

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - FINAL

Tuesday, March 29, 2011 - 2:00 PM

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

Regular Meeting

DAVID CHIU, PRESIDENT

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

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Finance Committee

Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu

Wednesday

1:00 PM

Budget and Finance Sub-Committee

Supervisors Chu, Mirkarimi, Kim

Wednesday

10:00 AM

City and School District Select Committee

Supervisors Cohen, Avalos, Chu, Fewer, Maufas, Norton

2nd and 4th Thursday

3:30 PM

City Operations and Neighborhood Services Committee

Supervisors Avalos, Mar, Elsbernd

2nd and 4th Monday

10:00 AM

Government Audit and Oversight Committee

Supervisors Campos, Farrell, Chiu

2nd and 4th Thursday

10:00 AM

Land Use and Economic Development Committee

Supervisors Mar, Cohen, Wiener

Monday

1:00 PM

Public Safety Committee

Supervisors Mirkarimi, Cohen, Campos

1st and 3rd Thursday

10:30 AM

Rules Committee

Supervisors Kim, Elsbernd, Farrell

1st and 3rd Thursday

1:30 PM

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

Members Present: John Avalos, David Campos, David Chiu, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Ross Mirkarimi, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:14 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were none.

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Rules Committee

110169 [Appointment, Transbay Joint Powers Authority - Carter R. Rohan]

Resolution confirming the appointment of Carter R. Rohan, R. A., to serve on the Transbay Joint Powers Authority as an Alternate Member for Nathaniel P. Ford, Sr. (Municipal Transportation Agency)

Resolution No. 144-11

ADOPTED

110067 [Appointments, Shelter Monitoring Committee - Judy Kerns, Amanda Colson Heier, Maxine Pauson, and Will Daley]

Motion appointing Judy Kerns, Amanda Colson Heier, Maxine Pauson, and Will Daley, terms ending November 23, 2012, to the Shelter Monitoring Committee. (Clerk of the Board)

Motion No. M11-45

APPROVED

110219 [Appointment, Citizens' General Obligation Bond Oversight Committee - Thea Selby]

Motion appointing Thea Selby, term ending November 21, 2012, to the Citizens' General Obligation Bond Oversight Committee. (Clerk of the Board)

Motion No. M11-46

APPROVED

110267 [Appointment, Assessment Appeals Board No. 1 - Mark Watts]

Motion appointing Mark Watts, term ending September 3, 2012, to Assessment Appeals Board No. 1. (Clerk of the Board)

Motion No. M11-47

APPROVED

110272 [Appointment, Assessment Appeals Board No. 2 - Mervin Conlan, and Joyce Lewis]

Motion appointing Mervin Conlan, term ending September 2, 2013, and Joyce Lewis, term ending September 3, 2012, to Assessment Appeals Board No. 2. (Clerk of the Board)

Motion No. M11-48

APPROVED

110306 [Appointments, Veterans Affairs Commission - Eduardo Ramirez, John Caldera, Edwin Wilkerson, Stephen Noetzel, and Regaldo Baldonado]

Motion appointing Eduardo Ramirez, John Caldera, Edwin Wilkerson, Stephen Noetzel, and Regaldo Baldonado, terms ending January 31, 2015, to the Veterans Affairs Commission. (Clerk of the Board)

Motion No. M11-49

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

100962 [Appropriating \$1,300,000 of General Fund Reserve - Ethics Commission Public Election Campaign Finance Fund for FY2010-2011]

Sponsors: Avalos; Mirkarimi, Campos and Mar

Ordinance appropriating \$1,300,000 of General Fund Reserve for the Ethics Commission in the Public Election Campaign Finance Fund for FY2010-2011.
(Fiscal Impact.)

