



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 12, 2010 - 2:00 PM

Regular Meeting

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

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.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bos_meetings Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

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

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

Disability Access

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

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

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. For more information about MUNI accessible services, call (415) 701-4485.

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

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

Know Your Rights Under The Sunshine Ordinance

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

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

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

Agenda Item Information

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 on the Friday preceding a regularly scheduled Board meeting.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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 3

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

1. **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.

08/04/2009; SUBSTITUTED.

01/05/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Public Safety Committee

Present: Supervisors Chiu, Mirkarimi

2. **091385 [Approving the Extension of the Existing Three-Year Plan for State-Funded Child Abuse Prevention Programs]**
Sponsor: Mirkarimi
Resolution approving the extension of City and County of San Francisco's Three-Year County Plan for the Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families programs. (Human Services Department)

Question: Shall this Resolution be ADOPTED?

3. **091440 [Accept and Expend Grant - Second Chance Act Prisoner Reentry Initiative - \$600,000]**
Sponsor: Dufty
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the Bureau of Justice Assistance in the amount of \$600,000 to provide direct services for adult state prisoners and parolees; for the period of October 1, 2009, through September 30, 2010.

Question: Shall this Resolution be ADOPTED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

4. 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.
- 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; PASSED ON FIRST READING.
- 01/05/2010; CONTINUED ON FINAL PASSAGE. Continued to January 12, 2010.
- Question: Shall this Ordinance be FINALLY PASSED?**

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

5. 090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]

Sponsors: Avalos; Campos, Mirkarimi and Mar

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.

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.

01/05/2010; CONTINUED ON FINAL PASSAGE. Continued to January 12, 2010.

Question: Shall this Ordinance be FINALLY PASSED?

6. 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.)

01/05/2010; CONTINUED ON FIRST READING. Continued to January 12, 2010.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Public Safety Committee

Present: Supervisors Chiu, Mirkarimi

7. **091015** **[Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]**
 Sponsors: Mirkarimi; Campos, Avalos and Daly
 Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding sections 3.600, 3.605, 3.610 and 3.615, 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 and to require the Police Department to report to the Board of Supervisors regarding the cost of security.
- 12/15/2009; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
- 12/15/2009; RE-REFERRED to the Public Safety Committee.
- 01/05/2010; CONTINUED ON FIRST READING. Continued to January 12, 2010.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

NEW BUSINESS**Recommendations of the Budget and Finance Committee**

Present: Supervisors Avalos, Mirkarimi, Chu

8. **091230** **[Department of Building Inspection Cash Revolving Fund]**
 Ordinance amending San Francisco Administrative Code Section 10.135 to increase the cash revolving fund of the Department of Building Inspection from \$600 to \$2,000. (Building Inspection Commission)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
9. **091421** **[Appropriating \$739,355 of Various Fee Revenues for Salaries, Fringe Benefits, and Services of Other Departments in the Department of Building Inspection for FY 2009-2010]**
 Sponsor: Mayor
 Ordinance appropriating \$739,355 of Intergovernmental Memorandum of Understanding and Vacant Building Fee revenues for salaries and fringe benefits for limited duration positions to fund fee collection costs, and to fund a projected work order shortfall with the City Attorney, for the Department of Building Inspection for FY 2009-2010.
- (Fiscal Impact.)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

- 10. 091422 [Public Employment - Department of Building Inspection]**
Sponsor: Mayor
Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY 2009-2010) to reflect the addition of eleven limited duration positions (4.9 FTE) in the Department of Building Inspection.

