

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, June 30, 2009 2:00 PM

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

Regular Meeting

DAVID CHIU, PRESIDENT

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

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

Budget and Finance Subcommittee

Supervisors Avalos, Mirkarimi, Chu

City and School District Select Committee

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

City Operations and Neighborhood Services Committee

Supervisors Dufty, Daly

Government Audit and Oversight Committee

Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Campos, Mirkarimi

Rules Committee

Supervisors Campos, Chu, Daly

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll, all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of June 2, 2009. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

090493 [Liquor License Transfer - 3950 24th Street]

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 1469 Hyde Street to 3950 24th Street (District 8) to Joseph N. Rogoff for Whole Foods Market California, Inc. dba Whole Foods Market, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 265-09

ADOPTED

090797 [Accept and Expend Grant - Department of Public Health - \$1,925,719]

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Corrections and Rehabilitation (CDCR) in the amount of \$1,925,719 to expand the City's treatment capacity for mentally ill parolees; for the period of June 1, 2009, through June 30, 2012.

Resolution No. 266-09

ADOPTED

Recommendations of the Land Use and Economic Development Committee**081251 [Planning Code-Appendix K to Article 10, Bush Street-Cottage Row Historic District]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Planning Code by amending Appendix K to Article 10, "Bush Street-Cottage Row Historic District," by adding a new Section 7 to set forth additional requirement for Certificates of Appropriateness; and making findings, including findings of consistency with the General Plan and priority policies of Planning Code Section 101.1 and environmental findings.

**Ordinance No. 148-09
FINALLY PASSED**

**090141 [Zoning - Ordinance Making Tobacco Paraphernalia Establishments a Non-Permitted Use in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use District]
Supervisor Mirkarimi**

Ordinance amending the Planning Code to amend Section 227(v), to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street Neighborhood Commercial District and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined; amending Section 790.123 to refer to this special definition; amending Section 719.1 and the Table at Section 719, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Haight Street Neighborhood Commercial District; adding new Section 786, to create the Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; amending Section 186.1, to change the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict from three years to eighteen months; amending Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco, to reflect the new Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict, and making findings, including findings of consistency with the Priority policies of Planning Code Section 101.1 and environmental findings.

**Ordinance No. 151-09
FINALLY PASSED**

**090327 [First Source Hiring Program - expanding definitions of "entry level position" and "economically disadvantaged individual"]
Supervisor Mirkarimi**

Ordinance amending Section 83.4 of the San Francisco Administrative Code by expanding the definitions of "economically disadvantaged individual" and "entry level position."

**Ordinance No. 149-09
FINALLY PASSED**

Recommendations of the Rules Committee**090770 [Appointment, Commission on the Aging Advisory Council - Jerry Brown]**

Motion appointing Jerry Brown, term ending March 31, 2011, to the Commission on the Aging Advisory Council.

Jerry Brown, seat 11, succeeding William Hollabaugh, term expired, must be nominee of District 9 Supervisor, for the unexpired portion of a two-year term ending March 31, 2011.

Motion No. M09-121

APPROVED

090790 [Appointment, Graffiti Advisory Board - Rebecca Delgado Rottman]

Motion appointing Rebecca Delgado Rottman, term ending April 10, 2011, to the Graffiti Advisory Board.

Rebecca Delgado Rottman, seat 16, succeeding herself, term expired, must represent private schools or art schools who operate in San Francisco, for the unexpired portion of a two-year term ending April 10, 2011.

Motion No. M09-122

APPROVED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA**UNFINISHED BUSINESS****Recommendation of the Budget and Finance Committee****090723 [Budget Savings Incentive Fund]**

Mayor

Ordinance amending the San Francisco Administrative Code by amending Section 10.20 to permit the suspension of appropriations from the Budget Savings Incentive Fund for any single fiscal year and to deposit the amounts in the Fund as of June 30, 2009, into the General Fund to assist in balancing the FY 2009-2010 budget.

(Supervisor Chu dissented in Committee.)

