# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

### **MEETING MINUTES - FINAL**

Tuesday, April 12, 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	<b>Meeting Days</b>
Budget and Finance Committee	Wednesday
Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu	1:00 PM
Budget and Finance Sub-Committee	Wednesday
Supervisors Chu, Mirkarimi, Kim	10:00 AM
City and School District Select Committee	2nd and 4th Thursday
Supervisors Cohen, Avalos, Chu, Fewer, Maufas, Norton	3:30 PM
City Operations and Neighborhood Services Committee	2nd and 4th Monday
Supervisors Avalos, Mar, Elsbernd	10:00 AM
Government Audit and Oversight Committee	2nd and 4th Thursday
Supervisors Campos, Farrell, Chiu	10:00 AM
Land Use and Economic Development Committee	Monday
Supervisors Mar, Cohen, Wiener	1:00 PM
Public Safety Committee	1st and 3rd Thursday
Supervisors Mirkarimi, Cohen, Campos	10:30 AM
Rules Committee	1st and 3rd Thursday
Supervisors Kim, Elsbernd, Farrell	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 2:09 p.m. On the call of the roll, Supervisor Mar was noted absent. There was a quorum.

#### **AGENDA CHANGES**

There were none.

#### APPROVAL OF MEETING MINUTES

Supervisor Farrell, seconded by Supervisor Avalos, moved to approve the Board Meeting Minutes of March 8, 2011, and the Special Board Meeting Minutes at the Budget & Finance Committee Meeting (File No. 100962) of March 9, 2011. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mirkarimi, Wiener Absent: 1 - Mar

Supervisor Mar was noted present at 2:11 p.m.

#### COMMUNICATIONS

There were none.

#### SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

#### 110342 [Formal Policy Discussions - April 12, 2011]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted from Supervisors representing District's 1, 3, 5, 7, 9, and 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

- 1. What policies and ideas do you propose to create a framework where all neighborhoods and business districts get assistance and advantages in terms of job creation and community benefits? Additionally, how will you ensure the greatest possible community participation in the creation of a community benefits agreement in midmarket and any other community? (Supervisor Mar, District 1)
- 2. How do you view the relative levels of cuts that will be required in major areas of City government for example, public health, public safety, social services, and parks and the extent to which you plan to identify new revenues to close our significant deficit? (Supervisor Chiu, District 3)
- 3. Governor Brown's Bill, AB 109, shifts responsibility for housing tens of thousands of inmates to municipalities, but local funds do not exist to handle the additional inmates. What are your ideas for how San Francisco should deal with this issue? (Supervisor Mirkarimi, District 5)
- 4. What are your thoughts on reforms to City employee pensions, health care, and retiree health care? (Supervisor Elsbernd, District 7)
- 5. Given your recent tour and subsequent conversations we have had over the Balboa Park Station Area, what are your plans to develop and help realize the area as a true, full service transit hub that adequately services the residents and users, as opposed to its current priority by the City and SFMTA as a maintenance facility? (Supervisor Avalos, District 11)

Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced questions. Following public comment this matter was filed. No further action was taken.

**HEARD AND FILED** 

#### **CONSENT AGENDA**

There were no items.

#### **REGULAR AGENDA**

#### **UNFINISHED BUSINESS**

#### From the Budget and Finance Sub-Committee Without Recommendation

### 110155 [Business and Tax Regulations Code - Payroll Expense Tax Exclusion in Central Market Street and Tenderloin Area]

Sponsors: Mayor; Kim, Chiu, Farrell, Cohen, Wiener and Chu

Ordinance amending Article 12-A of the Business and Tax Regulations Code by adding Section 906.3 to establish a payroll expense tax exclusion for businesses located in the Central Market Street and Tenderloin Area and requiring persons with an annual payroll expense of over \$1,000,000 to enter into a Community Benefits Agreement with the City Administrator. (Fiscal Impact; Economic Impact.)

Supervisor Kim, seconded by Supervisor Elsbernd, 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

#### PASSED ON FIRST READING AS AMENDED by the following vote:

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

Noes: 3 - Avalos, Campos, Mirkarimi

#### Recommendations of the Land Use and Economic Development Committee

#### **101537** [Planning Code - Urban Agriculture]

Sponsors: Mayor; Chiu, Cohen, Mirkarimi and Mar

Ordinance amending the Planning Code to update controls related to urban agricultural uses by adding Section 102.34 to define urban agriculture, including neighborhood agriculture and large-scale urban agriculture, and amending Sections 204.1, 209.5, 227, 234.1, 234.2, and Articles 7 and 8 to regulate such uses in various zoning districts; and making findings including environmental findings and findings of consistency with General Plan and Section 101.1.

