



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, February 7, 2012 - 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, 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 Chu, Avalos, Kim

City and School District Select Committee
Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza

City Operations and Neighborhood Services Committee
Supervisors Elsbernd, Chu, Olague

Government Audit and Oversight Committee
Supervisors Farrell, Elsbernd, Chiu

Land Use and Economic Development Committee
Supervisors Mar, Cohen, Wiener

Public Safety Committee
Supervisors Avalos, Olague, Mar

Rules Committee
Supervisors Kim, Farrell, Campos

Meeting Days

Wednesday
1:00 PM

2nd and 4th Thursday
3:30 PM

2nd and 4th Monday
10:00 AM

2nd and 4th Thursday
1:00 PM

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

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

Lobbyist Registration and Reporting Requirements

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

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

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

Items 1 through 9

Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Avalos, Kim

1. [120018](#) **[Re-Appropriating \$1,574,127 of General Fund Reserves for State Revenue Loss to Support HIV/AIDS Programs at the Department of Public Health, FY2011-2012]**

Sponsors: Mayor; Wiener, Campos and Olague

Ordinance re-appropriating \$1,574,127 of General Fund reserves for State revenue loss to backfill federal funding reductions to HIV/AIDS programs at the Department of Public Health in FY2011-2012.

(Fiscal Impact)

Attachments: [Legislation Ver1](#)

[Comm Packet 01251212](#)

[Budget Analyst 012512](#)

[120018-2](#)

[Board Packet 013112](#)

[Board Packet 020712](#)

01/31/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. [120019](#) **[Accept and Expend Grant - Legal Educational Advocacy Program and Amendment to the Annual Salary Ordinance, FY2011-2012 - \$231,147]**

Sponsor: Campos

Ordinance authorizing the San Francisco Public Defender's Office to retroactively accept and expend a grant in the amount of \$231,147 from the Correction Standards Authority for the purpose of establishing a Legal Educational Advocacy Program; and amending Ordinance No. 146-11 (Annual Salary Ordinance, FY2011-2012) to reflect the addition of one Class 8177 Trial Attorney grant-funded position (0.50 FTE) at the San Francisco Public Defender's Office.

Attachments: [Legislation Ver1](#)

[Comm Packet 012512](#)

[Board Packet 013112](#)

[Board Packet 020712](#)

01/31/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

3. [111078](#) **[Planning Code and Zoning Map Amendments - India Basin Industrial Park]**
Sponsor: Cohen

Ordinance: 1) amending the San Francisco Planning Code Section 249.42 to allow outpatient medical care clinics; 2) amending the San Francisco Planning Code Zoning Map Sheet 8 SU to add parcels in Assessor's Block No. 5211, Lot Nos. 29 through 54 to the India Basin Special Use District, and remove the parcel in Assessor's Block No. 5211, Lot No. 28 from the Design and Development Special Use District and add it to the India Basin Special Use District; and 3) making environmental findings and findings of consistency with general plan.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response PLN 122111](#)

[Response PLN 120711](#)

[Comm Packet 012312](#)

[Comm Packet 013012](#)

[Legislation Ver2](#)

[Leg Digest Ver2](#)

[Board Packet 013112](#)

[Board Packet 020712](#)

01/31/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Kim, Farrell, Campos

- 4. **111298** **[Settlement of Lawsuit - Mary Jenn - \$72,500]**
Ordinance authorizing settlement of the lawsuit filed by Mary Jenn against the City and County of San Francisco for \$72,500; the lawsuit was filed on November 12, 2010, in San Francisco County Superior Court, Case No. CGC-10-505363; entitled Mary Jenn v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Legislation_Ver1](#)
[Board Packet 013112](#)
[Board Packet 020712](#)

01/31/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 5. **111299** **[Settlement of Lawsuit - DeWolf Realty Company, Inc. - \$91,000]**
Ordinance authorizing settlement of the lawsuit filed by DeWolf Realty Company, Inc., Gordon Pederson, and Chubb Custom Insurance Company against the City and County of San Francisco for \$91,000; the lawsuit was filed on July 19, 2010, in San Francisco Superior Court, Case No. CGC-10-501664; entitled DeWolf Realty Company, Inc., et al., v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Legislation_Ver1](#)
[Board Packet 013112](#)
[Board Packet 020712](#)

