

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, August 4, 2009 2:00 PM

City Hall, Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

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

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners 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

11:00 AM

1st and 3rd Thursday

10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 104 Number 29

Members Present: Michela Alioto-Pier, John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Duffy, Sean Elsbernd, Eric Mar, Sophie Maxwell, Ross Mirkarimi.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier was noted present at 2:09 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of July 7, 2009. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

090820 [Public Employment and Accept-Expend Federal Grant - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Human Services Agency - \$26,505,777]

Mayor

Ordinance amending the FY 2009-2010 Annual Salary Ordinance (Companion File No. 090778) to reflect the addition of temporary and permanent salaries of \$7,737,578 and authorizing the Human Services Agency to accept and expend a grant in the amount of \$26,505,777 from the United States Department of Health and Human Services, TANF Emergency Contingency Fund, as part of the American Recovery and Reinvestment Act of 2009, to sponsor the Mayor's Jobs NOW Program.

(Fiscal Impact.)

Ordinance No. 191-09
FINALLY PASSED

**090886 [Water Revenue Bond Issuance - \$1,310,307,119]
Supervisor Avalos**

Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission to finance various projects under the Water System Improvement Program pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

**Ordinance No. 189-09
FINALLY PASSED**

Recommendation of the Land Use and Economic Development Committee

090829 [Trinity Plaza Development Agreement Amendment; Property at 1167 Market Street, 670-693 Stevenson Street, and 1164 Mission Street]

Ordinance amending a development agreement between the City and County of San Francisco and 1169 Market Street, L.P., for certain real property located at 1167 Market Street (Assessor's Block 3702/Lot 053), 670 Stevenson Street (Assessor's Block 3702/Lot 051), 693 Stevenson Street (Assessor's Block 3702/Lot 052), 1164 Mission Street (Assessor's Block 3702/Lot 039), and a portion of former Jessie Street between 7th and 8th Streets, altogether consisting of approximately 177,295 square feet (4.07 acres) and commonly known as Trinity Plaza, entered into on June 15, 2007, pursuant to Ordinance No. 92-07 adopted by the Board of Supervisors on April 17, 2007 (File No. 061217), to add 5 years to the term, to permit the construction of the entirety of a parking garage, to amend the definition of Existing Tenants, to identify the BMR Units for Building A, to modify the location and selection process for the Replacement Units, and to permit a Project-wide art component for the Project; and adopting environmental, General Plan and Planning Code Section 101.1(b) findings. (Planning Department)

**Ordinance No. 190-09
FINALLY PASSED**

The foregoing items were acted upon by the following vote:

*Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier*

Supervisor Dufty, seconded by Supervisor Mar, moved to rescind the previous vote. The motion PASSED without objection.

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

090740 [Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture]
Supervisors Mar, Maxwell, Mirkarimi, Daly

Resolution urging Attorney General Jerry Brown to reject evidence gained through the use of torture and to drop the charges against the "San Francisco 8" defendants.

TABLED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Absent: 1 - Alioto-Pier

NEW BUSINESS

Recommendation of the Land Use and Economic Development Committee

090555 [Amendments to the Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area]
Supervisor Daly

Ordinance amending the San Francisco Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area, making it a misdemeanor to moor or anchor a vessel in Clipper Cove without a valid permit issued by the Treasure Island Development Authority ("TIDA"), or its designee, and allowing TIDA to remove and store vessels moored in violation of this Ordinance.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

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

Privilege of the Floor

Supervisor Campos, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alloto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Dennis Garden in recognition of his 39 years of service with the City and County of San Francisco Unified School District upon his retirement.

