

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, March 15, 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

Budget and Finance Committee

Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu

Budget and Finance Sub-Committee

Supervisors Chu, Mirkarimi, Kim

City and School District Select Committee

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

City Operations and Neighborhood Services Committee

Supervisors Avalos, Mar, Elsbernd

Government Audit and Oversight Committee

Supervisors Campos, Farrell, Chiu

Land Use and Economic Development Committee

Supervisors Mar, Cohen, Wiener

Public Safety Committee

Supervisors Mirkarimi, Cohen, Campos

Rules Committee

Supervisors Kim, Elsbernd, Farrell

Meeting Days

Wednesday

1:00 PM

Wednesday

10:00 AM

2nd and 4th Thursday

3:30 PM

2nd and 4th Monday

10:00 AM

2nd and 4th Thursday

10:00 AM

Monday

1:00 PM

1st and 3rd Thursday

10:30 AM

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 Chiu, Carmen Chu, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, and Scott Wiener

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, Supervisors Campos, Cohen, and Mirkarimi were noted absent. There was a quorum.

Supervisors Campos, Cohen, and Mirkarimi Excused from Voting

Supervisor Avalos, seconded by Supervisor Farrell, moved that Supervisors Campos, Cohen, and Mirkarimi be excused from voting. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Kim, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of February 8, 2011. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Budget and Finance Sub-Committee

110068 [Administrative Code - Rewards to Informants for Information Related to the Detection of Underpayment of Property Tax]

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code by amending Chapter 10, Sections 10.177-2 and 10.177-3, authorizing the Assessor to recommend rewards for information related to the detection of underpayment of tax owed to the City and County of San Francisco.

Ordinance No. 48-11

FINALLY PASSED

110183 [Accept and Expend Grant - Broadband Technology Opportunities Program and Amendment to the Annual Salary Ordinance, FY2010-2011 - \$7,931,632]

Sponsors: Mayor; Chiu and Campos

Ordinance authorizing the Department of Technology to accept and expend a grant in the amount of \$7,931,632 from the U.S. Department of Commerce through the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) Broadband Technology Opportunities Program for Sustainable Broadband Adoption Training and Services, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY 2010-2011) to reflect the addition of two (2) grant-funded positions for the Department of Aging and Adult Services in Class 1823 Senior Administrative Analyst, and four (4) grant-funded positions for the Department of Technology as follows: one (1) position in Class 1823 Senior Administrative Analyst; one (1) position in Class 1844 Senior Management Assistant; one (1) position in Class 1766 Media Production Technician; and one (1) position in Class 1769 Media Production Supervisor.

Ordinance No. 52-11

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

110009 [Planning Code - Amending Area Plan Fee Waiver Criteria for Affordable Housing]

Sponsor: Cohen

Ordinance amending the San Francisco Planning Code by amending Section 406 to revise the criteria for waiver of Area Plan fees, including the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, and the Visitacion Valley Community Facilities and Infrastructure Impact Fee, for affordable housing projects; and making findings, including environmental findings.

Ordinance No. 47-11

FINALLY PASSED

Recommendation of the Public Safety Committee**101120 [Police Code - Discharge of Firearms; Fireworks]****Sponsor: Mayor**

Ordinance amending the San Francisco Police Code by amending Sections 1290, 4502, and 4506 to consolidate the prohibitions on the discharge of firearms within the City and to re-state the exceptions to those prohibitions.

Ordinance No. 50-11

FINALLY PASSED

Recommendations of the Rules Committee**110105 [Appointments, Sunshine Ordinance Task Force - Jay Costa and Jackson West]**

Motion appointing Jay Costa, term ending April 27, 2012, and Jackson West, term ending April 27, 2013, to the Sunshine Ordinance Task Force. (Clerk of the Board)

Jay Costa, seat 7, succeeding Nicholas Goldman, resigned, must be experienced in consumer advocacy, for the unexpired portion of a two-year term ending April 27, 2012.

