

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, April 7, 2009 10:00 AM

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

Regular Meeting

DAVID CHIU, PRESIDENT

*MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU,
CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR,
SOPHIE MAXWELL, ROSS MIRKARIMI*

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

Supervisors Elsbernd, Dufty, Avalos, Commissioners Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly, Alioto-Pier

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi, Alioto-Pier

Rules Committee

Supervisors Campos, Chu, Daly

Meeting Days

Wednesday
11:00 AM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

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

Volume 104 Number 12

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 10:07 a.m. On the call of the roll Supervisors Maxwell and Mar were noted absent.

Supervisor Maxwell was noted present at 10:09 a.m.

Supervisor Mar was noted present at 10:15 a.m.

There was a quorum present.

CONSENT AGENDA

Recommendations of the Land Use and Economic Development Committee

**090178 [Zoning Map Amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd**

Ordinance amending Sheets ZN11, ZN12, HT11, HT12 and SU12 of the City and County of San Francisco Zoning Map to revise use districts and height and bulk districts within the Balboa Park Station Area Plan and to delete the Ocean Avenue Fast Food Restricted Use Subdistrict in its entirety; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact)

Ordinance No. 59-09

FINALLY PASSED

**090180 [Approving General Plan Amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd**

Ordinance amending the San Francisco General Plan by the Balboa Park Station Area Plan and approving General Plan amendments to implement the aforementioned Plan by amending various General Plan Elements; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

(Economic Impact)

Ordinance No. 60-09

FINALLY PASSED

**090181 [Planning Code Amendments in connection with the Balboa Park Station Area Plan]
Supervisors Avalos, Elsbernd**

Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the Balboa Park Station Area Plan, running the length of Ocean Avenue generally from Manor Drive to San Jose Avenue, including properties adjacent to Geneva Avenue from Ocean Avenue to San Jose Avenue and properties adjacent to San Jose Avenue from Mt. Vernon Avenue to Ocean Avenue, and including the City College of San Francisco Phelan campus and San Francisco Public Utilities Commission property adjacent to Phelan Avenue; adopting the Balboa Park Station Area Plan impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

(Economic Impact)

**Ordinance No. 61-09
FINALLY PASSED**

**090179 [Balboa Park Station Area Plan - monitoring program]
Supervisors Avalos, Elsbernd**

Ordinance amending the Administrative Code Chapter 10E to establish the Balboa Park Station Area Plan Monitoring Program for purposes of reviewing the effectiveness of the Balboa Park Station Area Plan and implementation of specified improvements; and adopting environmental findings.

(Economic Impact)

**Ordinance No. 58-09
FINALLY PASSED**

Recommendations of the Rules Committee

090212 [Settlement of Lawsuit - State of California v. Foley, City and County of San Francisco, et al.]

Ordinance authorizing settlement of the lawsuit filed by State of California, acting through the Department of Transportation ("Caltrans") against the City and County of San Francisco in exchange for the provision of an easement modification agreement relocating certain access rights and otherwise preserving the pre-existing easement rights of the City and County of San Francisco and making environmental findings; the lawsuit was filed on June 29, 2006 in Alameda County Superior Court, Case No. RG06277087, entitled State of California v. Foley, City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation For Judgment in Condemnation and [Proposed] Judgment (and exhibits thereto), contained in Board of Supervisors File No. 090212. (City Attorney)

**Ordinance No. 56-09
FINALLY PASSED**

090261 [Settlement of Lawsuit - Estenoz v. First American Title Insurance Company, et al.]

Ordinance authorizing settlement of the lawsuit entitled Estenoz v. First American Title Insurance Company, et al., filed on November 26, 2007 by Ernesto Estenoz, Administrator With Will Annexed of the Estate of Guillermo Crosbie-Grimaldo, aka G. Crosbie-Grimaldo, aka Guillermo Crosbie, deceased, against the City and County of San Francisco, in San Francisco Superior Court Case No. CGC 07-469460; settlement in exchange for plaintiff's waiver of the right to appeal the order granting summary judgment and judgment entered thereon, and on such further terms set forth in the Settlement Agreement dated as of January 31, 2009, contained in Board of Supervisors File No. 090261, or as shall be negotiated and approved by the City Attorney's Office. (City Attorney)

Ordinance No. 57-09

FINALLY PASSED

PASS THE CONSENT AGENDA by the following vote:

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

Absent: 1 - Mar

Supervisor Daly, seconded by Supervisor Mirkarimi, moved to rescind the previous vote.

