



# 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 5, 2010 - 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

Agendas of the Board of Supervisors are available on the internet at [www.sfgov.org/bos](http://www.sfgov.org/bos)

#### BOARD COMMITTEES

##### **Committee Membership**

**Budget and Finance Committee**  
Supervisors Avalos, Mirkarimi, Chu

**City and School District Select Committee**  
Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas

**City Operations and Neighborhood Services Committee**  
Supervisors Dufty, Daly, Elsbernd

**Government Audit and Oversight Committee**  
Supervisors Mirkarimi, Mar, Maxwell

**Land Use and Economic Development Committee**  
Supervisors Maxwell, Mar, Chiu

**Public Safety Committee**  
Supervisors Chiu, Mirkarimi, Alioto-Pier

**Rules Committee**  
Supervisors Campos, Daly, Alioto-Pier

##### **Meeting Days**

Wednesday  
11:00 AM

1st and 3rd Thursday  
3:30 PM

2nd and 4th Monday  
10:30 AM

2nd and 4th Thursday  
1:00 PM

Monday  
1:00 PM

1st and 3rd Monday  
10:00 AM

1st and 3rd Thursday  
10:00 AM

## 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 at a Committee 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) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or 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.

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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.

**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](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.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 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

## **APPROVAL OF MEETING MINUTES**

*Approval of the October 27, 2009, November 3, 2009, November 10, 2009, November 17, 2009, November 17, 2009 (Special), November 24, 2009, December 8, 2009, and December 15, 2009, Board Meeting Minutes.*

## **AGENDA CHANGES**

*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.*

## **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.*

**Items 1 through 6****Recommendations of the Budget and Finance Committee**

*Present: Supervisors Avalos, Mirkarimi, Chu*

1. **091336** **[Public Employment - Amendment to the Annual Salary Ordinance FY 2009-2010 for the Department of the Environment]**  
**Sponsor: Mayor**  
Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of one position (.50 FTE) Class 5638 Environmental Assistant in the Department of the Environment.  
**Attachments:** [comm.packet](#)  
[Legislation Ver2](#)  
[Board Packet](#)  
  
12/15/2009; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**
  
2. **091368** **[Accept and Expend Grant - American Recovery and Reinvestment Act of 2009 and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$7,739,300]**  
**Sponsor: Mayor**  
Ordinance authorizing the San Francisco Public Utilities Commission to accept and expend a grant in the amount of \$7,739,300 from the U.S. Department of Energy through the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) under the Energy Independence and Security Act of 2007 (Pub. L. 110-140; 42 U.S.C. 17151 et seq.) for the Municipal Building Energy Efficiency Retrofit, Community Resilience, and Heating Systems Programs, and amending Ordinance Number 183-09 to reflect the addition of one and seven-tenths (1.7) grant-funded positions at the Department of the Environment.  
**Attachments:** [comm.packet](#)  
[091368.pdf](#)  
[Board Packet](#)  
  
12/15/2009; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**

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

*Present: Supervisors Dufty, Daly, Elsbernd*

3. [091373](#) **[Accept and Expend Grant - SF General Hospital Shuttle Bus Project - \$100,245]**

**Sponsor: Maxwell**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a grant totaling \$100,245 from the Bay Area Air Quality Management District to implement a shuttle service connecting San Francisco General Hospital and Mission Bay campuses with major transit hubs in San Francisco; for the period of January 15, 2010, through January 15, 2012.

**Attachments:** [Legislation Ver1](#)

[COMM Packet](#)

[Board Packet 010510](#)

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

4. [091375](#) **[Accept and Expend Grant - Southeast Health Opportunities - \$450,000]**

**Sponsors: Maxwell; Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) in the amount of \$450,000 to assist with a project entitled "Southeast Health Opportunities (SHOP);" for the period of September 30, 2009, through September 29, 2010.