Ordinance No. 150-09

FINALLY PASSED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

Supervisor Maxwell Excused from Voting

Supervisor Daly, seconded by Supervisor Elsbernd, moved to excuse Supervisor Maxwell from voting on File Nos. 090276, 090277, 090278, and 090279. The motion carried by the following vote:

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

Excused: 1 - Maxwell

090276 [Housing Code Section 503(d) "Housing Access" extend protections to all persons sharing housing by deleting references to "families" and technical correction to Section 503(b)]

Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos

Ordinance amending the San Francisco Housing Code Chapter 5, by amending Section 503(d) "Housing Access" to promote affordable housing by extending the protections of that Section to all persons sharing housing by deleting the references to "families" and to specify that the both prospective and current tenants are protected; amending Section 503(b) "Superficial Floor Area" to make a technical correction.

FINALLY PASSED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Excused: 1 - Maxwell

090277 [Residential Rent Ordinance: Limit total amount of annual and banked rent increases imposed to 8% per year, written advance notice of basis for banked increases required]

Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.3 to limit the total amount of annual and banked rent increases that may be imposed in any one year to 8% of the tenant's base rent, and to provide that any remaining banked increase may be imposed in the following years, subject to this same 8% limit (Section 37.3(a)(2)); and to require that landlords provide written advance notice to tenants stating the dates upon which the banked increase is based (Section 37.3(b)(1)).

FINALLY PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Mirkarimi

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Excused: 1 - Maxwell

- 090278 [Residential Rent Ordinance: Tenant financial hardship relief from Section 37.3 rent increases, when total rent would exceed 33% of tenant's gross income; multilingual outreach]
Supervisors Daly, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," by amending Section 37.3 to add Subsection (f) "Tenant Financial Hardship Applications" to provide tenant relief from Section 37.3 rent increases, with relief determined solely on by whether the rent increase would result in tenant's total rent exceeding 33% of tenant's gross income (including consideration of tenant assets); rent increase stayed pending determination of application; if application is granted, the rent increase will not be in effect until the increase will not cause tenant financial hardship, or until the landlord can demonstrate that "inability to impose the rent increase is causing the landlord greater hardship than the tenant's hardship" for a period of time based on the tenant's circumstances, with a review scheduled at the end of that period; a delayed rent increase later allowed will be effective as of the date the tenant's income or assets changed to permit the increase; hardship applications to be available in multiple languages; multilingual notice of hardship application procedures to be mailed with each Administrative Law Judge or Rent Board decision; Rent Board to implement a process for outreach to landlords and tenants whose primary language is not English regarding availability and use of the hardship application procedure, and report to the Board of Supervisors describing the implementation process and any known results; Section 37.3(f) to sunset and no longer be in effect when the City unemployment rate drops to 5% or less according to the annual average published by the California Employment Development Department "Monthly Labor Force Data for Counties, Annual Average."

(Fiscal Impact.)

(Economic Impact.)

FINALLY PASSED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Excused: 1 - Maxwell

- 090279 [Residential Rent Ordinance: Prohibit rent increases and evictions based on additional occupants where total number is within Housing Code Section 503 occupancy limits]
Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9 to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants, except that a landlord may petition for and be granted a rent increase based on increased costs caused by the additional occupant(s), and except that rent increases otherwise permitted by California Civil Code Section 1954.53(d)(1) are not prohibited (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code Section 503(b) "superficial floor area" standards (Section 37.9(a)(2)).

FINALLY PASSED by the following vote:

Ayes: 6 - Avalos, Campos, Chiu, Daly, Mar, Mirkarimi

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Excused: 1 - Maxwell

- 090734 [Amending Ordinance 125-08, which approved an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and waived requirements of the Administrative Code and Environment Code]
Mayor, Supervisors Chiu, Alioto-Pier, Dufty**

Ordinance amending Ordinance 125-08, which authorized the Executive Director of the Port to execute an agreement with Cochran, Inc., to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and exempted the agreement from the contracting requirements of the Administrative Code and Environment Code, to increase the amount of the contract to design, purchase, and install the shoreside power equipment, and to allow the Port to contract with Cochran, Inc. to operate and maintain said equipment for a period of three (3) years, for a total amount not to exceed \$5,198,000.