Jackson West, seat 11, succeeding Marjorie Ann Williams, resigned, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a term ending April 27, 2013.

Motion No. M11-34

APPROVED

110145 [Appointments, Citizens' General Obligation Bond Oversight Committee - Robert Muscat and Jonathan Alloy]

Motion appointing Robert Muscat and Jonathan Alloy, to the Citizens' General Obligation Bond Oversight Committee, terms ending November 21, 2012. (Clerk of the Board)

Robert Muscat, seat 2, succeeding himself, term expired, must be active in a labor organization, for the unexpired portion of a two-year term ending November 21, 2012.

Jonathan Alloy, seat 3, succeeding Kristin Chu, resigned, must be active in a community organization, for the unexpired portion of a two-year term ending November 21, 2012.

Motion No. M11-35

APPROVED

110146 [Settlement of Lawsuit - Liberato Primer, Jr. - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by Liberato Primer, Jr., against the City and County of San Francisco for \$125,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-493199, entitled Liberato Primer, Jr. v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

110173 [Settlement of Lawsuit - Esther Downes, et al. - \$350,000]

Ordinance authorizing entry of judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiffs Esther Downes and the Estate of Issiah Downes, and against the City and County of San Francisco, in the amount of \$350,000 in settlement of the lawsuit filed on October 1, 2010, in United States District Court, Case No. C10-4451 CW entitled "Esther Downes, et al. v. City and County of San Francisco, et al." (City Attorney)

PASSED, ON FIRST READING

110174 [Settlement of Claim - Homeless Prenatal Program, Inc. - \$135,246.65]

Resolution approving the settlement of the unlitigated claim filed by Homeless Prenatal Program, Inc., against the City and County of San Francisco for \$135,246.65; claim was filed on September 23, 2010. (City Attorney)

Resolution No. 129-11

ADOPTED

101471 [Appointment, Sweatfree Procurement Advisory Group - Eleanor Morton]

Motion appointing Eleanor Morton, to the Sweatfree Procurement Advisory Group, term ending December 17, 2011. (Clerk of the Board)

Eleanor Morton, seat 3, succeeding Sarah Leiber Church, resigned, must have significant experience as an advocate for human rights or the poor, for the unexpired portion of a four-year term ending December 17, 2011.

Motion No. M11-36

APPROVED

110218 [Appointments, Urban Forestry Council - Maria D'Agostino, Dan Flanagan, Sandy Sherwin, Rose Hillson, and Andrew Sullivan]

Motion appointing Maria D'Agostino, Dan Flanagan, Sandy Sherwin, Rose Hillson, and Andrew Sullivan to the Urban Forestry Council, terms ending November 18, 2012. (Clerk of the Board)
Maria D'Agostino, seat 2, succeeding Maria D'Agostino, term expired, must be certified by a professional tree management organization (International Society of Arboriculture, American Society of Consulting Arborists, or American Society of Landscape Architects,) for the unexpired portion of a two-year term ending November 18, 2012.

Dan Flanagan, seat 4, succeeding Naomi LeBeau, resigned, must be a member of a non-profit organization involved in urban forestry or other environmentally-related issues, for the unexpired portion of a two-year term ending November 18, 2012.

Sandy Sherwin, seat 5, succeeding Bonnie Ora Sherk, term expired, must be a member of a non-profit organization involved in urban forestry or other environmentally-related issues, for the unexpired portion of a two-year term ending November 18, 2012.

Rose Hillson, seat 6, succeeding herself, term expired, must be a representative of the community, for the unexpired portion of a two-year term ending November 18, 2012.

Andrew Sullivan, seat 7, succeeding Terry Milne, term expired, must be a representative of the community, for the unexpired portion of a two-year term ending November 18, 2012.

Motion No. M11-37

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

Severed from the Consent Agenda

Supervisor Elsbernd requested that File No. 110115 be severed so that it may be considered separately.