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

PASSED ON FIRST READING by the following vote:

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

Noes: 5 - Chu, Cohen, Elsbernd, Farrell, Wiener

From the Budget and Finance Sub-Committee Without Recommendation**110184 [De-Appropriating \$15,479,251 of Market Rate Bond Proceeds and Re-Appropriating to Below Market Rate - Seismic Safety Loan Program - FY2010-2011]****Sponsor: Mayor**

Ordinance de-appropriating \$15,479,251 of Market Rate General Obligation Bond Proceeds, Series 2007A, and re-appropriating \$15,479,251 to the Below Market Rate Seismic Safety Loan Program in the Mayor's Office of Housing for FY2010-2011 and maintaining on Controller's reserve the appropriation equal to the unsold portion of the bonds.
(Fiscal Impact.)

Ordinance No. 61-11**FINALLY PASSED** by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

From the City Operations and Neighborhood Services Committee Without Recommendation**110283 [Urging Avalon Bay Communities to Utilize Sub-Contractors that Compensate Workers Consistent with Area Standard Wages]****Sponsor: Avalos**

Resolution encouraging Avalon Bay Communities to sub-contract all carpentry crafts to a responsible contractor that pays area standard wages and benefits and has a State of California certified apprenticeship program and journeyman upgrade training.

Resolution No. 153-11**ADOPTED** by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Land Use and Economic Development Committee

110024 [Planning Code - Zoning Map Amendment - Correction to Market and Octavia Area Plan Zoning]

Sponsor: Mirkarimi

Ordinance amending Zoning Map Sheet No. 2 of the San Francisco Planning Code to include parcels inadvertently excluded from the Zoning Map amendment adopted to implement the Market and Octavia Plan (Ordinance No. 72-08) affecting the area roughly bounded by a line beginning at the intersection of Buchanan and Fell Street, continuing northwest, thence northeast on Grove Street, continuing northwest at Laguna Street, thence heading northeast on Turk Street, continuing southeast at Franklin Street, thence continuing southwest at Fell Street to the starting point at the intersection of Buchanan Street, to eliminate use districts within the Market and Octavia Plan Area and replace them with revised use districts, consistent with those proposed in the Market and Octavia Area Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Ordinance No. 60-11

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendation of the Rules Committee

110117 [Administrative Code - Publication Requirements]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Administrative Code Section 2.97 to define "Summary" for the purpose of publishing "Public Notices."

Ordinance No. 59-11

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110256 [Opposing Elimination of Adult Day Health Center Programs]

Sponsors: Kim; Avalos, Mar, Campos, Mirkarimi and Chiu

Resolution opposing the proposed elimination of Medi-Cal funding for Adult Day Health Center programs in the State of California.

(Supervisor Chu dissented in committee.)

Resolution No. 152-11

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi, Wiener

Noes: 3 - Chu, Elsbernd, Farrell

110284 [Ten Year Capital Expenditure Plan - FYs 2012-2021]**Sponsors: Mayor; Chiu**

Resolution adopting the City's ten year capital expenditure plan for FYs 2012-2021.
(Fiscal Impact.)

Resolution No. 151-11**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Budget and Finance Sub-Committee**110236 [Accept and Expend Grant - Buffer Zone Protection Program - \$579,090]****Sponsor: Elsbernd**

Resolution authorizing the Department of Emergency Management, for the City and County of San Francisco, as fiscal agent for the Bay Area region, to retroactively accept and expend a FY2008 Buffer Zone Protection Program Grant in the amount of \$579,090 from the U.S. Department of Homeland Security through the California Emergency Management Agency to fund critical planning and infrastructure protection needs.

Resolution No. 145-11**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110237 [Approval of TEFRA Hearing for Issuance of Tax-Exempt Revenue Bonds - Episcopal Senior Communities - Not to Exceed \$120,000,000]**Sponsor: Farrell**

Resolution approving the issuance of tax-exempt revenue bonds, by the ABAG Finance Authority for Nonprofit Corporations, for purposes of Section 147(f) of the Internal Revenue Code in an aggregate principal amount not to exceed \$120,000,000 to finance and refinance various capital facilities owned by Episcopal Senior Communities.

Resolution No. 146-11**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110240 [Accept and Expend Grant - Electric Vehicle Charging Equipment - \$251,000]**Sponsors: Mayor; Mar**

Resolution authorizing the San Francisco Department of the Environment to accept forty seven (47) electric vehicle chargers and three (3) years of service from Coulomb Technologies, Inc., as a sub-award under Grant DE-EE0003391 using Federal Recovery Act Funds from the U.S. Department of Energy to Coulomb for these purposes.

