



# 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, December 6, 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 25, 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 18

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

*Present: Supervisors Mar, Cohen, Wiener*

1. **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.  
  
11/22/2011; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**

**Recommendations of the Rules Committee**

*Present: Supervisors Kim, Elsbernd, Wiener*

2.    **111135    [Settlement of Lawsuit - Diane Bauer - \$35,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Diane Bauer against the City and County of San Francisco for \$35,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
3.    **111136    [Settlement of Lawsuit - David Cheung - \$80,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually, and dba Kwok Shing Hong, against the City and County of San Francisco for \$80,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
4.    **111137    [Settlement of Lawsuit - Elaine Choy - \$28,850]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Elaine Choy against the City and County of San Francisco for \$28,850; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
5.    **111138    [Settlement of Lawsuit - Shonna Cook - \$27,785]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Shonna Cook against the City and County of San Francisco for \$27,785; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
6.    **111139    [Settlement of Lawsuit - James Cordova/Maria Morales - \$26,965]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by James Cordova/Maria Morales against the City and County of San Francisco for \$26,965; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**

7.    **111140**    **[Settlement of Lawsuit - Brenda Dickson - \$28,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Brenda Dickson against the City and County of San Francisco for \$28,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
8.    **111141**    **[Settlement of Lawsuit - Susan Garduno - \$25,730]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Susan Garduno against the City and County of San Francisco for \$25,730; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
9.    **111142**    **[Settlement of Lawsuit - K LW, LLC - \$110,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by K LW, LLC, against the City and County of San Francisco for \$110,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
10.   **111143**    **[Settlement of Lawsuit - Lawrence LaBianca - \$34,965]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Lawrence LaBianca against the City and County of San Francisco for \$34,965; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
11.   **111144**    **[Settlement of Lawsuit - Jane Martin and David Baker - \$50,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
12.   **111145**    **[Settlement of Lawsuit - Pat Moore and Tom Moore - \$30,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Pat Moore and Tom Moore against the City and County of San Francisco for \$30,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**

- 13. 111146 [Settlement of Lawsuit - James Ramsey and Patricia Carazo Ramsey - \$33,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by James Ramsey and Patricia Carazo Ramsey against the City and County of San Francisco for \$33,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 14. 111147 [Settlement of Lawsuit - Sally Seid - \$27,815]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Sally Seid against the City and County of San Francisco for \$27,815; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 15. 111148 [Settlement of Lawsuit - Angela Sinicropi and Martin Takigawa - \$26,820]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Angela Sinicropi and Martin Takigawa against the City and County of San Francisco for \$26,820; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 16. 111149 [Settlement of Lawsuit - Sunday Bazaar/2170 Folsom, LLC - \$60,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folsom, LLC, against the City and County of San Francisco for \$60,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 17. 111150 [Settlement of Claim - James Christian - \$200,000]**  
Resolution approving the settlement of the unlitigated claim filed by James Christian against the City and County of San Francisco for \$200,000; claim was filed on May 31, 2011. (City Attorney)
- Question: Shall this Resolution be ADOPTED?**
- 18. 111178 [Appointments, Medical Cannabis Task Force - Hunter Holliman, Leonard Watkins, Martin Olive, Sarah Shrader, Brent Saupe, and Jean Talleyrand]**  
Motion appointing Hunter Holliman, Leonard Watkins (residency requirement waived), Martin Olive, Sarah Shrader, Brent Saupe, and Jean Talleyrand, terms ending December 31, 2012, to the Medical Cannabis Task Force. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**

## REGULAR AGENDA

### UNFINISHED BUSINESS

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

*Present: Supervisors Avalos, Mar, Elsbernd*

19. 101055 **[Environment Code - Checkout Bags and Checkout Bag Charge]**  
**Sponsors: Mirkarimi; Avalos and Campos**  
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)

11/22/2011; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/22/2011; CONTINUED AS AMENDED.

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

#### Recommendation 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 and Mar**  
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).

