

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, May 24, 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, Commissioners Fewer, Maufas, Norton

2nd and 4th Thursday

3:30 PM

City Operations and Neighborhood Services Committee

Supervisors Avalos, Mar, Elsbernd

2nd and 4th Monday

10:00 AM

Government Audit and Oversight Committee

Supervisors Campos, Farrell, Chiu

2nd and 4th Thursday

10:00 AM

Land Use and Economic Development Committee

Supervisors Mar, Cohen, Wiener

Monday

1:00 PM

Public Safety Committee

Supervisors Mirkarimi, Cohen, Campos

1st and 3rd Thursday

10:30 AM

Rules Committee

Supervisors Kim, Elsbernd, Farrell

1st and 3rd Thursday

1:30 PM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to approve the Board Meeting Minutes of April 15, 2011, and Special Board Meeting Minutes of April 19, 2011. The motion carried by the following vote:

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

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendations of the Rules Committee

110333 [Settlement of Lawsuit - Michael Pinkston - \$30,000]

Ordinance authorizing the settlement of lawsuit filed by Michael Pinkston against the City and County of San Francisco for \$30,000; the lawsuit was filed on March 24, 2010, in San Francisco Superior Court, Case No. CGC-10-498074, entitled Michael Pinkston v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 83-11

FINALLY PASSED

110481 [Settlement of Lawsuit - Da Ren Kuang, et al. - \$1,556,000]

Ordinance authorizing settlement of the lawsuit filed by Da Ren Kuang; Angel Su Ting Wong; Sophia Zi Ying Kuang; Lori Shuang Jie Kuang; Estate of Xiu Fang Huang against the City and County of San Francisco for \$1,556,000; the lawsuit was filed on July 30, 2010, in San Francisco Superior Court, Case No. CGC 10-502052; entitled Da Ren Kuang; Angel Su Ting Wong; Sophia Zi Ying Kuang; Lori Shuang Jie Kuang; Estate Of Xiu Fang Huang v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 82-11

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

110207 [Affirming Certification of the Final Environmental Impact Report - Parkmerced Project]

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

Motion No. M11-83

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

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

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

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

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

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

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

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

110209 [Preparation of Findings to Reverse Certification of the Final Environmental Impact Report - Parkmerced 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 Parkmerced Project.

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

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

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

From the Board**110345 [Affirming the Exemption Determination - AT&T Network "Lightspeed" Upgrade]**

Motion affirming the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be CONTINUED to June 28, 2011. The motion carried by the following vote:

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

110346 [Reversing the Exemption Determination - AT&T Network "Lightspeed" Upgrade]

Motion reversing the determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be CONTINUED to June 28, 2011. The motion carried by the following vote:

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

110347 [Preparation of Findings to Reverse the Exemption Determination - AT&T Network "Lightspeed" Upgrade]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the AT&T Network "Lightspeed" Upgrade project is exempt from environmental review.

Supervisor Wiener, seconded by Supervisor Campos, moved that this Motion be CONTINUED to June 28, 2011. The motion carried by the following vote:

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

From the Budget and Finance Committee Without Recommendation**110337 [Business and Tax Regulations Code - Excluding Stock-Based Compensation from Payroll Expense, Tax Years 2011 through 2017]****Sponsors: Mirkarimi; Campos, Mar and Chiu**

Ordinance amending the San Francisco Business and Tax Regulations Code Article 12-A, by adding Section 906.4 to establish a payroll expense tax exclusion for that portion of an eligible person's payroll expense that is attributable to Stock-Based Compensation.

(Fiscal Impact, Economic Impact.)

Ordinance No. 87-11**FINALLY PASSED** by the following vote:

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

Noes: 3 - Chu, Elsbernd, Farrell

Recommendation of the Budget and Finance Sub-Committee**110553 [Appropriating \$1,925,000 of General Fund Reserve and \$360,000 of Public Library Preservation Fund Balance to Various Departments for Kirola Litigation Expenses in FY2010-2011]****Sponsor: Mayor**

Ordinance appropriating \$1,925,000 from the General Fund Reserve and \$360,000 from the Public Library Preservation Fund available fund balance to the Department of Public Works, the Recreation and Park Department, the Library Department, and the Mayor's Office of Disability for litigation expenses related to the United States District Court case between Ivana Kirola et. al. v. City and County of San Francisco for alleged American with Disabilities Act violations in FY2010-2011.