110115 [Summary Vacation, Jurisdictional Transfer, and Sale of City Property - Ocean Avenue and Phelan Avenue]

Sponsors: Elsbernd; Avalos

Ordinance: 1) ordering the summary vacation of an approximately 17,050 square foot portion of City property located near Ocean Avenue and Phelan Avenue pursuant to the California Streets and Highways Code Sections 8330 et seq.; 2) authorizing the jurisdictional transfer of such portion of City property from the Department of Public Works to the Municipal Transportation Agency; 3) authorizing the sale of an approximately 25,772 square foot portion of City property located near Ocean Avenue and Phelan Avenue to the San Francisco Redevelopment Agency for \$4,056,580 and the grant of a pedestrian access easement and an emergency fire apparatus access easement over a portion of adjacent City property; 4) adopting environmental findings and other findings that the actions set forth in this Ordinance are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; 5) adopting findings that Administrative Code Chapter 23A does not apply to the sale of such portion of City property; and 6) authorizing other actions in furtherance of this Ordinance.

Supervisor Elsbernd indicated amendments to the Purchase and Sale Agreement between the City and the Redevelopment Agency to include a Use Restriction that requires that the mixed use project have 70 residential rental units available for tenants with initial household incomes at or below 60% of area median income and that the property revert to the City if the Agency ceases to exist as provided by the Mayor's Office of Economic and Workforce Development, included in File No. 110115.

Ordinance No. 49-11

FINALLY PASSED, after accepting the amendments to the accompanying documents, by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

REGULAR AGENDA

UNFINISHED BUSINESS

There were no items.

NEW 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 Avalos, seconded by Supervisor Mar, moved that this Ordinance be CONTINUED ON FIRST READING to March 29, 2011. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

Recommendations of the Budget and Finance Sub-Committee

110154 [Appropriating \$2,809,000 of General Fund Reserve - Fourth Street Bridge Project Litigation Expenses in FY2010-2011]

Sponsor: Mayor

Ordinance appropriating \$2,809,000 from the General Fund Reserve to the Department of Public Works for litigation expenses related to the Santa Clara Superior Court Case between Mitchell Engineering/Obayashi Corporation v. City and County of San Francisco for the Fourth Street Bridge Project in FY2010-2011.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

110148 [Lease - ParkWide Activities, LLC - Master Bike Rental Concession Operation]

Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with ParkWide Activities, LLC, for the operation of a Master Bike Rental Concession in City Parks.

(Recreation and Park Department)

Resolution No. 127-11

ADOPTED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

110168 [Lease of Real Property - 1421 Broderick Street]

Resolution authorizing the exercise of a ten year option to extend the lease of the 12,417 square foot building located at 1421 Broderick Street for the Department of Public Health. (Real Estate Department)

Resolution No. 128-11

ADOPTED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

From the Budget and Finance Sub-Committee Without Recommendation**110175 [Settlement of Unlitigated Claims - East Bay Regional Park District - Public Utilities Commission Calaveras Dam Replacement Project]**

Resolution approving the settlement of the unlitigated claims between the City and County of San Francisco and the East Bay Regional Park District (EBRPD) related to the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program, Calaveras Dam Replacement Project, in Alameda County, calling for SFPUC to pay EBRPD \$2,000,000 related to project construction activities, and including other material terms and conditions in a settlement and release agreement. (City Attorney)

Resolution No. 130-11

ADOPTED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

110187 [CEQA Findings - Public Utilities Commission Calaveras Dam Replacement Project]

Sponsor: Elsbernd

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Water System Improvement Program Calaveras Dam Replacement Project, in Alameda and Santa Clara Counties, including the mitigation habitat actions at various sites; and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