**Attachments:** [Legislation Ver1](#)

[091375](#)

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

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

*Present: Supervisors Maxwell, Mar, Chiu*

5. [090962](#) **[Zoning - Amending the Citywide Definition of Tobacco Paraphernalia Establishments by Lowering the Threshold for Retail Stores to be Considered Tobacco Paraphernalia Establishments]**

**Sponsor:** Chiu

Ordinance amending the Planning Code to amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area projected to the floor, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non-use for a non-conforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

**Attachments:** [Comm Packet](#)

[Legislation Ver2](#)

[Board Packet](#)

12/15/2009; PASSED, ON FIRST READING.

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

6. [091284](#) **[Mission Bay - Park P21 Improvements]**

Ordinance designating a portion of State Trust Parcel 5 East of future Terry A. Francois Boulevard at future Mission Bay Boulevard for public open space and park purposes; naming the new park "Bayfront Park;" accepting and irrevocable offer for the acquisition facilities; designating said facilities to public open space and park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No.178,379 and authorizing official acts in connection with this Ordinance. (Public Works Department)

**Attachments:** [Comm Packet](#)

[Legislation Ver1](#)

[Board Packet](#)

12/15/2009; PASSED, ON FIRST READING.

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

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

**From the Clerk****7.     [091482](#)     [Adopting Findings Related to Affirming the Exemption Determination Issued for the 2750 Vallejo Street Project]**

Motion adopting findings related to affirming the exemption determination by the Planning Department that the 2750 Vallejo Street project is exempt from environmental review.  
(Clerk of the Board)

**Attachments:** [Legislation\\_Ver1](#)

[Board\\_Packet\\_010510](#)

12/30/2009; REFERRED to the Board of Supervisors.

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

**Recommendation of the Budget and Finance Committee****8.     [091354](#)     [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]**

**Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar**

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 236.42 FTEs in various job classes and delete 200.16 FTEs in various job classes for 11.8 pay periods (January 17, 2010, through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010, through June 30, 2010) in the Department of Public Health.

**Attachments:** [Legislation\\_Ver2](#)

[Board\\_Packet](#)

11/24/2009; DUPLICATED AND AMENDED. Duplicate of File No. 091203.

11/24/2009; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

11/24/2009; CONTINUED AS AMENDED ON FIRST READING.

12/15/2009; TABLED. Failed.

12/15/2009; PASSED ON FIRST READING.

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



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

*Present: Supervisors Maxwell, Mar, Chiu*

9.     **090583**     **[Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]**

**Sponsors: Avalos; Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending 37.9 to provide an owner the option of giving additional notice in lieu of making relocation payments for owner move-in eviction of a newly covered single-family home or individually owned condominium, provided the tenant was initially given specified notice of this status (new Section 37.9(a)(8)(ix)); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

**Attachments:**   [Legislation Ver1](#)

[Legislation Ver2](#)

[Comm Packet](#)

[Legislation Ver3](#)

[Board Packet](#)

[Legislation Ver4](#)

[Board Packet 010510](#)

12/08/2009; PASSED ON FIRST READING.

12/15/2009; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

12/15/2009; PASSED ON FIRST READING AS AMENDED.

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

## **NEW BUSINESS**

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

*Present: Supervisors Dufty, Daly, Elsbernd*

10. [091330](#) **[Urging the Department of Social Services to Immediately Reverse the Policy Excluding a Person with Any Felony Conviction from Serving as an In-Home Supportive Services Homecare Provider]**

**Sponsors:** Avalos; Mar and Dufty

Resolution urging the Department of Social Services to immediately reverse the policy excluding a person with any felony conviction or serious misdemeanor from serving as an In-Home Supportive Services independent homecare provider.

**Attachments:** [091330](#)

[Board\\_Packet\\_010510](#)

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

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

*Present: Supervisors Maxwell, Mar, Chiu*

**11.    [090319](#)    **[Zoning Ordinance Providing for a Five Feet Special Height Exception for Ground Floor Commercial Uses in NC-1 Designated Parcels]****

**Sponsor: Avalos**

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for commercial ground floor uses in NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; amending Section 710.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

**Attachments:** [Comm Packet](#)

[Legislation Ver3](#)

[Board Packet 010510](#)

08/04/2009; SUBSTITUTED.