11/22/2011; 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*

21. 111096 **[Contract Amendment - Western Area Power Administration - Electric Services - Not to Exceed \$15,950,888]**  
Ordinance approving the second amendment to the contract between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for delivery of low-cost power and scheduling coordinator services to Treasure Island and Yerba Buena Island; and approving the City indemnifying and holding the United States harmless against claims arising from the activities of the City under the contract, and waiving the requirement of the San Francisco Administrative Code Section 21.19 which requires that a City contract contain a statement of guaranteed maximum costs, and waiving the requirement of the San Francisco Administrative Code Section 21.35 which requires that every contract contain a statement regarding liability of claimants for submitting false claims. (Public Utilities Commission)
- (Fiscal Impact)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
22. 111101 **[Administrative, Business and Tax Regulations, Fire, Health, and Police Codes - Business License Fees]**  
**Sponsors: Chiu; Chu**  
Ordinance amending various sections of the San Francisco Business and Tax Regulations Code, Administrative Code, Fire Code, Health Code, and Police Code to: 1) establish March 31 as the date for the annual renewal of certain business licenses; 2) apply a schedule of penalties for failure to timely renew certain business licenses; and 3) require Departments to post current business license fees on their websites. (Treasurer-Tax Collector)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
23. 111102 **[Business and Tax Regulations Code - Payroll Expense Tax Exclusion for Compensation Paid to Individuals with a Felony Conviction]**  
**Sponsor: Mirkarimi**  
Ordinance amending the San Francisco Business and Tax Regulations Code, Article 12-A, by adding Section 906.5 to establish a Payroll Expense Tax exclusion for compensation paid to individuals who have a felony conviction.
- (Fiscal Impact)  
(Supervisor Chu dissented in committee.)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

- 24. 111154 [Agreement - Tracking Environmental Attributes]**  
Ordinance approving a contract between the City and County of San Francisco and the Western Renewable Energy Generation Information System for: 1) documenting and tracking environmental attributes at an estimated initial cost of \$4,500 per year, depending on account activity; 2) waiving the competitive procurement requirements of the San Francisco Administrative Code Chapter 21 for this service, waiving the requirement of Section 21.9(b) of the San Francisco Administrative Code that a City contract not contain an automatic renewal provision, waiving the requirement of Section 21.35 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims, waiving the requirement of Section 12F.5 of the San Francisco Administrative Code that every contract contain a statement urging companies abide by the MacBride Principles, and waiving the requirement of Section 12O.2 of the San Francisco Administrative Code that every contractor provide EIC forms to eligible employees; and 3) authorizing the San Francisco Public Utilities Commission to enter other similar contracts for tracking environmental attributes. (Public Utilities Commission)

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

- 25. 111110 [Placing Funds for Defense of Special Circumstances Cases on Controller Reserve and Establishing Release Guidelines]**  
**Sponsor: Campos**  
Resolution placing funds intended for defense of special circumstances cases on Controller reserve and adopting guidelines for release of such funds.

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

- 26. 111193 [Real Property Lease - 6th Street Baldwin House, LLC - 72-6th Street]**  
**Sponsors: Mayor; Kim**  
Resolution authorizing the lease with 6th Street Baldwin House, LLC, of approximately 1,932 rentable square feet of ground space located at 72-6th Street for the Police Department.

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

- 27. 111218 [Apply for, Accept and Expend Grant - Community of Veterans Engaged in Restoration Program - \$249,662]**  
**Sponsor: Mayor**  
Resolution authorizing the Sheriff's Department to retroactively apply for, accept and expend \$249,662 in funds from the Office of Justice Programs, through the Justice and Mental Health Collaboration Program, the Community of Veterans Engaged in Restoration Program will strive to increase public safety and reduce recidivism among incarcerated and recently released veterans with post-traumatic stress disorder in the City and County of San Francisco.

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

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

*Present: Supervisors Mar, Cohen, Wiener*

**28. 111151 [Public Improvements Acceptance - Bayshore Boulevard at Waterloo Street]**

Ordinance: 1) accepting an irrevocable offer for improvements and real property related to the widening of Bayshore Boulevard at Waterloo Street and accepting a grant deed for these purposes; 2) declaring such area to be open public right-of-way and dedicating it for right-of-way and roadway purposes; 3) accepting maintenance and liability for this area subject to certain limitations; 4) establishing sidewalk width change for this area; 5) making findings, including environmental findings and general plan and priority policy findings; and 6) authorizing official acts in connection with this Ordinance. (Public Works Department)

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

*Present: Supervisors Mar, Wiener*

**29. 111080 [Zoning Map - 676 Howard Street and 935 Folsom Street (SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project)]**

**Sponsor: Kim**

Ordinance amending the San Francisco Planning Code Sectional Map ZN01 of the Zoning Maps to change the use classification of 676 Howard Street (Block No. 3722, Lot No. 28) from Public (P) to Downtown-Support District (C-3-S) and a portion of 935 Folsom Street (Block No. 3753, Lot No. 140) from Mixed Use-Residential (MUR) to Public (P) as part of the San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

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

**30. 111213 [Summary Vacation - Hunt Street (SFMOMA Expansion/Fire Station No. 1 Relocation and Housing Project)]**

**Sponsor: Kim**

Ordinance ordering the summary vacation of Hunt Street as part of the San Francisco Museum of Modern Art (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance.