(Fiscal Impact.)

Ordinance No. 84-11**FINALLY PASSED** by the following vote:

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

Recommendation of the Public Safety Committee**110025 [Environment Code - Safe Drug Disposal Information]****Sponsors: Mirkarimi; Campos**

Ordinance amending the San Francisco Environment Code by adding Sections 2250 through 2254, to require any business selling prescription drugs to the public to post display materials explaining how to safely and lawfully dispose of unused prescription drugs; and making environmental findings.

Ordinance No. 85-11**FINALLY PASSED** by the following vote:

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

Recommendation of the Rules Committee

110023 [Campaign and Governmental Conduct Code - Allowing a Former Appointed Mayor to Obtain City Employment]

Sponsors: Chiu; Elsbernd, Mar, Chu, Cohen, Kim, Wiener and Farrell

Ordinance amending the San Francisco Campaign and Governmental Conduct Code Section 3.234 to allow an appointed former Mayor to obtain full-time City employment within one year after leaving office.

Ordinance No. 86-11

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

110507 [Appropriating Surplus Revenues and Expenditures and General Fund Reserve to Support Shortfalls in the Department of Public Health for FY2010-2011 - \$29,494,813]

Sponsor: Mayor

Ordinance recognizing state revenue losses of \$18,484,060 at San Francisco General Hospital and appropriating \$29,494,813 including \$6,543,813 of General Fund reserve, \$14,851,000 of surplus Laguna Honda Hospital revenues, \$1,925,000 of surplus San Francisco General Hospital revenues, de-appropriating \$6,175,000 of non-hospital operations expenditures at San Francisco General Hospital to fund cost overruns in the Department of Public Health including \$19,653,813 at San Francisco General Hospital and \$9,841,000 at Laguna Honda Hospital for FY2010-2011. (Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

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

110541 [Airport Lease Agreement - Advanced Wireless Group, LLC]

Resolution approving the Lease Agreement for Operation and Maintenance of Public Wireless-Fidelity System at San Francisco International Airport between Advanced Wireless Group, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Resolution No. 219-11

ADOPTED by the following vote:

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

110542 [Airport Lease Agreement - J. Avery Enterprises]

Resolution approving Amendment No. 1, retroactive to April 14, 2011, to Domestic Terminal Food and Beverage Lease No. 03-0192 with J. Avery Enterprises, dba Klein's Deli, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Resolution No. 220-11

ADOPTED by the following vote:

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

Recommendation of the Government Audit and Oversight Committee**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 California Streets and Highways Code Section 36651.

Resolution No. 221-11

ADOPTED by the following vote:

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

Recommendation of the Land Use and Economic Development Committee**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)

Supervisor Wiener, seconded by Supervisor Avalos, moved that this Ordinance be CONTINUED ON FIRST READING to June 14, 2011. The motion carried by the following vote:

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

From the Land Use and Economic Development Committee

110599 [Grant Easement to, and Acceptance of Easement Purchase and Sale Agreement and Delivery Truck Easement Agreement - Avalon Ocean Avenue, L.P. - Phelan Bus Loop]

Sponsor: Elsbernd

Resolution approving the execution of an Easement Purchase and Sale Agreement, together with a Delivery Truck Easement Agreement, by and between the City and County of San Francisco, acting by and through the Municipal Transportation Agency, and Avalon Ocean Avenue, L.P., a Delaware Limited Partnership for the Phelan Bus Loop.

Resolution No. 222-11

ADOPTED 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 Kim, seconded by Supervisor Chiu, 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 Kim introduced, welcomed, and presented a Certificate of Honor to Kate Sofis of SF MADE in recognition of SF MADE Week for 7 days of education, exploration, and innovation, designed to heighten local awareness and understanding of this critical economic and cultural asset.