Motion to rescind the previous vote passed by the following vote:

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

PASS THE CONSENT AGENDA by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

090280 [Accept and Expend State Grant Funds - S.F. Recreation and Park Department - \$157,000]

Supervisor Dufty

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a Habitat Conservation Fund Grant administered by the California Department of Parks and Recreation in the amount of \$157,000 for the Glen Canyon Islais Creek Restoration Project.

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

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

Resolution No. 125-09

ADOPTED AS AMENDED by the following vote:

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

NEW BUSINESS

Recommendation of the Budget and Finance Committee

090296 [Ten Year Capital Expenditure Plan - FY 2010-2019]
Mayor, Supervisor Chiu

Resolution adopting the City's ten year capital expenditure plan for fiscal years 2010-2019.

Resolution No. 129-09

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Chu, Dufty, Mar, Maxwell, Mirkarimi

Noes: 3 - Alioto-Pier, Daly, Elsbernd

Recommendations of the Budget and Finance Subcommittee

090332 [Public Employment - San Francisco Employees' Retirement System]
Mayor, Supervisor Elsbernd

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of one position: 0965 Department Head V (FTE 0.19) and the deletion of one position: 0964 Department Head IV (FTE 0.19) at the San Francisco Employees' Retirement System.

PASSED ON FIRST READING by the following vote:

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

090336 [Appropriating \$4,211,947 of Revenue and General Fund Reserve for the November 2008 and May 2009 elections in the Department of Elections for Fiscal Year 2008-2009]
Mayor

Ordinance appropriating \$3,181,333 of State mandated cost reimbursement revenue, \$79,597 of county candidate filing fee revenue, and \$951,017 of General Fund Reserve, for a total appropriation of \$4,211,947, for costs associated with the November 2008 General Election and May 2009 Special Election in the Department of Elections for Fiscal Year 2008-2009.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

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

**090330 [Issuance and Sale of Revenue Bonds - Westmont College - \$122,500,000]
Supervisor Mirkarimi**

Resolution approving the issuance and sale of revenue bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$122,500,000 to finance educational facilities owned and operated by the Westmont College.

Resolution No. 127-09

ADOPTED by the following vote:

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

Recommendation of the Government Audit and Oversight Committee

081093 [Board of Supervisors response to the 2007-2008 Civil Grand Jury Report entitled "San Francisco Kindergarten Admissions: Back to the Drawing Board"]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2007-2008 Civil Grand Jury Report entitled "San Francisco Kindergarten Admissions: Back to the Drawing Board."

Resolution No. 119-09

ADOPTED by the following vote:

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

Recommendations of the Land Use and Economic Development Committee

**081249 [Inclusionary In Lieu Fees For Small Site Acquisition and Rehabilitation]
Supervisor Daly**

Ordinance amending Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of \$15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units, and making findings including findings under CEQA.

PASSED ON FIRST READING by the following vote:

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

090203 [Zoning Map Amendment - 401 - 421 Shields Street]

Ordinance amending the San Francisco Planning Code by amending Sheet 12 of the Zoning Map of the City and County of San Francisco to change the zoning of the properties located at 401-421 Shields Street, Block 7074, Assessor's Lot Nos. 001, 046, 047, 048, from P (Public) to RH-1 (Residential, House Districts, Single-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

PASSED ON FIRST READING by the following vote:

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

Recess

The Board recessed at the hour of 10:51 a.m.

Reconvening of the Board

The Board reconvened at the hour of 4:03 p.m.

Calling the Roll

*On call of the roll, the following Supervisors were noted present:
Supervisors Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi.
Supervisors Alioto-Pier, Avalos, Daly, Mar were noted absent.*

There was a quorum present.

SPECIAL ORDER 4:00 P.M.**090109 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition)) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

The President inquired as to whether any member of the public wished to address the Board members. There were none.

The President declared the public hearing closed.