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

Resolution No. 143-11**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110286 [Accept and Expend Grant - San Francisco Bridge to Success Program - \$3,000,000]**Sponsors: Mayor; Mar**

Resolution authorizing the Department of Children, Youth and Families to retroactively accept and expend grant funding in the amount of \$3,000,000 from the Bill and Melinda Gates Foundation to fund the San Francisco Bridge to Success Program, a partnership between the City and County of San Francisco, City College of San Francisco, and the San Francisco Unified School District, to double the number of low income youth who earn post-secondary credentials by age 26 for the period of August 13, 2010, through August 31, 2013.

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

Resolution No. 150-11

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110287 [Equipment Lease - 2011 Finance Corporation Equipment Program - Revenue Bonds - Not to Exceed \$16,500,000]**Sponsor: Mayor**

Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an Equipment Lease Supplement No. 17 (Series 2011A Bonds) between the City and County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to certain equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed \$16,500,000; approving the form of the official statement and the distribution thereof in preliminary and final form; providing for reimbursement to the City and County of San Francisco of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith.

(Fiscal Impact.)

Resolution No. 147-11

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Recommendations of the Land Use and Economic Development Committee

101053 [Planning Code - Zoning - Establishing Consistent Setback, Street Frontage, Off-Street Parking, and Other Planning Code Requirements and Procedures Across Various Use Districts]

Sponsor: Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 124, 132.2, 136, 144, 145, 145.1, 145.5, 150, 151.1, 155, 161, 186, 206.3, 209.8, 210.3, 212, 231, 243, 253, 253.2 and 307, and by repealing Sections 175.1, 175.2, 175.3, 175.4, 175.5, 209.10, and 249.26 to: 1) create comprehensive and consistent street frontage controls for residential districts; 2) create consistent ground floor controls for industrial districts; 3) permit certain small corner commercial uses in RM-3 and RM-4 districts; 4) modify floor area ratio controls in the Van Ness Special Use District; 5) modify conditional use requirements for buildings over 40 feet in RM and RC districts; 6) amend the procedure for granting exceptions from off-street parking and loading requirements; 7) allow parking and loading exceptions to preserve historic buildings and landmark trees; 8) make certain Planning Code controls consistent across C-3 Districts; and 9) streamline language and correct out-of-date Code references; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110010 [Planning Code - Zoning - NC-3 District of Fillmore Street between Bush and McAllister Streets]

Sponsor: Mirkarimi

Ordinance: 1) amending Section 145.4 of the San Francisco Planning Code to require active ground-floor commercial uses in properties fronting on Fillmore Street between Bush and McAllister Streets in the NC-3 District; and 2) adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110114 [Environment Code - Yellow Pages Distribution Pilot Program]

Sponsors: Chiu; Mar, Mirkarimi, Wiener and Cohen

Ordinance adding Chapter 20 to the Environment Code to establish a three-year pilot program to reduce waste in the distribution of Yellow Pages phone directories to private residences and businesses in San Francisco, and to reduce neighborhood blight, by restricting distribution to circumstances where: 1) there is personal delivery of the directory to a human being, 2) there has been a request for delivery of the directory to the residence or business, or 3) directories are maintained for pick-up at a distribution center or business open to the public; mandating a public outreach program to educate the public about the environmental harms associated with excessive distribution of Yellow Pages phone directories, develop and publicize alternatives to private possession of such directories, and inform the public of the option and means of obtaining such directories; and making environmental findings.

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

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

(Economic Impact.)

Privilege of the floor was granted to Ted Egan (Controller's Office) who responded to questions raised throughout the discussion.

Supervisor Elsbernd, seconded by Supervisor Farrell, moved that this Motion be RE-REFERRED AS AMENDED to the Land Use and Economic Development Committee. Supervisor Elsbernd withdrew his Motion.