01/31/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 6. **111369** **[Settlement of Lawsuit - Linda Iacovetta - \$210,000]**
Ordinance authorizing settlement of the lawsuit filed by Linda Iacovetta against the City and County of San Francisco for \$210,000; the lawsuit was filed on August 4, 2011, in San Francisco Superior Court, Case No. CGC-10-502231; entitled Linda Iacovetta, et al. v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Legislation_Ver1](#)
[Board Packet 013112](#)
[Board Packet 020712](#)

01/31/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. [111370](#) **[Settlement of Lawsuit - Metro Fuel, LLC - City to Receive \$1,750,000; Approval of Settlement and Relocation Agreement; Waiver of Administrative Code Subsections 2.21(d) and (e)]**

Ordinance: 1) authorizing settlement of the lawsuit filed by Metro Fuel against the City and County of San Francisco for payment to the City of \$1,750,000; the lawsuit was filed on November 30, 2007, in the United States District Court for the Northern District of California, Case No. C07-6067 PJH; entitled Metro Fuel, LLC v. City and County of San Francisco, et al.; other material terms of said settlement include settlement of the City's notices of violation against unpermitted panel signs, setting up a process for approval of the relocation and disaggregation of existing lawful billboards to other locations and payment of settlement following the City's approval of relocation permits for such billboards; 2) approving a Relocation and Settlement Agreement for the relocation of certain existing lawful billboards; and 3) waiving the requirements of San Francisco Administrative Code Subsections 2.21(d) and (e). (City Attorney)

Attachments: [Legislation Ver1](#)

[Board Packet 013112](#)

[Board Packet 020712](#)

01/31/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. [111372](#) **[Settlement of Lawsuit - City to Receive \$3,170,000 for Sale of Parcel in San Mateo County]**

Ordinance authorizing settlement of a lawsuit filed by San Mateo County Transit District against the City and County of San Francisco and Artichoke Enterprises, Inc., aka Artichoke Joe's; and Does 1 through 50, to condemn and take by right of eminent domain property owned by the City and County of San Francisco located in San Bruno, California, for \$3,170,000; the lawsuit was filed April 13, 2010, in San Mateo County Superior Court, Case No. CIV 494013; entitled San Mateo County Transit District v. City and County of San Francisco, Artichoke Enterprises, Inc. aka Artichoke Joe's; and Does 1 through 50, inclusive. (City Attorney)

Attachments: [Legislation Ver1](#)

[Board Packet 013112](#)

[Board Packet 020712](#)

01/31/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. [111373](#) **[Settlement of Lawsuit - City to Pay \$238,000 for Subsurface Easement in Alameda County]**

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100, to condemn and take by right of eminent domain a permanent subsurface easement of approximately 69,609 square feet in property owned by San Mateo County Transit District, located in Newark, California, commonly known as APNs 537-0551-020 and 537-0551-021-01; filed June 3, 2010, in Alameda County Superior Court, Case No. RG 10518243; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; Union Sanitary District for the County of Alameda, State of California; and Does 1 through 100. (City Attorney)

Attachments: [Legislation VER1](#)

[Board Packet 013112](#)

[Board Packet 020712](#)

01/31/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Avalos, Mar, Elsbernd

10. [101055](#) **[Environment Code - Checkout Bags and Checkout Bag Charge]**
Sponsors: Olague; 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, if they provide a customer with a checkout bag; 3) setting an operative date of October 1, 2012; and 4) making environmental findings.

(Economic Impact)

- Attachments:** [Legislation Ver1](#)
[Response PLN 101210](#)
[Legislation Ver2](#)
[Legislation Ver3](#)
[Comm Packet 111411](#)
[Legislation Ver4](#)
[Board Packet 112211](#)
[Legislation Ver5](#)
[Leg Digest Ver5](#)
[Board Packet 120611](#)
[Economic Impact Report.pdf](#)
[Legislation Ver6](#)
[Leg Digest Ver6](#)
[Board Packet 020712](#)

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

11/22/2011; CONTINUED AS AMENDED ON FIRST READING.