Supervisor Mirkarimi introduced, welcomed, and presented Certificates of Honor to men and women of the Northern and Park Police Stations in recognition of their continued community support, in particular for their support of National Night Out as follows:

Park Station: Captain Teri Barrett, Lieutenant Denise Fabbri; Lieutenant Arthur Borges; Lieutenant Lon Ramlan; Lieutenant Mary Stasko; Sergeant Darby Reid; Sergeant Scott Ryan; Sergeant Michael Niland

Northern Station: Captain Al Casciato; Lieutenant Belinda Kerr; Lieutenant Dave Pollitt; Lieutenant Michael Slade; Lieutenant Timothy Oberzeir; Lieutenant Tim Plyer; Sergeant Anthony Manfreda; Sergeant Carl Fabbri; Sergeant Chris Springer; Sergeant Danielle Weidman; Sergeant Darren Choy; Sergeant David Dorantes; Sergeant Jennifer Dudoroff; Sergeant Jesus Pena; Sergeant Manny Bonilla Jr.; Sergeant Marty Bandvik; Sergeant Marty Lalor; Sergeant Leon Loew; Sergeant Tim Flaherty; Sergeant William Griffin

Community: Richard Johnson

SPECIAL ORDER 4:00 P.M.**090772 [Public Hearing - Appeal of Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition]**

Hearing of persons interested in or objecting to the Planning Commission's May 14, 2009, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0128E, through its Motion No. 17879, for a proposed Drew School Addition project located at 2901 California Street/1831-1835 Broderick Street, Assessor's Block No. 1029, Lots 003 and 095. (Appellant: Stephen M. Williams on behalf of the Pacific Heights Residents Association and the Western Addition Neighborhood Association)

(Filed 6/3/09; Companion Measure to 090773, 090774, 090775; District 2.)

The President inquired as to whether any member of the public wished to address the Board. Steve Williams (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Greg Scott; David Bolaffi; Vincent Marsh; Courtney Clarkson; Danielle Kirshenbaum; David Kornheim; Greg Hayes; Julie McQuinn; spoke in support of the appeal. Leigh Kienker, Sarah Jones, and Tara Sullivan (Planning Department) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Sam Cuddeback and Alice Barkley (Drew School) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Jim Mine; Lewis Hunter; Peter Jargein; Jane Perraza; Jane Carter; Male Speaker; Mary Murphy; spoke in support of the project and in opposition to the appeal. Steve Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090773 [Affirming the certification of the 2901 California Street/1831-1835 Broderick Street (Drew School Addition) FEIR]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.

Motion No. M09-135

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090774 [Reversing the certification of 2901 California Street.1831-1835 Broderick Street (Drew School Addition) FEIR]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090775 [Preparation of findings to reverse certification of 2901 California Street/1831-1835 Broderick Street (Drew School Addition) FEIR]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition FEIR.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

SPECIAL ORDER 4:00 P.M.**090812 [Public Hearing - Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17880 dated May 14, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2007.0128CV), under Planning Code Sections 209.3, 303, and 317 to allow an existing private secondary school (the Drew School), to expand its facility and enrollment cap, and to demolish an existing 3-unit building within an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District, on property located at 2901 California Street/1831-1835 Broderick Street, Lot Nos. 003 and 095 in Assessor's Block 1029. (Appellant: Stephen M. Williams on behalf of the Pacific Heights Residents Association and the Western Addition Neighborhood Association)

(Filed 6/15/09; Companion measure to Files 090813, 090814, 090815; District 2.)

The President inquired as to whether any member of the public wished to address the Board. Steve Williams (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Janet Potter; Michael Shinberg; Male Speaker (WANA); Courtney Clarkson; David Pilpel; David Bolaffi; spoke in support of the appeal. Tara Sullivan and Aaron Starr (Planning Department) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Sam Cuddeback, Alice Barkley, and Bonnie Fisher (Drew School) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Alisa Elliott; Phillip Stone; Mike Terry; Dan Murphy; Duncan Liam; Melissa Smith; Amina Adranni; spoke in support of the project and in opposition to the appeal. Steve Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090813 [Approving Planning Commission decision related to Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]

Motion approving decision of the Planning Commission by its Motion No. 17880, approving Conditional Use Application 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street – Drew School Addition Project, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to approve File No. 090813, and table File Nos. 090814 and 090815. The motion FAILED by the following vote:

Ayes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Noes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 4 - Avalos, Campos, Daly, Mirkarimi