(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?
- 11. 091409 [Accept and Expend Grant - Sidney E. Frank Foundation and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$250,000]**
Sponsor: Mayor
Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$250,000 from the Sidney E. Frank Foundation to initiate the San Francisco Zero Energy Homes (SFZEH) Program which will create the tools necessary for San Franciscans to radically reduce the amount of energy they use and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

Question: Shall this Ordinance be PASSED ON FIRST READING?
- 12. 091420 [Accept and Expend Grant - Living Cities Initiative and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$175,000]**
Sponsor: Mayor
Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$175,000 from the Living Cities Initiative to support the City's Zero Energy Home Program by accelerating the use of home performance testing of existing buildings throughout the City and thus drive the market, which will create a range of employment and career growth options and amend Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

Question: Shall this Ordinance be PASSED ON FIRST READING?
- 13. 091465 [Appropriating \$1,743,767 of Library Capital Improvements Fund Balance for the Branch Library Improvement Program in the San Francisco Public Library for FY 2009-2010]**
Sponsors: Mayor; Maxwell
Ordinance appropriating \$1,743,767 of Library Capital Improvements Fund Balance, which consists of interest earnings from General Obligation Bond proceeds sold for the Branch Library Improvement Program and rent income from the Visitacion Valley Public Library, to fund capital projects at the Bayview and Visitacion Valley Library locations as part of the Branch Library Improvement Program in the San Francisco Public Library for FY 2009-2010; placing \$1,683,967 on Controller's reserve.

(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

14. 091452 **[Approving Administrative Terms and Conditions for San Francisco Sustainable Financing Program]**
Sponsors: Mayor; Mar and Dufty
Resolution approving administrative terms and conditions for the San Francisco Sustainable Financing Program; identifying the San Francisco Department of the Environment or its City agency designee as the Program Administrator for the City; setting reporting requirements; authorizing the execution of an administrative services agreement; and related matters.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Public Safety Committee

Present: Supervisors Chiu, Mirkarimi

15. 091436 **[Accept and Expend Grant - U.S. Dept. of Justice/Office of Violence Against Women and Amendment to the Annual Salary Ordinance for FY 2009-2010 - \$698,970]**
Sponsor: Chiu
Ordinance authorizing the San Francisco District Attorney's Office to retroactively accept and expend a grant in the amount of \$698,970 from the U.S. Department of Justice/Office of Violence Against Women - Grants to Encourage Arrest Policies and Enforcement of Protection Orders for the purpose of improving the criminal justice systems' response to limited English proficiency victims of domestic violence, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one (1) grant-funded position (.50 FTE) in Class 8129 Victim Witness Investigator at District Attorney's Office.

Question: Shall this Ordinance be PASSED ON FIRST READING?

16. 091445 **[Accept and Expend Grant - FY 2009 Second Chance Youth Offender Reentry Initiative and Amendment to the Annual Salary Ordinance, FY 2009 2010 - \$660,615]**
Sponsor: Maxwell
Ordinance authorizing the Juvenile Probation Department ("JPD"), on behalf of the City and County of San Francisco, to retroactively accept and expend a grant in the amount of \$660,615 from the Office of Justice Programs ("OJP") for the United States Department of Justice for funding under the FY 2009 Second Chance Youth Offender Reentry Initiative ("Second Chance Grant Award"); and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.60 FTE) at the San Francisco Public Defender's Office (PDR).

Question: Shall this Ordinance be PASSED ON FIRST READING?

17. 091456 [Accept and Expend Grant - FY 2009 Homeland Security Grant Program and Amendment to the Annual Salary Ordinance, FY 2009-2010 - \$2,079,703]

Sponsor: Mayor

Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a FY 2009-2010 Homeland Security Grant Program grant in the amount of \$2,079,703 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one Class 5277 Planner I grant-funded position (0.50 FTE) at the General Services Agency (GSA- ADM) and one Class 5278 Planner II grant-funded position (0.50 FTE) at the Department of Emergency Management.

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 3:00 P.M.

(Pursuant to File No. 091248, Resolution of Intention to establish Special Tax District in the City and County of San Francisco Special Tax District No. 2009-1 (San Francisco Sustainable Financing) and File No. 091249, Resolution of Intention to incur bonded indebtedness in an amount not greater than \$150,000,000 of special tax bonds setting the public hearing for January 12, 2010, at 3:00 p.m. approved at the Regular Meeting of November 24, 2009.)