Supervisor Chiu, seconded by Supervisor Cohen, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to May 10, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

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

Privilege of the Floor

Supervisor Cohen, seconded by Supervisor Campos, 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 guest. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Supervisor Cohen introduced, welcomed, and presented a Certificate of Honor to Dr. Andre Campbell of San Francisco General Hospital in recognition of his accomplishments and continued community support.

SPECIAL ORDER 4:00 P.M.

110261 [Public Hearing - Appeal of Final Environmental Impact Report - 350 Mission Street Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's February 10, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2006.1524E, through its Motion No. 18265, for the proposed 350 Mission Street Project. (District 6) (Appellant: Alex DeGood, on behalf of the owners of 50 Beale Street). (Filed March 2, 2011; Companion File Nos. 110262, 110263, 110264.)

The President inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.

Supervisor Elsbernd, seconded by Supervisor Mar, moved that this Hearing be CONTINUED to April 12, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

The President CONTINUED the Hearing open to April 12, 2011.

110262 [Affirming Certification of Final Environmental Impact Report - 350 Mission Street Project]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 350 Mission Street Project.

Supervisor Elsbernd, seconded by Supervisor Mar, moved that this Motion be CONTINUED to April 12, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110263 [Reversing Certification of Final Environmental Impact Report - 350 Mission Street Project]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 350 Mission Street Project.

Supervisor Elsbernd, seconded by Supervisor Mar, moved that this Motion be CONTINUED to April 12, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110264 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - 350 Mission Street Project]

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 350 Mission Street Project.

Supervisor Elsbernd, seconded by Supervisor Mar, moved that this Motion be CONTINUED to April 12, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

SPECIAL ORDER 4:00 P.M.**110206 [Public Hearing - Appeal of Final Environmental Impact Report - Parkmerced Project]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's February 10, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2008.0021E, through its Motion No. 18629, for the proposed Parkmerced Project located at 3711-19th Avenue. (Appellants: Julian P. Lagos, on behalf of Coalition to Save Parkmerced, Filed March 1, 2011; Healani Ting, on behalf of Parkmerced Action Coalition, Filed March 2, 2011; Bernard Choden, on behalf of San Francisco Tomorrow, Filed March 2, 2011; and Maria Elena Guerrero Engber, Filed March 2, 2011). (Filed March 1 and 2, 2011; Companion to File Nos. 110207, 110208, 110209.)

The President inquired as to whether any member of the public wished to address the Board. Julian Lagos; Eric Brooks; Mitchell Olmerberg; Maria Elena Guerrero Engber (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Mr. Lagos also spoke to the perceived conflict of interest of Supervisors Elsbernd and Chu. Cheryl Adams, Deputy City Attorney, opined that Supervisors Elsbernd and Chu do not have a conflict of interest and may participate in the proceedings. Bernie Choden; Lora Travelor; Jennifer Clary; Female Speaker; Cathy Lentz; Howard Strassner; Linh Ho; Steve Zeltser; Ben Vagery; James Sodeman; Jean Adams; Lee Parmelee; Andrei Zelentsovsky; Tommi Avicolli-Mecca; Charles Miller; Hiroshi Fukuda; Female Speaker; Aaron Goodman; Terence Faulkner; Ronaldo Vezzazi; Rose Hillson; Mani Drayton; Judith Flynn; Healani Ting; Michael Russom; Lynn Hambolu; Female Speaker; Kim Arbachen; Mary Miles; Dean Preston; Ted Gullickson; Robley Passalacqua; Mike Vezzali; Jon Kim; Female Speaker; Mary Anne Greb; Sarah Manafee; Mark Gregory; Maria Elena; Mary Delgado; Gail Meadows; John Hivel; Bill Herbert; spoke in support of the appeal. Rick Cooper and Bill Wycko (Planning Department) provided an overview of the decision of the Planning Commission and responded to questions raised throughout the discussion. Marlena Byrne and Charles Sullivan (City Attorney's Office) and Michael Yarne (Mayor's Office of Economic and Workforce Development) responded to questions raised throughout the discussion. Mary Murphy (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Jeff Fricka; Jim Lazarus; Gina Teichert; Bill Blackwell; Male Speaker; Tony Zhang; Byron Kuth; Mike Theriault; Chris Campbell; Marci Newman; Robert Reid; Avrum Shepard; Linda Corso; Adrian Simi (Carpenter's Local 22); Miriam Fontes; Matthew Fontes; Male Speaker; Danny Campbell; Gordon Reid; Male Speaker; Carl Hansen; Kaleb Adams; Heather Phillips; Ryan Harris; Javier Flores; Troy Martinez; Sylvia Rodriguez; Tom Murphy; Francois Hechinger; Todd Berger; Corey Bray; Pierre Luigi; Ed Reyes; Brook Turner; Ramsey Moureau; Male Speaker; Scotty Thomas; Sergio Garcia; Alex Reyes; Timothy Wright; Alejandro Romero; Mary Beth Sanders; Carol Koppel; Arne Larson; Jim Cooke; Mike Corbett; Otto Duffy; Jesus Villanueva; David Meckel; Brigitte LeBlanc; Helen Thomas; Manny Flores; spoke in support of the project and in opposition to the appeal. Eric Brooks; Mitchell Olmerberg; Stuart Flashman; Bernie Choden (Appellants) 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**110207 [Affirming Certification of Parkmerced Project Final Environmental Impact Report]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Parkmerced Project.

