

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

Tuesday, March 1, 2011 - 2:00 PM

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

Regular Meeting

DAVID CHIU, PRESIDENT

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

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

#### Meeting Days

##### **Budget and Finance Committee**

Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu

Wednesday

1:00 PM

##### **Budget and Finance Sub-Committee**

Supervisors Chu, Mirkarimi, Kim

Wednesday

10:00 AM

##### **City and School District Select Committee**

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

2nd and 4th Thursday

3:30 PM

##### **City Operations and Neighborhood Services Committee**

Supervisors Avalos, Mar, Elsbernd

2nd and 4th Monday

10:00 AM

##### **Government Audit and Oversight Committee**

Supervisors Campos, Farrell, Chiu

2nd and 4th Thursday

10:00 AM

##### **Land Use and Economic Development Committee**

Supervisors Mar, Cohen, Wiener

Monday

1:00 PM

##### **Public Safety Committee**

Supervisors Mirkarimi, Cohen, Campos

1st and 3rd Thursday

10:30 AM

##### **Rules Committee**

Supervisors Kim, Elsbernd, Farrell

1st and 3rd Thursday

1:30 PM

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

**Volume 106 Number 9**

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**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

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

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

## AGENDA CHANGES

*There were none.*

## COMMUNICATIONS

*There were none.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

#### **110079 [Accept and Expend Grant - Zellerbach Family Foundation - \$159,000]**

**Sponsor: Mayor**

Resolution authorizing the Department of Juvenile Probation to retroactively accept and expend a grant in the amount of \$159,000 from the Zellerbach Family Foundation to support the Department of Juvenile Probation's ongoing efforts in organizational and leadership development, in developing and implementing evidence based practices, and in strengthening partnerships with community based organizations.

**Resolution No. 100-11**

**ADOPTED**

#### **110080 [Accept and Expend Grant - San Francisco Adult Treatment Drug Court - \$325,000]**

**Sponsor: Mayor**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$325,000 from Substance Abuse and Mental Health Services to fund the San Francisco Adult Treatment Drug Court for the period September 30, 2010, through September 29, 2011.

**Resolution No. 96-11**

**ADOPTED**

**110081 [Accept and Expend Grant - San Francisco Community Justice Center - \$325,000]****Sponsor: Mayor**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant from the Substance Abuse and Mental Health Services in the amount of \$325,000 to fund the San Francisco Community Justice Center for the period September 30, 2010, through September 29, 2011.

**Resolution No.** 97-11

**ADOPTED**

**Recommendations of the Public Safety Committee****110075 [Accept and Expend Grant - Safe Routes to School - \$500,000]****Sponsors: Chiu; Mar**

Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of \$500,000 in Federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvements Funds through the Metropolitan Transportation Commission's Safe Routes to School Grant Program for the period September 1, 2011, through August 31, 2013, waiving indirect costs, stating assurance to complete the project, and to delegate authorization to execute these agreements and any amendments thereto to the Director of Public Health.

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

**Resolution No.** 101-11

**ADOPTED**

**110157 [Accept and Expend Grant - Carl Moyer Program - \$178,962]****Sponsor: Chiu**

Resolution authorizing the Police Department to retroactively accept and expend a Carl Moyer Grant in the amount of \$178,962 from the Bay Area Air Quality Management District to replace the engines on board the Marine 1 Police Boat.

**Resolution No.** 102-11

**ADOPTED**

**110158 [Accept and Expend Grant - State Department of Boating and Waterways - \$65,000]****Sponsor: Chiu**

Resolution authorizing the Police Department to retroactively accept and expend a grant in the amount of \$65,000 from the California State Department of Boating and Waterways for a Boating Safety and Enforcement Grant to purchase equipment for the Marine Unit.

**Resolution No.** 103-11

**ADOPTED**

**110159 [Accept and Expend Grant - Safe Havens: Supervised Visitation and Safe Exchange Continuation Project - \$141,586]****Sponsor: Cohen**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the Department of Justice in the amount of \$141,586 to fund the project entitled "Safe Havens: Supervised Visitation and Safe Exchange Continuation Project" for the period of October 1, 2010, through September 30, 2011.

**Resolution No. 104-11****ADOPTED****Recommendations of the Rules Committee****101585 [Settlement of Lawsuit - Kevin Montague - \$60,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Kevin Montague against the City and County of San Francisco for \$60,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING****101586 [Settlement of Lawsuit - Vladimar Belfor/Victor Kanevsky - \$34,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Vladimar Belfor and Victor Kanevsky against the City and County of San Francisco for \$34,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING****101587 [Settlement of Lawsuit - David Cheung, dba Kwok Shing Hong - \$350,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually, and dba Kwok Shing Hong, against the City and County of San Francisco for \$350,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING****101588 [Settlement of Lawsuit - KLW, LLC - \$210,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by KLW, LLC, against the City and County of San Francisco for \$210,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**101589 [Settlement of Lawsuit - Sunday Bazaar/2170 Folsom, LLC - \$127,372]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folsom, LLC, against the City and County of San Francisco for \$127,372; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**101590 [Settlement of Lawsuit - Kroll Furniture - \$65,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Kroll Furniture against the City and County of San Francisco for \$65,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**101591 [Settlement of Lawsuit - Alphonso Oliphant/Bruce Woodard - \$55,000]**

Ordinance authorizing settlement of the claims made by Alphonso Oliphant and Bruce Woodard in a lawsuit filed against the City and County of San Francisco and William Siffermann for \$55,000; the lawsuit was filed on November 5, 2008, in the United States District Court, Case No. CV08-5048 MMC; entitled Alphonso Oliphant, Roger Gainey and Bruce Woodard v. City and County of San Francisco, Juvenile Probation Department and William Siffermann. (City Attorney)