Supervisor Chiu introduced, welcomed, and presented Certificates of Honor to Principal Judy Giampaoli (Francisco Middle School), Principal Yvonne Chong (Yick Wo Elementary School), Lorraine Perry (Marina Middle School), and Raphael Pau (Marina Middle School) in recognition of their accomplishments upon their retirements.

SPECIAL ORDER 4:00 P.M.

110474 [Hearing - Appeal of Determination of Exemption from Environmental Review - 1787 Union Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated January 20, 2011, Case No. 2010.0805D, that a project located at 1787 Union Street is exempt from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301). The proposed project involves legalizing the removal of an elevated glass sunroom enclosure and establishing an open patio at the front of the building for an existing full-service restaurant and bar (dba "The Brick Yard"), Lot No. 017 in Assessor's Block No. 0544. (District 2) (Appellant: Gloria D. Smith, on behalf of the Golden Gate Valley Neighborhood Association). (Filed April 13, 2011; Companion Measure to File Nos. 110475, 110476 and 110477.)

The President inquired as to whether any member of the public wished to address the Board. Gloria Smith and Megan Chechile (Appellants) provided an overview of the appeal and further requested the Board to approve the appeal. Donna Morrison; Skye Czember; Bob Bardell; Serena Bardell; Anne McKenzie; Jerry Czember; Jeffrey Lee; Ann Alioto; Melinda Cardwell; Terry Morrison; Patricia Vaughey; spoke in support of the appeal. Kelley Amdur (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Alex Rosenthal and Darren Matte (Project Sponsors) provided an overview of the project and further requested the Board to uphold the decision of the Planning Commission. Aaron Little; Josh Spiegelman; Brad Johnson; Harry Kenning; Sam Landrum; Matt Seliga; Dina Eppley; Nate Mezmer; Anderson Pucash; Sean Wells; Eric Roblee; Logan Shedd; Michael; Dominic Chin; Jason Damaschino; spoke in support of the project and in opposition to the appeal. Gloria Smith (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

110475 [Affirming the Exemption Determination - 1787 Union Street]

Motion affirming the determination by the Planning Department that a project located at 1787 Union Street is exempt from environmental review.

Motion No. M11-84

Supervisor Farrell, seconded by Supervisor Elsbernd, 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

110476 [Reversing the Exemption Determination - 1787 Union Street]

Motion reversing the determination by the Planning Department that a project located at 1787 Union Street is exempt from environmental review.

Supervisor Farrell, seconded by Supervisor Elsbernd, 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

110477 [Preparation of Findings to Reverse the Exemption Determination - 1787 Union Street]

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that a project located at 1787 Union Street is exempt from environmental review.

Supervisor Farrell, seconded by Supervisor Elsbernd, 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 Public Safety Committee

110565 [Joint Powers Agreement - Bay Area Regional Interoperable Communications System Authority]

Sponsors: Mayor; Chu, Chiu, Cohen and Mirkarimi

Resolution approving a Joint Powers Agreement establishing the Bay Area Regional Interoperable Communications System Authority and authorizing payment of membership fees.

Resolution No. 223-11

ADOPTED by the following vote:

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

Recommendation of the Rules Committee

110595 [Convening the Redistricting Task Force]

Sponsors: Chiu; Kim

Ordinance convening the Redistricting Task Force, pursuant to Charter Section 13.110(d), and amending the San Francisco Campaign and Governmental Conduct Code by adding Section 3.1-397 to include the Redistricting Task Force in the City's Conflict of Interest Code.

See File No. 110697.

Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be DIVIDED. The motion carried by the following vote:

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi, Wiener
Ordinance convening the Redistricting Task Force, pursuant to Charter Section 13.110(d).

PASSED ON FIRST READING AS DIVIDED by the following vote:

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

110697 [Campaign and Governmental Conduct Code - Adding Redistricting Task Force To Conflict of Interest Code]**Sponsors: Chiu; Kim**

Ordinance amending the City's Conflict of Interest Code to include the Redistricting Task Force.