090814 [Disapproving Planning Commission decision related to Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]

Motion disapproving decision of the Planning Commission by its Motion No. 17880, approving Conditional Use Application 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project. (Clerk of the Board)

Supervisor Campos, seconded by Supervisor Daly, moved to amend File No. 090814 to add an additional condition to the Conditional Use requiring Drew School to relocate three units of rental property at current rent control rates. The motion FAILED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 4 - Avalos, Campos, Daly, Mirkarimi

090815 [Preparation of findings related to the Conditional Use Appeal for 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2007.0128CV on property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition Project, for action by the Board at its next meeting. (Clerk of the Board)

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Alioto-Pier, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell

Noes: 4 - Avalos, Campos, Daly, Mirkarimi

SPECIAL ORDER 4:00 P.M.**090871 [Public Hearing - Appeal of Mitigated Negative Declaration - 1960-1998 Market Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion 17865, adopted April 16, 2009, affirming the decision of the Planning Department to issue a Mitigated Negative Declaration (Planning Case No. 2006.1431E) for the proposed development at 1960-1998 Market Street. The proposed project would demolish a service station and develop a mixed use building with up to 115 residential units over ground-floor commercial space and a partially subterranean garage with 69 parking spaces, located in the Market & Octavia Plan area, Assessors Block 0872, Lots 005-007. (Appellant: Tanya Gulesserian on behalf of the San Francisco Building and Construction Trades Council)

(Filed July 6, 2009; Companion Measure to 090872, 090873, 090874; District 5.)

The President inquired as to whether any member of the public wished to address the Board relating to the continuance. Melissa Ann Cassandra; spoke expressing various concerns. There were no other speakers. The President declared public comment relating to the continuance closed.

Continued to September 15, 2009.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090872 [Affirming adoption of the mitigated negative declaration for 1960-1998 Market Street]

Motion affirming Planning Commission adoption of the final mitigated negative declaration for 1960-1998 Market Street. (Clerk of the Board)

Continued to September 15, 2009.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090873 [Reversing adoption of the mitigated negative declaration for 1960-1998 Market Street]

Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 1960-1998 Market Street. (Clerk of the Board)

Continued to September 15, 2009.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

090874 [Preparation of findings to reverse adoption of the mitigated negative declaration for 1960-1998 Market Street]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 1960-1998 Market Street.

Continued to September 15, 2009.

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

SPECIAL ORDER 4:00 P.M.**090912 [Public Hearing - Appeal of Final Environmental Impact Report - San Francisco Bicycle Transportation Plan]**

Hearing of persons interested in or objecting to the Planning Commission's June 25, 2009, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0347E, through its Motion No. 17912, for the proposed update to the 2009 San Francisco Bicycle Transportation Plan, which includes minor, long-term, and near-term improvements for the bicycle route network, and amendments to the General Plan and Planning Code to reflect said Bicycle Plan. (Appellants: Catherine Liddell, representing South Beach-Rincon-Mission Bay-Neighborhood Association and Mary Miles representing Coalition for Adequate Review.)

(Filed 07/15/09; Companion measure to Files 090913, 090914, 090915.)

The President inquired as to whether any member of the public wished to address the Board. Mary Miles (Appellant) and Katy Liddell (Appellant) provided an overview of their appeals and further requested the Board to approve their appeals. Cathryn Webster; Charles Cagnin; Phillip Kui; spoke in support of the appeals. Bill Wycko (Planning Department) Amit Ghosh and Bridget Smith (Municipal Transportation Authority) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Male Speaker; Richard Tullis; Aida Berkowitz; Dave Gardner; Female Speaker; Walter Paulson; Ranesh Chancey; Amand Jwa; Don Edwards; Neil Patel; Greg Hayes; Leah Shakem; spoke in support of the plan and in opposition to the appeals. Katy Liddell (Appellant) and Mary Miles (Appellant) provided a rebuttal and further requested the Board to approve the appeals. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

090913 [Affirming certification of the Bicycle Plan Project FEIR]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2009 San Francisco Bicycle Plan Project.

