



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, January 11, 2011 - 2:00 PM

Regular Meeting

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

Angela Calvillo, Clerk of the Board

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

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee
Supervisors

City Operations and Neighborhood Services Committee
Supervisors Chu, Avalos

Government Audit and Oversight Committee
Supervisors

Land Use and Economic Development Committee
Supervisors

Public Safety Committee
Supervisors

Rules Committee
Supervisors

Meeting Days

Wednesday
11:00 AM

2nd and 4th Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
10:30 AM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

Meeting Procedures

Board procedures do not permit: 1) persons in the audience at a Board meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; 4) standing in the meeting room. The public is encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

AGENDA PACKET: Available for review in Clerk's Office, Room 244, City Hall, and on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SF Cable 26. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719**

Disability Access

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 F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. For more information about MUNI accessible services, call (415) 701-4485.

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

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

Know Your Rights Under The Sunshine Ordinance

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

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

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

Lobbyist Registration and Reporting Requirements

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

Agenda Item Information

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

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

There are no items.

REGULAR AGENDA

UNFINISHED BUSINESS

From the City Operations and Neighborhood Services Committee Without Recommendation

Present: Supervisors Chu, Avalos

1. [101445](#) **[Public Works Code - Banners on the Path of Gold]**
Sponsor: Dufty
Ordinance amending Public Works Code Section 184.78 to allow city neighborhood banners, as defined in Section 184.78, to be posted on the Path of Gold lamp posts lining Market Street, and adopting environmental findings.

Attachments: [Legislation VER1](#)

[Comm Packet 112210](#)

[Comm Packet 121310](#)

[Board Packet 010411](#)

[Legislation Ver3](#)

[Legislation Ver2](#)

[Board Packet 011111](#)

01/04/2011; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

01/04/2011; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

There are no items.

SPECIAL ORDER 3:00 P.M.

(Pending action on January 7, 2011, and pursuant to Charter Section 13.101(5)(b).)

Board of Supervisors Sitting as a Committee of the Whole

(The public comment legally required under California Government Code Section 54954.3 and Administrative Code Section 67.15(a) was closed on January 4, 2011.)

2. **101467** **[Appointment of a Successor Mayor]**
Sponsor: Daly
Motion to take nominations and appoint a successor Mayor in the event of a vacancy in the Office of the Mayor.

Attachments: [Legislation_VER1](#)

[Board Packet 112310](#)

[Board Packet120710](#)

[Board Packet 121410](#)

[Board Packet 010411](#)

[Board Packet 010711](#)

[Board Packet 011111](#)

01/04/2011; RECESSED.

Question: Shall this Motion be APPROVED?

Committee of the Whole Adjourn and Report

(This item will only be acted upon in the event of a vacancy in the Office of the Mayor.)

3. **110007** **[Ratifying the Appointment of a Successor Mayor]**
Motion to ratify the appointment of a successor Mayor due to the occurrence of a vacancy in the Office of the Mayor for a term expiring January 8, 2012. (Clerk of the Board)

Attachments: [Legislation_VER1](#)

[Board Packet 010711](#)

[Board Packet 011111](#)

Question: Shall this Motion be APPROVED?

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.

4. **101543** **[Public Hearing - Appeal of Determination of Exemption from Environmental Review - 10 Lundys Lane]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated November 16, 2010, that a project located at 10 Lundys Lane (Building Permit Application No. 2010-08-27-9763) is exempt from environmental review under the California Environmental Quality Act (CEQA). The proposed work involves interior and exterior renovation of an existing single family home, Lot No. 029A in Assessor's Block No. 5610. (District 9) (Appellant: John de Soto)

(Filed December 2, 2010; Companion Measure to File Nos. 101544, 101545, 101546.)

Attachments: [Board Packet 011111](#)

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

5. **101544** **[Affirming the Exemption Determination - 10 Lundys Lane]**

Motion affirming the determination by the Planning Department that the project located at 10 Lundys Lane is exempt from environmental review. (Clerk of the Board)

Attachments: [Legislation VER1](#)

[Board Packet 011111](#)

Question: Shall this Motion be APPROVED?

6. [101545](#) **[Reversing the Exemption Determination - 10 Lundys Lane]**
Motion reversing the determination by the Planning Department that the 10 Lundys Lane project is exempt from environmental review. (Clerk of the Board)

Attachments: [Legislation VER1](#)
[Board Packet 011111](#)

Question: Shall this Motion be APPROVED?

7. [101546](#) **[Preparation of Findings to Reverse the Exemption Determination - 10 Lundys Lane]**
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 10 Lundys Lane is exempt from environmental review. (Clerk of the Board)

Attachments: [Legislation VER1](#)
[Board Packet 011111](#)

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 4:00 P.M.

8. [101547](#) **[Public Hearing - Appeal of Determination of Exemption from Environmental Review - 134-136 Ord Street Project]**
Hearing of persons interested in or objecting to the decision of the Planning Department dated April 8, 2010, Case No. 2009.1124DDV, that a project located 134-136 Ord Street is exempt from environmental review under Categorically Exemption, Class 1 (State CEQA Guidelines Section 15301). The proposed project involves construction of a new single-family home at the front of the subject lot, which new building would be located in front of an existing building on the lot, Lot No. 004 in Assessor's Block No. 2657. (District 8) (Appellant: Corbett Heights Neighbors)

(Filed December 9, 2010; Companion Measure to File Nos. 101548, 101549, 101550.)