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

31. 111240 **[General Plan Amendment - 676 Howard Street and 935 Folsom Street (SFMOMA Expansion/Fire Station No. 1 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 (SFMOMA) Expansion/Fire Station No. 1 Relocation and Housing Project; and adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

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

32. 111214 **[Real Property Lease - San Francisco Community College District - Near the Intersection of Phelan and Ocean Avenues]**

**Sponsor: Elsbernd**

Resolution approving the lease of property near the intersection of Phelan and Ocean Avenues for a public plaza for seventy-five years to San Francisco Community College District, an institution of higher education organized under the State of California Education Code; 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 of City Planning Code Section 101.1; and authorizing other actions in furtherance of this Resolution.

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

### **Recommendation of the Rules Committee**

*Present: Supervisors Kim, Elsbernd, Wiener*

33. 111050 **[Administrative Code - San Francisco Sentencing Commission and Recidivism Reduction Ordinance of 2011]**  
**Sponsors: Wiener; Farrell and Cohen**  
Ordinance amending the San Francisco Administrative Code by adding Article XXV, Sections 5.250 through 5.250-4 to: 1) establish the San Francisco Sentencing Commission; 2) set forth the Commission's purpose, powers, and duties; and 3) establish membership criteria.

**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.

### 34. 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)

11/22/2011; CONTINUED.

#### Question: Shall this Hearing be HEARD AND FILED?

*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.)

### 35. 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)

11/22/2011; CONTINUED.

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

**36. 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)

11/22/2011; CONTINUED.

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

**37. 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.

11/22/2011; CONTINUED.

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

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

**38. 111235 [Public Hearing - Tentative Parcel Map Appeal - 1138-1140 Page Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated October 31, 2011, approving a Tentative Parcel Map for a 4-unit new construction condominium subdivision located at 1138-1140 Page Street, Assessor's Block No. 1219, Lot No. 011. (District 5) (Appellant: Fazilat Kazeminezhad on behalf of Page Group, LLC) (Filed November 10, 2011) (Clerk of the Board)

**Question: Shall this Hearing be HEARD AND FILED?**

*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.)**

**39. 111236 [Approving the Department of Public Works Decision and Approving the Tentative Parcel Map - 1138-1140 Page Street]**

Motion finding the Tentative Parcel Map for a 4-unit new construction condominium subdivision located at 1138-1140 Page Street, Assessor's Block No. 1219, Lot No. 011, 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)

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

**40. 111237 [Disapproving the Department of Public Works Decision and Disapproving the Tentative Parcel Map - 1138-1140 Page Street]**

Motion finding the Tentative Parcel Map for a 4-unit new construction condominium subdivision at 1138-1140 Page Street, Assessor's Block No. 1219, Lot No. 011, 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)

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

**41. 111238 [Preparation of Findings Related to the Tentative Parcel Map Disapproval - 1138-1140 Page Street]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 4-unit new construction condominium conversion subdivision located at 1138-1140 Page Street, Assessor's Block No. 1219, Lot No. 011. (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 City Operations and Neighborhood Services Committee at a Special Meeting on Monday, December 5, 2011, at 10:00 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, December 6, 2011.*

**42. 110966 [Park Code - Long Term Management Agreement with the National Park Service for Sharp Park]**

**Sponsor: Avalos**

Ordinance amending the San Francisco Park Code Section 3.20 to: 1) require the Recreation and Park Department to offer long term management agreement to the National Park Service for certain property under the jurisdiction of the Recreation and Park Commission located in San Mateo County that is within the Golden Gate National Recreation Area's legislative boundary (Sharp Park); and 2) making environmental and other findings.