Supervisor Campos, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to May 24, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110208 [Reversing Certification of Parkmerced Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the Parkmerced Project.

Supervisor Campos, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to May 24, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

110209 [Preparation of Findings to Reverse Certification of Parkmerced Project Final Environmental Impact Report]

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 Parkmerced Project.

Supervisor Campos, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED to May 24, 2011. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdallah Megahed; expressed various concerns.

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

Ace Washington; expressed various concerns.

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

Eugene Ford; expressed various concerns.

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

Male Speaker; expressed various religious concerns.

Edmond Juicye; expressed various concerns.

Male Speaker; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**110317 [Apply for Grants - Caltrans Transportation Planning]**

Sponsors: Mayor; Wiener

Resolution authorizing the San Francisco Planning Department to apply for planning grants from the California Department of Transportation (Caltrans).

Resolution No. 142-11

ADOPTED

110353 [Multifamily Housing Revenue Indebtedness - Not to Exceed \$41,000,000]**Sponsor: Cohen**

Resolution declaring the intent of the City and County of San Francisco (City) to: 1) reimburse certain expenditures from proceeds of future indebtedness; 2) authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocations Committee (CDLAC) for an allocation of indebtedness (Allocation) in an aggregate principal amount not to exceed \$41,000,000 for Hunters View Phase IA; 3) authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; 4) authorizing the Director to certify to CDLAC that the City has on deposit the required amount; 5) authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to use such Allocation; 6) approving, for purposes of the Internal Revenue Code of 1986, as amended, the execution and delivery of a mortgage revenue note by the City in an aggregate principal amount not to exceed \$41,000,000; 7) authorizing and directing the execution of any documents necessary to implement this Resolution; and 8) ratifying and approving any action heretofore taken in connection with the Project as defined herein and the Application as defined herein.

Resolution No. 148-11**ADOPTED****110354 [Extension of 30 Days for Planning Commission Review - Self-Service Restaurants]****Sponsor: Mirkarimi**

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance amending the San Francisco Planning Code by amending Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 to: 1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district and eliminate the limit on the number of seats; 2) increase the minimum size for Large Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district; 3) principally permit Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts; 4) conditionally permit Large Self-Service Restaurants in the Inner Sunset Neighborhood Commercial District; 5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; and 6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Resolution No. 149-11**ADOPTED****The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Wiener requested that File No. 110355 be severed so that it may be considered separately.

110355 [Protection of Safely Produced and Well Managed Youth Events]

Sponsor: Wiener

Resolution calling for the protection of safely produced and well managed youth events, including music oriented events, in the City and County of San Francisco.

Resolution No. 154-11

ADOPTED by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL**Introduced by a Supervisor or the Mayor****Ordinances****110335 [Campaign and Governmental Conduct Code - Gift Restrictions]**

Sponsor: Cohen

Ordinance amending Campaign and Governmental Conduct Code Section 3.216 to: 1) prohibit loans from restricted sources and subordinates; and 2) modify the reporting requirements for elected officials receiving gifts of travel.