Ordinance No. 66-11

#### FINALLY PASSED by the following vote:

#### 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.

Ordinance No. 65-11

FINALLY PASSED by the following vote:

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

#### **NEW BUSINESS**

#### From the Budget and Finance Committee Without Recommendation

#### 110225 [Park Code - Botanical Garden Non-Resident Fees]

**Sponsor: Mayor** 

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.46 to: 1) extend admission fees to the Botanical Garden for non-San Francisco residents beyond June 30, 2011; and 2) eliminate the provision cancelling this admission fee if the Recreation and Park Department receives revenue from a new tax that can be used for Botanical Garden operating and maintenance costs, and make environmental findings. (Fiscal Impact.)

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

Ayes: 9 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Noes: 2 - Avalos. Campos

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.46 to: 1) extend admission fees to the Botanical Garden for non-San Francisco residents until September 30, 2013; and 2) eliminate the provision cancelling this admission fee if the Recreation and Park Department receives revenue from a new tax that can be used for Botanical Garden operating and maintenance costs, and make environmental findings.

#### PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener

Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

### 110113 [Appropriating \$143,445 of General Fund Property Transfer Tax and Reducing Botanical Garden Fee Revenue for FY2010-2011]

**Sponsor: Avalos** 

Ordinance appropriating \$143,445 of General Fund from new property transfer tax and reducing botanical garden fee revenues, which will be rescinded as of the effective date of this ordinance, in the Department of Recreation and Park for FY2010-2011.

#### PASSED ON FIRST READING. The motion FAILED by the following vote:

Ayes: 4 - Avalos, Campos, Mar, Mirkarimi

Noes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener

#### Recommendations of the Budget and Finance Sub-Committee

## Increase Increase

**Sponsor: Campos** 

Ordinance authorizing the Office of the Treasurer-Tax Collector to accept and expend a grant in the amount of \$240,000 from the Earned Assets Resource Network for implementing the Office of Financial Empowerment Direct Deposit Program, and amending Ordinance 191-10 (Annual Salary Ordinance, FY2010-2011) to provide for the creation of one (1) grant-funded position in the Office of Financial Empowerment.

#### PASSED, ON FIRST READING by the following vote:

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

### 110223 [Public Works Code - Waiver of Street Encroachment Permit Fees - Stairway Improvements on 48th Avenue at Balboa Street]

Sponsor: Mar

Ordinance waiving the Street Encroachment Permit Fees in Public Works Code Section 2.1.1 and Public Works Code Sections 786 et seq. for stairway improvements on the unaccepted stairway located on the western side of 48th Avenue between Balboa and Anza Streets.

#### PASSED, ON FIRST READING by the following vote:

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

### 110350 [Annual Reports - Yerba Buena Community Benefit District] Sponsor: Kim

Resolution regarding Yerba Buena Community Benefit District Annual Reports to the City by receiving and approving the District's Annual Reports for FYs 2008-2009 and 2009-2010, which include the District's proposed budget for FY2010-1011, as submitted, pursuant to Section 36650 of the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's management contract with the City.

Resolution No. 161-11

#### ADOPTED by the following vote:

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

### 110351 [Authorizing Expenditures from SOMA Community Stabilization Fund - \$100,000] Sponsors: Mayor; Kim

Resolution authorizing the Mayor's Office of Housing to expend SOMA Community Stabilization funds in the amount of \$100,000 to provide grants to nonprofit organizations for: 1) a SOMA Community Coordinator to coordinate and focus community participation related to the development of 333 Harrison; 2) assistance in reassessing and refining the SOMA Community Stabilization Fund Strategic Plan.

Resolution No. 162-11

#### ADOPTED by the following vote:

#### Recommendation of the Land Use and Economic Development Committee

#### 110147 [General Plan Amendment - Mission District Streetscape Plan]

Ordinance amending the San Francisco General Plan by amending Policy 5.3.7 of the Mission Area Plan to reflect the adoption of the Mission District Streetscape Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

#### PASSED, ON FIRST READING 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 Avalos, seconded by Supervisor Kim, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

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

Supervisor Avalos introduced, welcomed, and presented a Certificate of Honor to Cathy Chin in recognition of National Safety Telecommunicator's Week and for being named Department of Emergency Management's Employee of the Year. Anne Kronenberg, Department of Emergency Management Director, shared in the recognition.