Motion No. M09-136

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090914 [Reversing certification of the Bicycle Plan Project FEIR]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2009 San Francisco Bicycle Plan Project.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090915 [Preparation of findings to reverse certification of the Bicycle Plan Project FEIR]

Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2009 Bicycle Plan Project FEIR.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Board of Supervisors Sitting as a Committee of the Whole

The President inquired as to whether any member of the public wished to address the Committee of the Whole on File Nos. 090867 and 090868.

Greg Hayes; expressed various concerns.

Mary Miles; expressed concerns relating to findings and CEQA requirements.

Charles Cagnin; spoke complimenting noticing efforts.

David Pilpel; expressed concerns relating to amendments.

Marilyn Amiri; expressed concerns relating to process.

John Malamut (City Attorney's Office), Steve Shotland (Planning Department), and Amit Ghosh (MTA) provided an overview of the General Plan and Planning Code amendments and responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned the Committee of the Whole.

Called from the Land Use and Economic Development Committee

090867 [Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan]

Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

090868 [Bicycle Plan adoption and related General Plan amendments]

Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection thereto. (Planning Department)

Supervisor Mirkarimi, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns translated in Arabic and English.

James Chaffee; expressed concerns relating to the SF Public Library.

Male Speaker; expressed various concerns.

Henry Warfield; expressed concerns relating to the SF Public Library.

Joan Wood; expressed concerns relating to the SF Public Library.

Walter Paulson; shared in song certain concerns with the Board.

Male Speaker; expressed various religious concerns.

Annie Kim; Antonio Balotro; Immanuel Talcon; Adolphus Choloprav; Whitfield McTair; expressed support for legislation opposing BART surcharge for San Francisco Airport employees.

Richard McRee; expressed concerns relating to technology, inventions and patents.

Lena Horton; expressed concerns relating to the SF Public Library.

Greg Lowell; expressed concerns relating to the economy and government workers.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**090967 [Approving the plan to allow a gated \$10 admission charge to the Lovevolution Festival in Civic Center Plaza, pending the approval of the Interdepartmental Staff Committee on Traffic and Transportation]
Supervisor Mirkarimi**

Resolution approving the plan to allow a gated \$10 admission charge to the Lovevolution Festival in Civic Center Plaza, which is scheduled to take place on Saturday, October 3, 2009, pending the approval of the Interdepartmental Staff Committee on Traffic and Transportation.

Resolution No. 339-09

ADOPTED

- 090968 [Supporting President Obama's principles for national health care reform]
Mayor, Supervisors Chiu, Mar, Maxwell, Dufty, Mirkarimi, Alioto-Pier

Resolution supporting President Obama's principles for national health care reform.

Resolution No. 312-09

ADOPTED

- 090941 [Final Map - 2011 Bayshore Boulevard]

Motion approving Final Map 4976, a 64 Residential Unit Condominium Project, located at 2011 Bayshore Boulevard being a subdivision of Lot 093 in Assessors Block No. 5054A and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,139; District 10.)

Motion No. M09-134

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that this matter be severed so that it may be considered separately.

- 090966 [Opposing BART surcharge]
Supervisors Chiu, Dufty, Campos, Mirkarimi, Maxwell, Avalos, Mar

Resolution opposing BART surcharge on SFO employees.

Supervisor Avalos requested to be added as a co-sponsor.

REFERRED to the Land Use and Economic Development Committee.

IMPERATIVE AGENDA

There were none.

OFF-AGENDA LEGISLATION

Ordinances

- 090985 [Setting San Francisco FY 2009-2010 property tax rate and establishing pass-through rate for residential tenants]
Supervisor Avalos**

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2010.

8/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090986 [Setting San Francisco Community College District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]
Supervisor Avalos**

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2010.

8/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090987 [Setting San Francisco Unified School District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]
Supervisor Avalos**

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the fiscal year ending June 30, 2010.