Continued to May 12, 2009.

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

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

(Only one of the following two motions should be approved.)

- 090110 [Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**
Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to May 12, 2009.

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

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

- 090111 [Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**
Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

Continued to May 12, 2009.

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

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

- 090112 [Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

Continued to May 12, 2009.

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

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

SPECIAL ORDER 4:00 P.M.

- 090264 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 429 Amador Street (Pier 92)]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated September 8, 2008, that a project at 429 Amador Street (Pier 92) (Case No. 2008.1052E) is exempt from environmental review under Categorical Exemption, Class 1 [State CEQA Guidelines Section 15301(e)(2)]. The proposal would add a biodiesel operation to Darling International's existing facility that renders vegetable oils, fats and greases. The project site (Assessor's Block 4502A, Lot 002) is within the M-2 (Heavy Industrial) Zoning District and is within a 40-X Height and Bulk District. (Appellant: Deborah Behles, Kenneth Blackwood, and Cheryl Tang on behalf of Bayview Hunters Point Community Advocates.)

(Filed February 25, 2009; Companion to Files 090265, 090266, 090267; District 10.)

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

Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

(Only one of the following two motions should be approved.)

- 090265 [Affirming the Categorical Exemption issued for the 429 Amador Street (Pier 92) project]**
Motion affirming the determination by the Planning Department that the 429 Amador Street (Pier 92) project is categorically exempt from environmental review under the California Environmental Quality Act.
Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar
- 090266 [Disapproving the Categorical Exemption issued for the 429 Amador Street (Pier 92) project]**
Motion disapproving the determination by the Planning Department that the 429 Amador Street (Pier 92) project is categorically exempt from environmental review under the California Environmental Quality Act.
Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar
- 090267 [Preparation of findings related to the 429 Amador Street (Pier 92) project]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 429 Amador Street (Pier 92) is exempt from environmental review under the California Environmental Quality Act.
Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 7 - Campos, Chiu, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Absent: 4 - Alioto-Pier, Avalos, Daly, Mar

ROLL CALL FOR INTRODUCTIONS**PUBLIC COMMENT**

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library

Walter; shared in song concern with general issues

Mark Brumberg; expressed concern with issues relating to FDA budget adjustments

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

**090408 [Supporting the Clean Air for Children, Seniors, and Working Families Act]
Supervisors Alioto-Pier, Mar, Campos**

Resolution urging the City and County of San Francisco to support Assembly Bill 622, the Clean Air for Children, Seniors, and Working Families Act.

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

Resolution No. 121-09

ADOPTED

**090409 [Child Care Provider Recognition Day - April 26, 2009]
Supervisors Avalos, Mar, Campos**

Resolution declaring April 26, 2009, to be San Francisco Child Care Provider Recognition Day.

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

Resolution No. 122-09

ADOPTED

**090410 [Employee Free Choice Act]
Supervisors Avalos, Campos**

Resolution affirming support for House Resolution 1409, the Employee Free Choice Act, and urging the United States Congress to pass the Employee Free Choice Act and protect and preserve, for America's workers, the freedom to choose for themselves whether and how to form a union to bargain for a better life.

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

Resolution No. 120-09

ADOPTED

**090411 [Mary Risley and Tante Marie Day - April 26, 2009]
Supervisors Chiu, Campos**

Resolution proclaiming April 26, 2009, as "Mary Risley and Tante Marie Day" in San Francisco.

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

Resolution No. 130-09

ADOPTED

**090412 [Repeal Defense of Marriage Act]
Supervisors Chiu, Dufty, Campos, Mirkarimi**

Resolution urging our California Congressional delegation to lead the fight to repeal the Federal "Defense of Marriage Act."

Resolution No. 126-09

ADOPTED

**090413 [Donate Life Month - April]
Supervisors Chu, Campos**

Resolution supporting April as Donate Life Month and urging all San Franciscans to participate in the Donate Life California Donor Drive.

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

Resolution No. 124-09

ADOPTED

**090414 [Commending Zürich Mayor-Elect Corine Mauch]
Supervisors Dufty, Campos**

Resolution honoring Corine Mauch on her historic election as the first woman and openly gay Mayor of the City of Zürich, Switzerland.