**PASSED, ON FIRST READING**

**101600 [Settlement of Lawsuit - National Union - Receipt of \$925,000]**

Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. National Union, etc., et al., United States District Court, N.D. Cal., Case No: CV-103385-SI, arising from an insurance dispute involving policies issued by National Union Fire Insurance Company of Pittsburgh and sister company Chartis Specialty Insurance Company to the San Francisco Public Utilities Commission, calling for payment of \$925,000 from National Union to the City and County of San Francisco and including other material terms of said settlement; and appropriating settlement proceeds. (City Attorney)

**PASSED, ON FIRST READING**

**101608 [Settlement of Lawsuit - AboveNet Communications, Inc. - \$183,479.00]**

Ordinance authorizing settlement of the lawsuit filed by AboveNet Communications, Inc., formerly known as Metromedia Fiber Network Services, Inc., a Delaware corporation, against the City and County of San Francisco for \$183,479.00; the lawsuit was filed on December 10, 2007, in Sacramento Superior Court, Case No. 34-2007-00882854; entitled Metromedia Fiber Network Services, Inc., a Delaware corporation, v. City and County of San Francisco, et al.; the complaint was amended on August 20, 2009, to correct the plaintiff's name to AboveNet Communications, Inc. (City Attorney)

**PASSED, ON FIRST READING**

**110048 [Settlement of Lawsuit - Timothy J. Chamberlain - \$65,000]**

Ordinance authorizing settlement of a lawsuit filed by Timothy J. Chamberlain against the City and County of San Francisco, alleging slander of title and entitlement to declaratory relief; filed June 9, 2009, in San Francisco Superior Court, Case No. CGC-09-489245; entitled Chamberlain v. San Francisco Mayor's Office of Housing; City of San Francisco; and Does 1-100; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 110048. (City Attorney)

**PASSED, ON FIRST READING**

**110049 [Settlement of Lawsuit - Garcia, et al. - \$191,000]**

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Carolyn Marie Garcia, Successor Trustee of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface soil nail easement of 492 sq ft. and a 51-month temporary construction easement (TCE) over portions of real property located in Sunol, California, APN 096-0080-004; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516576; entitled City of San Francisco v. Stanley A. Garcia and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100. (City Attorney)

**PASSED, ON FIRST READING**

**110107 [Settlement of Lawsuit - Paul Graham - \$34,271.51]**

Ordinance authorizing settlement of the lawsuit filed by Paul Graham against the City and County of San Francisco for \$34,271.51; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486068; entitled Paul Graham, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**101593 [Settlement of Unlitigated Claim - California Capital Insurance Company - \$57,892.75]**

Resolution approving the settlement of the unlitigated claim filed by California Capital Insurance Company, as subrogee for Michelle Azevedo, against the City and County of San Francisco for \$57,892.75; claim was filed on January 13, 2009. (City Attorney)

**Resolution No. 105-11**

**ADOPTED**

**110022 [Settlement of Unlitigated Claim - Ronald E. Johnson and Joseph Pasternak - \$30,000]**

Resolution approving the settlement of the unlitigated claim filed by Ronald E. Johnson and Joseph Pasternak against San Francisco for \$30,000; claim was filed on July 14, 2010. (City Attorney)

**Resolution No. 106-11**

**ADOPTED**

**110056 [Settlement of Anticipated Litigation Against Office Depot - Receipt of \$4,250,000/Payment of \$48,915.40]**

Resolution approving the settlement of anticipated litigation by the City and County of San Francisco against Office Depot for contract overcharge; the material terms of said settlement are: (1) the City to receive the sum of \$3,750,000 in the form of a check; (2) the City to receive from Office Depot credit in the amount of \$500,000 toward future purchases by the City over the next 5 years; and (3) payment to Office Depot of the sum of \$48,915.40 as full and complete satisfaction of all outstanding balances owed by the City under its office supplies contract with Office Depot. (City Attorney)

**Resolution No.** 98-11

**ADOPTED**

**110108 [Settlement of Unlitigated Claim - John Payne - \$220,229]**

Resolution approving the settlement of the unlitigated claim filed by John Payne against the City and County of San Francisco for \$220,229; claim including grievance was filed on July 9, 2010. (City Attorney)

**Resolution No.** 107-11

**ADOPTED**

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

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

**Severed from the Consent Agenda**

*Supervisor Chiu requested that File No. 101120 be severed so that it may be considered separately.*

**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.

**Supervisor Mirkarimi, seconded by Supervisor Farrell, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to March 8, 2011. The motion carried by the following vote:**

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Budget and Finance Committee

**101124 [Appropriating \$528,774 of Certificate of Participation Proceeds for Disability Access Improvement Projects and Relocation Costs in the Mayor's Office on Disability for FY2010-2011]**

**Sponsor: Mayor**

Ordinance appropriating \$528,774 of Certificate of Participation Series 2011A proceeds, including \$477,732 to fund disability access improvements and \$51,042 for temporary relocation costs in the Board of Supervisors chambers for the Mayor's Office on Disability in the General Services Agency, Administrative Services, for FY2010-2011 and placing \$528,774 on Controller's reserve pending issuance of Certificate of Participation and \$51,042 on Budget and Finance Committee Reserve pending submission of the cost details for the temporary relocation of the Board of Supervisors meetings by the Department of Technology and General Services Agency. (Fiscal Impact.)

**Ordinance No. 28-11**

**FINALLY PASSED by the following vote:**

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

**110069 [Administrative Code - Health Service System Plans and Contribution Rates for FY2011-2012]**

**Sponsor: Chu**

Ordinance amending the San Francisco Administrative Code, Chapter 16, Article XV, of Part 1 by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates. (Fiscal Impact.)