03/29/11; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 4/28/2011.

110336 [Appropriating General Fund for Loans Supporting Women's and LGBT Health Services in FY2010-2011 - \$150,000]

Sponsors: Mirkarimi; Campos, Wiener and Chiu

Ordinance appropriating \$150,000 from General Fund Balance to the Department of Public Health for Women's and LGBT health services in FY2010-2011.

03/29/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110337 [Business and Tax Regulations Code - Excluding Stock Compensation from Payroll Expense, Tax Years 2011 through 2013]**Sponsors: Mirkarimi; Campos and Mar**

Draft ordinance amending Article 12-A of the Business and Tax Regulations Code by adding Section 906.4 to establish a payroll expense tax exclusion for tax years 2011 and 2012 of that portion of an eligible person's payroll expense that is attributable to stock compensation. (Fiscal Impact; Economic Impact.)

03/29/11; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 4/28/2011.

Resolutions**110338 [Accept and Expend Grant - Palace of Fine Arts Parking Mitigation Project - Not to Exceed \$1,000,000]****Sponsor: Farrell**

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a grant administered by the San Francisco County Transportation Authority in the amount not to exceed \$1,000,000 for the Palace of Fine Arts Parking Mitigation Project.

03/23/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

110339 [Lease Renewal - 1449 Webster Street]**Sponsor: Mirkarimi**

Resolution authorizing the exercise of an option to extend the lease of 3,900 sq. ft. at 1449 Webster Street for three years for the Office of Economic and Workforce Development Employment Assistance Programs.

03/29/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110340 [Public Trust Exchange Agreement - Treasure Island/Yerba Buena Island]**Sponsor: Mayor**

Resolution approving and authorizing the execution, delivery, and performance of a Public Trust Exchange Agreement between the Treasure Island Development Authority and the California State Lands Commission in furtherance of the Treasure Island/Yerba Buena Island Project.

03/29/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110341 [Bishop Otis Charles Day - April 24, 2011]**Sponsor: Wiener**

Resolution honoring Otis Charles and proclaiming April 24, 2011, to be Bishop Otis Charles Day in the City and County of San Francisco.

Requests for Hearings

110366 [Hearing - Comprehensive Annual Financial Report - FY Ended June 30, 2010]

Sponsor: Campos

Hearing for the City's external auditors (Macias Gini & O'Connell and KPMG) to present the Comprehensive Annual Financial Report (CAFR), single audit, and their management letters, if any, related to the City audit for FY ended June 30, 2010. This hearing is required under Charter Section 9.117.

03/29/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

110367 [Hearing - City's Comprehensive Community Development Strategies Plan]

Sponsor: Avalos

Hearing on the City's plan to ensure continuity of comprehensive community development strategies such as affordable housing, workforce, and commercial development, in the event that the State eliminates Redevelopment in California.

03/29/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110368 [Hearing - Joint Report - Three-Year Budget Projection for General Fund Supported Operations FY2011-2012 through FY2013-2014]

Sponsor: Chu

Hearing to review the Joint Report, concerning the 3 year Budget Projection for General Fund Support Operations FY2011-2012 through FY 2013-2014, from the Controller's Office, Mayor's Budget Office, and the Budget and Legislative Analyst's Office.

03/29/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110370 [Hearing - Community Benefits Agreement Requirements for Payroll Expense Tax Exclusion in the Central Market Street and Tenderloin Area]

Sponsor: Kim

Hearing on the process of entering into a Community Benefits Agreement as required by the proposed payroll expense tax exclusion for businesses located in the Central Market Street and Tenderloin Area.

03/29/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

Introduced by the President at the Request of a Department

PROPOSED RESOLUTION

110304 [Mental Health Services Act FY2011-2012 Plan Annual Update]

Resolution authorizing adoption of the Mental Health Services Act FY2011-2012 Plan Update for community services and support, prevention and early intervention, workforce education and training, innovation, capital facilities and technological needs, and modification of the Mental Health Services Act Agreement with the California Department of Mental Health, Contract No. 07-77338-000, to include this Annual Update. (Public Health Department)

03/16/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Requests Granted

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation to allow KPOO/89.5 to broadcast Board of Supervisors meetings on Tuesdays.