Board of Supervisors Sitting as a Committee of the Whole

- 18. 091450 **[Hearing - Special Tax District No. 2009-1 (San Francisco Sustainable Financing)]**
 Hearing of persons interested in or objecting to proposed Resolution of Formation to Establish and Determining Necessity to Incur Bonded Indebtedness (\$150,000,000) for Special Tax District No. 2009-1 (San Francisco Sustainable Financing), establish boundaries of said special tax district, to describe the facilities to be financed, to establish an appropriations limit, and to provide for other matters related thereto.

Action:_____

Committee of the Whole Adjourn and Report Without Recommendation

- 19. 091448 **[Resolution Determining Necessity to Incur Bonded Indebtedness - \$150,000,000]**
Sponsors: Mayor; Mar and Dufty
 Resolution determining necessity to incur bonded indebtedness in a maximum principal amount of \$150,000,000 within the boundaries of Special Tax District No. 2009-1 (San Francisco Sustainable Financing) and determining other matters in connection therewith.

Question: Shall this Resolution be ADOPTED?

- 20. 091449 **[Resolution of Formation of Special Tax District No. 2009-1 San Francisco Sustainable Financing]**
Sponsors: Mayor; Mar and Dufty
 Resolution of formation to establish Special Tax District No. 2009-1 (San Francisco Sustainable Financing), establish boundaries of said special tax district, to describe the facilities to be financed, to establish an appropriations limit and to provide for other matters related thereto.

Question: Shall this Resolution be ADOPTED?

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.*

21. 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)

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

01/05/2010; CONTINUED. Continued to January 12, 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.)

22. 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)

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

01/05/2010; CONTINUED. Continued to January 12, 2010.

Question: Shall this Motion be APPROVED?

23. 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)

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

01/05/2010; CONTINUED. Continued to January 12, 2010.

Question: Shall this Motion be APPROVED?

24. 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)

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

01/05/2010; CONTINUED. Continued to January 12, 2010.

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 4:00 P.M.

- 25. 091388 **[Public Hearing - Appeals of Revocation of Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**
 Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated November 16, 2009, revocation of a Minor Sidewalk Encroachment Permit No. 06MSE-0181 issued on January 23, 2007, on properties located at 77 O'Farrell and 48 Stockton Streets, Lot No. 003 in Assessor's Block No. 328. (District 6) (Appellant: Martin H. Orlick for 77 O'Farrell Street) (Clerk of the Board)

 (Filed 11/30/09 - Companion Measure to Files 091389, 091390, 091488.)

Action:_____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the minor sidewalk encroachment permit appeal 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.)

- 26. 091389 **[Approving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**
 Motion approving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and rejecting the appeal of Martin H. Orlick. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

- 27. 091390 **[Disapproving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**
 Motion disapproving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and upholding the appeal of Martin H. Orlick. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

- 28. 091488 **[Findings Related to Board's Disapproval of the Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**
 Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and uphold the appeal of Martin H. Orlick. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 4:00 P.M.

- 29. **091483 [Public Hearing - Appeals of Revocation of Minor Sidewalk Encroachment Permit for 77 O' Farrell and 48 Stockton Streets]**
 Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated November 16, 2009, revocation of a Minor Sidewalk Encroachment Permit No. 06MSE-0181 issued on January 23, 2007, on properties located at 77 O'Farrell and 48 Stockton Streets, Lot No. 003 in Assessor's Block No. 328. (District 6) (Appellant: Marshall C. Wallace for 48 Stockton Street) (Clerk of the Board)

 (Filed 12/1/09 - Companion Measure to File Nos. 091485 and 091486)

Action:_____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the minor sidewalk encroachment permit appeal 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.)

- 30. **091485 [Approving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**
 Motion approving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and rejecting the appeal of Marshall C. Wallace. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

- 31. **091486 [Disapproving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**
 Motion disapproving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and upholding the appeal of Marshall C. Wallace. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

- 32. **091487 [Findings Related to Board's Disapproval of the Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**
 Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and uphold the appeal of Marshall C. Wallace. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 4:00 P.M.