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to the Eagle Tavern in recognition of their accomplishments and continued community support. Supervisors Campos and Wiener shared in the recognition.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Ruth Mahaney, Kate Maxwell, and C. Kermit Berry-Skillen of the Modern Times Bookstore in recognition of their accomplishments and continued community support.

#### SPECIAL ORDER 4:00 P.M.

Supervisor Elsbernd was noted absent at 4:42 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. Alex DeGood (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Marc Gille; Walter Paulson; spoke in support of the appeal. Brett Bollinger (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Dan Frattin (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. There were no speakers in support of the project and in opposition to the appeal. Alex DeGood (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

**HEARD AT PUBLIC HEARING** 

### 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.

**Motion No.** M11-53

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

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener Absent: 1 - Elsbernd

### 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 Kim, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener Absent: 1 - Elsbernd

### 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 Kim, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Mirkarimi, Wiener Absent: 1 - Elsbernd

#### SPECIAL ORDER 4:00 P.M.

Supervisor Elsbernd was noted present at 5:33 p.m.

Supervisors Avalos, Elsbernd, Farrell, and Kim were noted absent at 6:47 p.m.

Supervisor Kim was noted present at 6:54 p.m.

Supervisor Avalos was noted present at 7:03 p.m.

Supervisors Elsbernd and Farrell were noted present at 7:08 p.m.

### 110307 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 1653 Grant Avenue (aka 501 Greenwich Street)]

Hearing of persons interested in or objecting to the decision of the Planning Department dated June 3, 2010, that a project located at 1653 Grant Avenue (aka 501 Greenwich Street) (Building Permit Application No. 2009.0626.1437, Case No. 2010.0557D) is exempt from environmental review under Categorical Exemption, Class 3 of the CEQA Guidelines (14 Cal. Code Reg Public §15000 et seq.) The proposed project involves installation of a wireless telecommunications service facility to an existing building. The subject property is located in the RM-2 (Residential, Mixed Districts, Moderate-Density) District, the Telegraph Hill-North Beach Residential Special Use District and a 40-X Height and Bulk District, Lot No. 001 in Assessor's Block No. 0088 (District 3) (Appellants: Julie Jaycox and Termeh Yeghiazarian, on behalf of the Telegraph Hill Dwellers). (Clerk of the Board)

(Filed March 4, 2011 - Companion Measure to Files 110308, 110309, 110310.)

The President inquired as to whether any member of the public wished to address the Board. Julie Jaycox and Termeh Yaghiazarian (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Victoria Robinson; Vedica Puri; Joan Wood; Female Speaker; Walter Paulson; David; Zack Stewart; Eric Brooks; Dave Vanka; Daniel Marshall; spoke in support of the appeal. AnMarie Rodgers (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Marlena Byrne, Deputy City Attorney, responded to questions raised throughout the discussion. Paul Albritton and Bill Hammett (Project Sponsors) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Tommy Tang; Ann Yuey; David; Joel Koppel; Geoffrey Winston; Ivria Benor; Jeff Ente; James Bishop; Regina Vana; Carl Hilsz; Marcia Smith; Female Speaker; Steve Ike; Ron Lee; Mike Leon; Marsha Garland; Stefan; David Cruise; Edmund Juicye; Rebekah Shapiro; Jose; Shirley; Mark Leace; spoke in support of the project and in opposition to the appeal. Julie Jaycox and Termeh Yaghiazarian (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** 

#### 110308 [Affirming the Exemption Determination - 1653 Grant Street]

Motion affirming the determination by the Planning Department that the project located at 1653 Grant Street is exempt from environmental review. (Clerk of the Board)

Motion No. M11-54

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

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener

Noes: 2 - Mar, Mirkarimi

#### 110309 [Reversing the Exemption Determination - 1653 Grant Street]

Motion reversing the determination by the Planning Department that the 1653 Grant Street project is exempt from environmental review. (Clerk of the Board)

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

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener

Noes: 2 - Mar, Mirkarimi

### 110310 [Preparation of Findings to Reverse the Exemption Determination - 1653 Grant Street]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 1653 Grant Street is exempt from environmental review. (Clerk of the Board)

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

Ayes: 9 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Wiener

Noes: 2 - Mar, Mirkarimi

#### **COMMITTEE REPORT**

#### Recommendation of the Land Use and Economic Development Committee

## 110410 [Opposing the Golden Gate National Recreation Area's Currently Proposed Draft Off-Leash Policy and Supporting the On-Going Dialogue between GGNRA and San Francisco]

Sponsors: Wiener: Avalos

Resolution putting the San Francisco Board of Supervisors on record as opposing the Golden Gate National Recreation Area's preferred alternatives for dog management.