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

Resolution No. 123-09

ADOPTED

090357 [Final Map - 4800 3rd Street]

Motion approving Final Map 5140, an 18 Residential Unit and 2 Commercial Unit Mixed-Use Condominium Project, located at 4800 3rd Street being a subdivision of Lot 045 in Assessors Block No. 5322 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,089; District 10.)

Motion No. M09-63

APPROVED

090358 [Final Map - 4441 and 4445 Mission Street]

Motion approving Final Map 5324, a 6 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 4441 and 4445 Mission Street being a subdivision of Lots 023A and 024 in Assessors Block No. 6013 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,097; District 11.)

Motion No. M09-64

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

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

090373 [Supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act]
Supervisors Avalos, Mirkarimi, Mar, Campos

Resolution supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act; supporting creation of the Creative Industries and Community Economic Revitalization Fund; and urging passage of Assembly Bill 700 in the current legislative session.

Resolution No. 118-09

ADOPTED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell, Mirkarimi
Noes: 3 - Alioto-Pier, Chu, Elsbernd

IMPERATIVE AGENDA

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

[Purely Commendatory Finding]

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

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the purely commendatory finding. The motion carried by the following vote:

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

[Brown Act Finding]

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

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

**090415 [Redmond Kernan Day]
Supervisors Alioto-Pier, Dufty**

Resolution declaring April 7, 2009, as "Redmond Kernan Day" in the City and County of San Francisco.
Supervisor Dufty requested to be added as a co-sponsor.

Resolution No. 128-09

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

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**090418 [Waiver of fee for temporary farmers' market in Noe Valley from April 14, 2009, through September 29, 2009]
Supervisor Dufty**

Ordinance waiving the fees in San Francisco Business and Tax Regulations Code Sections 35 and 248 and in San Francisco Administrative Code Section 1.10-1 for a farmers' market to be held at 3950 24th Street from April 14, 2009, through September 29, 2009.

4/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090419 [Increasing prize limit for charitable bingo games]
Supervisors Dufty, Avalos, Campos, Elsbernd**

Ordinance amending Section 3201 of the San Francisco Police Code to increase the maximum allowable prize for any charitable bingo game from \$250 to \$500, and to make nonsubstantive changes clarifying the applicability of requirements regarding the use of bingo proceeds.

4/7/09, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 5/7/2009.

**090420 [India Basin Industrial Park, Special Use District Amendment]
Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by amending Section 249.42 to exempt the India Basin Industrial Park Special Use District from minimum off-street parking requirements; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

4/7/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/7/2009.

**090421 [Administrative Code Revision to Allow Renewal of Contracts for Local Rent Supplement Program]
Mayor**

Ordinance amending the Administrative Code by amending Chapter 24A "Administrative Structure Local Rent Supplement Program in the Office of the Mayor" by amending Section 24A.08 related to the definition of Qualified Tenant to delete an out-dated tenant eligibility requirement; and amending Section 24A.10 related to the Term of Contract to extend the term of Rent Supplement Contracts for 10 years beginning April 1, 2009. 4/7/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/7/2009.

**090381 [Zoning Map Amendment - 2550 Mission Street]
Supervisor Campos**

Ordinance amending the San Francisco Zoning Map by amending the height district designation for property located at 2550 Mission Street, Assessor's Block 3616, Lot 007, between 21st and 22nd Streets to 65-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

3/24/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/24/2009.

3/24/09, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Amended to include language relating to the height for property located at Block 3616, Lot 07 to correct the clerical error to reduce the height from "85 ft" to "65 ft."

3/24/09, REFERRED to Land Use and Economic Development Committee. The Clerk of the Board was directed to refer this matter to the Planning Department for review and comment.

3/26/09, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation; referred to Planning Department for environmental review.

3/26/09, CLERICAL CORRECTION. Clerical correction at page 1, line 4 after "for" insert "for property located at 2550 Mission Street," ; line 5, after "007" add "," and delete "on Mission Street".

4/7/09, SUBSTITUTED. Supervisor Campos submitted a substitute ordinance bearing same title.

4/7/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/24/2009.