(Fiscal Impact.)

Ordinance No. 147-09

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Campos

NEW BUSINESS

Recommendations of the Budget and Finance Committee

- 090756 [Approval of FY 2009-2010 Expenditure Plan for the Human Services Care Fund]
Resolution approving the FY 2009-2010 Expenditure Plan for the Human Services Care Fund. (Human Services Department)**

(Fiscal Impact.)

Resolution No. 269-09

ADOPTED by the following vote:

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

- 090695 [Approval of FY 2009-2010 Redevelopment Agency Budget and Bonds]
Mayor**

Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for FY 2009-2010 and approving the issuance by the Redevelopment Agency of Bonds in an aggregate principal amount of not to exceed \$87.5 million to finance a portion of redevelopment activities described in such approved Budget for FY 2009-2010.

(Fiscal Impact.)

Resolution No. 267-09

ADOPTED by the following vote:

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

**090701 [Setting Patient Rates - effective July 1, 2009]
Mayor**

Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2009.

PASSED ON FIRST READING by the following vote:

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

**090702 [Emergency Medical Services Fees]
Mayor**

Ordinance amending the San Francisco Health Code by amending Section 901 and adding Section 914.5, and amending San Francisco Business and Tax Regulations Code Section 249.8, to amend definitions, add fees and a Certificate of Participation requirement for facilities that receive patients through ambulance service providers, and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

**090703 [Chain Restaurant Surcharge]
Mayor**

Ordinance adding Section 249.21 to the Business and Tax Regulations Code to impose a surcharge on chain restaurants that qualify as food facilities under State law to recover the Department of Public Health's costs of enforcing California Health and Safety Code Section 114094 regarding disclosure of nutritional and calorie content information, adding provisions for the Controller to adjust fees annually, and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

**090627 [Extending the duration of the Film Rebate Program and limiting the rebate available to film productions for police services]
Supervisors Alioto-Pier, Dufty**

Ordinance amending Administrative Code Section 57.8 by extending the Film Rebate Program through June 30, 2012, and modifying the definition of "qualified production cost" in order to limit rebates available to film productions for the use of certain police services.

PASSED ON FIRST READING by the following vote:

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

Noes: 1 - Daly

**090711 [Recreation and Park Department - Clubhouses and Gymnasiums Fees]
Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.21 to increase the fees at the Clubhouses and Gymnasiums, to eliminate the reservation fee and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

090712 [Recreation and Park Department - Aquatic Facilities Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.40 to increase the fees at the Aquatic facilities and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

090713 [Recreation and Park - Day Camp Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.15 to increase fees for Day Camps and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

090714 [Recreation and Park - Kezar Parking Lot Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.08 to increase fees for parking in the lot at the Kezar Stadium and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

090717 [Recreation and Park Department - Athletic Field Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.36 to increase the fees for use of Athletic Fields and making environmental findings.

(Supervisor Mirkarimi dissented in Committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell
Noes: 2 - Daly, Mirkarimi

090718 [Recreation and Park Department - Japanese Tea Garden Fees]
Mayor

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.05 to add a non-resident entrance fee for the Japanese Tea Garden and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

**090719 [Recreation and Park Department - Latch Key and Afterschool Programs Fees]
Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.30 to increase fees for Latchkey and Afterschool programs and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Daly

**090720 [Recreation and Park - Conservatory of Flowers Fees]
Mayor**

Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.34 to add a non-resident entrance fee for the Conservatory of Flowers and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Land Use and Economic Development Committee

**090367 [Planning Code Amendment - Philanthropic Administrative Service Use; Zoning Map Amendment - 2503 Clay Street]
Supervisor Alioto-Pier**

Ordinance amending the San Francisco Planning Code by adding Section 790.107 to define a Philanthropic Administrative Service Use and by adding 718.85 to the Zoning Control Table in Section 718 to authorize a Philanthropic Administrative Service Use as a permitted use in the Upper Fillmore Street Neighborhood Commercial District; amending Sheet ZN02 of the Zoning Maps of the City and County of San Francisco to change the zoning for Assessor's Block 0630, Lot 032 (2503 Clay Street) from RH-2 to Upper Fillmore Street NCD; 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.