Supervisor Wiener, seconded by Supervisor Avalos, moved that this Resolution be CONTINUED to April 26, 2011. The motion carried by the following vote:

#### ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Supervisors Elsbernd, Farrell, and Mirkarimi were noted absent at 7:42 p.m. Supervisors Elsbernd and Farrell were noted present at 7:57 p.m.

#### **PUBLIC COMMENT**

Abdallah Megahed; expressed various concerns.

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

Male Speaker; expressed various religious concerns.

Susan Terrence; expressed support for California Poets in the Schools Day.

Susan Herran; expressed support for California Poets in the Schools Day.

Eric Oesterle; expressed concerns relating to the pending closure of the Eagle Tavern.

Michael Talley; expressed concerns relating to the pending closure of the Eagle Tavern.

Anaconda; expressed concerns relating to the pending closure of the Eagle Tavern.

Dee Leitner; expressed concerns relating to the pending closure of the Eagle Tavern.

Brian Morris; expressed concerns relating to the pending closure of the Eagle Tavern.

Peter Kane; expressed concerns relating to the pending closure of the Eagle Tavern.

Brian Morris; expressed concerns relating to the pending closure of the Eagle Tavern.

Wayne Heiss; expressed concerns relating to the pending closure of the Eagle Tavern.

Edmund Juicye; expressed various concerns.

#### **CLOSED SESSION**

### 110420 [Closed Session - Pension, Health Care, and Retiree Health Care Reform] Sponsor: Chiu

Motion for the Board of Supervisors to convene in closed session to consult with the Mayor and City's Labor Relations Negotiators for the purpose of reviewing the City's positions and the Mayor's instructions to the Negotiators relating to: (a) pension, health care, and retiree health care reform proposals, and the meet and confer process regarding wages, hours, benefits, and working conditions currently underway between the City and City employee bargaining units to address the costs associated with providing these benefits; and (b) pending labor negotiations with organizations representing employees in the two MOUs expiring June 30, 2011 (e.g., District Attorney Investigators Association and Committee on Interns and Residents), as well as the Unrepresented Ordinance.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

**Motion No.** M11-52

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

(Employee Organizations: Automotive Machinists, Local 1414; Committee on Interns and Residents; Crafts Coalition; District Attorney Investigators Association; Deputy Probation Officers' Assoc.; District Attorneys' Investigators Assoc.; Deputy Sheriffs Association; Electricians, Local 6; Fire Fighters, Local 798; International Federation of Professional and Technical Engineers, Local 21; Institutional Probation Officers' Assoc.; Laborers, Local 261; Local 1414; Local 21; Municipal Attorneys' Association; Municipal Executives' Association; Operating Engineers Local 3; Plumbers, Local 38; Police Officers' Association; Service Employees International Union, Local 1021; Stationary Engineers, Local 39; Supervising Probation Officers' Assoc.; Supervising Registered Nurses; Teamsters Local 350; Teamsters Local 856; Union of American Physicians and Dentists.) These organizations represent police officers, firefighters, airport police, transit workers, nurses, miscellaneous employees, and other City employees.

The President inquired as to whether any member of the public wished to address the Board regarding convening in closed session. There were no speakers. The President declared public comment closed.

#### CONVENED IN CLOSED SESSION

The Board recessed at the hour of 2:42 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

Persons in attendance:
Mayor Edwin M. Lee
Steve Kawa, Mayor's Chief of Staff
Greg Wagner, Mayor's Budget Director
Micki Callahan, Director of Department of Human Resources
Martin Gran, Director of Employee Relations
Ben Rosenfield, Controller
Cheryl Adams, Deputy City Attorney
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director

Matter was heard in Closed Session and Filed.

#### RECONVENING OF THE BOARD

The Board at the hour of 3:42 p.m. reconvened.

The following Supervisors were noted present: Supervisors Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Mirkarimi, seconded by Supervisor Farrell, moved not disclose its Closed Session deliberations. The motion carried by the following vote:

#### FOR ADOPTION WITHOUT COMMITTEE REFERENCE

#### **110412** [Fare Schedule for Pedicabs Operated by SF Student Jobs Coalition]

Sponsor: Chiu

Resolution approving the fare schedule for pedicabs operated by SF Student Jobs Coalition.