**090329 [Recreation and Park Department - Sharp Park]
Supervisor Mirkarimi**

Ordinance amending San Francisco Park Code Article 3 by adding Section 3.20, to require the Recreation and Park Department to develop a plan, schedule and budget for restoring Sharp Park habitat for the California red-legged frog and the San Francisco garter snake in conformance with the requirements of the Endangered Species Act, and transferring Sharp Park to, or developing a joint management agreement with, the Golden Gate National Recreation Area and making environmental findings.

(Fiscal Impact.)

3/17/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

3/24/09, TRANSFERRED to Government Audit and Oversight Committee.

3/24/09, REFERRED TO DEPARTMENT. Referred to Planning Department for Environmental Review.

03/24/09 - Response received from Planning Department.

3/24/09, REFERRED TO DEPARTMENT. Referred to the Recreation and Park Department for review and response.

4/7/09, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing new title.

4/7/09, ASSIGNED to Government Audit and Oversight Committee.

**081404 [Mandatory Recycling and Composting]
Mayor**

Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1812, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.7, 291.11, 291.12, 291.15, 291.17, and 293.1, and by repealing the current Section 291.16 and adding a new Section 291.16, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) ensure that all properties subscribe to refuse collection service; and (4) authorize a Department of Public Health inspection fee of \$167 per hour; and making environmental findings and setting an operative date.

(Fiscal Impact.)

11/4/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/4/2008.

11/21/08, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review and Departments of Public Works and Environment for informational purposes.

12/11/08, RESPONSE RECEIVED. Non-physical impact per CEQA Guidelines Section 15060.

4/7/09, SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

4/7/09, ASSIGNED to Land Use and Economic Development Committee.

Resolutions

**090415 [Redmond Kernan Day]
Supervisors Alioto-Pier, Duffy**

Resolution declaring April 7, 2009, as "Redmond Kernan Day" in the City and County of San Francisco.

4/7/09, ADOPTED. Supervisor Duffy requested to be added as a co-sponsor.

**090424 [Approving the 2009 San Francisco Juvenile Justice Local Action Plan Update]
Supervisor Avalos**

Resolution approving the 2009 San Francisco Juvenile Justice Local Action Plan which identifies the citywide programs and approaches that have been demonstrated to be effective in reducing violence, crime and delinquency amongst young adults ages 11 – 25 and includes recommendations for how funding for local violence prevention and intervention strategies will be allocated for the term of July 1, 2009 – June 30, 2010. 4/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee. (Referred to the Youth Commission for comment and recommendation.)

**090425 [Condolences to the people of Italy and those affected by the L'Aquila earthquake]
Supervisors Alioto-Pier, Campos**

Resolution extending condolences and greatest sympathy to the people of Italy and those affected by the L'Aquila earthquake.
4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090426 [Commending Dwayne Kinner]
Supervisors Avalos, Campos**

Resolution commending and thanking Dwayne Kinner on the occasion of the 20th Anniversary of the Workers' Children's Fund Softball Tournament and for his hard work towards and dedication to enriching the lives of San Francisco's foster children.
4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090427 [Solidarity with the workers of Hyatt Fisherman's Wharf and HEI Le Meridien Hotel]
Supervisors Chiu, Avalos, Mirkarimi, Mar, Campos**

Resolution urging Hyatt Fisherman's Wharf and HEI Le Meridien Hotel to allow its workers to choose, free from delay and intimidation, whether to have a union through a card-check neutrality agreement.
4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090428 [Condemning the persecution and murders of Lesbian Gay Bisexual Transgender (LGBT) Iraqi Citizens]
Supervisors Dufty, Campos, Avalos, Mirkarimi**

Resolution calling on the U.S. Department of State to use all diplomatic channels to work with the Iraqi Government to stop the persecution of Iraqi Lesbian Gay Bisexual Transgender (LGBT) citizens and immediately stop the murders of Iraqi LGBT citizens.
4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090429 [Urging Federal authorities to approve the citizenship of Shirley Tan and pass the Uniting American Families Act]**Supervisors Dufty, Campos, Chiu, Mar**

Resolution urging Federal authorities to remove obstacles to United Citizenship for Shirley Tan, and urging the passage of the Uniting American Families Act (UAFAs, H.R. 1024, S. 424).