*See File No. 110595.***Supervisor Mirkarimi, seconded by Supervisor Avalos, moved that this Ordinance be DIVIDED. 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 DIVIDED by the following vote:

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

Recommendations of the Land Use and Economic Development Committee**110300 [Development Agreement - Parkmerced]****Sponsor: Elsbernd**

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

PASSED ON FIRST READING by the following vote:

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

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

110301 [Planning Code - Special Use District - Parkmerced]**Sponsor: Elsbernd**

Ordinance amending the San Francisco Planning Code by amending Sections 102.5 and 201 to include the Parkmerced Zoning Districts; adding Section 249.64 to establish the Parkmerced Special Use District; amending Planning Code Section 270 to refer to the Parkmerced Special Use District; and adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Commission)

PASSED ON FIRST READING by the following vote:

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

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

110302 [Planning Code - Zoning Map Amendments - Parkmerced]**Sponsor: Elsbernd**

Ordinance amending the San Francisco Planning Code by amending Sectional Maps ZN13, HT13, and SU13 of the Zoning Map of the City and County of San Francisco to reflect the Parkmerced Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

110303 [General Plan Amendment - Parkmerced]**Sponsor: Elsbernd**

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

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Farrell, Wiener
Noes: 5 - Avalos, Campos, Kim, Mar, Mirkarimi

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Male Speaker; expressed various religious concerns.
Ray Hartz; expressed concerns relating to government.
Michael Pierce; expressed concerns relating to AT&T.
Dale Seymour; expressed various concerns.
Male Speaker; expressed various concerns.
Mark Samit; expressed concerns relating to glass steagall.
Wes; expressed concerns relating to glass steagall.
Hugh Townsend; expressed concerns relating to graffiti and noise.
Ace Washington; expressed various concerns.
Mark; expressed concerns relating to taxi cab meter increase.
Barry Cornwel; expressed concerns relating to taxi cab meter increase.
Ed Hilley; expressed concerns relating to taxi cab meter increase.*

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**110668 [Lyme Disease Awareness Month - May 2011]****Sponsors: Kim; Campos**

Resolution proclaiming May 2011 as Lyme Disease Awareness Month in the City and County of San Francisco.

Resolution No. 224-11**ADOPTED****110425 [Committee of the Whole - Report of Assessment Costs for Blighted Properties]**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 7, 2011, at 3:00 p.m., to hold a public hearing on a resolution approving a report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Chapter 80 of the Administrative Code, the costs thereof having been paid for out of a blight abatement fund.

Motion No. M11-85**APPROVED****110665 [Committee of the Whole - Authorizing the Use of Real Property Located at 701 Lombard Street - Joe DiMaggio Playground Master Plan Project]****Sponsor: Chiu**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 7, 2011, at 3:00 p.m., to hold a public hearing on a resolution authorizing the use of real property located at 701 Lombard Street (Assessor's Block No. 0074, Lot No. 001) for purposes consistent with the Joe DiMaggio Playground/North Beach Library Master Plan Project; adopting environmental findings and findings of consistency with the General Plan and City Planning Code Section 101.1.

Motion No. M11-86**APPROVED****110670 [Suspending Board Rule 4.29 - Time of Public Hearing(s) on Appeal(s) on June 7, 2011]****Sponsor: Chiu**

Motion suspending Board Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that public hearing(s) on appeal(s) may be scheduled at any time during the Board meeting of June 7, 2011.

Motion No. M11-87**APPROVED**

110679 [Final Map 5388 - 1840 Washington Street]

Motion approving Final Map 5388, a 26 Unit Residential Condominium Project, located at 1840 Washington Street being a subdivision of Lot 008 in Assessors Block No. 0599 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M11-88

APPROVED

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

Supervisors Wiener and Avalos requested that File No. 110669 be severed so that it may be considered separately.

110669 [Opposing Taxi Fare Increase Without Improved Taxi Service]

Sponsors: Wiener; Farrell and Cohen

Resolution opposing proposed taxi fare increase under consideration by the Municipal Transportation Agency in the absence of improved taxi service.