Resolution No. 164-11

**ADOPTED** 

#### 110413 [Accept and Expend Grant - Joint Use School Facilities Project - \$23,000]

Sponsors: Chu; Mar

Resolution authorizing the Department of Children, Youth, and Families to retroactively accept and expend grant funding in the amount of \$23,000 from the California Department of Public Health to fund a collaborative project with the San Francisco Unified School District to develop a policy related to the joint use of school district facilities that will benefit the school district, city, and community by increasing access to space where educational, health, social services, sports, recreation, and other activities can be provided for the period of September 15, 2010, through January 31, 2012.

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

Resolution No. 165-11

**ADOPTED** 

#### 110414 [Accept and Expend Grant - Forensic Science Improvements - \$35,393]

Sponsor: Elsbernd

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a Paul Coverdell Forensic Science Improvement Grant in the amount of \$35,393 from the California Emergency Management Agency.

Resolution No. 166-11

**ADOPTED** 

#### 110415 [California Poets in the Schools Day - April 16, 2011]

Sponsors: Mar; Chiu

Resolution declaring April 16, 2011, as California Poets in the Schools Day in San Francisco.

Resolution No. 167-11

**ADOPTED** 

#### 110416 [Supporting Upward Bound Project]

Sponsors: Mirkarimi; Mar

Resolution in support of the Upward Bound Project and affirming the City's continuing need for such a program, urging the University of San Francisco (USF) to use its best efforts to maintain the Upward Bound Program on the USF Campus thereby assuring that Upward Bound retains its eligibility to receive Federal funds.

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

Resolution No. 168-11

**ADOPTED** 

#### The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Absent: 1 - Mirkarimi

#### Severed from the For Adoption Without Committee Reference Agenda

Supervisor Avalos requested that File No. 110411 be severed so that it may be considered separately.

### 110411 [Supporting California Assembly Bill 889 - Domestic Worker Bill of Rights] Sponsors: Avalos; Mar

Resolution urging the California legislature and the Governor of California to pass Assembly Bill 889, the "Domestic Worker Bill of Rights," as an expression of respect for the dignity and equality of domestic workers and the importance of the work they perform.

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

Resolution No. 163-11

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Wiener

Absent: 1 - Mirkarimi

#### **IMPERATIVE AGENDA**

There were no items.

#### LEGISLATION INTRODUCED AT ROLL CALL

#### Introduced by a Supervisor or the Mayor

#### **Ordinances**

### 110434 [Public Works Code - Waiver of Certain Temporary Street Space Occupancy Fees] Sponsor: Avalos

Ordinance waiving San Francisco Public Works Code Section 724.1(b), which imposes temporary street space occupancy fees, on Saturday, May 7, 2011, and Saturday, May 21, 2011, for certain streets in San Francisco, as part of Small Business Week Sidewalk Sales.

04/12/11; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 5/12/2011.

### 110435 [Business and Tax Regulations Code - Citizen's Advisory Committee - Central Market Street and Tenderloin Area]

Sponsors: Kim; Chiu

Ordinance amending Article 12-A of the San Francisco Business and Tax Regulations Code by adding Section 906.3-1 to establish a Citizen's Advisory Committee for the Central Market Street and Tenderloin Area.

04/12/11: ASSIGNED UNDER 30 DAY RULE to Rules Committee.

#### 110436 [Public Employment - Office of the Public Defender]

Sponsor: Mirkarimi

Ordinance amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of 0.25 Social Worker in the Office of the Public Defender.

04/12/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## 110437 [Appropriating \$6,209,064 of General Fund Reserve and Re-Appropriating \$2,821,843 for Salaries, Disability, and Workers' Compensation - Sheriff's Department for FY2010-2011]

**Sponsor: Mayor** 

Ordinance appropriating \$6,361,808 of General Fund Reserve and re-appropriating \$2,821,843 of expenditure contingency and debt service savings to fund salary expenditures due to fewer retirements than anticipated, disability pay, and workers' compensation claims in the Sheriff's Department for Fiscal Year 2010-2011.

(Fiscal Impact.)

04/12/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 110229 [Planning Code - Zoning - Treasure Island/Yerba Buena Island - Special Use District]

**Sponsor: Mayor** 

Ordinance amending the San Francisco Planning Code by amending Sections 102.5 and 201 to include the Treasure Island/Yerba Buena Island districts; amending Section 105 relating to height and bulk limits for Treasure Island/Yerba Buena Island; adding Section 249.52 to establish the Treasure Island/Yerba Buena Island Special Use District; adding Section 263.26 to establish the Treasure Island/Yerba Buena Island Height and Bulk District; amending the bulk limits table associated with Section 270 to refer to the Treasure Island/Yerba Buena Island Height and Bulk District; and adopting findings, including environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

03/01/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/31/2011.