Resolution No. 131-11

ADOPTED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

101523 [Planning Code, Administrative Code - Development Impact and In-Lieu Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code by: 1) amending Section 409 to clarify that the Annual Infrastructure Cost Inflation Adjustments to development fees authorized by the section do not need further action by the Board of Supervisors, to provide that the Planning Director be included in the annual fee reporting process, and to make other technical amendments to simplify the annual fee reporting process and ensure that the Controller's Office and the Capital Planning Program coordinate their efforts; 2) amending Sections 413.6 and 415.5 to provide that the annual adjustments to the Jobs-Housing Linkage and Affordable Housing fees shall be made at the same time as the cost inflation adjustments are made to the other development fees; 3) amending other sections of Article 4 to clarify language, eliminate confusion as to when requirements must be met, and correct errors in cross-referencing; and 4) adding an uncodified section providing that (a) if a development fee was evaluated in 2010 or 2011, it need not be included in the 2011 five-year evaluation and (b) authorizing the Controller to make the 2011 Infrastructure Cost Inflation Adjustments to the development fees in April rather than January; amending the San Francisco Administrative Code by repealing Section 38.14 (the Severability Clause) and moving it to Section 430; and adopting environmental, Planning Code Section 302, and Planning Code Section 101.1 findings.

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

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

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.

Supervisor Avalos, seconded by Supervisor Farrell, moved that this Ordinance be CONTINUED ON FIRST READING to March 22, 2011. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

110070 [Planning Code - Zoning - Upper Fillmore Neighborhood Commercial District]**Sponsor: Farrell**

Ordinance amending the San Francisco Planning Code by amending Sections 703.3 and 718.1 and the Zoning Control Table for the Upper Fillmore NCD to: 1) allow as a conditional use on the first floor a new full-service restaurant, large fast food restaurant, small self-service restaurant or self-service specialty food establishment that is not defined as a formula retail use; and 2) add Specific Provisions to the Zoning Control Table to allow a bar associated with a full-service restaurant as a conditional use and require the Planning Commission to consider daytime usage on the block in conditionally approving a new restaurant; 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: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

Recommendations 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."

Supervisor Avalos, seconded by Supervisor Elsbernd, moved that this Ordinance be CONTINUED ON FIRST READING to March 22, 2011. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

110150 [Administrative Code - Process for Mayoral Appearance at the Board of Supervisors]**Sponsors: Chiu; Mar**

Ordinance amending the San Francisco Administrative Code by adding Section 2.11 to establish a process for the Mayor to appear at the Board of Supervisors for a question and answer session.

Ordinance No. 51-11

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

110213 [Hearing - Emergency Ordinance Extending Municipal Elections Code Deadlines for Possible June 2011 Election]

Sponsor: Chiu

Hearing of persons interested in or objecting to the proposed Emergency Ordinance authorizing the Director of Elections to extend deadlines in the San Francisco Municipal Elections Code by no more than 15 days for a possible special municipal election to be held in June 2011.

The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 110278. John Arntz, Director, Department of Elections, provided an overview of the emergency ordinance. There were no speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report

110278 [Municipal Elections Code - Emergency Ordinance Extending Municipal Elections Code Deadlines for Possible June 2011 Election]

Sponsor: Chiu

Emergency Ordinance authorizing the Director of Elections to extend deadlines in the San Francisco Municipal Elections Code by no more than 15 days for a possible special municipal election to be held in June 2011.

Ordinance No. 53-11

FINALLY PASSED by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

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

Privilege of the Floor

Supervisor Elsbernd, seconded by Supervisor Wiener, 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: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

Supervisor Elsbernd introduced, welcomed, and presented a Certificate of Honor to dancers of the Wild Swans Theatre Company in recognition of St. Patrick's Day, their accomplishments, and continued community support.

Privilege of the floor was granted to Kay Gulbengay, Chair, and Emily Murase, Executive Director, Commission on the Status of Women, who provided an overview of Women's History Month.