12/06/2011; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

12/06/2011; CONTINUED AS AMENDED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Mar, Wiener, Chu

11. [111248](#) **[Regulations for Jane Warner and Harvey Milk Plazas]**

Sponsor: Wiener

Ordinance: 1) approving regulations for Jane Warner Plaza at the intersection of Castro and 17th Streets and Harvey Milk Plaza adjacent to the intersection of Castro and Market Streets; and 2) authorizing official acts in connection with the regulations.

- Attachments:** [Legislation_Ver1](#)
[Legislation_Ver2](#)
[Leg_Digest_Ver2](#)
[Response_SFPD_122911](#)
[Comm_Packet_012312](#)
[Legislation_Ver3](#)
[Leg_Digest_Ver3](#)
[Board_Packet_013112](#)
[Legislation_Ver4](#)
[Legislation_Ver5](#)
[Leg_Digest_Ver5](#)
[Board_Packet_020712](#)

01/31/2012; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

01/31/2012; AMENDED.

01/31/2012; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Avalos, Kim

12. [120045](#) **[Revising Findings - Contract Approval for Design and Construction of New Fire Station - 935 Folsom Street]**

Sponsor: Kim

Ordinance amending Ordinance No. 218-10 to revise the findings supporting the waiver of Chapter 6 of the Administrative Code for a Conditional Land Disposition and Acquisition Agreement between the City and the San Francisco Museum of Modern Art for the design and construction of the new fire station to be located at 935 Folsom Street, San Francisco, California.

(Fiscal Impact)

- Attachments:** [Legislation ver1](#)
[120045 Leg Digest](#)
[Budget Analyst 020112](#)
[Comm Packet 020112](#)
[Board Packet 020712](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

13. [120050](#) **[Administrative Code - Health Service System Plans and Contribution Rates]**

Sponsor: Chu

Ordinance amending the San Francisco Administrative Code, Chapter 16, Article XV, of Part 1, Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal Impact)

- Attachments:** [Legislation Ver1](#)
[Budget Analyst 020112](#)
[Comm Packet 020112](#)
[Board Packet 020712](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

14. [120051](#) **[Establishing Monthly Contribution Amount to the Health Service Trust Fund]**

Sponsor: Chu

Resolution establishing the monthly contribution amount to the Health Service Trust Fund.

(Fiscal Impact)

- Attachments:** [Legislation Ver1](#)
[Budget Analyst 020112](#)
[Comm Packet 020112](#)
[Board Packet 020712](#)

Question: Shall this Resolution be ADOPTED?

15. [120002](#) **[Accept and Expend Gift - Mayor's Fund for the Homeless]**
Resolution accepting bequest by the late Leila Boroughs, authorizing its expenditure by the Mayor's fund for the homeless for the purpose of assisting San Francisco's homeless and extending appreciation to Ms. Boroughs for her gift. (Human Services Department)

Attachments: [Legislation Ver1](#)
[Comm Packet 020112](#)
[Board Packet 020712](#)

Question: Shall this Resolution be ADOPTED?

From the Budget and Finance Committee Without Recommendation

Present: Supervisors Chu, Avalos, Kim

16. [120022](#) **[Agreement - Motorola - Bay Area Regional Interoperable Communications Systems]**
Sponsor: Mayor
Resolution approving site access and use agreement with Motorola for the San Francisco sites to be used for the Bay Area 700 MHz public safety broadband spectrum to be managed and operated by the Bay Area Regional Interoperable Communications Systems for a term of 12 years; and making findings, including environmental findings.

(Fiscal Impact)

Attachments: [Legislation Ver1](#)
[Comm Packet 012512](#)
[Budget Analyst 012512](#)
[Budget Analyst 020112](#)
[Comm Packet 020112](#)
[Board Packet 020712](#)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

17. [111281](#) **[Sidewalk Width Changes - Establishing a Streamlined Process for Certain Changes]**

Sponsors: Mayor; Wiener

Ordinance: 1) amending Ordinance No. 1061 to grant authorization to the Director of the Public Works Department to approve certain changes to official sidewalk widths, as specified herein, that would streamline reviews and approvals for such changes and ensure consistency with the General Plan; 2) establishing fees for processing administrative sidewalk width changes; 3) adopting environmental findings; and 4) authorizing official acts in connection with this Ordinance.