**Ordinance No. 29-11**

**FINALLY PASSED by the following vote:**

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



## **Recommendation of the Rules Committee**

### **Supervisor Avalos Excused from Voting**

Supervisor Mar, seconded by Supervisor Mirkarimi, moved that Supervisor Avalos be excused from voting on File No. 110133. The motion carried by the following vote:

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

### **110133 [Appointment, Bay Area Air Quality Management District - Supervisor John Avalos]**

Motion appointing Supervisor John Avalos, term ending February 1, 2013, to the Bay Area Air Quality Management District Board of Directors. (Clerk of the Board)

**Motion No. M11-26**

**APPROVED by the following vote:**

Ayes: 9 - Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener  
Noes: 1 - Cohen  
Excused: 1 - Avalos

## **NEW BUSINESS**

### **Recommendations of the Budget and Finance Committee**

#### **101483 [Park Code - Kezar Parking Fees]**

Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.08, to increase the parking fees at the Kezar Parking lot, and making environmental findings. (Recreation and Park Department)

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

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

#### **101578 [Agreement - Olin Corporation - Sodium Hypochlorite - Estimated to Exceed \$10,000,000]**

Resolution approving the Agreement between the City and Olin Corporation, dba Olin Chlor Alkali, for Sodium Hypochlorite, which is estimated to exceed \$10,000,000 pursuant to Charter Section 9.118(b). (Office of Contract Administration)  
(Fiscal Impact.)

**Resolution No. 108-11**

**ADOPTED by the following vote:**

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

**110051 [Public Auction - Tax-Defaulted Real Property]**

Resolution authorizing the Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

**Resolution No.** 109-11

**ADOPTED by the following vote:**

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

**110054 [Emergency Contract - Replacing Sewer on Polk Street from Bush Street to Pine Street - Not to Exceed \$422,339]**

Resolution approving an emergency public work contract, under San Francisco Administrative Code Section 6.60, to replace the sewer on Polk Street from Bush Street to Pine Street with a contract amount not to exceed \$422,339. (Public Utilities Commission)  
(Fiscal Impact.)

**Resolution No.** 110-11

**ADOPTED by the following vote:**

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

**110078 [Memorandum of Understanding Amendment - Urban Areas Security Initiative Grant Funds]**

**Sponsor:** Mayor

Resolution approving a First Amendment to the Memorandum of Understanding (MOU) between the City and County of San Francisco, the City of Oakland, the City of San Jose, the County of Alameda, and the County of Santa Clara that establishes a governance structure and procedures for application, allocation, and distribution of federal Urban Areas Security Initiative grant funds to the Bay Area Urban Area, to extend the term of the MOU to June 30, 2011, and authorizing the Executive Director of the Department of Emergency Management to execute on behalf of the City.

**Resolution No.** 111-11

**ADOPTED by the following vote:**

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

**110109 [Airport Lease Agreement - China Airlines, Ltd. - Building 648]**

Resolution approving and authorizing the execution of Lease No. 10-0347 with China Airlines, Ltd., for cargo warehouse and support office space to be occupied by China Airlines, Ltd., in Building 648 at San Francisco International Airport.

**Resolution No.** 112-11

**ADOPTED by the following vote:**

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

## **Recommendations of the Public Safety Committee**

### **101422 [Transportation Code, Police Code - Motor Vehicles for Hire and Enforcing Parking Laws]**

**Sponsor: Chiu**

Ordinance amending the San Francisco Transportation Code Article 3, Division I, to allow certain Municipal Transportation Agency employees to enforce specified parking laws and order removal of vehicles, and amending the Transportation Code Article 7, Division I, to make it a misdemeanor to operate a taxi, a dispatch service, or a color scheme, or to drive a motor vehicle for hire, without a permit, to solicit or accept payment for referral of passengers to a motor vehicle for hire, to solicit or accept payment for motor vehicle for hire shifts, assignments or dispatch calls, to knowingly make false or misleading representations in connection with application for, renewal of, possible revocation of, or operation of a vehicle pursuant to a permit issued under Transportation Code Article 1100, to refuse to pay the legal fare to a driver of a motor vehicle for hire, and to charge excessive rates for transport in a motor vehicle for hire; and amending the San Francisco Police Code by deleting Sections 1078, 1089, 1105, 1110, 1132, 1135, and 1145.

**Supervisor Wiener, seconded by Supervisor Chu, 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: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener

### **101480 [Administrative Code - Reentry Council; Composition of Membership, Powers and Duties, and Sunset Date]**

**Sponsor: Mirkarimi**

Ordinance amending the San Francisco Administrative Code Sections 5.1-1, 5.1-3, 5.1-4, and 5.1-6 to amend the membership, powers and duties, and sunset date of the Reentry Council.

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

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

### **110011 [Administrative Code - Composition - Justice Tracking Information System Committee Governance Council]**

**Sponsors: Mayor; Mirkarimi**

Ordinance amending the San Francisco Administrative Code Section 2A.85 to add the City Administrator as a member of the Justice Tracking Information System (JUSTIS) Committee Governance Council and to designate the City Administrator as the Chair of the Council.

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

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

## **Recommendations of the Rules Committee**

### **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.

**Supervisor Avalos, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to March 8, 2011. The motion carried by the following vote:**

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

### **101515 [Confirming Appointment, Port Commission - Leslie Katz]**

**Sponsor: Mayor**

Motion confirming the appointment of Leslie Katz to the Port Commission, term ending May 1, 2014.