Supervisor Wiener, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED to June 7, 2011. 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. 110672 be severed so that it may be considered separately.

110672 [Committee of the Whole - Amending Zoning Designation for 701 Lombard Street (Assessor's Block No. 74, Lot No. 01)]

Sponsor: Chiu

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 7, 2011, at 3:00 p.m., to hold a public hearing on an ordinance amending the San Francisco Zoning Map by amending the zoning designation for 701 Lombard Street (Assessor's Block No. 74, Lot No. 01) from North Beach Neighborhood Commercial District and 40-X Height and Bulk District to "P" (Public) and "OS" (Open Space) Height and Bulk District for the new North Beach Public Library or other public use and for purposes of consistency with the adjacent Public and Open Space zoning designation of the Joe DiMaggio Playground; amending the Zoning Map to remove 701 Lombard Street from the Telegraph Hill - North Beach Residential Special Use District and the North Beach Special Use District; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

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

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

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 7, 2011, at 3:00 p.m., to hold a public hearing on an Ordinance amending the San Francisco Zoning Map, by amending the zoning designation for 701 Lombard Street (Assessor's Block No. 74, Lot No. 01) from North Beach Neighborhood Commercial District and 40-X Height and Bulk District to "P" (Public) and "OS" (Open Space) Height and Bulk District for the new North Beach Public Library or other public use and for purposes of consistency with the adjacent Public and Open Space zoning designation of the Joe DiMaggio Playground; amending the Zoning Map to remove 701 Lombard Street and 2000 Mason Street (Assessor's Block No. 75, Lot No. 01) from the Telegraph Hill - North Beach Residential Special Use District and to remove 701 Lombard Street from the North Beach Special Use District; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Supervisor Chiu, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED AS AMENDED to June 7, 2011. The motion carried by the following vote:

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

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Charter Amendment

110058 [Charter Amendment - City Retirement Benefits and Health Care Benefits]

Sponsors: Mayor; Elsbernd, Avalos, Chiu, Chu, Cohen, Farrell and Wiener

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending the provisions in Appendix A to: 1) adjust contribution rates for current and future employees to the San Francisco Employees' Retirement System (SFERS) based on the rate employers are required to pay each year; 2) limit SFERS' supplemental cost of living adjustments to retiree benefits for all employees and retirees; 3) create new retirement plans for employees commencing employment on and after January 7, 2012; 4) require elected officials to pay their contributions to SFERS; 5) allow certain individuals who are members of the California Public Employees' Retirement System (CalPERS) to become members of SFERS; 6) change the composition of the Health Service Board (HSB); 7) change the vote requirement for the HSB to approve member health care plans; 8) require current employees to contribute to the Retiree Health Care Trust Fund beginning in fiscal year 2016-17; 9) restrict certain retiree health care benefits for employees who left City employment, but have not yet retired, to those benefits in place at the time they left employment; 10) reduce employers' contributions into the Health Service System Trust Fund under certain circumstances; and 11) make certain other changes to retirement and health care benefits.

05/24/11; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

Ordinance

110312 [Zoning Map Amendment - 701 Lombard Street]

Sponsors: Chiu; Mayor

Ordinance amending the San Francisco Zoning Map, by amending the zoning designation for 701 Lombard Street (Assessor's Block No. 74, Lot No. 01) from North Beach Neighborhood Commercial District and 40-X Height and Bulk District to "P" (Public) and "OS" Open Space Height and Bulk District for the new North Beach Public Library or other public use and for purposes of consistency with the adjacent Public and Open Space zoning designation of the Joe DiMaggio Playground; amending the Zoning Map to remove 701 Lombard Street and 2000 Mason Street (Assessor's Block No. 75, Lot No. 01) from the Telegraph Hill - North Beach Residential Special Use District and to remove 701 Lombard Street from the North Beach Special Use District; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

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

03/28/11; REFERRED TO DEPARTMENT.