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

**12.    [090835](#)    **[Residential Rent Ordinance Prohibiting Owner Move-In Evictions of Households with a Child Under the Age of 18, Except by an Owner Moving In with a Child and Except Where the Owner Only Owns One Unit in the Building]****

**Sponsors: Mar; Chiu**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owners move-in eviction where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner who will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).

(Supervisor Maxwell dissented in committee.)

**Attachments:** [Legislation Ver2](#)

[Comm Packet](#)

[Legislation Ver3](#)

[Board Packet 010510](#)

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

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

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

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 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.

**13. 091345 [Public Hearing - Appeal of Conditional Use Appeal for 1969 California Street]**

Hearing of persons interested in or objecting to decision of the Planning Commission by its Motion No. 17959 dated October 8, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2009.0639C), under Planning Code Sections 209.9 and 303 to allow the establishment of an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, on property located at 1969 California Street, Assessor's Block No. 0649, Lot No. 016. (District 5) (Appellant: Greg Scott on behalf of Pacific Heights Residents Association) (Clerk of the Board)

(Filed 11/9/09 - Companion Measure to File Nos. 091346, 091347, 001348)

**Attachments:** [Board Packet](#)

12/08/2009; CONTINUED. Continued to January 5, 2010.

**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.)**

14. [091346](#) **[Approving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]**

Motion approving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Attachments:** [Legislation VER1.DOC](#)

[Board Packet](#)

12/08/2009; CONTINUED. Continued to January 5, 2010.

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

15. [091347](#) **[Disapproving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street. (Clerk of the Board)

**Attachments:** [Legislation VER1.DOC](#)

[Board Packet](#)

12/08/2009; CONTINUED. Continued to January 5, 2010.

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

16. [091348](#) **[Preparation of Findings Related to the Conditional Use Appeal for 1969 California Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2009.0639C on property located at 1969 California Street, for action by the Board at its next meeting. (Clerk of the Board)

**Attachments:** [Legislation VER1.DOC](#)

[Board Packet](#)

12/08/2009; CONTINUED. Continued to January 5, 2010.

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

## COMMITTEE REPORTS

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

*The following item will be considered by the Public Safety Committee at a Regular Meeting on Monday, January 4, 2010, at 10:00 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, January 5, 2010.*

17. [091015](#) **[Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]**

**Sponsors: Mirkarimi; Campos, Avalos and Daly**

Ordinance adding a new Chapter 6 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.600, 3.605 and 3.610, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings.

(Supervisor Alioto-Pier dissented in committee.)

**Attachments:** [Legislation\\_Ver2](#)

[Legislation\\_Ver3](#)

[Board\\_Packet](#)

[COMM\\_Packet](#)

12/15/2009; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

12/15/2009; RE-REFERRED to the Public Safety Committee.

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

## ROLL CALL FOR INTRODUCTIONS

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

## PUBLIC COMMENT

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

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

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

## Items 18 through 21

18. [091463](#) **[Calling on Congress to Pass Meaningful Healthcare Reform that Promotes a Holistic Approach to Women's Health, Including Access to Reproductive Choice for All and a Robust Public Option]**

**Sponsor:** Daly

Resolution calling on Congress to pass meaningful healthcare reform that promotes a holistic approach to women's health with access to reproductive choice for all and a robust public option; opposing the Stupak-Ellsworth-Pitts Amendment and an amendment proposed by Senator Ben Nelson that would limit reproductive choice; supporting a strong public option like that proposed by Senator John D. Rockefeller or Representative Raul Grijalva; urging the United States Senate to pass meaningful healthcare reform that ensures access to health services, including reproductive health; urging the US Senate to continue opposing the inclusion of anti-choice language in health care reform; encouraging conferees to remove the Stupak amendment and include a robust public option; and commending members of the California congressional delegation who supported a robust public option and opposed the restrictions on reproductive choice.