WOMEN'S HISTORY MONTH

Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Women's History Month, their accomplishments, and their continued community support as referenced below:

Supervisor Wiener recognized Debra Niemann;

Supervisor Mar recognized Leticia Alcantar;

Supervisor Kim, on behalf of Supervisor Mirkarimi, recognized Carlina Hansen;

Supervisor Kim recognized Nella Manuel;

Supervisor Farrell recognized Crystal Brown;

Supervisor Elsbernd recognized Yvonne Sangiacomo;

Supervisor Chu, on behalf of Supervisor Cohen, recognized Kimberly Ellis;

Supervisor Chu recognized Angela Tickler;

Supervisor Chiu recognized Gerry Crowley;

Supervisor Avalos, on behalf of Supervisor Campos, recognized Eileen Hansen;

Supervisor Avalos recognized Jacqueline Zapata Chavez; and

Jason Elliott (Mayor's Office), on behalf of Mayor Lee, recognized Anni Chung.

SPECIAL ORDER 4:00 P.M.**110202 [Public Hearing - Appeal of Final Environmental Impact Report - Calaveras Dam Replacement Project]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's January 27, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2005.0161E, through its Motion No. 18261, for the proposed Calaveras Dam Replacement Project located in unincorporated areas of Alameda and Santa Clara Counties. (Appellant: Gregory Stepanich, on behalf of the East Bay Regional Park District.)
(Filed February 14, 2011; Companion to File Nos. 110203, 110204, 110205.)

The President inquired as to whether any member of the public wished to address the Board relating to the appeal. Ted Radosevich (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. There were no speakers in support of the appeal. Chris Kern (Planning Department) provided an overview of the decision of the Planning Department. Dan Wade (SFPUC) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Male Speaker spoke in support of the project and in opposition to the appeal. Ted Radosevich (Appellant) indicated there was no rebuttal. There were no other speakers. The President declared the public hearing closed.

HEARD AT PUBLIC HEARING

110203 [Affirming Certification of Calaveras Dam Replacement Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Calaveras Dam Replacement Project.

Motion No. M11-40

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

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

110204 [Reversing Certification of Calaveras Dam Replacement Project Final Environmental Impact Report]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the Calaveras Dam Replacement Project.

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

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

110205 [Preparation of Findings to Reverse Certification of Calaveras Dam Replacement 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 Calaveras Dam Replacement Project.

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

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

COMMITTEE REPORT

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.

Supervisor Avalos, seconded by Supervisor Farrell, moved that this Resolution be CONTINUED to March 29, 2011. The motion carried by the following vote:

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener

Excused: 3 - Campos, Cohen, Mirkarimi

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.

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

Male Speaker; expressed various concerns.

Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.

Ace Washington; expressed various concerns.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**110212 [Committee of the Whole - Hearing to Consider and Approve an Emergency Ordinance Extending Municipal Elections Code Deadlines for Possible June 2011 Election]****Sponsor: Chiu**

Motion that the Board of Supervisors convene as a Committee of the Whole on March 15, 2011, at 3:00 p.m., to consider an emergency ordinance authorizing the Director of Elections to extend deadlines in the Municipal Elections Code by no more than 15 days for a possible special municipal election to be held in June 2011. (Clerk of the Board)

Motion No. M11-38**APPROVED****110293 [Monsignor Oscar Romero Day - March 26, 2011]****Sponsors: Campos; Elsbernd, Mar and Avalos**

Resolution declaring March 26, 2011, as Monsignor Oscar Romero Day in San Francisco, to honor a person who dedicated themselves to, and ultimately gave their life for, social justice and human rights protection, and preached the message of peace, non-violence, reconciliation, and love.

Supervisors Elsbernd, Mar, and Avalos requested to be added as co-sponsors.