From: Supervisor Chiu

To: City Attorney

To: Treasurer/Tax Collector

To: Director, Office of Economic and Workforce Development

To: Controller

Requesting/Inquiring: Requesting the City Attorney, in consultation with the Treasure/Tax Collector, Office of Economic and Workforce Development, and the Controller, to draft legislation related to stock options and the City's payroll tax.

From: Supervisor Avalos

To: Director, Municipal Transportation Agency

Requesting/Inquiring: Requesting a detailed breakdown of the switchback statistics for the J-Church line from January through March of this year as presented at the hearing at the City Operations and Neighborhood Services Committee on March 28, 2011. This breakdown should disaggregate the reported 348 switchbacks that have occurred from January through March 25, 2011 and include, but not be limited to a breakdown by month of when the switchbacks occur; a breakdown of what times of day, whether during peak or off-peak hours, the switchbacks occur; a breakdown of where on the line the switchbacks occur; and the cause for the switchbacks.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of resolving problems with the conditions of street surfaces or sidewalks at the following locations:

Potholes

1777 Pine

Intersection of Pine and Scott

Intersection of Pine and Buchanan

Sidewalk Dumping

Approximately 2410 Pine

Dangerous Sidewalks

1480 Golden Gate

621 Fillmore

615 Fillmore

Approximately 2620 Pine

2200 Pine

Approximately 1910 Pine

Street Tree Issues

Approximately 574 Ivy

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

380 Webster

Northeast corner of Oak and Webster

Opposite 831 Webster

Southwest corner of Eddy and Webster

Northeast corner Buchanan and Fell

Northeast corner Buchanan and Oak

Southwest corner of Page and Steiner

808 Oak, in parking lot

Southwest corner of Lyon and Golden Gate

Southwest corner of Turk and Laguna

Northwest corner of Cleary and Laguna

Northeast corner of Fillmore and Pine

2200 Pine

Southwest corner of McAllister and Friendship

Southwest corner of Gough and Page

Southwest corner of Webster and Geary

Southeast corner of Scott and Geary

Bus Shelters

Northeast corner of Divisadero and Geary

Southwest corner of Divisadero and Geary

Emergency Boxes

Southeast corner of Geary and Buchanan

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 Poles

Northeast corner of McAllister and Webster

Southeast corner of Eddy and Webster

Approximately 1625 Geary

Approximately 1675 Geary

Approximately 1965 Geary

Approximately 1985 Geary

Approximately 2025 Geary

Approximately 2065 Geary

Approximately 2095 Geary

Approximately 60 Garden

Approximately 90 Garden

Southeast corner of Broderick and Garden

1405 Broderick

Northwest corner of Divisadero and Geary

Southwest corner Buchanan and Haight

808 Oak, in parking lot

501 Steiner

Approximately 405 Austin

Approximately 495 Austin

Approximately 445 Austin

Approximately 419 Austin

Approximately 1110 Hayes

1404 Broderick

Approximately 15 Orben

2011 Golden Gate

Southeast corner of Baker and Golden Gate
1455 Golden Gate
722 Fillmore
Northeast corner of Page and Fillmore
Northeast corner of Page and Laguna
1910 Divisadero
2374 Pine
Northeast corner of Orben and Pine
2191 Pine
810 Fulton
740 Webster
780 Grove
580 Hayes
579 Hayes
519 Hayes
332 Fell
Approximately 1174 Gough
1150 McAllister
120 Page
Approximately 101 Page
2152 Pine
1710 Market St.
Northwest corner of Octavia and Market Street, in median
Approximately 1714 Market St.
1740 Market St.
Southeast corner of Octavia and Market St.
Southeast corner of Valencia and Market St.