04/05/11; REFERRED TO DEPARTMENT.

04/12/11; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

#### **Resolutions**

### 110438 [Agreement - Administration/Management of Ocean Avenue Community Benefits District]

**Sponsor: Avalos** 

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Ocean Avenue Community Benefits District," pursuant to Section 36651 of the California Streets and Highways Code.

04/12/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### 110439 [Accept and Expend Grant - U.S. Department of Housing and Urban Development Economic Development Initiative Special Projects - \$750,000]

Sponsors: Mayor; Cohen

Resolution authorizing the Director of the Mayor's Office of Housing to accept and expend an Economic Development Initiative Special Projects Grant from the U.S. Department of Housing and Urban Development in a total amount of \$750,000 to assist with the redevelopment of the Sunnydale public housing site into a mixed-income community.

04/12/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

#### 110440 [Armenian Genocide Commemoration Day - April 24, 2011]

Sponsors: Elsbernd; Chiu

Resolution declaring April 24, 2011, as Armenian Genocide Commemoration Day in San Francisco.

04/12/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### 110441 [Extension of 90 Days for Planning Commission Review - 2301 Market Street] Sponsor: Wiener

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code by amending Sectional Map HT07 of the Zoning Map of the City and County of San Francisco to: rezone the property located at 2301 Market Street on the corner of Market and Noe Streets from a 50-X height and bulk limit to a 65-X height and bulk limit; making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

04/12/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### 110445 [Supporting California Assembly Bill 877 - Non-Felony Vehicle Code Violations] Sponsor: Mirkarimi

Resolution supporting Assembly Bill 877, which would remove one of the major barriers to self sufficiency for formerly incarcerated people by increasing their chances of obtaining a drivers license.

04/12/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

#### **Motions**

### 110403 [Committee of the Whole - Redevelopment Right-of-Way Improvements - Arelious Walker Drive Stairway]

Sponsor: Cohen

Motion scheduling the Board to sit as a Committee of the Whole on April 26, 2011, at 3 p.m., to hold a public hearing of the proposal of the Redevelopment Agency of the City and County of San Francisco on a Resolution to consider making certain findings pursuant to Health and Safety Code Section 33445 and consenting to the Redevelopment Agency of the City and County of San Francisco's use of tax increment funds in an amount not to exceed \$61,500 for contract administration, construction bid management, and project closeout for City owned public right-of-way improvements for the Arelious Walker Drive Stairway in the Bayview Hunters Point Redevelopment Project Area.

04/12/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### 110406 [Committee of the Whole - Redevelopment Improvements - Bayview Opera House and Plaza]

Sponsor: Cohen

Motion scheduling the Board to sit as a Committee of the Whole on April 26, 2011, at 3 p.m., to hold a public hearing of the proposal of the Redevelopment Agency of the City and County of San Francisco on a Resolution to consider making certain findings pursuant to Health and Safety Code Section 33445 and consenting to the Redevelopment Agency of the City and County of San Francisco's use of tax increment funds to provide: 1) a \$400,000 grant to the San Francisco Arts Commission for structural, seismic and disabled-accessibility renovations to the Bayview Opera House; and 2) a \$785,000 grant to the San Francisco Municipal Transportation Agency for Plaza improvements to the Bayview Opera House; in the Bayview Hunters Point Redevelopment Project Area.

04/12/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

#### Requests for Hearings

#### 110442 [Hearing - Comprehensive Report on Family Violence]

Sponsor: Campos

Hearing to review and discuss the Comprehensive Report on Family Violence in San Francisco 2010.

04/12/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

#### 110443 [Hearing - Library Card Partnership]

Sponsor: Cohen

Hearing to review and discuss the student library card program involving a partnership between the San Francisco Unified School District and San Francisco Public Library.

04/12/11; RECEIVED AND ASSIGNED to City and School District Select Committee.

#### 110444 [Hearing - Assembly Bill 109 - Criminal Justice Realignment]

Sponsor: Mirkarimi

Hearing on Assembly Bill 109 regarding the Community Justice Realignment and San Francisco absorbing additional inmates into the County Jails.

04/12/11; RECEIVED AND ASSIGNED to Public Safety Committee.

### 110404 [Public Hearing - Redevelopment Right-of-Way Improvements - Arelious Walker Drive Stairway]

**Sponsor: Cohen** 

Hearing of persons interested in or objecting to proposed Resolution making certain findings pursuant to Health and Safety Code Section 33445 and consenting to the Redevelopment Agency of the City and County of San Francisco's use of tax increment funds in an amount not to exceed \$61,500 for contract administration, construction bid management, and project closeout for City owned public right-of-way improvements for the Arelious Walker Drive Stairway in the Bayview Hunters Point Redevelopment Project Area.