Attachments: [Appeal Packet 041111](#)
[Board Packet 011111](#)

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

9. [101548](#) **[Affirming the Exemption Determination - 134-136 Ord Street]**
Motion affirming the determination by the Planning Department that the project located at 134-136 Ord Street is exempt from environmental review.

Attachments: [Legislation Ver1](#)
[Board Packet 011111](#)

Question: Shall this Motion be APPROVED?

10. [101549](#) **[Reversing the Exemption Determination - 134-136 Ord Street]**
Motion reversing the determination by the Planning Department that the 134-136 Ord Street project is exempt from environmental review.

Attachments: [Legislation Ver1](#)
[Board Packet 011111](#)

Question: Shall this Motion be APPROVED?

11. [101550](#) **[Preparation of Findings to Reverse the Exemption Determination - 134-136 Ord Street]**
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 134-136 Ord Street is exempt from environmental review.

Attachments: [Legislation Ver1](#)
[Board Packet 011111](#)

Question: Shall this Motion be APPROVED?

ROLL CALL FOR INTRODUCTIONS

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

PUBLIC COMMENT

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

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

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 12 through 14**12. 110015 [Accept and Expend Grant - With Open Arms - \$12,500]****Sponsor: Mirkarimi**

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of \$12,500 from van Löben Sels/RembeRock Foundation for mentoring and enrichment programming for participants in the With Open Arms initiative.

Attachments: [Legislation Ver1](#)[Board Packet 011111](#)

01/04/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?**13. 110016 [Authorization to Apply for CalFire State Grant - Urban Forest Enhancement]****Sponsor: Mayor**

Resolution authorizing the Department of the Environment for the City and County of San Francisco to apply for funding from the Department of Forestry and Fire Protection (CalFire) for a project to plant fruit bearing trees on appropriate City land.

Attachments: [Legislation Ver1](#)[Board Packet 011111](#)

01/04/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?**14. 101601 [Appointment, Health Officer - Tomás Javier Aragón]****Sponsor: Chiu**

Motion appointing Tomás Javier Aragón, effective on December 15, 2010, to the position of Health Officer for the City and County of San Francisco.

Attachments: [Legislation Ver1](#)[Board Packet 011111](#)

12/29/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

*Questions on the For Adoption Without Committee Reference
Agenda:_____*

15. 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 ORDINANCE

Proposed ordinance received from December 28, 2010, through January 3, 2011, for reference by President to appropriate committee on January 11, 2011.

110019

[Street Vacation Order - Transbay Transit Center]

Ordinance ordering the vacation of portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area; quitclaiming the City's interest in the vacation areas to the Transbay Joint Powers Authority; accepting Department of Public Works pending Order No.; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

Attachments: [Legislation VER1](#)

01/03/2011; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from December 28, 2010, through January 3, 2011, for reference by President to appropriate committee on January 11, 2011.

110001

[Agreement to Acquire Easement in Connection with the Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel]

Resolution approving and authorizing acceptance of a Right of Way Easement deed for a 50-year, exclusive, subsurface easement, at no charge, from United States Department of the Interior, for the purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

Attachments: [Legislation VER1](#)

12/28/2010; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

110002**[Exchange of Quitclaim Deeds - San Francisco Unified School District]**

Resolution (1) authorizing and directing execution of a quitclaim deed from the City and County of San Francisco to the San Francisco Unified School District, a political subdivision of the State of California, for 110 public school properties; (2) authorizing and directing the acceptance of a quitclaim deed by the City and County of San Francisco from the San Francisco Unified School District for five properties owned in fee by the City and County of San Francisco; and (3) adopting findings pursuant to City Planning Code Section 101.1. (Real Estate Department)

Attachments: [110002.doc](#)

12/30/2010; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

110017**[Street Vacation - Resolution of Intent - Transbay Transit Center]**

Resolution declaring the intention of the Board of Supervisors to vacate portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area; and setting the hearing date for all persons interested in the proposed vacation of said public right-of-way areas and public service easements. (Real Estate Department)

Attachments: [Legislation VER1](#)

01/03/2011; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

110030**[Petitions and Communications]**

Petitions and Communications received from December 28, 2010, through January 3, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on January 11, 2011.

From Sue Vaughan, submitting support for the declining fossil fuel report. (1)

From concerned citizens, submitting opposition to proposed legislation to implement a Civic Center Community Benefit District. File No. 101526, 9 letters (2)

From concerned citizens, submitting support for the Parkmerced Project. 2 letters (3)

From Voy Wiederhold, submitting additional petitioners opposing the Civic Center Community Benefit District. File No. 101526, Copy: Each Supervisor (4)

From various organizations, submitting support for Vince Courtney to SFPUC. File No. 101507, Copy: Rules Committee Clerk, 5 letters (5)

From concerned citizens, submitting opposition to Richard Johns to HPC. File No. 101512, 7 letters (6)

From concerned citizens, submitting support for the reappointment of Andrew Wolfram and Karl Hasz, and opposition to the appointment of Richard Johns to HPC. File Nos. 101513 and 101509 (7)

From Sandra Ferreira, regarding sidewalk sitting ban. (8)

From State Fish and Game Commission, submitting notice of regulations. (9)

From Office of the Treasurer and Tax Collector, submitting the November 2010 investment report. (10)

ADJOURNMENT