**Motion No. M11-27**

**APPROVED by the following vote:**

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

### **110062 [Appointments, Golden Gate Bridge, Highway and Transportation District - Janet Reilly, Dave Snyder, Richard Grosboll, and Michael Theriault]**

Motion appointing Janet Reilly, Dave Snyder, Richard Grosboll, and Michael Theriault to the Golden Gate Bridge, Highway and Transportation District, terms ending January 31, 2013. (Clerk of the Board)

**Motion No. M11-28**

**APPROVED by the following vote:**

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

## **Supervisor Campos Excused from Voting**

**Supervisor Mirkarimi, seconded by Supervisor Mar, moved that Supervisor Campos be excused from voting on File No. 110112. The motion carried by the following vote:**

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

Excused: 1 - Campos

### **110112 [Appointment, San Francisco LAFCo - Supervisor David Campos]**

Motion appointing Supervisor David Campos to the San Francisco Local Agency Formation Commission, term ending February 4, 2015. (Clerk of the Board)

**Motion No. M11-29**

**APPROVED by the following vote:**

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

Excused: 1 - Campos

### **Supervisor Mar Excused from Voting**

Supervisor Campos, seconded by Supervisor Cohen, moved that Supervisor Mar be excused from voting on File No. 110141. The motion carried by the following vote:

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

### **110141 [Appointment, California State Association of Counties - Supervisor Eric Mar]**

Motion appointing Supervisor Eric Mar to the California State Association of Counties Board of Directors, term ending November 28, 2011. (Clerk of the Board)

**Motion No.** M11-30

**APPROVED** by the following vote:

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

## **SPECIAL ORDER 3:00 P.M.**

## **Board of Supervisors Sitting as a Committee of the Whole**

### **110197 [Hearing - Charter Amendment - Compensation of Board of Education Members]** **Sponsors: Kim; Campos, Mar, Avalos and Chiu**

Hearing of persons interested in or objecting to the proposed Charter Amendments to amend the Charter of the City and County of San Francisco by amending Section 8.100, regarding compensation for members of the Board of Education.

*The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File Nos. 101493 and 110181. Supervisor Kim provided an overview of the proposed charter amendments. Ray Hartz; Male Speaker; Male Speaker; Female Speaker; expressed various concerns relating to the proposed charter amendment. There were no other 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**

**From the Rules Committee Without Recommendation****101493 [Charter Amendment - Compensation of Board of Education Members]****Sponsors: Kim; Campos, Mar, Avalos and Chiu**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to increase the compensation for members of the Board of Education from a monthly stipend of \$500 to one-half the annual salary of a first-year teacher in the San Francisco Unified School District, establish training and professional development requirements for Board members, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the members' salaries until the State has repaid the District for any outstanding reductions in Proposition 98 funding.

**Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be TABLED. The motion carried by the following vote:**

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

**From the Board****110181 [Charter Amendment - Compensation of Board of Education Members]****Sponsors: Kim; Campos, Mar, Avalos and Chiu**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to authorize the Board of Education to set the compensation for its members, not to exceed one-half the annual salary of a first-year teacher in the San Francisco Unified School District, and to establish training and professional development requirements for Board of Education members.

**Supervisor Kim, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be ORDERED SUBMITTED. The motion carried by the following vote:**

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

## SPECIAL ORDER 3:00 P.M.

### Board of Supervisors Sitting as a Committee of the Whole

#### **110018 [Hearing - Street Vacation Order - Transbay Transit Center]**

Hearing of persons interested in or objecting to proposed Ordinance ordering the vacation of portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area; quitclaiming the City's interest in the vacation areas to the Transbay Joint Powers Authority; accepting Department of Public Works Order No. 179,054; 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. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 110019. John Updike, Acting Director of Real Estate, provided an overview of the street vacation. There were no other 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

#### **From the Land Use and Economic Development Committee Without Recommendation**

#### **110019 [Street Vacation Order - Transbay Transit Center]**

Ordinance ordering the vacation of portions of the public right-of-way below and/or above Natoma Street, Minna Street, First Street, Fremont Street, Beale Street, Harrison Street, Folsom Street, Clementina Street, Tehama Street, Howard Street, Second Street, and Oscar Alley within the Transit Center Project area; quitclaiming the City's interest in the vacation areas to the Transbay Joint Powers Authority; accepting Department of Public Works Order No. 179,054; 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.

**PASSED ON FIRST READING by the following vote:**

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

Absent: 2 - Campos, Kim

*Supervisor Kim was noted absent at 3:49 p.m.; noted present at 4:06 p.m.*

*Supervisor Campos was noted absent at 3:49 p.m.; noted present at 4:01 p.m.*

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

### Privilege of the Floor

Supervisor Campos, seconded by Supervisor Elsbernd, 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 Campos introduced, welcomed, and presented a Certificate of Honor to the Members of the National Association of Social Workers for their accomplishments and continued community support.*

## SPECIAL ORDER 4:00 P.M.

### 101547 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - 134-136 Ord Street Project]

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 8, 2010, Case No. 2009.1124DDV, that a project located 134-136 Ord Street is exempt from environmental review under Categorically Exemption, Class 1 (State CEQA Guidelines Section 15301). The proposed project involves construction of a new single-family home at the front of the subject lot, which would be located in front of an existing building on the lot, on Lot No. 004, in Assessor's Block No. 2657. (District 8) (Appellant: Corbett Heights Neighbors) (Filed December 9, 2010; Companion Measure to File Nos. 101548, 101549, 101550.)

*The President inquired as to whether any member of the public wished to address the Board relating to File Nos. 101547, 101548, 101549, and 101550. Steve Williams (Appellant) provided an overview of the appeal and requested the Board to approve the appeal. Ray Hartz; Male Speaker; Sarah Sobel; Jason Sobel; Judith Hoyem; F. Joseph Butler; Daniel Freeman; Male Speaker; spoke in support of the appeal. Tina Tam (Planning Department) provided an overview of the decision of the Planning Department. Marlena Byrne (City Attorney's Office) responded to questions raised throughout the discussion. Brett Gladstone (Project Sponsor) provided an overview of the project and requested the Board to uphold the decision of the Planning Commission. John Moroney; Male Speaker; Richard Carrington; John Hudson; Jonathon Stewart Mills; Brian Adias; Terry Allen Redman; Peter Weiser; Bob Buckter; Allen Beradell; David Hale; Richard Miller; Doug Kim-Wheeler; Steve Barber; Theresa Beaumont; Walter Paulson; Shelley Bradford Belle; spoke in support of the project and in opposition to the appeal. Steve Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING**

### 101548 [Affirming the Exemption Determination - 134-136 Ord Street]

Motion affirming the determination by the Planning Department that the project located at 134-136 Ord Street is exempt from environmental review.