**Attachments:** [Board Packet 010510](#)

12/15/2009; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

19. [091466](#) **[Revising the 2010 Board of Supervisors Regular Meeting Schedule]**

Motion revising the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, June 1, July 6, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 11 through September 3, 2010, and December 15 through December 31, 2010. (Clerk of the Board)

**Attachments:** [Legislation VER1.doc](#)

[Board Packet 010510](#)

12/15/2009; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

20. [091471](#) **[Final Map - 83 - 85 Brady Street]**

Motion approving Final Map 5548, a Six Residential Unit Condominium Project, located at 83 - 85 Brady Street being a subdivision of Lot 022 in Assessors Block No. 3505 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (District 6) (Public Works Department)

**Attachments:** [legislation version1](#)

[Board Packet 010510](#)

12/22/2009; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

21. [091484](#) **[Committee of the Whole - Annuling the Privilege to Occupy Certain Subsidewalk Basement Encroachments to Accommodate the Central Subway Project]**

**Sponsor: Chiu**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on January 12, 2010, to hold a public hearing on File No. 091479, a resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton Streets to accommodate the construction of the Central Subway Project.

**Attachments:** [Board Packet 010510](#)

12/30/2009; 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:* \_\_\_\_\_



**22. IMPERATIVE AGENDA**

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

*[Serious Injury Finding]*

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

*[Purely Commendatory Finding]*

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

*[Brown Act Finding]*

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

## LEGISLATION INTRODUCED AT ROLL CALL

### PROPOSED ORDINANCES

*Proposed ordinances received from December 8, 2009, to December 28, 2009, for reference by President to appropriate committee on January 5, 2010.*

#### **091475**

##### **[General Plan Amendment - Market and Octavia Area Plan]**

Ordinance amending the Market and Octavia Area Plan of the General Plan (an Area generally described as approximately one square mile surrounding the Market Street and Octavia Boulevard intersection) to amend the historic resource provisions of the Plan to integrate the results of the Historic Resource Survey by removing language calling for the Area Plan Level Survey, calling out new historic districts, replacing interim procedures for the review of projects that may affect historic resources with permanent review procedures for projects in historic districts; and adding a new design principle; amending the provisions related to alleys to include terminology consistent with other Area Plans; and making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

12/28/2009; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

#### **091476**

##### **[Zoning Map Amendments - Market and Octavia Area Plan Historic Resource Survey Integration]**

Ordinance amending the Zoning Map Sheets 7 and 7H of the City and County of San Francisco Planning Code to amend certain height and bulk districts within the Market and Octavia Area Plan to increase the heights of certain parcels and retain the current heights on other parcels, consistent with the findings of the Market and Octavia Area Plan Historic Resources Survey, specifically increasing heights on some parcels in the Upper Market Street Historic District (an area generally described as Market Street between Church and Noe Streets); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

12/28/2009; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

#### **091477**

##### **[Zoning Map Amendments - 1415 Mission Street Project at Mission and Tenth Streets]**

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block No. 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Commission)

12/28/2009; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

## PROPOSED RESOLUTIONS

*Proposed resolutions received from December 8, 2009, to December 28, 2009, for reference by President to appropriate committee on January 5, 2010.*

### **091472 [Agreement to Purchase a Road Easement Over Portions of APN 011-001-028 Located in Stanislaus County]**

Resolution approving and authorizing an agreement for the purchase of a 0.48 acre permanent road easement over portions of Assessor's Parcel Number 011-001-028 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 (the "Project") for a purchase price of \$500; adopting findings under the California Environmental Quality Act ("CEQA"); adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

12/28/2009; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

### **091473 [Settlement of Department of Fair Employment and Housing Charge - Timothy Jones - \$83,251.89]**

Resolution approving the settlement of the Department of Fair Employment and Housing (DFEH) and Equal Employment Opportunity Commission (EEOC) charges filed by Timothy Jones against the City and County of San Francisco for \$83,251.89; DFEH and EEOC charges were filed on November 13, 2008: DFEH Charge No. E200809A0330-00-pe and EEOC Charge No. 37AA904035 entitled Jones v. CCSF. (City Attorney)

**Attachments:** [Legislation Ver1](#)

[Comm Packet 010710](#)

12/28/2009; RECEIVED AND ASSIGNED to the Rules Committee.

