

# Board of Supervisors

City and County of San Francisco

*Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689*



## AGENDA

Tuesday, January 13, 2009

2:00 PM

Regular Meeting

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DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

## AGENDA CHANGES

## COMMUNICATIONS

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

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

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## **CONSENT AGENDA**

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

### **Items 1 through 5**

#### **Recommendation of the Budget and Finance Committee**

*Present: Supervisors Elsbernd, Mirkarimi*

- 1. 081442 [Appropriating \$500,000 of Revenue from PGA Tournament Agreement for Harding Park PGA Related Improvements for the Recreation and Park Department in Fiscal Year 2008-2009] Supervisor Elsbernd**  
Ordinance appropriating \$500,000 of Revenue from the Professional Golf Association (PGA) Tournament Agreement for staffing and improvements to the Harding Park Golf Course per the PGA Tournament Agreement at the Recreation and Park Department for Fiscal Year 2008-2009.  
(Fiscal Impact.)  
  
1/6/2009, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**

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

*Present: Supervisors Maxwell, Peskin*

- 2. 070546 [Zoning Map Amendment - Northwest corner of Supervisor Mirkarimi**



fee cap.

1/6/2009, PASSED ON FIRST READING.

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

*Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: \_\_\_\_\_*

## **REGULAR AGENDA**

## **UNFINISHED BUSINESS**

### **Vetoed by the Mayor**

*Consideration of Mayor's Veto*

*Consideration to override veto pursuant to Charter Section 2.106 of Ordinance amending Planning Code by amending Section 317 to require Conditional Use authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.*

- 6. 081088 [Requirement of Conditional Use Authorization for any permit application to remove dwelling units]**
- Ordinance amending the Planning Code by amending Section 317 to require Conditional Use Authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.
- NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.  
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on December 19, 2008.  
Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before January 18, 2009.
- 12/9/2008, PASSED ON FIRST READING.  
12/16/2008, FINALLY PASSED.  
1/6/2009, CONTINUED ON OVERTURN OF VETO. Continued on Overturn of Veto to

January 13, 2009.

**Action:** \_\_\_\_\_

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

*Present: Supervisors Peskin, Maxwell, Campos*

**7. 081450 [Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and Transfer Tax Review Board]**

Ordinance amending Sections 1106, 1108, 1108.4, 1115, 1115.1 and 1115.3 and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) eliminate obsolete provision regarding documentary tax stamps; and (5) eliminate Transfer Tax Board of Review and references to that Board.

12/9/2008, CONTINUED ON FIRST READING. Continued to December 16, 2008

12/16/2008, PASSED ON FIRST READING.

1/6/2009, FINALLY PASSED.

1/6/2009, PREVIOUS VOTE RESCINDED.

1/6/2009, CONTINUED ON FINAL PASSAGE. Continued to January 13, 2009.

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

**NEW BUSINESS**

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

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

***APPEAL PROCEDURES***

*Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its*

*scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:*

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

**8. 081420 [Public Hearing - Conditional Use Appeal for 299 Valencia Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17739 dated November 6, 2008, relating to the approval of a Conditional Use Authorization (Case No. 2006.0432CV), under Planning Code Sections 121.1, 151.1 and 303 to allow a large-lot mixed-use development providing up to 25 off-street residential parking spaces and 2 car share spaces in an NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) Zoning District and a 50-X Height and Bulk District on property located at 299 Valencia Street, Lot 014 in Assessor's Block No. 3532. (Filed by Jason Henderson on behalf of the Hayes Valley Neighborhood Association and subscribed by Supervisors Peskin, Ammiano, Maxwell, Daly and Mirkarimi; District 6.)

12/9/2008, CONTINUED. The President inquired as to whether any member of the public wished to address the Board. Continued January 6, 2009.

1/6/2009, CONTINUED. The president inquired as to whether any member of the public wished to address the Board. Jason Henderson, appellant Silvia Johnson Continued to January 13, 2009.

**Action:** \_\_\_\_\_

*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.)**

9.           **081421    [Approving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]**  
Motion approving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)  
12/9/2008, CONTINUED. Continued to January 6, 2009  
1/6/2009, CONTINUED. Continued to January 13, 2009.  
**Question: Shall this Motion be APPROVED?**
10.           **081422    [Disapproving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]**  
Motion disapproving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street. (Clerk of the Board)  
12/9/2008, CONTINUED. Continued to January 6, 2009  
1/6/2009, CONTINUED. Continued to January 13, 2009.  
**Question: Shall this Motion be APPROVED?**
11.           **081423    [Preparation of findings related to the Conditional Use Appeal for 299 Valencia Street]**  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2006.0432CV on property located at 299 Valencia Street, for action by the Board at its next meeting. (Clerk of the Board)  
12/9/2008, CONTINUED. Continued to January 6, 2009  
1/6/2009, CONTINUED. Continued to January 13, 2009.  
**Question: Shall this Motion be APPROVED?**
12.           **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.*

**13. PUBLIC COMMENT**

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

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

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

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

**Items 14 - 18**

- 14. 090014 [Congratulating Mike Singletary on being named the 16th head coach in San Francisco 49ers franchise history and congratulating Jed York on being named Team President of San Francisco 49ers] Supervisor Duffy**

Resolution congratulating Mike Singletary on being named the 16th head coach in San Francisco 49ers franchise history and congratulating Jed York on being named Team President of San Francisco 49ers.