8/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090988 [Setting San Francisco Bay Area Rapid Transit District's FY 2009-2010 property tax rate to be included in the City's overall property tax rate]
Supervisor Avalos**

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2010.

8/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090989 [Campaign Finance Reform Ordinance amendments]
Supervisor Daly**

Ordinance amending Article I, Chapter I of the Campaign & Governmental Conduct Code by amending sections 1.100, 1.104, 1.107, 1.108, 1.112, 1.113, 1.114, 1.118, 1.122, 1.128, 1.130, 1.134, 1.135, 1.136, 1.140, 1.142, 1.144, 1.146, 1.148, 1.150, 1.152, 1.156, 1.161, 1.161.5, 1.168, 1.170, deleting sections 1.134.5, 1.158, and 1.160, and adding sections 1.109, 1.143, 1.171, and 1.175 to refine and conform definitions; to eliminate and streamline reporting requirements; to authorize greater electronic filing; to adjust expenditure ceilings for inflation; to clarify the permissible uses of campaign funds; to provide that certain candidates are eligible to accept Voluntary Expenditure Ceilings; to set forth the instances in which the Ethics Commission will lift Voluntary Expenditure Ceilings; to modify how public funds are disbursed to eligible candidates; to clarify the requirements for third-party reporting; to amend the statute of limitations for administrative actions; and to impose record retention requirements on local committees.

8/4/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/4/2009. Referred to the Ethics Commission for comment on August 12, 2009.

**090990 [Technology Capital Planning]
Supervisor Duffy**

Ordinance amending the San Francisco Administrative Code by amending Sections 3.2, 3.20 and 3.21 and adding Sections 3.27, 3.28 and 10.100-287 to establish a requirement for a ten-year Technology Investment Plan, a Technology Planning Committee, and a Technology Capital Planning Fund.

8/4/09, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 9/4/2009.

**090991 [Prohibiting members of City boards and commissions from obtaining City employment]
Supervisors Mar, Avalos, Campos, Mirkarimi, Chiu, Daly**

Ordinance amending Chapter 2 of Article III of the Campaign and Governmental Conduct Code to prohibit members of City boards and commissions from obtaining employment with the City during their tenure and for one year after the termination of their City service.

8/4/09, RECEIVED AND ASSIGNED to Rules Committee. Referred to the Ethics Commission for comment on August 12, 2009.

**090992 [Recreation and Park - Farmers' Market Fees - \$475 per market location for six months]
Supervisor Mirkarimi**

Ordinance amending San Francisco Park Code Section 7.21 to establish farmers' market fees at \$475 per market location for six months of operation.

8/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090319 [Zoning - Providing for a Five Feet Special Height Exception for Active Ground Floor Uses in NC-1 Designated Parcels Along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue]
Supervisor Avalos**

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in NC-1 designated parcels along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue; 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.

3/17/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/16/2009.

3/24/09, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation. Referred to Planning Department for environmental review.

3/26/09, RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060(c)(2).

8/4/09, SUBSTITUTED.

8/4/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/4/2009.

Resolutions

**090993 [Acquisition of Muni Fillmore Substation at 1190 Fillmore Street]
Supervisor Mirkarimi**

Resolution approving the acquisition of real property with improvements located at 1190 Fillmore Street (at Turk Street), together with a Certificate for 171,308 units of Transferable Development Rights and \$135,225 in predevelopment planning funds from the San Francisco Redevelopment Agency for the rehabilitation of the Muni Substation, at no cost to the City.

8/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090994 [Certificates of Participation for multiple capital improvement projects]
Mayor**

Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the execution and delivery of City and County of San Francisco Certificates of Participation and authorizing the preparation, execution and delivery of a final official statement; delegating to the Director of Public Finance the authority to sell the certificates by either a competitive or negotiated sale; ratifying the approvals and terms and conditions of a previous resolution; declaring the official intent of the City and County of San Francisco to reimburse itself from the proceeds of future bonded indebtedness for purposes of complying with the Internal Revenue Code of 1986, as amended; and related matters.