PASSED ON FIRST READING by the following vote:

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

090755 [Street Artist Spaces]

Resolution approving permanent designation of nine (9) former temporary selling spaces for weekend usage on Market Street, north side, at Steuart Street, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size and bus zone. (Arts Commission)

Resolution No. 270-09

ADOPTED by the following vote:

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

SPECIAL ORDER 4:00 P.M.**090772 [Public Hearing - Appeal of Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition]**

Hearing of persons interested in or objecting to the Planning Commission's May 14, 2009, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0128E, through its Motion No. 17879, for a proposed Drew School Addition project located at 2901 California Street/1831-1835 Broderick Street, Assessor's Block No. 1029, Lots 003 and 095. (Appellant: Stephen M. Williams on behalf of the Pacific Heights Residents Association and the Western Addition Neighborhood Association)

(Filed 6/3/09; Companion Measure to 090773, 090774, 090775; District 2.)

Continued to August 4, 2009

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

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

090773 [Affirming the certification of the 2901 California Street (Drew School Addition) FEIR]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.

Continued to August 4, 2009

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

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

090774 [Reversing the certification of 2901 California Street (Drew School Addition) FEIR]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.

Continued to August 4, 2009

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

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

090775 [Preparation of findings to reverse certification of 2901 California Street (Drew School Addition) FEIR]

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 2901 California Street/1831-1835 Broderick Street-Drew School Addition FEIR.

Continued to August 4, 2009

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

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

COMMITTEE REPORTS**090798 [Bayview Hunters Point Redevelopment Project Area C Interim Controls Extension]
Supervisor Maxwell**

Resolution extending the imposition of interim zoning controls for an additional six (6) months in the area designated as "Area C" in the Bayview Hunters Point Redevelopment Survey Area, an area generally bounded by Jennings Street, Hunters Point Boulevard, Innes Avenue, Earl Street and the San Francisco Bay by requiring a conditional use permit for all new construction, changes of use, alterations that expand the building envelope and demolitions, except for alterations of a lawfully existing use in the M-1, M-2 or NC-2 zones or the establishment of or a change of use on the ground floor of a principally permitted use in the NC-2 area; by specifying criteria to be applied in the evaluation of a conditional use permit application; and adopting findings.

Resolution No. 271-09

ADOPTED by the following vote:

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

**090828 [Safe Streets and Road Repair General Obligation Bonds - \$368,000,000]
Mayor, Supervisors Chiu, Dufty, Mar, Campos, Mirkarimi**

Resolution determining and declaring that the public interest and necessity demand the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$368,000,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that the proposed bond is not a project under the California Environmental Quality Act ("CEQA"); finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

(Fiscal Impact.)

Ed Reiskin, Department of Public Works Director, provided an overview of the proposed use of bond funding. Nani Coloretti, Office of the Mayor Budget Director, responded to questions raised throughout the discussion.

Supervisor Alioto-Pier requested to be removed as a co-sponsor.

Resolution No. 268-09

ADOPTED by the following vote:

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Noes: 2 - Alioto-Pier, Elsbernd

**090753 [Selection of independent City auditors]
Supervisor Mirkarimi**

Resolution selecting independent auditors for the Controller's office and the separately audited departments of the City and authorizing a two-year contract with the selected audit firm with five year's worth of options for renewal.

(Fiscal Impact.)

Resolution No. 272-09

ADOPTED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.

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

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

Han Tsu Kim; Robert Gesamme; Jim Klusky; Mike Monroe; Mr. Heinz; Carey; Male Speaker; Male Speaker; expressed concerns relating taxi reform.

