

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, March 12, 2013 - 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, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Mar, Avalos, Breed, Wiener	Wednesday 1:00 PM
Budget and Finance Sub-Committee Supervisors Farrell, Mar, Avalos	Wednesday 10:00 AM
City and School District Select Committee Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
Land Use and Economic Development Committee Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
Neighborhood Services and Safety Committee Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
Rules Committee Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

Members Present: John Avalos, London Breed, David Campos, David Chiu, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

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.

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AGENDA CHANGES

There were none.

APPROVAL OF MEETING MINUTES

Supervisor Cohen, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of February 5, 2013. The motion carried by the following vote:

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Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMUNICATIONS

There were none.

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

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130242 [Formal Policy Discussions - March 12, 2013]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible question submitted by Supervisor representing District 4. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. In light of major upcoming and potential new projects in San Francisco that may bring job creation and spur economic development, such as America's Cup and the proposed Warriors arena, how do you plan on working with neighborhoods that are further in proximity to ensure that these economic benefits trickle down to all communities in San Francisco? (Supervisor Tang, District 4)

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

DISCUSSED AND FILED

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CONSENT AGENDA

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Recommendations of the City Operations and Neighborhood Services Committee

130039 [Police Code - Reporting Ammunition Sales of 500 or More Rounds]

Sponsors: Mayor; Cohen and Campos

Ordinance amending the Police Code, Section 615, to require firearms dealers to report to the Chief of Police the sale of 500 or more rounds of ammunition in a single transaction.

Ordinance No. 037-13

FINALLY PASSED

130040 [Police Code - Possession or Sale of Law Enforcement or Military Ammunition]

Sponsors: Mayor; Cohen, Breed and Campos

Ordinance amending the Police Code, by adding Section 618, to prohibit the possession or sale of certain ammunition, including black talon ammunition and ammunition intended exclusively for law enforcement and military purposes.

Ordinance No. 038-13

FINALLY PASSED

Recommendation of the Rules Committee

130086 [Administrative Code - Dissolving Neighborhood Community Justice Task Force]

Sponsor: Chiu

Ordinance amending the Administrative Code, by repealing Article VIII, to dissolve the Neighborhood Community Justice Task Force.

Supervisor Chiu requested to be added as sponsor.

Ordinance No. 039-13

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

120550 [Affirming Certification of Final Environmental Impact Report - California Pacific Medical Center's Long Range Development Plan]

Sponsors: Campos; Farrell and Chiu

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the California Pacific Medical Center's Long Range Development Plan.

Privilege of the floor was granted to Devyani Jain (Planning Department) who responded to questions raised throughout the discussion.

Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be AMENDED on Page 3, Line 19, by deleting 'June 12, 2012' and adding 'July 17, 2012 and March 12, 2013'. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Campos requested to be added as sponsor; Supervisors Farrell and Chiu requested to be added as co-sponsors.

Motion No. M13-042

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

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

120551 [Reversing Certification of Final Environmental Impact Report - California Pacific Medical Center's Long Range Development Plan]

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the California Pacific Medical Center's Long Range Development Plan. (Clerk of the Board)

Privilege of the floor was granted to Devyani Jain (Planning Department) who responded to questions raised throughout the discussion.

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

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

120552 [Preparation of Findings to Reverse Certification of Final Environmental Impact Report - California Pacific Medical Center's Long Range Development Plan]

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 California Pacific Medical Center's Long Range Development Plan. (Clerk of the Board)

Privilege of the floor was granted to Devyani Jain (Planning Department) who responded to questions raised throughout the discussion.

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

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Referred from the Land Use and Economic Development Committee Without Recommendation**121168 [Street Encroachment - 54 Peralta Avenue]**

Sponsor: Chiu

Resolution granting revocable permission to Aquilina Family 2001 Revocable Trust to occupy a portion of the public right-of-way to remove and reconstruct a portion of a City owned and maintained retaining wall to construct a concrete driveway ramp, with accessible transition slopes to conform to the existing sidewalk grade, that will provide vehicular access to a proposed new residence with a garage at 54 Peralta Avenue (Assessor's Block No. 5512, Lot No. 029), conditioned upon the payment of an annual assessment fee of \$215; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

Resolution No. 073-13

ADOPTED by the following vote:

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Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Budget and Finance Committee