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

## ROLL CALL FOR INTRODUCTIONS

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

## PUBLIC COMMENT

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

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

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

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

### Items 43 through 49

- 43. 111259 [Declaration of the November 8, 2011, Election Results]**  
**Sponsor: Chiu**  
 Resolution declaring the results of the November 8, 2011, Consolidated General Election.  
 11/22/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 44. 111268 [Recommending a Russian Language Multiple-Offender Driving Under the Influence Program]**  
**Sponsor: Mar**  
 Resolution recommending the National Council on Alcoholism and Other Drug Addictions be licensed to offer a Russian language multiple-offender driving under the influence program in the City and County of San Francisco.  
 11/22/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**



**45. 111272 [Airport Concession Lease Correction - J. Avery Enterprises]**

**Sponsor: Chu**

Resolution correcting Resolution No. 220-11, which approved Amendment No. 1, retroactive to April 14, 2011, to Domestic Terminal Food and Beverage Lease No. 03-0192 with J. Avery Enterprises, dba Klein's Deli, and the City and County of San Francisco, acting by and through its Airport Commission.

11/22/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**46. 111279 [Doris Blum Day - November 9, 2011]**

**Sponsor: Farrell**

Resolution commending Doris Blum on her 100th Birthday and proclaiming November 9, 2011, as Doris Blum Day in the City and County of San Francisco.

11/23/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**47. 111280 [Accept and Expend Grant - Pest Exclusion/Nursery Inspection - \$500]**

**Sponsor: Mayor**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant (Agreement #11-0220-SA) in the amount of \$500, from the California Department of Food and Agriculture to fund the program Pest Exclusion/Nursery Inspection for the period of July 1, 2011, through June 30, 2012, and waiving indirect costs.

11/22/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**48. 111283 [Expressing Concern Over Federal Cuts to Medicaid and Medicare Programs]**

**Sponsor: Cohen**

Resolution expressing concern over proposed Federal cuts to Medicaid and Medicare programs that will result in impacts to healthcare access for residents of the City and County of San Francisco.

11/23/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**49. 111292 [Accept and Expend Grant - Organic Program - \$3,100]**

**Sponsor: Mar**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant (Agreement #11-0113-SA) from the California Department of Food and Agriculture in the amount of \$3,100 to fund the Organic Program for the period of July 1, 2011, through June 30, 2012, and waiving indirect costs.

11/30/2011; 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 November 15, 2011, to November 28, 2011, for reference by President to appropriate committee on December 6, 2011.*

**111285 [Changing the Official Sidewalk Width - Portion of Mason Street]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1590 to change the official sidewalk width of Mason Street starting at the southwest corner of the intersection of Mason Street and Washington Street and continuing south 29.52 feet; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

11/17/2011; RECEIVED FROM DEPARTMENT.

12/06/2011; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

**111286 [Settlement of Lawsuit - Patricia Sancinito - \$75,000]**

Ordinance authorizing settlement of the lawsuit filed by Patricia Sancinito against the City and County of San Francisco and Laguna Honda Hospital for \$75,000; the lawsuit was filed on May 19, 2011, in San Francisco Superior Court, Case No. CGC-11-511076; entitled Patricia Sancinito v. City and County of San Francisco, Laguna Honda Hospital. (City Attorney)

11/22/2011; RECEIVED FROM DEPARTMENT.

12/06/2011; RECEIVED AND ASSIGNED to the Rules Committee.

- 111287 [Settlement of Lawsuit - Mitchell Engineering/Obayashi Corporation, JV - \$14,950,000]**  
Ordinance authorizing settlement of the lawsuit entitled Mitchell Engineering/Obayashi Corporation, JV (MEOC) v. City and County of San Francisco, et al., and related cross-actions.), Santa Clara County Superior Court Case No. 1-08-CV-116915 by payment of \$14,950,000 from the City to MEOC. (City Attorney)  
  
11/22/2011; RECEIVED FROM DEPARTMENT.  
  
12/06/2011; RECEIVED AND ASSIGNED to the Rules Committee.
- 111288 [Waiving the Competitive Bid Requirements and Approving Modified Indemnification Clause for the Design of a Runway Safety Area Engineered Material Arresting System]**  
Ordinance waiving the competitive bid requirements of San Francisco Administrative Code Chapter 6, approving a modified indemnification clause pursuant to the requirements of Chapter 6, and authorizing the Airport Commission to award a contract to complete the design of a runway safety area engineered material arresting system. (Airport Commission)  
  
11/22/2011; RECEIVED FROM DEPARTMENT.  
  
12/06/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

## PROPOSED RESOLUTIONS

*Proposed resolutions received from November 15, 2011, to November 28, 2011, for reference by President to appropriate committee on December 6, 2011.*

- 111289 [Airport Concession Lease Amendment - Boarding Area F Principal Retail - Pacific Gateway Concessions, LLC]**  
Resolution approving Amendment No. 1 to Boarding Area "F" Principal Retail Concession Lease No. 04-0139 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)  
  
11/21/2011; RECEIVED FROM DEPARTMENT.  
  
