Arts to rescind the two contracts awarded to Tom Otterness. Copy: Each Supervisor (3)

From Planning Department, submitting notice of preparation of an Environmental Impact Report and notice of two public scoping meetings for the Transit Effectiveness Project. Copy: Each Supervisor, Land Use Committee Clerk, 2 letters (4)

From Clerk of the Board, the Department of Public Health has submitted their annual report on gifts received in FY2010-2011. Copy: Each Supervisor (5)

From Galal Kernahan, regarding posting California's November 13th birthday on the official California observance calendar. (6)

From Arts Commission, submitting the FY2011-2012 First Quarterly Expenditures Report. Copy: Each Supervisor (7)

From concerned citizens, urging Grants for the Arts to rescind the two contracts awarded to Tom Otterness. 2 letters (8)

From concerned citizens, regarding ranked choice voting. 2 letters (9)

From Sharon Miller, regarding Renaissance Bayview. (10)

From CP Lai, regarding Oak Street bike lanes. (11)

From Patrick Russell, submitting support for bird safe buildings. File No. 110785 (12)

From SSL Law Firm, regarding proposed vacation of Hunt Street. File No. 111213 (13)

From Office of the Controller, submitting an audit report on the transaction fee for the Fast Trak Licensing and Electronic Identification Billing Agreement between the Transportation Corridor Agencies and the City and County of San Francisco. (14)

From Branch Library Improvement Program, submitting the 2011 Third Quarter Report. (15)

From Save the Plastic Bag Coalition, regarding their legal objection to expansion of the plastic bag ban and notice of intent to litigate against the City and County of San Francisco. File No. 101055, Copy: City Operations Committee Clerk (16)

From Candace Circle, regarding public nudity in restaurants and public seating areas. File No. 110967 (17)

From Office of the Controller, submitting an audit report concerning the Department of Public Works' contract with Jacobs Project Management Company for the rebuilding of San Francisco General Hospital & Trauma Center's Main Hospital. (18)

From State Department of Transportation, submitting report regarding the illegal discharge (or threatened illegal discharge) of hazardous waste, which could cause substantial injury to the public health or safety. (19)

From California Fish and Game Commission, submitting notice of findings regarding the American pika as a threatened species. Copy: Each Supervisor (20)

From California Fish and Game Commission, submitting notice of findings regarding the Cedars buckwheat as a threatened species. Copy: Each Supervisor (21)

From Department of Public Health, submitting the quarterly HIV/AIDS Surveillance Report. (22)

From California Restaurant Association, submitting opposition to proposed Ordinance (unless restaurants exempt) that extends the restrictions on checkout bags to all retail establishments and food establishments in the City and County of San Francisco. File No. 101055 (23)

From concerned citizens, submitting support for proposed Ordinance that extends the restrictions on checkout bags to all retail establishments and food establishments in the City and County of San Francisco. File No. 101055, 5 letters (24)

\*(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**