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121211 [Administrative Code - Rescinding Sunset in the San Francisco Bonding and Financial Assistance Program]

Ordinance amending the San Francisco Administrative Code, Section 14B.16, to rescind the sunset clause in the San Francisco Bonding and Financial Assistance Program, make technical amendments, and make environmental findings. (City Administrator)
(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130117 [Appropriating \$2,774,224 of Fee Revenue for the Planning Department - FY2012-2013]**Sponsor: Mayor**

Ordinance appropriating \$2,774,224 of fee revenue for the Planning Department in FY2012-2013 to reduce the backlog of planning cases and building permits requiring review, and funding the Permit and Project Tracking System, and Central Corridor Environmental Impact Report, including \$1,672,224 to fund staff positions, \$807,000 to fund office space reconfiguration, records and information technology improvements, and updated guidelines and procedures, \$45,000 to fund training and configuration needs of the Permit and Project Tracking System, and \$250,000 to fund the Central Corridor Environmental Impact Report.

PASSED, ON FIRST READING by the following vote:

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Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130118 [Public Employment - Amendment to the Annual Salary Ordinance for Planning Department - FY2012-2013]**Sponsor: Mayor**

Ordinance amending Ordinance No. 165-12 (Annual Salary Ordinance FY2012-2013) to reflect the addition of 8 positions (2.0 FTEs) Class 1404 (Clerk), 5275 (Planner Technician), 5277 (Planner I), 5278 (Planner II), 5291 (Planner III), and 5298 (Planner III - Environmental Review) in the Planning Department to focus on reducing the backlog of planning cases and building permits requiring review.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130120 [Accept and Expend Grant - Streetscape and Circulation Improvements - Folsom and Howard Streets - \$200,000]**Sponsor: Mayor**

Resolution authorizing the Planning Department to retroactively accept and expend a grant in the amount of \$200,000 from the Metropolitan Transportation Commission for the inclusion of streetscape and circulation improvements on Folsom and Howard Streets between Second and Fifth Streets in the Central Corridor Draft Plan environmental analysis for the period of February 8, 2012, through July 31, 2014.

Resolution No. 074-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130122 [Accept and Expend Grant - Boeddeker and Promontory Parks Projects - \$776,500]**Sponsors: Mayor; Cohen and Kim**

Resolution authorizing the Recreation and Park Department to retroactively accept and expend a grant in the amount of \$776,500 from the California Department of Housing and Community Development for the Recreation and Park Department's Boeddeker Park Project (\$450,000) and the Mayor's Office of Housing Promontory Park Project (\$326,500) for the period of November 28, 2012, through June 30, 2016.

Resolution No. 075-13**ADOPTED by the following vote:**[play video](#)

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130142 [Appropriating \$118,107 for the San Francisco Department on the Status of Women]**Sponsors: Chiu; Cohen, Kim, Mar, Farrell, Avalos, Wiener, Campos and Yee**

Ordinance appropriating \$118,107 to the San Francisco Department on the Status of Women for FY2012-2013.

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

PASSED, ON FIRST READING by the following vote:[play video](#)

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130178 [Accept and Expend Grant - CalRecycle Tire Derived Product Program - \$150,000]**Sponsor: Farrell**

Resolution authorizing the Recreation and Park Department to retroactively accept and expend a CalRecycle Tire-Derived Product (TDP) Grant in the amount of \$150,000 from the California Department of Resources Recycling and Recovery for the purchase of TDP materials for use at various City park sites for the period of June 1, 2011, through March 31, 2013. (Recreation and Park Department)

Resolution No. 071-13**ADOPTED by the following vote:**[play video](#)

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130190 [Multifamily Housing Revenue Obligations - 2175 Market Street Apartments - \$30,000,000]**Sponsor: Wiener**

Resolution authorizing the execution/issuance, sale and delivery of a multifamily mortgage revenue note and subordinate multifamily housing revenue bonds in an aggregate principal amount not to exceed \$30,000,000 (together, the "Obligations") for the purpose of providing financing for the acquisition and construction of an 88-unit multifamily residential rental housing development known as the 2175 Market Street Apartments; approving the form of and authorizing the execution of a funding loan agreement and borrower loan agreement providing the terms and conditions of the note and authorizing the execution and delivery thereof; approving the form of and authorizing the execution of a subordinate trust indenture providing the terms and conditions of the subordinate bonds; approving the form of and authorizing the execution of a subordinate loan agreement relating to the subordinate bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; authorizing the collection of certain fees; ratifying and approving any action heretofore taken in connection with the Obligations and the project; approving modifications, changes and additions to the documents; granting general authority to City officials to take actions necessary to implement this resolution; and ratifying and approving any action heretofore taken in connection with the Obligations and the project.