33. 091391 [Public Hearing - Appeal of Revocation of Minor Sidewalk Encroachment Permit for 24-34 Ellis Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated November 16, 2009, revocation of a Minor Sidewalk Encroachment Permit No. 03MSE-157 issued on June 7, 2006, on property located at 24-34 Ellis Street, Lot No. 008 in Assessor's Block No. 327. (District 6) (Appellant: Harvey C. Hacker) (Clerk of the Board)

(Filed 12/1/09 - Companion Measure to File Nos. 091392, 091393, 091489.)

Action:_____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the minor sidewalk encroachment permit appeal 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.)

34. 091392 [Approving Decision of the Department of Public Works to Revoke Encroachment Permit for 24-34 Ellis Street]

Motion approving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 24-34 Ellis Street, Assessor Block No. 327, Lot No. 008, in connection with the Central Subway Project, and rejecting the appeal of Harvey C. Hacker. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

35. 091393 [Disapproving Decision of the Department of Public Works to Revoke Encroachment Permit for 24-34 Ellis Street]

Motion disapproving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 24-34 Ellis Street, Assessor Block No. 327, Lot No. 003, in connection with the Central Subway Project, and upholding the appeal of Harvey C. Hacker. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

36. 091489 [Findings Related to Board's Disapproval of the Decision of the Department of Public Works to Revoke Encroachment Permit for 24-34 Ellis Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 24-34 Ellis Street, Assessor Block No. 327, Lot No. 008, in connection with the Central Subway Project, and uphold the appeal of Harvey C. Hacker. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 4:00 P.M.

(Pursuant to File No. 091484, 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 approved at the Regular Meeting of January 5, 2010.)

Board of Supervisors Sitting as a Committee of the Whole

37. 100026 **[Hearing - Annulling the Privilege to Occupy Certain Subsurface Encroachments Along the Central Subway Alignment]**
Hearing of persons interested in or objecting to proposed 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. (Clerk of the Board)
- Action:**_____

Committee of the Whole Adjourn and Report Without Recommendation

38. 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)
- 01/05/2010; REFERRED TO BOARD SITTING AS A COMMITTEE OF THE WHOLE.
- Question: Shall this Resolution be ADOPTED?**

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 39 to 50**39. 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]****Sponsors: Daly; Mirkarimi, Campos, Avalos and Mar**

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.

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

01/05/2010; CONTINUED. Continued to January 12, 2010.

Question: Shall this Resolution be ADOPTED?**40. 100012 [Supporting the Youth PROMISE Act]****Sponsor: Avalos**

Resolution supporting HR 1064 and SB 435, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act

01/06/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?**41. 100013 [International Human Trafficking Day and Human Trafficking Awareness Month]****Sponsors: Chu; Chiu**

Resolution supporting the San Francisco Collaborative Against Human Trafficking, International Human Trafficking Awareness Day and the month-long campaign to bring awareness to issue of human trafficking.

01/06/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

42. 100014 [Accept and Expend Grant - National Endowment for the Arts Grant - \$50,000]
Sponsor: Mayor

Resolution authorizing the San Francisco Arts Commission to accept and expend a grant in the amount of \$50,000 from the National Endowment for the Arts for WritersCorps' contracted teacher positions from the NEA's ARRA funds.

01/06/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

43. 100015 [Accept and Expend Grant - CDC Kenya-Monitoring and Evaluation - \$48,837]
Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$48,837 from the Regents of the University of California, to assist with a project entitled "CDC Kenya-Monitoring and Evaluation;" for the period of November 1, 2009, through August 31, 2010.

01/06/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

44. 100016 [Body Armor Prohibition]
Sponsor: Chiu

Resolution urging the Supreme Court to Review Lower Court's Ruling Overturning Ban on Felons Owning or Wearing Body Armor.

01/06/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

45. 100017 [Declaring January 10, 2010, Lee Mallory Day in San Francisco]
Sponsor: Chiu

Resolution Declaring January 10, 2010, Lee Mallory Day in San Francisco.

01/06/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

46. 100018 [Extending the Term of Service for the Biodiesel Access Taskforce to December 31, 2010]
Sponsor: Mirkarimi

Resolution extending the term of service for the Biodiesel Access Taskforce to December 31, 2010.