12/06/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.
- 111290 [Airport Lease Modification - United Air Lines, Inc.]**  
Resolution approving and authorizing the execution of Modification No. 1 of Lease L00-0464 at Plot 6 with United Air Lines, Inc., at San Francisco International Airport to: 1) extend the Term; 2) reduce the demised premises; 3) modify the annual rent; 4) provide for a deferred City improvements payment to City; and 5) provide for certain terms of retroactivity relating to the rent and the deferred City improvements payment. (Airport Commission)  
  
11/21/2011; RECEIVED FROM DEPARTMENT.  
  
12/06/2011; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**111261 [Petitions and Communications]**

Petitions and Communications received from November 15, 2011, through November 28, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on December 6, 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 Department of Public Health, submitting request for waiver of Administrative Code Chapter 12B for Loomis Armored US, LLC, to provide armored pickup and delivery services of cash for all the clinical facilities of the Community Health Network. (1)

From Small Business Commission, submitting support for the proposed legislation regarding checkout bags. File No. 101055 (2)

From Martin Reed, regarding the Commission on Education. Copy: Each Supervisor (3)

From Richard Hack, submitting support for ranked choice voting. File No. 111212 (4)

\*From concerned citizens, submitting support for proposed legislation regarding checkout bags. File No. 101055, 35 letters (5)

From concerned citizens, submitting opposition to proposed legislation regarding checkout bags. File No. 101055, 4 letters (6)

From concerned citizens, submitting support for restoring Sharp Park wetlands and wildlife. File No. 110966, 9 letters. (7)

From Bob Planthold, regarding Proposition E and F on the November 8, 2011, Consolidated Municipal Election. (8)

\*From concerned citizens, submitting support for Conditional Use authorization on property located at 199 Leland Avenue. File No. 111231, 58 letters (9)

\*From Office of the Controller, submitting the FY2010-2011 San Francisco Park Maintenance Standards Annual Report. (10)

From Office of the Controller, submitting the FY2010-2011 Annual Whistleblower Report. (11)

From Office of the Treasurer & Tax Collector, submitting the October 2011 Investment Report. (12)

From Office of the Controller, submitting report regarding NRG Energy Center. (13)

\*From Office of the Controller, submitting report regarding the Arts Commission organizational structure and financial practices. (14)

From Arts Commission, regarding the Controller's Report on the Arts Commission finances and internal policies and procedures. (15)

From State Department of Transportation, regarding funding for safety projects. Copy: Each Supervisor (16)

From concerned citizens, submitting support for rebuilding California Pacific Medical Center. File No. 111059, 2 letters (17)

From concerned citizens, submitting support for adequate working class housing. 2 letters (18)

From concerned citizens, submitting opposition to bikeways on John F. Kennedy Drive in Golden Gate Park. 3 letters. (19)

From Office of the Mayor, submitting the following appointment: Copy: Rules Committee Clerk. (20)

Entertainment Commission: Bryant Tan, term ending July 1, 2015

From Department of Elections, submitting the November 8, 2011, Consolidated Municipal Elections Certification of Election Results. (21)

From Marti Gacioch, submitting response on the analysis of danger to pedestrians with mobility impairments and other pedestrians and bicyclists. (22)

From Marlene Tran, regarding a Cantonese translator to assist with public comment. File No. 111230 (23)

From concerned citizens, regarding Conditional Use authorization on property located at 4141 Geary Boulevard. File No. 110950, 14 letters (24)

From Jessica Chase, regarding regulating commercial dog walkers on park property. File No. 111104 (25)

From concerned citizens, submitting opposition to proposed legislation concerning false advertising by limited services pregnancy centers. File No. 110899, 9 letters (26)

From Marlene Tran, regarding Conditional Use authorization on property located at 199 Leland Avenue. File No. 111230 (27)

From Brett Schultz, submitting support for bird safe buildings. (28)

From California Restaurant Association, submitting concerns regarding proposed legislation on checkout bags. File No. 101055 (29)

\*From Planning Department, regarding proposed legislation on checkout bags. File No. 101055, Copy: Each Supervisor (30)

From David Phillips, submitting opposition to two proposed revenue measures. (31)

From Building Owners and Managers Association of San Francisco, submitting resolution regarding OccupySF. (32)

\*(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