04/12/11; ASSIGNED to Board of Supervisors.

### 110407 [Public Hearing - Redevelopment Improvements - Bayview Opera House and Plaza]

Sponsor: Cohen

Hearing of persons interested in or objecting to proposed Resolution making certain findings pursuant to Health and Safety Code Section 33445 and consenting to the Redevelopment Agency of the City and County of San Francisco's use of tax increment funds to provide: 1) a \$400,000 grant to the San Francisco Arts Commission for structural, seismic and disabled-accessibility renovations to the Bayview Opera House; and 2) a \$785,000 grant to the San Francisco Municipal Transportation Agency for Plaza improvements to the Bayview Opera House; in the Bayview Hunters Point Redevelopment Project Area.

04/12/11; ASSIGNED to Board of Supervisors.

#### Introduced by the President at the Request of a Department

#### PROPOSED ORDINANCE

#### 110397 [General Plan Amendments - 2009 Housing Element Update]

Ordinance amending the San Francisco General Plan by adopting the 2009 Housing Element as the Housing Element of the San Francisco General Plan; making findings, including environmental findings and findings of consistency with the General Plan and the eight priority policies of the Planning Code Section 101.1. (Planning Department)

04/04/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/4/2011.

#### PROPOSED RESOLUTION

#### 110396 [Airport Lease Agreement - Asiana Airlines, Ltd - Building 648]

Resolution approving and authorizing the execution of Lease No. 11-0049 with Asiana Airlines, Inc., for cargo warehouse and support office space to be occupied by Asiana Airlines, Inc., in Building 648 at the San Francisco International Airport. (Airport Commission)

03/30/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

#### **Requests Granted**

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of

removing graffiti at the following private property locations:

Residential and Commercial Buildings

847 Haight Street

595 Waller Street

524 Waller, on the side

587 Haight Street

577 Haight Street

575 Haight Street

525 Haight Street

505 Haight Street

420 Haight Street

426 Haight Street

428 Haight Street

478 Haight Street

484 Haight Street

542 Haight Street

546 Haight Street

631A Haight Street

627 Haight Street

632 Haight Street

794 Haight Street

796 Haight Street

798 Haight Street

923 Haight Street

904 Haight Street

940 Haight Street

1051 Haight Street

1530 Haight Street

1515 Haight Street

1555 Haight Street

1557 Haight Street

1597 Haight Street

1325 Haight Street

1463 Haight Street

1391 Haight Street

1369 Haight Street

1371 Haight Street

690 Page Street, on east side

399 Steiner Street, on Page

285 Divisadero Street

297 Divisadero Street, on awning

301 Divisadero Street, on awning

550 Divisadero Street

736 Divisadero Street

838 Divisadero Street

848 Divisadero Street

845 Divisadero Street

Approximately 9 Wilmot

Southeast corner of Buchanan and Haight

Billboards

Southwest corner of Divisadero and Haight

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of

removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

Northwest and Southwest corners of Fillmore and Post

Southwest corner of Divisadero and Sutter

347 Judah Street

7th Avenue and Irving (near bus stops)