Resolution No. 133-11**ADOPTED****110295 [Extension of 45 Days for Planning Commission Review - Market and Octavia Plan Area]****Sponsor: Wiener**

Resolution extending by 45 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code Section 415.5 to provide a new land dedication alternative in the Market and Octavia Plan Area, in lieu of payment of the affordable housing fee, and adding Section 415.10 to provide for the requirements of such land dedication, and making findings, including environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

Resolution No. 132-11**ADOPTED****110260 [Final Map 5889: 619, 631-633 Taraval Street]**

Motion approving Final Map 5889, a 9 Unit Mixed-Use (6 Unit Residential and 3 Unit Commercial) Condominium Project, located at 619, 631-633 Taraval Street being a subdivision of Lots 039, 040, and 042A in Assessors Block No. 2409 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-39**APPROVED****The foregoing items were acted upon by the following vote:**

Ayes: 8 - Avalos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Wiener
Excused: 3 - Campos, Cohen, Mirkarimi

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

110312 [Zoning Map Amendment - 701 Lombard Street]

Sponsors: Mayor; Chiu

Ordinance amending the San Francisco Zoning Map by amending the zoning designation for 701 Lombard Street (Assessor's Block No. 74, Lot No. 01) from North Beach Neighborhood Commercial District and 40-X Height and Bulk District to "P" (Public) and "OS" (Open Space) Height and Bulk District for the new North Beach Public Library or other public use and for purposes of consistency with the adjacent Public and Open Space zoning designation of the Joe DiMaggio Playground; amending the Zoning Map to remove 701 Lombard Street from the Telegraph Hill - North Beach Residential Special Use District and the North Beach Special Use District; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

03/15/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/14/2011.

110313 [Settlement Agreement and Lease Amendment - Forty Niners, Ltd.]

Sponsors: Mayor; Chiu, Cohen and Farrell

Ordinance authorizing a settlement agreement and related lease amendment with the San Francisco Forty Niners, Ltd. (the 49ers) to settle a claim made by the 49ers on June 18, 2010, against the City and County of San Francisco relating to the condition of Candlestick Stadium; exempting any new City policy requirements that the City's Administrative Code would otherwise require for a material amendment to the lease.

03/15/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110316 [Street Vacation Order - Joe DiMaggio Playground Master Plan - Mason Street]

Sponsors: Mayor; Chiu

Ordinance ordering the vacation of the one block portion of Mason Street between Lombard Street and Columbus Avenue for purposes of the North Beach Public Library and Joe DiMaggio Playground Master Plan, subject to certain conditions; accepting a Department of Public Works work order; approving an interdepartmental transfer of the area to be vacated from the Department of Public Works to the Recreation and Park Department at the time the vacation is final and effective; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

03/15/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110330 [Administrative Code - Public Work Construction Contractor/Subcontractor Appeal Hearing Procedures for Non-Compliance with Prevailing Wage Requirements]**Sponsor: Chiu**

Ordinance amending the San Francisco Administrative Code, Section 6.22, Public Work Construction Contract Terms and Working Conditions, by amending Subsection 6.22(E)(8) to further delineate due process procedures for administrative hearings on appeals by public work contractors and/or subcontractors from a Certification of Forfeiture made by the City's Labor Standards Enforcement Officer or responsible department head for non-compliance with prevailing wage requirements; and to additionally conform distribution of forfeiture provisions to State law.

03/15/11; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee.

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.

01/04/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/3/2011.

01/12/11; REFERRED TO DEPARTMENT.

01/14/11; RESPONSE RECEIVED.

03/09/11; RESPONSE RECEIVED.

03/15/11; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions**110314 [Street Vacation - Resolution of Intention - Joe DiMaggio Playground Master Plan - Mason Street]****Sponsors: Mayor; Chiu**

Resolution declaring the intention of the Board of Supervisors to vacate the one block portion of Mason Street between Lombard Street and Columbus Avenue for purposes of the North Beach Public Library and Joe DiMaggio Playground Master Plan, subject to certain conditions; and setting the hearing date for all persons interested in the proposed vacation of said public right-of-way.

03/15/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

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).