### **091474 [Settlement of Claim - Devorah Joseph - \$49,000]**

Resolution approving the settlement of the unlitigated claim filed by Devorah Joseph against San Francisco for \$49,000; claim was filed on July 28, 2008; additional material terms of said settlement are a full and final release. (City Attorney)

**Attachments:** [Legislation Ver1](#)

[Comm Packet 010710](#)

12/28/2009; RECEIVED AND ASSIGNED to the Rules Committee.

### **091478 [CEQA Findings for SFPUC Sunol Valley Water Treatment Plant Project in Alameda County]**

Resolution adopting findings under the California Environmental Quality Act (CEQA) including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Sunol Valley Water Treatment Plant and Treated Water Reservoir Project, Water System Improvement (WSIP)-funded Project No. CUW38101; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

12/28/2009; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

**091479**

**[Annulling the Privilege to Occupy Certain Subsurface Encroachments Along the Central Subway Alignment]**

Resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton Streets to accommodate the construction of the Central Subway Project. (Municipal Transportation Agency)

12/28/2009; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

**091480****[Petitions and Communications]**

Petitions and Communications received from December 8, 2009, through December 28, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on January 5, 2010.

From Capital Planning Commission, submitting support for resolution of public interest and necessity establishing the need for the Earthquake Safety and Emergency Response General Obligation Bond. Copy: Each Supervisor, Budget and Finance Clerk (1)

From concerned citizens, submitting opposition to proposed legislation to expand rent control laws on buildings built after 1979. Copy: Each Supervisor, File No. 090583, 6 letters (2)

From Harriet Rafter, submitting support for proposed legislation to expand rent control laws on buildings built after 1979. File No. 090583 (3)

From Office of the Controller, submitting report regarding improving keyword searches and reflecting Standard Industrial Classifications and the National American Industry Classification System to enable users to refine searches and better identify small and local businesses to bid on City work. (Reference No. 20091020-002) (4)

From Planning Department, submitting notice that a draft Environmental Impact Report has been prepared for the Crystal Springs Pipeline No. 2 Replacement Project and a copy of this report is available for public review and comment. (5)

From Becky Draper, submitting support for proposed project at 2750 Vallejo Street. Copy: Each Supervisor, File No. 091309 (6)

From Kimo Crossman, regarding the 1996 amendment to the Administrative Code, governing requirements for the release and storage of information stored in electronic form. (7)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from 8:20 a.m., December 15, 2009, until 11:59 p.m., December 16, 2009. Supervisor Chu will serve as Acting Mayor. Copy: Each Supervisor, City Attorney (8)

From Eula Walters, submitting support for Ferry Park remaining the green, beautiful park that it is today. Copy: Each Supervisor (9)

From Office of the Controller, submitting the Schedule of Cash, Investments, and Accrued Interest Receivable Report for the Office of the Treasurer and Tax Collector. Copy: Each Supervisor (10)

From Office of the Controller, submitting report concerning the cash handling audit of the Security Access Office at San Francisco International Airport. (11)

From Office of the Controller, submitting an assessment and review report of the effect of the Biotechnology Tax Exclusion, after it has been in effect for five years. (12)

From Department of Public Health, submitting the Quarterly Surveillance Report of AIDS cases reported through September 2009. (13)

From Dr. Ahimsa Sumchai, regarding the draft Environmental Impact Report for the proposed development at Candlestick Point. (14)

From concerned citizens, submitting support for preserving the historic 18-hole Sharp Park Golf Course. File No. 091307, 3 letters (15)

From Susan McCullough, submitting opposition to proposed legislation regarding parking requirements and garage installation in existing residential buildings in Telegraph Hill, North Beach, and Chinatown. File No. 091165 (16)

From James Chaffe, submitting letter entitled Bringing Game Theory to Sunshine. (17)

From Arthur Evans, commenting that in recent years the city has been flooded with increasing throngs of nomadic psychotics, addicts, and alcoholics who flock here from across the country. 2 letters (18)