1/6/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE  
AGENDA AT THE NEXT BOARD MEETING.

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

- 15. 090015 [Lee Mallory Day - January 10, 2009]**





**19. 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 8 votes or a unanimous 6 or 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 and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**OFF-AGENDA LEGISLATION**

**PROPOSED ORDINANCES**

*Proposed ordinances received from December 30, 2008 to January 5, 2009, for reference by President to appropriate committee on January 13, 2009.*

*None.*

## PROPOSED RESOLUTIONS

*Proposed resolutions received from December 30, 2008 to January 5, 2009, for reference by President to appropriate committee on January 13, 2009.*  
*None.*

### **090038 [Petitions and Communications]**

Petitions and Communications received from December 30, 2008 through January 5, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on January 13, 2009.

From concerned citizens, urging the City and County of San Francisco to restore Sharp Park Golf Course. 5 letters(1)

From Municipal Transportation Agency, submitting the 2009 Climate Action Plan Draft for Public Review.(2)

From Clerk of the Board, submitting notice that the following individuals has submitted a Form 700 Statement of Economic Interests: (3)

Gerardo Sandoval, Supervisor  
John Avalos, Supervisor-Elect  
Kevin Clark, Legislative Analyst

From Supervisor Peskin, submitting appointment of Supervisor David Campos to serve as Vice Chair of the Land Use and Economic Development Committee. (4)

From Ahimsa Sumchai, regarding the closure of Laguna Honda Hospital's Adult Day Health Care Program. 3 letters(5)

From Office of the Mayor, submitting appointment of Barbara Sklar as a member of the Commission on the Status of Women for term expiring on November 18, 2010. Copy: Rules Committee(6)

From Office of the Mayor, submitting appointment of Joy Boatwright as a member of the Civil Service Commission for term expiring on June 30, 2011.(7)

From Office of the Mayor, submitting letter withdrawing Sue Lee's name (pursuant to her request) as a nominee to the Historic Preservation Commission. Copy: Rules Committee(8)

From Office of the Mayor, submitting letter withdrawing Tammy Chan's name (pursuant to her request) as a nominee to the Historic Preservation Commission. Copy: Rules Committee(9)

From James Chaffee, submitting letter entitled "Grand Jury Report - Accountability Denied" dated November 4, 2008.(10)

From Jason Mass, submitting opposition to the appointment of Jonathan Pearlman as member of the Historic Preservation Commission.(11)

From Jim Meko, regarding the draft Western SoMa Community Plan currently undergoing environmental review.(12)

From Clare Hyland, urging the Board of Supervisors to slow down and reconsider the Mayor's appointments to the Historic Preservation Commission and ask for a more appropriate and better-qualified slate of candidates.(13)

From Verna Shaheen, submitting support for the appointment of Charles Chase as member to the Historic Preservation Commission.(14)

From Paul Nisbett, commenting on the 6 Muni supervisors making almost \$200,000 a year (examiner 1/5/09). Copy: Muni(15)

From concerned citizens, regarding the Mayor's nominees to the SF Historic Preservation Commission. 2 letters(16)

From Professional & Technical Engineers, Local 21, submitting copy of letter sent to the Civil Service Commission concerning Personal Services Contracts. Copy: Each Supervisor(17)

From Linda Wheeler, commenting on the changing of "No Parking" signs back and forth.(18)

From Kimo Crossman, commenting on Mayor Newsom's YouTube speech.(19)

From Rita Lark, regarding the alleged problems at the Hamilton Family Shelter.Copy: Supervisor Daly(20)

From Dr. Patrick Gianetto, urging the Board to take a closer look at the management of the San Francisco Zoo.(21)

From Christian Holmer, regarding access to email from Supervisor Ammiano's City Hall Offices.(22)

## **ADJOURNMENT**

### **Meeting Procedures**

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board 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, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

**USING LAPTOP COMPUTERS FOR PRESENTATIONS:** Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at [www.sfgov.org/site/bos\\_meetings](http://www.sfgov.org/site/bos_meetings) For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting 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 en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



### **Disability access**

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

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 Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.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 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)