05/24/11; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions

110059 [Cooperative Agreement - San Francisco Bay Area Rapid Transit District]

Sponsor: Chiu

Resolution approving a Cooperative Agreement between the City and County of San Francisco and the San Francisco Bay Area Rapid Transit District (BART), through its Port Commission, authorizing BART to install, use, and maintain security barriers on and under the Ferry Plaza Platform, on the east side of the Ferry Building along the Embarcadero, for a term of 66 years, subject to BART's right to request an extension before the end of the 64th year of the term.

05/24/11; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

110060 [Apply for Grant - Statewide Park Program]

Sponsors: Avalos; Elsbernd and Campos

Resolution approving Office of Economic and Workforce Development to apply for grant funds from Statewide Park Program Grant Funds.

05/24/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

110061 [Urging Congressional Funding for Pedestrian, Bicycle, and Transit Projects]

Sponsors: Mirkarimi; Chiu and Campos

Resolution urging the United States Congress to maintain federal funding for pedestrian, bicycle, and transit projects.

05/24/11; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

110063 [Hearing - Audit Recommendations by the Controller/City Services Auditor Implementation]

Sponsor: Campos

Hearing on City Departments progress on implementation of audit recommendations by the Controller/City Services Auditor.

05/24/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

110064 [Hearing - Standards on Development Projects and Environmental Health Impacts]

Sponsor: Campos

Hearing on the standards, procedures, laws, and ethics rules that govern the Department of Public Health's regulators responsible for reviewing development projects that may cause environmental health impacts.

05/24/11; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

110065 [Hearing - Muni Light Rail Vehicle Service for February, March, and April 2011]

Sponsor: Chu

Hearing to receive performance data on Muni service along all Light Rail Vehicle (LRV) lines for months of February, March, and April 2011 including: 1) information regarding missed runs and causes for missed runs; 2) on-time performance; 3) number of switchbacks; and 4) steps taken by the Municipal Transportation Agency to address performance issues.

05/24/11; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

110066 [Hearing - Educational Components of HOPE SF]

Sponsor: Cohen

Hearing to review and discuss the ongoing partnerships between the San Francisco Unified School District and the HOPE SF Program.

05/24/11; RECEIVED AND ASSIGNED to City and School District Select Committee.

110111 [Hearing - Candlestick Point/Hunters Point Shipyard Core Community Benefits Agreement]

Sponsor: Cohen

Hearing to review an update on the initial education related expenditures stemming from the Core Community Benefits Agreement.

05/24/11; RECEIVED AND ASSIGNED to City and School District Select Committee.

110134 [Hearing - Regulations for Issuing Excavation Permit for the Installation of Surface-Mounted Facilities in the Public Rights-of-Way]

Sponsor: Wiener

Hearing on Department of Public Works Order No. 175,566 regulations for issuing excavation permit for the installation of surface-mounted facilities in the public rights-of-way, and a discussion with Department of Public Works, City Planning, Municipal Transportation Authority, and the Public Utilities Commission of the extent to which the Department of Public Works Order and the siting of surface-mounted facilities conform with the General Plan and the Better Streets Plan.

05/24/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Introduced by the President at the Request of a Department**PROPOSED ORDINANCES****110622 [Administrative Code - Allowing Paid Administrative Leave in Certain Circumstances]**

Ordinance amending the San Francisco Administrative Code by adding Section 16.10 to allow the City and County of San Francisco to use time-limited paid administrative leave for its employees under certain circumstances. (Human Resources Department)

05/09/11; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/23/2011.

110623 [Changing the Official Sidewalk Width - Brotherhood Way]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1588 to change the official sidewalk width on north side of Brotherhood Way west of Chumasero Drive; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

05/10/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110624 [General Plan Amendments - Executive Park Subarea Plan]

Ordinance amending the San Francisco General Plan by amending the Executive Park Subarea Plan of the Bayview Hunters Point Area Plan, the Land Use Index and maps and figures in various elements and adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)
(Economic Impact.)