Attachments: [Legislation Ver1](#)
[Leg Digest Ver1](#)
[Response PLN 010512](#)
[Comm Packet 013012](#)
[Board Packet 020712](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

18. [111305](#) **[Planning Code Amendments - Glen Park Area Plan]**

Sponsor: Wiener

Ordinance amending the San Francisco Planning Code by: 1) adding and amending various sections to implement the Glen Park Area Plan, bounded generally by Chenery Street to the north, Roanoke Street to the east, San Jose Avenue and Bosworth Street to the south, and Elk Street to the west; 2) creating a new Section 738.1, establishing zoning controls for the Glen Park Neighborhood Commercial Transit district; and 3) making findings, including environmental findings and findings of consistency with General Plan and with the Priority Policies of Planning Code Section 101.1. (Planning Department)

Attachments: [Legislation Ver1](#)
[Leg Digest Ver1](#)
[Comm Packet 013012](#)
[Board Packet 020712](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. [111306](#) **[Zoning Map Amendments - Glen Park Area Plan]**

Sponsor: Wiener

Ordinance amending the City and County of San Francisco Zoning Map Sheets ZN11 and HT11 to: 1) create a new zoning district, and amend height and bulk districts within the Glen Park Area Plan, as proposed in the Glen Park Community Plan; and 2) making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

Attachments: [Legislation Ver1](#)
[Leg Digest Ver1](#)
[Comm Packet 013012](#)
[Board Packet 020712](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

20. [111307](#) **[General Plan Amendments - Glen Park Area Plan]**
Ordinance amending the San Francisco General Plan by adding the Glen Park Area Plan; and making findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

Attachments: [Legislation_Ver1](#)
[Leg_Digest_Ver1](#)
[Comm_Packet_013012](#)
[Board_Packet_020712](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Kim, Farrell, Campos

21. [120033](#) **[Confirming Appointment, City Administrator - Naomi Kelly]**
Sponsor: Mayor
Motion confirming the Mayor's appointment of Naomi Kelly to a five-year term as City Administrator under Charter Section 3.104.

Attachments: [Legislation_Ver1](#)
[Comm_Packet_012612](#)
[Board_Packet_020712](#)

Question: Shall this Motion be APPROVED?

(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendment appropriately may be continued at least one week.)

22. [111330](#) [Charter Amendment - Consolidating Odd-Year Municipal Elections]

Sponsor: Wiener

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101, 13.101, and Article XVII to: 1) change the election cycle for the offices of City Attorney and Treasurer so that these offices will be elected in the same years as the elections for the offices of Mayor, District Attorney, and Sheriff; and 2) to amend the definition of general municipal election so that such elections occur only in even-numbered years and every other odd-numbered year.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Comm Packet 012612](#)

[Board Packet 020712](#)

Question: Shall this Charter Amendment be SUBMITTED?

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

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4:00 p.m. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4:00 p.m. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4:00 p.m.:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4:00 p.m.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4:00 p.m.

23. **120005** **[Public Hearing - Conditional Use Appeal - 601-14th Avenue]**
 Hearing of persons interested in or objecting to the decision of the Planning Commission's December 8, 2011, Conditional Use Authorization identified as Planning Case No. 2011.0198C, by its Motion No. 18503, under Planning Code Sections 209.6(b) and 303 to remove existing omni antennas and install a wireless telecommunications facility consisting of up to four panel antennas concealed in one faux chimney located on the northern portion of the roof and related equipment in the basement of a three-story publicly-used structure (Bureau of Jewish Education) as part of AT&T's Wireless Telecommunications Network within the RM-1 (Mixed, Low Density) Zoning District, and a 40-X Height and Bulk District, on property located at 601-14th Avenue, Assessor's Block No. 1630, Lot No. 001. (District 1) (Appellant: Pastor Nikolay Gusenkov on behalf of the First Slavic Baptist Church of San Francisco and subscribed by Supervisors Mar, Chiu, Campos, Avalos, and Wiener) (Filed January 9, 2012).