Walter; shared in song certain issues with the Board.

Mark Trout; expressed various concerns.

Mr. White; expressed concerns relating to shelters.

Male Speaker; expressed concerns relating to taxes and health care.

Ed Valeri; expressed various concerns.

Female Speaker; Gaby; expressed concerns relating to budget cuts.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**090838 [Fair and balanced State budget]
Supervisor Avalos**

Resolution urging California's elected leaders to use a fair and balanced approach to solving the State's budget crisis.

Resolution No. 276-09

ADOPTED

**090839 [Accept and Expend State Grant - Recreation and Park Department - \$68,250]
Supervisor Avalos**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend retroactively a grant in the amount of \$68,250 from the California Integrated Waste Management Board for the purchase of tire derived products for the Crocker Amazon Soccer Complex Project.

Resolution No. 273-09

ADOPTED

**090840 [Urging California State Legislature to reject the passage of Assembly Bill 746 (Conflicts of Interest)]
Supervisors Chiu, Campos**

Resolution urging the California State Legislature to reject the passage of Assembly Bill 746, relating to conflicts of interest.

Resolution No. 277-09

ADOPTED

**090841 [Commending Shanghai Pride Week as China's first gay pride festival, and recognizing its organizers and the Chinese government]
Supervisors Dufty, Campos, Mar**

Resolution commending Shanghai Pride Week as China's first gay pride festival, and recognizing its organizers and the Chinese government for their role in its actualization.

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

Resolution No. 274-09

ADOPTED

**090842 [Commending Carri Lucas for 29 years of dedicated service in the San Francisco Police Department]
Supervisor Dufty**

Resolution commending Carri Lucas for 29 years of dedicated service in the San Francisco Police Department.

Resolution No. 275-09

ADOPTED

**090843 [California State Budget - Opposing the use of motor fuel tax and redevelopment tax increment funds]
Supervisor Maxwell**

Resolution urging the City Attorney and the General Counsel of the San Francisco Redevelopment Agency to cooperate with the League of California Cities, the California Redevelopment Association, and other cities and counties in possible litigation challenging the constitutionality of any seizure by State government of the City's street maintenance and redevelopment funds.

Resolution No. 264-09

ADOPTED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Alioto-Pier requested that this matter be severed so that it may be considered separately.

**090825 [Opposing proposed California constitutional amendment]
Supervisors Mirkarimi, Avalos, Campos, Mar**

Resolution in opposition to the proposed California constitutional amendment ballot measure misleadingly referred to as the "Taxpayers Right to Vote Act."

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

Resolution No. 278-09

ADOPTED by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi
Noes: 1 - Alioto-Pier

IMPERATIVE AGENDA

[Purely Commendatory Finding]

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

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

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

[Brown Act Finding]

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

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

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

**090852 [Declaring July 1, 2009, Julie Leadbetter Day]
Supervisor Avalos**

Resolution seeking to commend Julie Leadbetter for her dedication to housing advocacy, community development and homeless services in San Francisco, wishing her well until she returns to our great city and declaring July 1, 2009, to be Julie Leadbetter Day.

Resolution No. 279-09

ADOPTED by the following vote:

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

OFF-AGENDA LEGISLATION**Introduced by Supervisors or Mayor****Resolutions**

- 090855 [Assessment Ballots for City Parcels, for the proposed renewed and expanded Greater Union Square Business Improvement District]
Supervisor Chiu**

Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco, as the owner of three parcels of real property that would be subject to assessment in the proposed renewed and expanded property and business improvement district to be named the Greater Union Square Business Improvement District.

6/30/09, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

- 090856 [Approval of Amendment to the Owner Controlled Insurance Program for the Laguna Honda Hospital Replacement Program - \$15,279,662]
Supervisor Elsbernd**

Resolution authorizing the Director of Public Works to execute an amendment to the Owner Controlled Insurance Program (OCIP) for the Laguna Honda Hospital Replacement Program from \$9,915,928 to \$15,279,662.

(Fiscal Impact.)