05/11/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110625 [Planning Code - Zoning - Executive Park Special Use District, Special Height and Bulk Provisions, and Permit Review Procedures]

Ordinance amending the San Francisco Planning Code by adding Section 249.54 to establish the Executive Park Special Use District; adding Section 263.27 to establish Special Height Provisions for the Executive Park Special Use District and the 65/240 EP Height and Bulk District; amending Table 270 to provide that the Table is not applicable to the Executive Park Special Use District; and adding Section 309.2 to establish Permit Review Procedures in the Executive Park Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

05/11/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110626 [Zoning Map Amendments - Executive Park Subarea Plan Area]

Ordinance amending the San Francisco Planning Code by amending Sectional Maps SU10 of the Zoning Map of the City and County of San Francisco to establish the Executive Park Special Use District; amending Sectional Map HT10 to establish the 65/240-EP Height and Bulk District; amending Sectional Map ZN09 to change certain Executive Park parcels from C-2(Community Business) and M-1(Light Industrial) to RC-3(Residential-Commercial Combined, Medium Density); adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

05/11/11; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

110627 [General Plan Amendment - Community Safety Element]

Ordinance amending the San Francisco General Plan by amending the Community Safety Element to reference the most recent Hazard Mitigation Plan; and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and environmental findings. (Planning Department)

05/24/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/23/2011. 7/1/2011 - Hearing notice was published and posted.

Requests Granted

From: Supervisor Avalos

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft an ordinance that would establish a Foreclosure Registry:

- Requiring banks to register with the City properties in default within 30 days.*
- Requiring owners to register transfer of title of foreclosed property within 30 days.*
- Requiring owners of foreclosed properties to maintain properties to neighborhood standards and secure from unauthorized persons.*

From: Supervisor Chu

To: Director, Recreation and Parks Department

To: President, SF Public Utilities Commission

Requesting/Inquiring: Supervisor Chu is requesting an inquiry to the Recreation and Parks Department and the Public Utilities Commission on the long term plans for Camp Mather. Please detail specifically the capital needs of the facility and provide five years of data on the operational expenses (maintenance, repair, staffing, overhead, etc.) and revenues of the facility. Please provide background information on the programming provided at the site in a given year (for example, days when camp services are provided, or other programmed days). Please discuss the departments' plans to meet long term operational and capital maintenance goals.

From: Supervisor Farrell

To: Chief, Police Department

To: Director, Entertainment Commission

Requesting/Inquiring: Requesting the Entertainment Commission and the SFPD Northern Station to conduct random noise tests at 1787 Union Street (The Brick Yard) after their outside patio becomes operational to determine compliance with the City's noise ordinance pursuant to Police Code Section 2916. See letter below.

As soon as the outdoor patio at 1787 Union Street is completed and in use, I request that both the SFPD Northern Station and the Entertainment Commission conduct at least three random noise tests over a three-month period during various points of the day and evening to determine compliance with the City's Noise Ordinance and to report back to my office with their findings during their analysis and at the end of the three-month period.

On January 20, 2011, the Planning Commission set forth conditions at the Discretionary Review Hearing to address noise issues. Those conditions include closing the outdoor patio by 10:00p.m., keeping the doors closed if the patio is not occupied; keeping two of the five panel doors closed when patrons are seated on the patio, limiting the seating to 12 people. Installing a canvas awning to dampen the sound and other conditions.

If any of these conditions are not being met or the property is in violation of the City's Noise Ordinance when the agency is conducting the noise test, that should also be noted in the report back to my office. Thank You Supervisor Mark Farrell

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

7th Avenue and Irving (near bus stops)

Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight
Southeast corner of Ashbury and Haight
444 Divisadero
Southeast corner of Haight and Masonic

San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 7th Ave.
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic
Southeast corner of Haight and Ashbury
Southeast corner of Cole and Haight
Southeast corner of Buena Vista East and Haight
Southeast corner of Buena Vista West and Haight
Southeast corner of Cole and Hayes
Southeast corner of Haight and Divisadero
783 Haight
1614 Haight
Northeast corner of Haight and Shrader
Northeast corner of Haight and Steiner

Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Northwest corner of Fillmore and O'Farrell
Northeast corner of Haight and Shrader
Northeast corner of Haight and Stanyan
Southwest corner of Haight and Clayton

SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore
Southeast corner of Masonic and Hayes
444 Divisadero
Northeast corner of Haight and Steiner
Northeast corner of O'Farrell and Fillmore
Northeast corner of Masonic and Fell
Northeast corner of Cole and Haight

Advertiser
Southeast corner of Hayes and Masonic

Jobs and Careers
Northwest corner of Fillmore and O'Farrell

Western Edition HP Journal
Northwest corner of Fillmore and O'Farrell

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:

Bus Shelters
Southeast corner of Haight and Divisadero

Southwest corner of Haight and Pierce
Southwest corner of Buena Vista East and Haight
Southeast corner of Buena Vista West and Haight
Southeast corner of Pierce and Hayes

Utility Boxes

Northeast corner of Page and Divisadero
Northwest corner of Masonic and Haight

Emergency Boxes

Northwest corner of Fell and Pierce
Southwest corner of Page and Pierce
Intersection of Buena Vista East and Waller
Northeast corner of Lyon and Haight
Parking and Traffic Signals/Signs
2131 Grove
Opposite 509 Pierce
1601 Grove
Approximately 750 Stanyan
Approximately 1108 Waller
Northwest corner of Waller and Ashbury
2130 Fell, in median
Approximately 1180 Steiner

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

1451 Haight
Northeast corner of Divisadero and Hayes
2155 Hayes
338 Divisadero
Northeast corner of Haight and Divisadero
840 Haight
839 Haight
509 Pierce
Approximately 1407 Steiner
309 Pierce
Approximately 301 Pierce
749 Waller
779 Waller
Approximately 975 Waller
Northwest corner of Central and Waller
Approximately 1600 Waller
1673 Oak
1979 Oak
2080 Oak, in median
1340 Haight
Northwest corner of Masonic and Haight
Southeast corner of Ashbury and Haight
1772 Haight
Northeast corner of Clayton and Haight
1474 Haight
1428 Haight
Opposite 1146 Haight

Southeast corner of Buena Vista West and Haight

*Wood Poles
1714 Hayes*

*Concrete Poles
Northwest corner of Ellis and Steiner
1333 Steiner*

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

*Residential and Commercial Buildings
1365 Grove
1315 Grove
285 Divisadero
Northeast corner of Haight and Steiner
616 Haight
739 Haight
707 Haight
546 Haight
896 Steiner
431 Pierce
1970 Fell
1637 Oak
1865 Oak, on East side
600 Stanyan
507 Divisadero
1390 Haight
1328 Haight
1317 Haight
1452 Haight
1816 Haight
1825 Haight
1675 Haight
1555 Haight
1553 Haight
1474 Haight*

*Planter Boxes
1605 Haight*

*Parking Lots
Northwest corner of Divisadero and Grove*

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

*Garbage Cans
1250 Waller
Northeast corner of Cole and Haight
Intersection of Waller and Buena Vista East
Northeast corner of Belvedere and Haight*

1855 Haight
Southeast corner of Buena Vista West and Haight
Southwest corner of Clayton and Hayes
Southeast corner of Haight and Divisadero

Mailboxes
Southeast corner of Masonic and Hayes
554 Clayton

Street Walls and Overpasses
Approximately 1451 Steiner
Opposite 1045 Hayes

Curbstones and ADA Curb Ramps
Northwest corner of Divisadero and Waller
Southwest corner of Lyon and Haight

Public Benches
Northeast corner of Masonic and Hayes
Northwest corner of Masonic and Hayes

Fire Hydrants
Northeast corner of Clayton and Hayes
Southeast corner of Ashbury and Haight
Northwest corner of Haight and Cole
Northwest corner of Waller and Central
Southeast corner of Buena Vista East 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 resolving problems with the conditions of street surfaces or sidewalks at the following locations:

Sidewalk Dumping
1844 Fell
Opposite 1057 Steiner

Dangerous Sidewalks
2052 Fell

In Memoriams

Bill Noonan – Supervisor Elsbernd
Elizabeth Flood – Supervisor Farrell
Dave Yan – Supervisor Mar

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:01 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 July 12, 2011.

Angela Calvillo, Clerk of the Board