03/15/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110318 [Accept and Expend Grant - Used Motor Oil Recycling - \$114,138]**Sponsor: Mar**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$114,138 from the California Department of Resources Recycling and Recovery for the purpose of increasing Used Motor Oil Recycling and Household Hazardous Waste Management.

03/15/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110319 [Accept and Expend Grant - Audiovisual Digitization Project - \$9,998]**Sponsor: Chu**

Resolution authorizing the Public Library to accept and expend a grant in the amount of \$9,998 from the California State Library, as part of the Federal Library Services and Technology Act, for preserving and providing access to the Public Library's unique audiovisual collections and creating standard procedures for future audiovisual digitization projects.

03/15/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110320 [Presidio Branch Library Reopening]**Sponsor: Farrell**

Resolution recognizing the grand reopening of the Presidio Branch Library and commending the Public Library and its team for their hard work and commitment to San Francisco and its residents.

03/15/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110321 [Accept and Expend Grant - Marina Green Bicycle Trail - \$97,339]**Sponsor: Farrell**

Resolution authorizing the Department of Public Works to accept and expend a grant in the amount of \$97,339 from the Association of Bay Area Governments for the Marina Green Bicycle Trail project between Laguna Street and Buchanan Street.

03/15/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110322 [Accept and Expend Gift - Mayor's Annual Earth Day Breakfast - \$12,000]**Sponsor: Mayor**

Resolution authorizing the Department of the Environment to accept and expend a gift in the amount of \$12,000 from Wells Fargo Bank, to sponsor the Mayor's Annual Earth Day Breakfast on April 20, 2011, at City Hall.

03/15/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110328 [CEQA Findings - Treasure Island/Yerba Buena Island Development Project]**Sponsor: Mayor**

Resolution adopting findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations in connection with the development of Treasure Island and Yerba Buena Island, as envisioned in the Redevelopment Plan for the Treasure Island/Yerba Buena Island Project Area.

03/15/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110291 [Disposition and Development Agreement and Interagency Cooperation Agreement - Treasure Island/Yerba Buena Island]**Sponsor: Mayor**

Resolution approving a Disposition and Development Agreement between the Treasure Island Development Authority and Treasure Island Community Development, LLC, for certain real property located within the Treasure Island/Yerba Buena Island Project Area; approving an Interagency Cooperation Agreement between the City and the Treasure Island Development Authority; adopting findings under the California Environmental Quality Act; and adopting findings that the agreements are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

(Economic Impact, Fiscal Impact.)

03/08/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

03/15/11; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

110289 [Homeless Development Initiative Agreement - Treasure Island/Yerba Buena Island]**Sponsor: Mayor**

Resolution approving the amended and restated Base Closure Homeless Assistance Agreement with the Treasure Island Homeless Development Initiative.

(Economic Impact.)

03/08/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

03/15/11; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Motions**110329 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the June 7, 2011, Consolidated Special Election]**

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 7, 2011, Consolidated Special Election. (Clerk of the Board)

03/15/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110331 [Closed Session – Lawsuit - CTIA v. CCSF – Case No. 10-3224]**Sponsor: Chiu**

Motion that Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with or receiving advice from the City Attorney regarding a lawsuit entitled CTIA v. City and County of San Francisco, Case No. 10-3224, filed in the Northern District of California, related to an ordinance adopted by the Board often referred to as the "Cell Phone Right to Know" Legislation.

This closed session is held pursuant to Government Code Section 54957.6 and Administrative Code Section 67.10(d)(1). Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending lawsuit.

03/15/11; RECEIVED AND ASSIGNED to Board of Supervisors.