6/30/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 090861 [Accept and Expend State Grant - Department of Public Works - \$333,000]
Mayor**

Resolution authorizing the Department of Public Works to accept and expend State Transportation Development Act (TDA) Article 3 funds totaling \$333,000 for various pedestrian projects in the City and County of San Francisco in FY 2009-2010.

(Fiscal Impact.)

6/30/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090862 [Accept and Expend Federal Grant - Department of Public Works - \$13,540,000]
Mayor**

Resolution authorizing the filing of an application for Federal American Recovery and Reinvestment Act of 2009 (ARRA) funding, stating the assurance to complete the project, and authorizing the Director of Public Works to accept and expend federal grant funds totaling \$13,540,000.

6/30/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090863 [Support for the passing of Assembly Concurrent Resolution No. 42 (Fong; Chinese Americans in California)]
Supervisors Mar, Chiu, Chu, Campos**

Resolution supporting Assembly Concurrent Resolution No. 42 (Fong) that recognizes the extraordinary hardships of Chinese in California as a result of systematic discriminatory practices implemented at the legislative level, which conflict with the principles upon which our country was founded.

6/30/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090864 [Celebrating the 20th anniversary of San Francisco Animal Care & Control]
Supervisors Mar, Campos**

Resolution celebrating the 20th anniversary of San Francisco Animal Care & Control.

6/30/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090865 [Denouncing the coup de etat in Honduras and urging the Honduran government and the international community to support democratic, transparent elections that respect human rights, national sovereignty and democracy]
Supervisors Campos, Avalos, Daly, Mar, Maxwell, Mirkarimi, Dufty**

Resolution denouncing the coup de etat against the duly elected President of Honduras and urging the Honduran government and international community to support democratic elections that respect human rights, national sovereignty, and economic sustainability that leads to conditions of peace and democracy.

6/30/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090866 [Traffic Regulation - Closure of McCoppin Street west of Valencia Street to vehicular traffic]
Supervisor Mirkarimi**

Resolution closing McCoppin Street west of Valencia Street to vehicular traffic; adopting findings, including environmental and findings of consistency with the City's General Plan and priority policies of Planning Code Section 101.1; and authorizing official acts in connection with the street closure.

6/30/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Requests for Hearing**090853 [Mayor's Notice of Minimum Compensation Ordinance for Fiscal Year 2009-2010]
Supervisor Avalos**

Hearing on Mayor's Notice of Minimum Compensation Ordinance under Section 12P.3 for Fiscal Year 2009-2010.

6/30/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**090854 [Grantee selection process for the Family Resource Center Initiative]
Supervisor Campos**

Hearing on the grantee selection process for the Family Resource Center Initiative administered by First 5 San Francisco, the Department of Children, Youth and Their Families, and the Human Services Agency.

6/30/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced by the President at the Request of Departments**PROPOSED ORDINANCE****090829 [Trinity Plaza Development Agreement Amendment; Property at 1167 Market Street, 670-693 Stevenson Street, and 1164 Mission Street]**

Ordinance amending a development agreement between the City and County of San Francisco and 1169 Market Street, L.P., for certain real property located at 1167 Market Street (Assessor's Block 3702/Lot 053), 670 Stevenson Street (Assessor's Block 3702/Lot 051), 693 Stevenson Street (Assessor's Block 3702/Lot 052), 1164 Mission Street (Assessor's Block 3702/Lot 039), and a portion of former Jessie Street between 7th and 8th Streets, altogether consisting of approximately 177,295 square feet (4.07 acres) and commonly known as Trinity Plaza, entered into on June 15, 2007, pursuant to Ordinance No. 92-07 adopted by the Board of Supervisors on April 17, 2007 (File No. 061217), to add 5 years to the term, to permit the construction of the entirety of a parking garage, to amend the definition of Existing Tenants, to identify the BMR Units for Building A, to modify the location and selection process for the Replacement Units, and to permit a Project-wide art component for the Project; and adopting environmental, General Plan and Planning Code Section 101.1(b) findings. (Planning Department)

6/16/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS**090830 [Airport Concession Lease]**

Resolution approving the Terminal 1 Boarding Area "C" Retail Lease between Hudson News Company and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal Impact.)