**Motion No. M11-31**

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

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



**101549 [Reversing the Exemption Determination - 134-136 Ord Street]**

Motion reversing the determination by the Planning Department that the 134-136 Ord Street project is exempt from environmental review.

**Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:**

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

**101550 [Preparation of Findings to Reverse the Exemption Determination - 134-136 Ord Street]**

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 134-136 Ord Street is exempt from environmental review.

**Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be TABLED. The motion carried by the following vote:**

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

## COMMITTEE REPORTS

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

**110185 [Reciprocal Easement Agreement - Property Located at 150 Otis Street and 170 Otis Street]**

**Sponsor: Chiu**

Resolution approving and authorizing a reciprocal easement agreement for the conveyance of easements over portions of City-owned property located at 150 Otis Street and 170 Otis Street, required as part of the long term ground lease to 150 Otis Associates, L.P., under San Francisco Charter Section 9.118, for the development and operation of affordable housing; adopting findings that the conveyance is in conformance with CEQA, the City's General Plan, and the priority policies of Planning Code Section 101.1; and authorizing City's Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this resolution.

**Resolution No. 113-11**

**ADOPTED by the following vote:**

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

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Male Speaker; expressed various concerns.*

*Abdallah Megahed; expressed various concerns.*

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

*Male Speaker; expressed various concerns.*

*Ray Hartz; expressed concerns relating to government.*

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

*Herbert Weiner; expressed concerns relating to government.*

*Leslie Dehy; expressed concerns relating to smart meters.*

*Majeid Crawford; expressed concerns relating to housing rights.*

*Male Speaker; expressed various religious concerns.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **110190 [Apply for Grant - Urban Forest for Every City]**

**Sponsor: Mayor**

Resolution authorizing the Planning Department to apply for funding from the Urban Forestry Grant Program entitled "An Urban Forest for Every City" as provided through propositions 40 and 84, to conduct a citywide tree inventory.

**Resolution No. 95-11**

**ADOPTED**

### **110199 [National Sleep Awareness Week - March 7-11, 2011]**

**Sponsors: Elsbernd; Mirkarimi**

Resolution declaring March 7-11, 2011, as "National Sleep Awareness Week" in San Francisco.

*Supervisor Mirkarimi requested to be added as a co-sponsor.*

**Resolution No. 114-11**

**ADOPTED**

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

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

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

*Supervisor Mar requested that File No. 110170 be severed so that it may be considered separately.*

### **110170 [Urging the Governor of California to Protect Proposition 10 Funding for Local Children's Programs]**

**Sponsors: Mar; Campos**

Resolution urging the Governor of California to protect Proposition 10 County funding by not sweeping \$1,000,000,000 in Proposition 10 funds from local First 5 Commissions reserves, and urging a permanent diversion of 50% of all future Proposition 10 revenues.

#### **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener  
Resolution urging the Governor of California to protect Proposition 10 County funding by not re-allocating \$1,000,000,000 in Proposition 10 funds from local First 5 Commissions reserves.

*ADOPTED AS AMENDED by the following vote:*

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

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

*The Motion FAILED.*

*Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to rescind the previous vote. The motion carried by the following vote:*

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

**Supervisor Mar, seconded by Supervisor Mirkarimi, moved that this Resolution be REFERRED to the City Operations and Neighborhood Services Committee. The motion carried by the following vote:**

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

*Supervisor Chiu requested that File No. 110189 be severed so that it may be considered separately.*

### **110189 [Urging the California State Legislature and the Governor to Enact SB 223]**

**Sponsors: Chiu; Wiener, Avalos, Elsbernd, Mirkarimi and Campos**

Resolution urging the California State Legislature and the Governor to enact SB 223 to allow the Board of Supervisors of any county to ask voters to consider restoring its vehicle license fee to the 1948-1998 level, giving voters the opportunity to preserve local services, public transportation, and critical programs.

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

**Resolution No. 99-11**

**ADOPTED by the following vote:**

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

## **IMPERATIVE AGENDA**

*There were no items.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or Mayor

#### Ordinances

##### **110221 [Administrative Code - Community Policing]**

**Sponsors: Campos; Mirkarimi, Cohen, Mar and Avalos**

Ordinance amending the San Francisco Administrative Code by adding Section 2A.89 to: 1) set a policy of community policing in the City and County of San Francisco; 2) define community policing, and urge the Police Commission; and 3) Chief of Police to review and as necessary amend the Police Department's policies and procedures for consistency with the community policing policy.

03/01/11; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 3/31/2011.

##### **110222 [Public Works Code - Declaring Illegal Dumping on Public Property a Nuisance, and Providing a Mechanism for Abating and Enforcing that Nuisance]**

**Sponsor: Cohen**

Ordinance amending the San Francisco Public Works Code by adding Article 25, Sections 1500 through 1505 to: 1) declare the illegal dumping of debris and waste construction materials or industrial materials, or of more than 100 pounds of any other waste, refuse, or debris, on public property to be a public nuisance; 2) authorize enforcement by the City Attorney in a civil action; and 3) permit the City and County of San Francisco to collect civil penalties, costs of abatement, investigation, and attorneys' fees against the individuals or entities responsible for the dumping; and making environmental findings.

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

##### **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.

03/01/11; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee.

##### **110224 [Planning Code - Zoning Map Amendment - 2301 Market Street]**

**Sponsor: Wiener**

Ordinance amending the San Francisco 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; 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.