From California Public Utilities Commission, submitting notice that PG & E has filed an application seeking approval to construct, own, and operate the Manzana Wind Project in eastern Kern County, in the Tehachapi region of southern California. (19)

From Office of the Controller, submitting the Monthly Economic Barometer Report for October 2009. (20)

From SF Association of Realtors, submitting opposition to proposed ordinance that would prohibit owner move-in evictions where any tenant is under the age of 18 and a member of a household who has resided in the unit for at least 12 months. File No. 090835, Copy: Land Use Committee and Clerk (21)

From Office of the Controller, submitting the Street and Sidewalk Maintenance Annual Report for FY 2008-2009. This report provides the results from inspections in FY 2008-2009 and includes recommendations to improve the City's performance. Copy: Each Supervisor (22)

From Office of the Controller, submitting the Parks Annual Report for FY 2008-2009. Copy: Each Supervisor (23)

From Human Services Agency, submitting the final report on the plan to coordinate all foster care placement improvement plans among Juvenile Probation, Department of Public Health, and Human Services Agency for children and youth in need of high-end residential treatment. Copy: Each Supervisor (24)

From State Department of Corrections and Rehabilitation, submitting notice that the Corrections Standards Authority conducted their Biennial Inspections of the following San Francisco Police Department temporary holding facilities: Northern, Bayview, Park, Ingleside, Taraval, Tenderloin, Richmond, Mission, and South Terminal S.F.O. Copy: Each Supervisor (25)

From State Department of Corrections and Rehabilitation, submitting the Corrections Standards Authority Biennial Inspections Report for the following San Francisco Police Department temporary holding facilities: Northern, Bayview, Park, Ingleside, Taraval, Tenderloin, Richmond, Mission, and South Terminal S.F.O. Copy: Each Supervisor (25)

From Office of the Controller, submitting the Government Barometer Report for October 2009. Copy: Each Supervisor (26)

From Office of the Controller, responding to request for an estimate as to the costs incurred by the City and County of San Francisco during the November 23, 2009, SEIU 1021, demonstration that blocked part of Market Street. (Reference No. 20091124-001) (27)

From Human Services Agency, submitting the Department of Aging and Adult Services' Year End Report of its Area Plan. (28)

From James Corrigan, commenting on various issues with the Fire Department. 2 letters (29)

From Francisco Da Costa, urging the Board of Supervisors to vote against proposed legislation regarding changes to discretionary review. File No. 091020 (30)

From various Bay Area conservation organizations, regarding the draft Environmental Impact Report for the proposed project to rebuild the seismically challenged Calaveras Dam in the upper Alameda Creek watershed. (31)

From Michael Beekboel, submitting support for affordable clean renewable energy in San Francisco. (32)

From Commission on the Status of Women, submitting resolution opposing the Stupak-Ellsworth-Pitts amendment to restrict reproductive choice. (33)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from December 20, 2009, until December 27, 2009. Supervisor Alioto-Pier and Supervisor Elsbernd will serve as Acting-Mayor. Copy: Each Supervisor, City Attorney (34)

From Office of the Mayor, submitting letter explaining why Mayor Newsom is returning legislation unsigned that was finally passed by the Board of Supervisors that de-appropriates \$1,881,896 in funding that is currently on reserve within the Department of Public Health for salaries and benefits at SF General Hospital, and re-appropriating those dollars to cover different salary costs within the Department of Public Health for two months. File Nos. 091202, 091203, Copy: Each Supervisor, City Attorney (35)

From Office of the Mayor, submitting the Mayor's FY 2009-2010 proposed Mid-Year budget solutions for City and County of San Francisco. Copy: Each Supervisor (36)

From Mary Sheeran, submitting opposition to proposed legislation prohibiting smoking in enclosed areas, certain unenclosed areas, and sports stadiums. File No. 091443 (37)

From Amy Knight, submitting support for proposed legislation prohibiting smoking in enclosed areas, certain unenclosed areas, and sports stadiums. File No. 091443 (38)

From concerned citizens, submitting support to uphold the Letter of Determination issued by the Planning Department to allow the Masonic Memorial Temple to continue to serve the community as a vital cultural venue in San Francisco. 2 letters (39)