8/4/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090995 [Urging the Federal Communications Commission to conduct a comprehensive investigation on hate speech in the media and to update the 1993 report on the Role of Telecommunications in Hate Crimes]
Supervisors Campos, Avalos, Chiu, Dufty, Daly, Mar, Mirkarimi, Maxwell**

Resolution urging the Federal Communications Commission to conduct a comprehensive investigation on hate speech in the media, allowing public participation via public hearings, and to update the 1993 report on the Role of Telecommunications in Hate Crimes, including public participation via public hearings.

8/4/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 090996 [Recognizing and honoring Tim Reagan's contribution to social justice and workers' rights]
Supervisor Daly**

Resolution acknowledging Tim Reagan's contributions to the struggle for social justice and workers' rights for more than two decades.

8/4/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion

- 090997 [Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 3, 2009, Election]**

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 3, 2009, Election. (Clerk of the Board)

8/4/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

- 090983 [Shelter Reservation Extension Policy]
Supervisor Daly**

Hearing to discuss the amended changes to the Shelter Reservation Extension Policy.

8/4/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 090984 [Impact of State budget cuts on the operations of the San Francisco Unified School District]
Supervisors Elsbernd, Mar**

Hearing to discuss the impact of State budget cuts to education on the San Francisco Unified School District. Hearing will examine the San Francisco Unified School District's projected \$61 million deficit over two years as well as plans for dealing with an anticipated \$400 decrease in spending per pupil this year.

8/4/09, RECEIVED AND ASSIGNED to City and School District Select Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Boxes

Southwest corner Fulton and McAllister

Southeast corner McAllister and Fillmore

Near 1140 Oak

Southeast corner Fell and Buchanan

Northeast corner McAllister and Gough

Northeast corner Gough and Fulton

Bus Shelters

Northeast corner Hayes and Broderick

Northeast corner Geary and Scott

Northeast corner Fillmore and Hermann

Fillmore and Haight (all 4 bus stops, graffiti and grime)

Emergency Boxes

Northwest corner Post and Webster

Northeast corner Hayes and Broderick

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole

Northeast corner Boswell and Geary

Northwest corner Fillmore and Waller

Southeast corner Sutter and Laguna

Southwest corner Laussant & Fillmore

Wood Pole

Northwest corner Haight and Webster

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

537 Shrader

1140 Oak

1144 Oak

250 Scott

485 Scott

546 Haight

800 Hayes

295 Buchanan

478 Haight

583 Haight

536-538 Haight

350 Laguna
355 Laguna

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following location: Sidewalk in front of 478 Haight, metal grate is missing, plywood has been placed over it, safety hazard.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans

Southeast corner Hayes and Steiner

Northwest corner Fillmore and Haight

Northeast corner Haight and Fillmore

Southwest corner Fillmore and Waller

Mailboxes

Southeast corner Fulton and Laguna

Southwest Golden Gate and Divisadero

Street Wall and Overpass

Overpass - Northeast side of Geary and Webster

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

Southeast corner of Fillmore and Post

Southwest corner of Divisadero and Sutter

9th Avenue and Judah (near bus stops)

7th Avenue and Irving (near bus stops)

Northwest corner of Hayes and Fillmore

Southeast corner of Fillmore and Haight

San Francisco Chronicle

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

Irving and 9th Avenue

Irving and 7th Avenue

Southwest corner of Haight and Clayton

Southeast corner of Haight and Masonic

Examiner

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

SF Daily

Northwest corner of Hayes and Gough

City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight

SF Weekly
Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore

In Memoriams

John Joseph Conneely - Supervisor Alioto-Pier
Shirley Malloy - Supervisor Chiu
Jamie Xelowski - Supervisor Daly
Nir Katz - Supervisors Dufty and Campos
Liz Tarbushi - Supervisors Dufty and Campos
Sydna Konstin - Supervisors Dufty and Chiu
Don Brown - Supervisor Dufty
Gregory Robert Morris - Supervisor Elsbernd

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:42 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on September 15, 2009.



Angela Calvillo
Clerk of the Board