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

**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.)

03/01/11; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

**110226 [Development Agreement - Treasure Island/Yerba Buena Island]****Sponsor: Mayor**

Ordinance approving a Development Agreement between the City and County of San Francisco and Treasure Island Community Development, LLC, for certain real property located within the Treasure Island/Yerba Buena Island Project Area, making findings under the California Environmental Quality Act, findings of consistency with the City's General Plan and with the eight priority policies of Planning Code Section 101.1(b), and waiving certain sections of Administrative Code Chapter 56.

(Fiscal Impact, Economic Impact.)

03/01/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**110227 [Planning Code - Zoning Map Amendment - Treasure Island/Yerba Buena Island - Redevelopment Plan]****Sponsor: Mayor**

Ordinance amending the San Francisco Planning Code by adding new Sectional Map ZN14 of the Zoning Map of the City and County of San Francisco to show the zoning designations of Treasure Island and Yerba Buena Island; adding new Sectional Map HT14 to establish the Height and Bulk District for Treasure Island and Yerba Buena Island; adding new Sectional Map SU14 to establish the Treasure Island/Yerba Buena Island Special Use District; adopting findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

(Economic Impact.)

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

**110228 [General Plan Amendments - Treasure Island/Yerba Buena Island Redevelopment Plan]****Sponsor: Mayor**

Ordinance amending the San Francisco General Plan by amending the Commerce and Industry Element, Community Facilities Element, Housing Element, Recreation and Open Space Element, Transportation Element, Urban Design Element, and Land Use Index, maps and figures in various elements, in order to facilitate the development of Treasure Island and Yerba Buena Island, as envisioned in the Treasure Island/Yerba Buena Island Redevelopment Plan, adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact.)

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

**110229 [Planning Code - Zoning - Treasure Island/Yerba Buena Island - Special Use District]****Sponsor: Mayor**

Ordinance amending the San Francisco Planning Code by amending Section 105 relating to height and bulk limits for Treasure Island and Yerba Buena Island; adding Section [249.50] to establish the Treasure Island/Yerba Buena Island Special Use District; adding Section [263.26] to establish Special Height Provisions for the Treasure Island/Yerba Buena Island Special Use District and TI Height and Bulk District; amending the bulk limits table associated with Section 270 to recognize this 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.

**110230 [Subdivision Code - Treasure Island/Yerba Buena Island]****Sponsor: Mayor**

Ordinance amending the San Francisco Subdivision Code to add Division 4 pertaining to the subdivision process applicable to development within the Treasure Island and Yerba Buena Island Development Plan Area described in the Redevelopment Plan for the Treasure Island/Yerba Buena Island Redevelopment Project, including the establishment of a procedure for reviewing and filing vesting tentative transfer maps; and making environmental findings.  
(Economic Impact.)

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

**110231 [Redevelopment Plan - Treasure Island/Yerba Buena Island]****Sponsor: Mayor**

Ordinance approving and adopting the Redevelopment Plan for the Treasure Island/Yerba Buena Island 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 California Community Redevelopment Law.  
(Fiscal Impact, Economic Impact.)

03/01/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**110234 [Subdivision - Lot Merger Ordinance - 525-31 Greenwich Street and 15 Kramer Place]****Sponsor: Chiu**

Ordinance providing for the merger of Lot Nos. 71 and 72 of Assessor's Block No. 0088 (525-31 Greenwich Street and 15 Kramer Place, respectively) in the City and County of San Francisco pursuant to California Government Code Sections 66451.11 et seq.

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

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

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

08/03/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

08/25/10; REFERRED TO DEPARTMENT.

09/20/10; RESPONSE RECEIVED.

12/01/10; RESPONSE RECEIVED.

12/13/10; RESPONSE RECEIVED.

01/25/11; RESPONSE RECEIVED.

03/01/11; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

**Resolutions****110232 [Subdivision - Intent to Adopt a Merger Ordinance and Notice - 525-31 Greenwich Street and 15 Kramer Place]****Sponsor: Chiu**

Resolution declaring San Francisco's intention to adopt a Merger Ordinance, pursuant to California Government Code Section 66451.11; declaring this Resolution as the City and County's Notice of Intention to Determine Status for the proposed merger of Lot Nos. 71 and 72 of Assessor's Block No. 0088 (525-31 Greenwich Street and 15 Kramer Place, respectively); establishing a hearing date to consider adopting a Merger Ordinance; and authorizing other official actions in connection therewith.

03/01/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**110235 [Accept and Expend Grant - Medicare Improvements for Patients and Providers Act - \$143,128]****Sponsor: Campos**

Resolution authorizing the Department of Aging and Adult Services to accept and expend a grant in the amount of \$143,128 from the Centers for Medicare and Medicaid Services and the Administration on Aging, passed through the California Department on Aging, to assist in expanding Medicare beneficiary enrollment and outreach activities aimed at preventing disease and promoting health.

03/01/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.



**110236 [Accept and Expend Grant - Buffer Zone Protection Program - \$579,090]****Sponsor: Elsbernd**

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

03/01/11; RECEIVED AND ASSIGNED to Public Safety Committee.

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

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

03/01/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**110238 [Renaming the Biodiesel Access Taskforce to the Biofuels Citizen's Advisory Committee, Expanding its Membership, and Establishing a Sunset Date]****Sponsor: Mirkarimi**

Resolution renaming the Biodiesel Access Taskforce the Biofuels Citizen's Advisory Committee, establishing its sunset date, establishing the number of voting members of the CAC, appointing certain members of the Taskforce to the CAC, and directing the CAC to establish biofuels sustainability standards.

03/01/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**110239 [Redevelopment Agency FY2010-2011 Budget Amendment]****Sponsor: Mayor**

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for FY2010-2011 Budget to: (1) authorize an additional expenditure in an amount not to exceed \$75,440,000; and (2) approve the issuance by the Redevelopment Agency of Bonds in an additional principal amount not to exceed \$70,000,000 to finance a portion of redevelopment activities described in the approved Budget, as amended, for FY2010-2011. (Fiscal Impact.)