Northwest corner of Hayes and Fillmore

Southeast corner of Fillmore and Haight

Southwest corner of Hayes and Divisadero

Northeast corner of Post and Divisadero

Southwest corner of Geary and Divisadero

Northeast corner of Broderick and Geary

2825 California Street

Southwest corner of Sutter and Bush

Southwest corner of Post and Buchanan

San Francisco Chronicle

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

Irving and 7th Avenue

Southwest corner of Haight and Clayton

Southwest corner of Steiner and Waller

Northeast corner of Steiner and Haight

Southwest corner of Baker and Haight

1451 Haight Street

Southeast corner of Divisadero and Haight

Southwest corner of Geary and Divisadero

Examiner

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

Northwest corner of Pierce and Haight

Southwest corner of Divisadero and Haight

Southwest corner of McAllister and Divisadero

Southwest corner of California and Divisadero

Southwest corner of Geary and Divisadero

Northeast corner of Broderick and Geary

Southwest corner of Sutter and Bush

SF Weekly

Northeast corner of Post and Buchanan

Southeast corner of Haight and Fillmore

Southwest corner of Divisadero and Haight

Northwest corner of Pierce and Haight

444 Divisadero

Northwest corner of Hayes and Divisadero

838 Divisadero Street

Northeast corner of McAllister and Divisadero

Advertiser

Northeast corner of Ashbury and Haight

Southwest corner of Hayes and Divisadero

Southwest corner of Divisadero and Geary

Northeast corner of Broderick and Geary

Southwest corner of Divisadero and Bush

Northeast corner of Post and Buchanan

Southwest corner of Sutter and Bush

Jobs and Careers

Southwest corner of Hayes and Divisadero

Northwest corner of Post and Buchanan

Open Exchange

Southwest corner of Hayes and Divisadero

803 Divisadero Street

Western Edition HP Journal

Northeast corner of Fulton and Laguna

Northwest corner of Pierce and Haight

Real Estate Times

Southwest corner of Bush and Divisadero

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

Northwest corner of Divisadero and Haight

Northwest corner of Ashbury and Haight

1298 Haight Street

Southeast corner of Masonic and Haight

Southeast corner of Lyon and Haight

Southwest corner of Baker and Haight

Southeast corner of Divisadero and Haight

Southeast corner of Oak and Divisadero

Northwest corner of Haves and Divisadero

Northeast corner of Golden Gate and Divisadero

Approximately 1980 Divisadero Street

Southwest corner of California and Divisadero

Mailboxes

2299 Post Street

Northeast corner of Divisadero and Haight

1401 Haight Street

Southwest corner of Oak and Divisadero

Northeast corner of McAllister and Divisadero

Northwest corner of Geary and Divisadero

Southeast corner of Broderick and California

Northeast corner of Fell and Buchanan

Public Benches

Beiderman and O'Farrell Mini-Park

Street Walls and Overpasses

Opposite of 553 Linden

Fire Hydrants

Northeast corner of Pierce and Haight

Northeast corner of Webster and Waller

Southeast corner of Page and Divisadero

Southeast corner of Baker and Divisadero

Curbstones

Southeast corner of McAllister and Laguna

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** 

Northeast corner of Post and Broderick

Northeast corner of Waller and Pierce

Southwest corner of Turk and Laguna

Southeast corner of Fell and Buchanan

Northwest corner of Ashbury and Haight

**Bus Shelters** 

Northwest corner of Divisadero and Haight

1080 Haight Street

Southeast corner of Divisadero and Haight

Southwest corner of Geary and Divisadero

Parking Meters

529 Haight Street

432 Haight Street

454-66 Haight Street

1519 Haight Street

837 Divisadero Street

Parking and Traffic Signs

518 Waller Street

904 Haight Street

399 Steiner Street

940 Page Street

2396 Pine Street

Approximately 1260 Divisadero Street

1310 Divisadero Street

Northeast corner of Pine and Broderick

1015 Laguna Street

485 Oak Street

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 poles at the following locations:

Metal Poles

1035 Haight Street

1059 Haight Street

110 Webster Street

1126 Haight Street

1234 Divisadero Street

1292 Haight Street

1364 Haight Street

1369 Haight Street

1391 Haight Street

1426 Haight Street

1444 Haight Street

1475 Haight Street

1750 Divisadero Street

2374 Pine Street

2716 Pine Street

2729 Pine Street

2793 Pine Street

2801 Pine Street

2814 Pine Street

2817 Pine Street

2852 Pine Street

528 Waller Street

532 Waller Street

655 Divisadero Street

707 Haight Street

847 Haight Street

875 Haight Street

902 Haight Street

908 Page Street

930 Haight Street

936 Page Street

937 Haight Street

962 Haight Street

973 Haight Street

Approximately 1004 Haight Street

Approximately 1115 Haight Street

Approximately 1145 Haight Street

Approximately 1167 Haight Street

Approximately 1201 Haight Street

Approximately 1211 Haight Street

Approximately 1251 Haight Street

Approximately 1280 Divisadero Street

Approximately 1580 Divisadero Street

Approximately 2105 O'Farrell

Approximately 3 Wilmot Street

Approximately 35 Inca Lane, within Rosa Parks Elementary playground

Approximately 780 Laguna Street

Approximately 96 Wilmot Street

Northeast corner of Fulton and Laguna

Southeast corner of Buchanan and Fell

Southeast corner of California and Divisadero

#### In Memoriams

William J. "Bill" Lowenberg–Supervisors Mirkarimi and Wiener Andy Zeng – President Chiu

#### **ADJOURNMENT**

There being no further business, the Board adjourned at the hour of 8:05 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 17, 2011.

Angela Calvillo, Clerk of the Board