Attachments: [Board Packet 020712](#)

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.)

24. [120006](#) **[Approving Planning Commission Decision Related to Conditional Use Authorization - 601-14th Avenue]**

Motion approving decision of the Planning Commission by its Motion No. 18503, approving Conditional Use Authorization identified as Planning Case No. 2011.0198C on property located at 601-14th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Attachments: [Legislation Ver1](#)
[Board Packet 020712](#)

Question: Shall this Motion be APPROVED?

25. [120007](#) **[Disapproving Planning Commission Decision Related to Conditional Use Authorization - 601-14th Avenue]**

Motion disapproving decision of the Planning Commission by its Motion No. 18503, approving Conditional Use Authorization identified as Planning Case No. 2011.0198C on property located at 601-14th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Attachments: [Legislation Ver1](#)
[Board Packet 020712](#)

Question: Shall this Motion be APPROVED?

26. [120008](#) **[Preparation of Findings Related to the Conditional Use Authorization - 601-14th Avenue]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2011.0198C on property located at 601-14th Avenue. (Clerk of the Board)

Attachments: [Legislation Ver1](#)
[Board Packet 020712](#)

Question: Shall this Motion be APPROVED?

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following items will be considered by the Rules Committee at a Regular Meeting on Thursday, February 2, 2012, at 1:30 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, February 7, 2012.

27. [120073](#) **[Appointment, Planning Commission - Cindy Wu]**
Motion approving/rejecting the President of the Board of Supervisors, Supervisor David Chiu's nomination of Cindy Wu to the Planning Commission, for the term ending July 1, 2012. (Clerk of the Board)
- (Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.)
Transmittal date - January 27, 2012.
- Attachments:** [Legislation Ver1](#)
[Comm Packet 020212](#)
[Legislation Ver2](#)
[Board Packet 020712](#)

Question: Shall this Motion be APPROVED?

28. [120074](#) **[Appointment, Board of Appeals - Arcelia Hurtado]**
Motion approving/rejecting the President of the Board of Supervisors, Supervisor David Chiu's nomination of Arcelia Hurtado to the Board of Appeals, for the term ending July 1, 2012. (Clerk of the Board)
- (Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.)
Transmittal date - January 27, 2012.
- Attachments:** [Legislation Ver1](#)
[Comm Packet 020212](#)
[Legislation Ver2](#)
[Board Packet 020712](#)

Question: Shall this Motion be APPROVED?

(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. In accordance therewith consideration of the following proposed Charter amendment appropriately may be continued at least one week.)

29. [111212](#) **[Charter Amendment - Replacing Ranked-Choice Voting with Run-Off Elections]**
Sponsors: Farrell; Elsbernd
Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 13.101, 13.101.5, 13.102, and 13.107 and Article XVII to replace ranked-choice voting with run-off elections.

Attachments: [Legislation_Ver1](#)
[Comm_Packet_012612](#)
[Legislation_Ver2](#)
[Comm_Packet_020212](#)
[Board_Packet_020712](#)

Question: Shall this Charter Amendment be SUBMITTED?

30. [111329](#) **[Charter Amendment - Consolidation of City Elections and Ranked-Choice Voting]**
Sponsors: Campos; Avalos
Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101, 13.101, 13.102, 13.103.5, and Article XVII to: 1) consolidate odd-year elections for City elective offices to a single year and 2) increase voter education and clarify implementation of ranked-choice voting.

Attachments: [Legislation_Ver1](#)
[Leg_Digest_Ver1](#)
[Comm_Packet_012612](#)
[Comm_Packet_020212](#)
[Board_Packet_020712](#)

Question: Shall this Charter Amendment be SUBMITTED?

31. [111331](#) **[Charter Amendment - Analyzing Proposed Legislation in Relation to Net Job Loss]**
Sponsor: Mayor
Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by adding Section 2.118, to require the Board of Supervisors to wait at least 60 days before adopting an ordinance that may result in a significant net loss of jobs in San Francisco, and to refer the ordinance to the Small Business Commission and Planning Commission for analysis.