Requests for Hearing

110315 [Hearing - Street Vacation Order - Joe DiMaggio Playground Master Plan - Mason Street]

Sponsors: Mayor; Chiu

Hearing of persons interested in or objecting to proposed Ordinance ordering the vacation of the one block portion of Mason Street between Lombard Street and Columbus Avenue for purposes of the North Beach Public Library and Joe DiMaggio Playground Master Plan, subject to certain conditions; accepting a Department of Public Works work order; approving an interdepartmental transfer of the area to be vacated from the Department of Public Works to the Recreation and Park Department at the time the vacation is final and effective; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

03/15/11; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

110323 [Hearing - Blight Ordinance Update]

Sponsors: Avalos; Chiu

Hearing for an update from the Department of Public Works on the implementation and effectiveness of the 2009 Blight Ordinance amending Administrative Code Chapter 80, Section 80.4.

03/15/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

110324 [Hearing - Vacant Building Ordinance Update]

Sponsors: Avalos; Chiu

Hearing for an update from the Department of Building Inspection on the implementation and effectiveness of the 2009 Vacant Building Ordinance which added Building Code Section 103A.4.

03/15/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

110325 [Hearing - Federal Budget Impacts for FY2011-2012]

Sponsor: Chu

Hearing on the Federal budget impacts on San Francisco for FY2011-2012.

03/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110326 [Hearing - DCYF Budget Update for FY2011-2012]

Sponsor: Chu

Hearing for an update on the FY2011-2012 budget submission from the Department of Children, Youth, and Families.

03/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

110327 [Hearing - HSA Budget Update for FY2011-2012]

Sponsor: Chu

Hearing for an update on the FY2011-2012 budget submission from the Human Services Agency.

03/15/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced by the President at the Request of a Department**PROPOSED ORDINANCES****110300 [Development Agreement - Parkmerced]**

Ordinance approving a Development Agreement between the City and County of San Francisco and Parkmerced Investors, LLC, for certain real property located in the Lake Merced District of San Francisco, commonly referred to as Parkmerced, generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west; making findings under the California Environmental Quality Act, findings of conformity with the City's General Plan and with the eight priority policies of Planning Code Section 101.1(b); and waiving certain provisions of Administrative Code Chapter 56. (Planning Department) (Economic Impact.)

03/15/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110301 [Planning Code - Special Use District - Parkmerced]

Ordinance amending the San Francisco Planning Code by amending Sections 102.5 and 201 to include the Parkmerced Zoning Districts; adding Section 249.64 to establish the Parkmerced Special Use District for the property consisting of Assessor's Block Nos. 7303, 7303A, 7308 through 7311, 7309A, 7315 through 7323, 7325 and 7326, 7330, 7331 (Lot No. 4), 7332 (Lot No. 4), 7333 (Lot Nos. 1 and 3), 7333A, 7333B, 7333C, 7333D, 7333E, 7334 through 7345, 7345A, 7345B, 7345C, 7356 through 7359, and 7360 through 7370; amending Planning Code Section 270 to refer to the Parkmerced Special Use District; and 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. (Planning Commission) (Economic Impact.)

03/04/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110302 [Planning Code - Zoning Map Amendments - Parkmerced]

Ordinance amending the San Francisco Planning Code by amending Sectional Maps ZN13, HT13, and SU13 of the Zoning Map of the City and County of San Francisco to reflect the Parkmerced Special Use District; 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. (Planning Commission) (Economic Impact.)

03/04/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110303 [General Plan Amendment - Parkmerced]

Ordinance amending the San Francisco General Plan by amending the Urban Design Element Height Map with respect to the Parkmerced site; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission) (Economic Impact.)

03/04/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTION

110210 [Airline/Airport Lease and Use Agreements - Various Airlines]

Resolution approving leases to the terms of eight (8) new Airline/Airport Lease and Use Agreements between the City and various airlines, effective July 1, 2011, to allow such Airlines to conduct domestic and international flight operations at San Francisco International Airport. (Airport Commission)

03/15/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

In Memoriams

Earthquake and Tsunami Victims in Sendai, Japan – Board President David Chiu

Earthquake Victims in Yunnan Province, China – Board President David Chiu

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:07 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 April 19, 2011.

Angela Calvillo, Clerk of the Board