From Save Stow Lake Boat House Coalition, submitting support for saving the one-of-a-kind, old fashioned snack bar at Stow Lake for future generations. (40)

From Abdalla Megahed, regarding his family's proposed plan to open a restaurant in the new hotel at Treasure Island. (41)

From Roland Wong, thanking the Municipal Transportation Authority for the installation of the automatic push-button door openers at Forest Hill Station. (42)

From Christine Harris, urging the Board of Supervisors to pass legislation for stronger anti-stalking laws. (43)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Merry X-Ray Chemical Corporation to provide radiographic equipment. (44)

From William Zimmerman, suggesting one way to get rid of cigarette butts is to ban filtered cigarettes within the City and County of San Francisco. (45)

From Marilyn Buchler, submitting support for appeal of Conditional Use Authorization for proposed project at 1969 California Street. (46)

From California Public Utilities Commission, submitting application of Blue & Gold Fleet, L.P., for authorization to increase passenger fares on its Vessel Common Carrier service on San Francisco Bay between Angel Island State Park and authorized points in San Francisco. (47)

From California Public Utilities Commission, submitting application of Blue & Gold Fleet, L.P., for authorization to increase passenger fares on its Vessel Common Carrier service on San Francisco Bay between Tiburon and authorized points in San Francisco. (48)

From California Public Utilities Commission, submitting application of Blue & Gold Fleet, L.P., for authorization to increase passenger fares on its Vessel Common Carrier service on San Francisco Bay between the City of Sausalito and authorized points in San Francisco. (49)

From Office of the Clerk of the Board, submitting Form 700 Statement of Economic Interests for Gabe Cabrera, Office of Legislative Analyst (leaving). (50)

From concerned citizens, submitting opposition to proposed development by Lennar at Candlestick Point pending completion of a thorough Environmental Impact Report. Copy: Each Supervisor 2 letters (51)

From Office of the Treasurer & Tax Collector, submitting the Monthly Investment Report for November 2009. (52)

From Department of Public Works, regarding status of removing graffiti from utility boxes and bus shelters at various locations in District 5. (Reference No. 20091124-004) (53)

From Department of Public Works, regarding status of removing graffiti from utility poles at various locations in District 5. (Reference No. 20091124-005) (54)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20091124-007) (55)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20091208-003) (56)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20091215-003) (57)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20091124-006) (58)

From Matt Gunderson, regarding the increase in city fees and the uncertainty of soccer fields in San Francisco. (59)

From Sarah Lefton, commenting on the Haight Ashbury district that has become a hostile, scary neighborhood. (60)

From J. Taylor, submitting proposal for a carbon offset tax based on a one cent or partial cent tax on a gallon of gasoline. (61)

From Francisco Da Costa, regarding the lack of representation on the Redevelopment Agency Commission for the Bayview Hunters Point, Candlestick Point and Visitation Valley neighborhoods. (62)



From Tara Vance, regarding the San Francisco Police Department and the citizens of San Francisco. (63)

From State Fish and Game Commission, submitting notice of proposed emergency regulatory action relating to incidental take of Pacific fisher. (64)

From Department of Public Works, regarding status of removing graffiti from various locations in District 5. (Reference No. 20091208-008) (65)

From Kimo Crossman, regarding proposal that would attach a warning feature when purchasing cell phones of the danger of brain cancer. (66)

From Human Rights Commission, submitting report regarding improving keyword searches and reflecting Standard Industrial Classifications and the National American Industry Classification System to enable users to refine searches and better identify small and local businesses to bid on City work. (Reference No. 20091020-004) (67)

From Daniel Baker, submitting notice that an application for Bay Airporter Express, Inc., was filed with California Public Utilities Commission, seeking a passenger stage corporation certificate to perform an on-call, door-to-door service on a 24-hours per day, seven days per week basis between points in San Francisco, Alameda, Contra Costa, Solano and San Mateo Counties, and San Francisco, Oakland and San Jose International Airports. (68)

## **ADJOURNMENT**