Attachments: [Legislation_Ver1](#)
[Comm_Packet_012612](#)
[Legislation_Ver2](#)
[Comm_Packet_020212](#)

Question: Shall this Charter Amendment be SUBMITTED?

ROLL CALL FOR INTRODUCTIONS

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

PUBLIC COMMENT

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

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

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

Items 32 through 37

32. [120091](#) **[Commending the Mexican Museum for Distinction as New Affiliate of the Smithsonian Institute]**

Sponsors: Campos; Avalos and Olague

Resolution commending the Mexican Museum for its accomplishments and for welcoming the Smithsonian Institute to the City and County of San Francisco.

Attachments: [Legislation Ver1](#)

[Board Packet 020712](#)

01/31/2012; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

33. [120092](#) **[American Heart Month - February 2012]**
Sponsor: Chiu
Resolution recognizing February 2012, as American Heart Month in the City and County of San Francisco, and encouraging the improvement of cardiovascular health.

Attachments: [Legislation Ver1](#)
[Board Packet 020712](#)

01/31/2012; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

34. [120093](#) **[Accept and Expend Grant - Green Business Tracking Tool - \$59,190]**
Sponsor: Chu
Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$59,190 from the California Department of Toxic Substances Control to coordinate the Green Business Tracking and Measurement Tool.

Attachments: [Legislation Ver1](#)
[Board Packet 020712](#)

01/31/2012; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

35. [120094](#) **[Accept and Expend Grant - High Technology Crimes Unit - \$29,250]**
Sponsor: Cohen
Resolution authorizing the Department of the District Attorney to retroactively accept and expend a grant in the amount of \$29,250 through the State of California, Department of Justice, Office of the Attorney General's Privacy and Piracy Fund, for high-tech crime investigation and prosecution for the grant period of July 1, 2011, through June 30, 2012.

Attachments: [Legislation Ver1](#)
[Board Packet 020712](#)

01/31/2012; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

36. [120095](#) [Accept and Expend Grant - Tuberculosis Epidemiologic Studies - \$23,538]**Sponsor: Mar**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of \$23,538 from the California Department of Public Health, to participate in a program entitled Tuberculosis Epidemiologic Studies Task Order 1, "Improving the Diagnosis and Treatment of Latent Tuberculosis Infection" for the period of November 1, 2011, through September 28, 2012, and waiving indirect costs.

Attachments: [Legislation Ver1](#)

[Board Packet 020712](#)

01/31/2012; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

37. [120096](#) [Accept and Expend Grant - Longitudinal Research to Assess HIV Risk and Resilience Among Transgender Female - \$93,187]**Sponsor: Wiener**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant in the amount of \$93,187 from the Public Health Foundation Enterprises, to participate in a program entitled "Longitudinal Research to Assess HIV Risk and Resilience Among Transgender Female" for the period of July 18, 2011, through May 31, 2012.

Attachments: [Legislation Ver1](#)

[Board Packet 020712](#)

01/31/2012; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

38. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires eight (8) votes or a unanimous six (6) or seven (7). A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED RESOLUTIONS

Proposed resolutions received from January 24, 2012, through January 30, 2012, for reference by President to appropriate committee on February 7, 2012.

120075 **[Street Encroachment - Bus Stop Signs - Golden Gate Transit Bus Routes]**
Resolution: 1) granting revocable permission to Golden Gate Bridge Highway and Transportation District (Golden Gate Transit) to occupy portions of the public right-of-way to replace existing bus stop signs and install and maintain new bus stop signs at various locations along existing Golden Gate Transit bus routes; and 2) making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

01/23/2012; RECEIVED FROM DEPARTMENT.

120076 **[Airport Concession Lease - Paradies-SFO, LLC]**
Resolution approving the Terminal 3, Boarding Area F Newsstand Lease, between Paradies-SFO, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

01/27/2012; RECEIVED FROM DEPARTMENT.