01/06/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

47. 100019 [Accept and Expend Grant - Health Impact Assessment of Congestion Pricing Policy - \$96,415]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend a grant from the Robert Wood Johnson Foundation in the amount of \$96,415 to assist with a project entitled Health Impact Assessment of Congestion Pricing Policy for the period of January 15, 2010, through January 14, 2011.

01/06/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

48. 100001 [Final Map 5705: 2540 – 2550 Hyde Street]

Motion approving Final Map 5705, a 6 Unit Residential Condominium Project, located at 2540 - 2550 Hyde Street being a subdivision of Lot 046 in Assessors Block No. 0045 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

01/04/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

49. 100002 [Final Map 5468 – 2395 Lombard Street]

Motion approving Final Map 5468, a 3 Unit Commercial and 12 Unit Residential Mixed-Use Condominium Project, located at 2395 Lombard Street being a subdivision of Lot 041 in Assessors Block No. 0512 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

01/04/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

50. 100003 [Final Map 5587 – 700 Valencia Street]

Motion approving Final Map 5587, a Nine Residential Unit and Three Commercial Unit Mixed-Use Condominium Project, located at 700 Valencia Street being a subdivision of Lot 001 in Assessors Block No. 3588 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

01/04/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

Questions on the For Adoption Without Committee Reference Agenda: _____

51. 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 29, 2009, to January 5, 2010, for reference by President to appropriate committee on January 12, 2010.

100029 [Acceptance of Sewer Main and Reissuance of Encroachment Permit for Poppy Lane]

Ordinance accepting an irrevocable offer for a sewer main; dedicating said improvements for public use; accepting a sewer main on Poppy Lane for maintenance and liability purposes; rescinding Resolution No. 493-00 in order to modify and reissue the major encroachment permit for 101 Poppy Lane in accordance with this Ordinance; accepting Department of Public Works Order No. 178,477; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the eight priority policies of City Planning Code section 101.1; and authorizing official acts in connection with this Ordinance. (Public Works Department)

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

PROPOSED RESOLUTIONS

Proposed resolutions received from December 29, 2009, to January 5, 2010, for reference by President to appropriate committee on January 12, 2010.

100027 [Approving the City and County's Triennial Self Assessment and Review of its Child Welfare and Juvenile Probation Placement Services]

Resolution approving San Francisco's Child and Family Services Review - Self Assessment, a review of its Child Welfare and Juvenile Probation Placement Services, including a needs assessment for the Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families programs. (Human Services Department)

01/04/2010; RECEIVED AND ASSIGNED to the Public Safety Committee.

100028 [Approval of the Mental Health Services Act Information Technology Component and Technological Needs Three Year Program and Expenditure Plan]

Resolution approving the Mental Health Services Act Information Technology Component and Technical Needs Three Year Program and Expenditure Plan (IT Plan) and authorizing the amendment of the MHSA Agreement to include this Plan in the agreement. (Public Health Department)

01/04/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

100034 [Petitions and Communications]

Petitions and Communications received from December 29, 2009, through January 4, 2010, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on January 12, 2010.

From Jaime Moran, regarding the gas station at 4199 Mission Street. (1)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from December 30, 2009, until January 4, 2010. Supervisor Elsbernd will serve as Acting Mayor. Copy: Each Supervisor, City Attorney (2)

From S.F. Labor Council, submitting resolution in support of keeping the Public Community Access Station open. Copy: Each Supervisor (3)

From Department of Public Works, submitting an attendance report for the Board of Supervisor's six appointees to the Graffiti Advisory Board for FY 2008/2009. (4)

From Ivan Pratt, regarding the environment. (5)

From concerned citizens, regarding the Central Subway Project. (6)

From David Black, submitting opposition to proposed plan to restrict parking in North Beach. (7)

From Ahimsa Sumchai, regarding the Hunters Point Shipyard. (8)

From Eve Harris, regarding pets in public places. (9)

From Ziggy Tomcich, regarding the price of a Muni Fast Pass. (10)

From State Public Utilities Commission, submitting notice that Pacific Gas and Electric Company has filed an application for a fare hike in January 2011. Copy: Each Supervisor (11)

ADJOURNMENT