4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090442 [Armenian Genocide Commemoration Day]**Supervisors Elsbernd, Campos, Dufty, Mirkarimi, Alioto-Pier, Daly, Avalos, Chu, Chiu, Mar, Maxwell**

Resolution declaring April 24, 2009, as Armenian Genocide Commemoration Day in San Francisco.

4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090443 [Motion establishing Budget Analyst's 2009-2010 schedule of audits]**Supervisor Mirkarimi**

Motion repealing Motion No. 09-55 and adopting a new schedule of audits to be conducted of programs of City and County departments.

4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090444 [Supporting Assembly Bill 324, the Elder Economic Dignity Act of 2009]**Supervisors Mirkarimi, Mar, Campos**

Resolution supporting the California State Assembly Bill 324, the Elder Economic Dignity Act of 2009 .

4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

090448 [Supporting Assembly Bill 560, Net Metering]**Supervisors Mirkarimi, Campos**

Resolution supporting Assembly Bill 560 that would raise the cap on net metering, and possibly eliminate the cap entirely.

4/7/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**090417 [Water System Improvement Program (WSIP) Update]****Supervisors Chu, Avalos**

Hearing request for a regular quarterly update from the Public Utilities Commission on the Water System Improvement Program (WSIP). Hearings should include information on projects completed to date, the corresponding costs for completed projects, and schedule and corresponding costs for upcoming projects.

4/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090422 [Community Development Block Grants (CDBG) Allocation]
Supervisor Avalos

Hearing on the Mayor's Preliminary Recommendations on the allocation of the Community Development Block Grants (CDBG).

4/7/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090423 [Peak Oil Task Force Report]
Supervisor Mirkarimi

Hearing before Government Audit and Oversight Committee to receive and consider the report and recommendations of the Peak Oil Task Force.

4/7/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

090446 [Hearing - Adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project]

Hearing of persons interested in or objecting to proposed ordinance approving and adopting the Redevelopment Plan for the Visitacion Valley Redevelopment Project area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; authorizing official acts in furtherance of this ordinance. (Clerk of the Board)

4/7/09, SCHEDULED FOR PUBLIC HEARING. Board to sit as a Committee of the Whole on April 14, 2009 at 3:00 pm.

Motions

090445 [Office of the Legislative Analyst Request - Owner Move In Evictions]
Supervisors Mar, Campos

Motion requesting the Legislative Analyst to research and obtain information on families with children who are evicted each year through the Owner Move In (OMI) eviction process; to work with all family service providers, eviction defense groups, landlord or apartment associations, and tenant groups to obtain data, hard numbers or anecdotal, that lend information to how many families face OMI evictions each year. We would also like to know how many families are threatened by OMI eviction and take relocation monies without reporting these evictions to the San Francisco Rent Board.

4/7/09, ASSIGNED to Board of Supervisors. Scheduled for Board consideration April 14, 2009.

090433 [Appointment, Golden Gate Bridge, Highway and Transportation District]

Motion to consider appointing one member, seat 2, public at large, for term ending January 31, 2011, to the Golden Gate Bridge, Highway and Transportation District.

2 Applicants - Larry Mazzola, Jr.; David H. Snyder

2/3/09, RECEIVED AND ASSIGNED to Rules Committee.

4/7/09, CALLED FROM COMMITTEE. Pursuant to Rule 5.31.1, Supervisors Eisbernd, Alioto-Pier, Dufty, and Chu called this measure from Rules Committee.

Requests Granted

From: Supervisor Chiu

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney's Office to work with the Controller to draft a Charter Amendment incorporating the following recommendations of the Budget Improvement Project:

- 1. Establish a two-year budget process and mid-cycle correction process.*
- 2. Establish a five-year financial plan to inform a two-year budget.*
- 3. Establish formal financial policies and an approach to meeting them over upcoming budget cycles.*

In Memoriams

Sandra Cantu - Entire Board

Len Harrison - Supervisor Mirkarimi

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:06 p.m.

Angela Calvillo, Clerk of the Board

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

Approved by the Board of Supervisors on May 5, 2009.



Angela Calvillo
Clerk of the Board