01/27/2012; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

120077 **[Settlement of Claim - Carl Brogger - Not to Exceed \$240,000]**
Resolution approving proposed settlement of claim by Carl Brogger against the City and County of San Francisco for an amount not to exceed \$240,000; the claim was filed on January 20, 2012, bearing claim number 12-01603. (City Attorney)

Attachments: [Legislation Ver1](#)

01/30/2012; RECEIVED FROM DEPARTMENT.

01/30/2012; RECEIVED AND ASSIGNED to the Rules Committee.

120078 **[Settlement of Claim - Marco Fontana - Not to Exceed \$60,000]**
Resolution approving proposed settlement of claim by Marco Fontana against the City and County of San Francisco for an amount not to exceed \$60,000; the claim was filed on December 2, 2011, bearing claim number 12-01249. (City Attorney)

Attachments: [Legislation Ver1](#)

01/30/2012; RECEIVED FROM DEPARTMENT.

01/30/2012; RECEIVED AND ASSIGNED to the Rules Committee.

120117 [Petitions and Communications]

Petitions and Communications received from January 24 2012, through January 30, 2012, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on February 7, 2012.

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 the Port, submitting the Bauer's Intelligent Transportation Lease. File No. 111317, Copy: Each Supervisor, Budget and Finance Committee Clerk (1)

From Office of the Clerk of the Board, the following individual has submitted a Form 700 Statement:

Robert Selna, Legislative Aide - Leaving (2)

From Police Department, regarding a grant line item budget revision. Copy: Each Supervisor (3)

From Planning Department, regarding the carcinogenicity of styrene butadiene rubber (SBR) material intended to be scattered in San Francisco public spaces. (4)

From Office of the Mayor, submitting the following appointment: Copy: Rules Committee Clerk (5)

Small Business Commission

Mark Dwight, term ending January 6, 2016

From Clerk of the Board, submitting copy of memorandum sent to the Board of Supervisors regarding the following appointment by the Mayor: (6)

Small Business Commission

Mark Dwight, term ending January 6, 2016

From Supervisor David Chiu, submitting the following appointments: (7)

Building Inspection Commission

Debra Walker, residential tenant, term ending December 13, 2013

Warren Mar, residential landlord, term ending December 13, 2013

Mryna Melgar, member of the general public, term ending December 13, 2013

From concerned citizens, regarding ranked choice voting. File No. 111212, 3 letters (8)

From Office of the Mayor, submitting the following appointment: Copy: Rules Committee Clerk (9)

Residential Rent Stabilization and Arbitration Board

Shoba Dandillaya

From Clerk of the Board, submitting copy of memorandum sent to the Board of Supervisors regarding the following appointment by the Mayor: (10)

Residential Rent Stabilization and Arbitration Board

Shoba Dandillaya

From Supervisor David Chiu, submitting the appointment of Supervisor Malia Cohen to serve on the Disaster Council, effective immediately. Copy: Each Supervisor, Rules Committee Clerk (11)

From James Chaffee, regarding the Library Commission. (12)

From Cathy Lerman, regarding the Police Department's sole source contracts with LeadsOnLine, LLC. Copy: Each Supervisor, Human Rights Commission (13)

From Mission Bay Citizens Advisory Committee, submitting support for the transfer of the Redevelopment Agency's obligations and functions. File No. 120021, Copy: Each Supervisor (14)

From Jack Everett, submitting support for America's Cup. File No. 111358 (15)

From SF Ocean Edge, regarding the renovation of the Beach Chalet Athletic Field. Copy: Each Supervisor (16)

From Drew Howe, regarding the lack of adequate working class housing in San Francisco. (17)

From concerned citizen, regarding San Francisco Sanctuary City provisions and the Bologna Family trial. (18)

From concerned citizens, submitting support for proposed regulations for Jane Warner and Harvey Milk Plazas. File No. 111248, 2 letters (19)

From Paul Nisbett, regarding Supervisor Eric Mar. (20)

From Lena Rehberger, submitting support for bird safe buildings. (21)

From Verizon Wireless, submitting notification of one cellular antenna to be installed at 450-6th Avenue. (22)

*(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