6/19/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090831 [Settlement of Potential Litigation - George Boutros - \$25,000]

Resolution authorizing settlement of potential litigation with George Boutros, individually and in his representative capacity as Trustee of The Boutros Family Trust, related to encroachments on San Francisco Public Utilities Commission Right of Way easements that cross Boutros residential property located at 90 Sea Cliff Avenue, San Francisco, CA. (City Attorney)

6/22/09, RECEIVED AND ASSIGNED to Rules Committee.

090832 [Approval of Surface Mining Permit 30 Sunol Valley Quarry Lease]

Resolution authorizing the General Manager of the Public Utilities Commission to enter into a quarry lease for a 308.5 acre parcel located in unincorporated Alameda County in the Sunol Valley with Oliver de Silva, Inc., as tenant, through June 1, 2021, pursuant to San Francisco Charter Section 9.118, with rights to extend the term for two years to complete reclamation and with potential expansion and extension rights subject to further environmental review and regulatory approvals. (Public Utilities Commission)

(Fiscal Impact.)

6/22/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing graffiti from the public property at the following locations:

Alamo Square Bulletin Board Garbage Can

Southeast corner of Page and Fillmore

Southeast corner of Buena Vista East and Haight

Mailboxes

Northwest corner of Laguna and Page

Southeast corner of Buchanan and Haight.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

Southeast corner of Fillmore and Post

Southwest corner of Divisadero and Sutter

9th Avenue and Judah (near bus stops)

7th Avenue and Irving (near bus stops)

Northwest corner of Hayes and Fillmore

Southeast corner of Fillmore and Haight

San Francisco Chronicle

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

Irving and 9th Avenue

Irving and 7th Avenue

Southwest corner of Haight and Clayton

Southeast corner of Haight and Masonic

San Francisco Examiner

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

San Francisco Daily

Northwest corner of Hayes and Gough

City Star

Northwest corner of Hayes and Gough

Southeast corner of Fillmore and Haight

San Francisco Weekly

Southeast corner of Masonic and Haight

Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

310 Divisadero

857 Divisadero

312 Divisadero

498 Broderick

1037 Oak

561 Page

600 Page

350 Laguna

355 Laguna
500 Fillmore
1468 Haight
1470 Haight
1401 Haight
478 Haight
1305 Haight
1301 Haight
1196 Haight
793 Haight
904 Haight
922 Haight
501 Haight

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing graffiti from utility poles at the following locations:
Metal Poles
Southeast corner of Buena Vista East and Haight
Southwest corner of Haight and Fillmore
Northeast corner of Haight and Webster
Wood Pole
Northeast corner of Webster and Hermann

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing graffiti from the following public property locations:
Utility Boxes
Southwest corner Post and Scott
Northeast corner of Waller and Stanyan
Bus Shelters
Southwest corner of Buena Vista East and Haight
Southeast corner of Stanyan and Haight
Fillmore and Haight (all 4 bus stops, graffiti and grime)
Fire Hydrant
Southeast corner of Steiner and Haight
Emergency Boxes
Southeast corner of Frederick and Cole

From: Supervisor Mirkarimi
To: Director, Department of Public Works
Requesting/Inquiring: Requesting that the Department of Public Works report on the status of repairing potholes at the following locations:
Potholes:
On Fillmore and Grove, on the west side of street
Irving and 17th Avenue

In Memoriams

Tony Patch - Entire Board
Joseph Cannon Houghteling - Supervisor Chiu

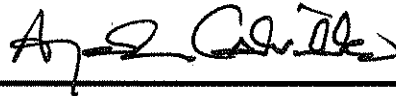
ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:07 p.m.

Angela Calvillo, Clerk of the Board

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

Approved by the Board of Supervisors on July 28, 2009.



Angela Calvillo
Clerk of the Board