Wood Poles
Southwest corner of Page and Webster
Approximately 80 Garden
Approximately 475 Austin
Approximately 11 Orben
450 Fillmore
340 Fillmore

Concrete Poles
Southeast corner of Ivy and Webster
Opposite 645 Webster
760 Webster
867 Webster
2013 Golden Gate
1835 Golden Gate
Southeast corner of Divisadero and Laguna
760 Grove

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 of Turk and Webster
Southwest corner of Geary and Divisadero
Opposite 802 Steiner in Alamo Square
Northwest Pierce and Golden Gate
Southeast corner of Page and Fillmore

579 Hayes
501 Hayes
Northwest corner of Patricia's Green
Approximately 101 Page

Mailboxes
Northwest corner of Fulton and Webster
Northwest corner of Buchanan and Eddy
1755 Geary
Southeast corner of Scott and Geary
Northeast corner of Haight and Divisadero
Northwest corner of Divisadero and Geary
Northeast corner of McAllister and Scott
Northeast corner of Baker and Golden Gate
Southeast corner of Lyon and Golden Gate
Southeast corner of Scott and Golden Gate
Northwest corner of Page and Laguna
Southwest corner of Hayes and Laguna
Northwest corner of Fulton and Webster
Southwest corner of Haight and Gough

Public Buildings
Ella Hill Hutch Recreation Center, facing Golden Gate
Ella Hill Hutch Recreation Center, facing Buchanan
Public bathroom in Alamo Square, facing South

Public Benches
Opposite 710 Steiner in Alamo Square
North of Pierce and Hayes in Alamo Square
Opposite 1124 Fulton, second-tier of Alamo Square
579 Hayes

Street Walls and Overpasses
Ella Hill Hutch Recreation Center, facing Golden Gate
Ella Hill Hutch Recreation Center, interior wall of playground along Webster
Approximately 1815 Geary
Approximately 1901 Geary
Approximately 1190 Golden Gate
Approximately 1560 Golden Gate

Fire Hydrants
Approximately 1995 Geary
Northeast corner of Haight and Steiner
Southwest corner of Steiner and Golden Gate
1700 Market St.

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 newsstands:

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
Northeast corner of Broderick and Geary
511 Hayes
1825 Post

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
Northeast corner of Haight and Steiner
559 Hayes
Southwest corner of Divisadero and Geary

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
1600 Post

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
Southeast corner of Haight and Fillmore
1825 Post
Northeast corner of Haight and Steiner
511 Hayes

Advertiser
Northeast corner of Broderick and Geary
Southwest corner of Divisadero and Geary

Jobs and Careers
1825 Post

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:
Residential and Commercial Buildings
380 Webster, on Oak
801 Hayes
55 Laguna, on the Haight Street side
333 Haight
295 Buchanan, on the Haight Street side
546 Haight
542 Haight
418 Haight
897 Webster

Approximately 1451 Eddy
Approximately 1530 Fillmore
1865 Post
Opposite 75 Western Shores Lane
Buchanan at Western Shores Lane, on east side
Approximately 40 Garden
2015 Geary, on side
861 Divisadero
803 Divisadero
285 Divisadero
811 Oak
501 Steiner, on side
761 Golden Gate, on west side
998 Golden Gate, on Divisadero side
1621 Golden Gate
1570 Golden Gate
1513 Golden Gate
1110 Steiner, on side
1101 Fillmore, on Golden Gate
400 Waller, on awning
Opposite 421 Hickory
790 Page, on side
2190 Geary
417 Laguna, on side
Northwest corner of Laguna and Hayes
1619 Laguna, on side
2338 Pine
2189 Pine
1801 Octavia, on side
1881 Pine
1559 Franklin, on side
1441 Gough
559 Ivy
501 Hayes
320 Steiner
399 Steiner, on side
357 Pierce
324 Hayes
580 Hayes
1740 Market St.
1707 Market St.

Planter Boxes
316 Fillmore
597 Hayes

Parking Lots
Approximately 30 Garden
Northeast corner of Hayes and Laguna
1805 Geary

In Memoriams

Joseph Alioto – Entire Board
Charles McGlashan – Entire Board

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 9:17 p.m.

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 May 3, 2011.

Angela Calvillo, Clerk of the Board