03/01/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

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

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

03/01/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.



**110248 [Celebrating Governor Brown's Appointment of Julie Su, California Labor Commission]****Sponsors: Campos; Mar and Chiu**

Resolution commending Governor Brown for appointing Julie Su as Chief of the California Division of Labor Standards Enforcement, also known as the California Labor Commissioner, and encouraging San Francisco's Office of Labor Standards Enforcement to collaborate with Commissioner Su to protect the labor and employment rights of low-wage workers in San Francisco.

03/01/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110249 [Accept and Expend Grant - PSI/Myanmar Collaborative Impact Study Planning - \$25,578]****Sponsor: Campos**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the Regents of the University of California in the amount of \$25,578 to participate in a program entitled "PSI/Myanmar Collaborative Impact Study Planning" for the period of July 1, 2010, through June 30, 2011.

03/01/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110250 [Supporting Governor Brown's Proposal to Eliminate the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities]****Sponsors: Campos; Kim, Mar and Avalos**

Resolution supporting Governor Brown's proposal to eliminate the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities, and affirming San Francisco's moratorium against sending youth to State run detention facilities for youth.

03/01/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110251 [Accept and Expend Grant - Program Collaboration and Service Integration - \$72,962]****Sponsor: Campos**

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the Public Health Foundation Enterprises, Inc., in the amount of \$72,962 to participate in a program entitled "Addressing Syndemics through Program Collaboration and Service Integration" for the period of September 30, 2010, through September 29, 2011.

03/01/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110252 [Accept and Expend Grant - Implementing New Directions in HIV Prevention in San Francisco - \$26,634]****Sponsors: Chu; Campos**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant from the Public Health Foundation Enterprises, Inc., in the amount of \$26,634 to participate in a program entitled "Implementing New Directions in HIV Prevention in San Francisco: A Comprehensive" for the period of September 30, 2010, through September 29, 2011.

03/01/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110253 [Accept and Expend Grant - WritersCorp - \$10,000]****Sponsor: Cohen**

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant from the Friends of the San Francisco Library in the amount of \$10,000 a federal pass-through grant from the President's Committee on the Arts and Humanities' National Arts and Humanities Youth Program Award (formerly Coming Up Taller) for general operating support for WritersCorp.

03/01/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110254 [Supporting Mental Health Crisis Intervention Team]****Sponsors: Mirkarimi; Campos**

Resolution commending the San Francisco Police Commission for implementing Mental Health Crisis Intervention Team (CIT) based on the "Memphis Model" urging stakeholder City departments and community based organizations to collaborate to provide adequate mental health services in order to facilitate the mission of the CIT and to ensure the CIT has the tools and resources necessary to achieve similar results to that of the Memphis Model.

03/01/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110255 [Endorsing Community Concerns of Surveillance, Racial, and Religious Profiling]****Sponsors: Mirkarimi; Mar, Avalos, Campos and Chiu**

Resolution endorsing "Community Concerns of Surveillance, Racial, and Religious Profiling of Arab, Middle Eastern, Muslim, and South Asian Communities (AMEMSA) and Potential Reactivation of Police Department's Intelligence Gathering," a report published by the San Francisco Human Rights Commission.

03/01/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110256 [Opposing Elimination of Adult Day Health Center Programs]****Sponsors: Kim; Avalos, Mar, Campos, Mirkarimi and Chiu**

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

(Supervisor Chu dissented in committee.)

03/01/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110257 [Support of Peak-Hour Taxi Permits]****Sponsors: Wiener; Chiu**

Resolution in support of peak-hour taxi permits, and world-class taxi service in San Francisco.

03/01/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110258 [Gift Acceptance - ArtCare Program - \$10,000]****Sponsor: Chiu**

Resolution authorizing the Arts Commission to accept and expend a donation from the Arnhold Foundation in the amount of \$10,000 for general operating support of the ArtCare Program.

03/01/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110170 [Urging the Governor of California to Protect Proposition 10 Funding for Local Children's Programs]****Sponsors: Mar; Campos**

Resolution urging the Governor of California to protect Proposition 10 County funding by not re-allocating \$1,000,000,000 in Proposition 10 funds from local First 5 Commissions reserves.

02/08/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

02/15/11; CONTINUED.

03/01/11; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

03/01/11; REFERRED to City Operations and Neighborhood Services Committee.

**Motions****110241 [Setting the 2011 Budget and Legislative Analyst Services Work Plan]****Sponsor: Campos**

Motion approving the Budget and Legislative Analyst Services work plan for 2010, which: (a) allocates hours for calendar year 2011; (b) authorizes the Budget and Legislative Analyst to reallocate up to 10 percent of the hours between service categories based on Board of Supervisors service needs; and (c) requires Board of Supervisors approval of hours re-allocation greater than 10 percent; and establishes performance goals and sets a date for the 2011 Annual Performance Evaluation of the Budget and Legislative Analyst Joint Venture Partnership.

03/01/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**110245 [Closed Session - Pension, Health Care, and Retiree Health Care Reform]****Sponsor: Elsbernd**

Motion for the Board of Supervisors to convene in closed session to consult with the City's Labor Relations Negotiators: Mayor Edwin M. Lee, Steve Kawa, Mayor's Chief of Staff, Micki Callahan, Director, Department of Human Resources, and Martin Gran, Director, Employee Relations Division, 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 held pursuant to Government Code Section 54957.6, and San Francisco Administrative Code Section 67.10(e).

03/01/11; ASSIGNED to Board of Supervisors.

## **Requests for Hearing**

### **110233 [Hearing - Subdivision - Lot Merger Ordinance - 525-31 Greenwich Street and 15 Kramer Place]**

**Sponsor: Chiu**

Hearing of persons interested in or objecting to the proposed Ordinance providing for the merger of Lot Nos. 71 and 72 of Assessor's Block No. 0088 (525-31 Greenwich Street and 15 Kramer Place, respectively) in the City and County of San Francisco pursuant to California Government Code Sections 66451.11 et seq.

03/01/11; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

### **110242 [Hearing - Transit Effectiveness Project]**

**Sponsor: Avalos**

Hearing to receive an overview from the Controller's Office on the Municipal Transportation Authority's Transit Effectiveness Project and an update on status.

03/01/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

### **110243 [Hearing - 2010 Government Barometer Report]**

**Sponsor: Avalos**

Hearing on the Controller's December 2010 Government Barometer issued on February 3, 2011, for an overview of the report and a summary of highlights and recent trends in the City's major service areas.

03/01/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

### **110244 [Hearing - America's Cup Status Reports]**

**Sponsors: Campos; Mirkarimi**

Hearing to receive regular status reports on the America's Cup.

03/01/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

## **PROPOSED ORDINANCE**

### **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)

02/18/11; RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

### **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)

02/14/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

02/22/11; TRANSFERRED to Budget and Finance Sub-Committee.

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

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

02/14/11; RECEIVED AND ASSIGNED to Rules Committee.

### **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)

02/16/11; RECEIVED AND ASSIGNED to Rules Committee.

### **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)

02/18/11; RECEIVED AND ASSIGNED to Budget and Finance Committee.

02/28/11; TRANSFERRED to Budget and Finance Sub-Committee.

### **110176 [CEQA Findings - Public Utilities Commission Bay Division Pipeline Nos. 3 and 4 Project]**

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Bay Division Pipeline Nos. 3 and 4, Project No. CUW35302, part of the Water System Improvement Program for the improvements to the regional water supply system; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

02/17/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**Requests Granted**

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

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

1007 McAllister  
745 Buchanan  
515 Fillmore  
300 Buchanan, on the Haight Street side  
122 Webster  
55 Laguna, on the Haight Street side  
1751 Fulton  
1140 McAllister  
350 Laguna  
546 Haight  
542 Haight  
160 Pierce  
1067 Oak  
1335 Fulton  
1505 Gough  
1515 Gough  
1530 Post  
1630 Sutter  
1700 Bush  
1890 Sutter  
1940 Post  
2587 Post  
2426 Bush  
1942 Sutter

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

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

*Metal Poles*

*Northeast corner Geary & Fillmore  
Northeast corner Sutter & Cottage Row  
Northwest corner Divisadero & Fulton  
In front of 1505 Gough  
In front of 1530 Post  
In front of 1630 Sutter  
Opposite 950 Fillmore  
In front of 1700 Bush  
In front of 1742 Bush  
In front 1890 Sutter  
Northeast corner Haight & Steiner  
In front of 1435 Fulton  
Northwest corner Divisadero & Fulton*

*Wood Poles*

*Southwest corner Baker & Hayes  
In front of 2384 Post*

In front of 2532 Post  
In front of 1976 Bush  
Southwest corner Pierce & Bush

From: Supervisor Mirkarimi  
To: Director, Department of Public Works  
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Boxes  
Southwest corner Steiner & Page  
Northeast corner Buchanan & Linden  
In front of 1140 Oak  
Southwest corner Pierce & Haight  
Northwest corner Haight & Ashbury  
Northwest corner Divisadero & Oak  
Northeast corner Post & Steiner  
Southwest corner Post & Steiner  
Southwest corner Scott & Post  
Northwest corner Sutter & Webster  
Northwest corner Laguna & Sutter  
Northeast corner Bush & Pierce

Bus Shelters  
Southwest corner Buchanan & Haight  
Southeast corner Buchanan & Hayes  
Southwest corner Fillmore & Hayes  
Northeast corner Hayes & Fillmore  
Southwest corner Haight & Pierce  
Northwest corner Gough & Geary  
Northwest corner Webster & Geary  
Northeast corner Fillmore & Fell, near 500 Fillmore  
Northwest corner Fillmore & McAllister  
Southeast corner Webster & McAllister  
Southeast corner Grove & Laguna  
Fillmore & Haight (all 4 bus stops, graffiti & grime (canopies also have graffiti))

Fire Hydrant  
1400 Geary

Emergency Boxes  
Northwest corner Post & Scott  
Northwest corner Fillmore & Sutter  
Northwest corner Webster & Bush

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 newsstands at the following locations:

San Francisco Bay Guardian  
Southeast corner of Fillmore & Post  
Southwest corner of Divisadero & Sutter  
9th Avenue & Judah (near bus stops)  
7th Avenue & Irving (near bus stops)  
Northwest corner of Hayes & Fillmore  
Southeast corner of Fillmore & Haight

*San Francisco Chronicle*  
*Northwest corner of Fillmore & Hayes*  
*Southeast corner of Haight & Fillmore*  
*Irving & 9th Avenue*  
*Irving & 7th Avenue*  
*Southwest corner of Haight & Clayton*  
*Southeast corner of Haight & Masonic*

*Examiner*  
*Northwest corner of Fillmore & Hayes*  
*Southeast corner of Haight & Fillmore*

*SF Daily*  
*Northwest corner of Hayes & Gough*

*City Star*  
*Northwest corner of Hayes & Gough*  
*Southeast corner of Fillmore & Haight*

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

### **In Memoriams**

*Lawrence Joseph "Chuckie" Armstrong – Supervisor Cohen*  
*Daniel Ryan – Supervisor Chu*  
*Henry Lancelotti – Supervisor Elsbernd*

### **ADJOURNMENT**

*There being no further business, the Board adjourned at the hour of 6:06 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 5, 2011.*

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Angela Calvillo, Clerk of the Board