Resolution No. 076-13**ADOPTED by the following vote:**

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Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130191 [Apply For - CalHome Program]**Sponsor: Mayor**

Resolution authorizing the Mayor's Office of Housing to submit an application to the California Department of Housing and Community Development for funding under the CalHome Program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the CalHome Program.

Resolution No. 072-13**ADOPTED by the following vote:**

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Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Land Use and Economic Development Committee**130029 [Building Code - Seismic Standards]****Sponsor: Chiu**

Ordinance amending the Building Code, and adding various sections, concerning seismic standards and making conforming changes; making environmental findings; making findings pursuant to California Health and Safety Code, Section 17958.5; and directing the Clerk of the Board to forward this legislation to the California Building Standards Commission.

PASSED, ON FIRST READING by the following vote:

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Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Referred from the Land Use and Economic Development Committee Without Recommendation

130001 [General Plan Amendments - Western South of Market Area Plan]

Ordinance amending the General Plan, by adding the Western South of Market (SoMa) Area Plan, generally bounded on its western portion by 7th Street, Mission Street, Division Street, and Bryant Street, and on its eastern portion by 7th Street, Harrison Street, 4th Street, and Townsend Street; making conforming amendments to the Housing, Commerce and Industry, and Recreation and Open Space Elements, the Land Use Index, and the SoMa, East SoMa, Mission, Showplace Square/Potrero, and Central Waterfront Area Plans; and making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1. (Planning Department)

Privilege of the floor was granted to Corey Teague (Planning Department) who responded to questions raised throughout the discussion.

PASSED ON FIRST READING by the following vote:

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Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Yee
Noes: 1 - Wiener

130002 [Planning Code - Implementing the Western South of Market Area Plan]

Sponsor: Kim

Ordinance amending the Planning Code, by adding and amending various sections to implement the goals, objectives, and policies of the Western South of Market Area Plan, bounded generally by 7th Street, Mission Street, Division Street, and Bryant Street on the western portion of the plan area, and 7th Street, Harrison Street, 4th Street, and Townsend Street on the eastern portion of the plan area; and making findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

Privilege of the floor was granted to Corey Teague (Planning Department) who responded to questions raised throughout the discussion.

PASSED ON FIRST READING by the following vote:

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Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Yee
Noes: 1 - Wiener

130003 [Zoning Map - Height and Bulk Revisions to the Western South of Market Area Plan]**Sponsor: Kim**

Ordinance amending Zoning Map Sheets ZN01, ZN07, ZN08, HT01, HT07, and HT08 to revise use districts and height and bulk districts within the Western South of Market Plan Area; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and Planning Code, Section 101.1.

Privilege of the floor was granted to Corey Teague (Planning Department) who responded to questions raised throughout the discussion.

PASSED ON FIRST READING by the following vote:

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Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Yee

Noes: 1 - Wiener

130004 [Administrative Code - Adding Western South of Market Area Plan to Eastern Neighborhoods Area Plan Monitoring Program]**Sponsor: Kim**

Ordinance amending the Administrative Code, Section 10E.2, to integrate the Western South of Market (SoMa) Area Plan into the Eastern Neighborhoods Monitoring Program for purposes of reviewing the effectiveness of the Western SoMa Area Plan and inclusion of the Western SoMa Area Plan into the Eastern Neighborhoods reporting requirement, Eastern Neighborhoods capital expenditures plan, and the Eastern Neighborhoods Citizens Advisory Committee; and making environmental findings.

Privilege of the floor was granted to Corey Teague (Planning Department) who responded to questions raised throughout the discussion.

PASSED ON FIRST READING by the following vote:

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Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Yee

Noes: 1 - Wiener

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

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Privilege of the Floor

Supervisor Mar, seconded by Supervisor Campos, 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, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to the Parent Teacher Association of the Argonne Elementary School in recognition of their accomplishments and continued community support.

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

130223 [Public Hearing - Term Sheet Endorsement - CPMC Development Agreement]

Hearing of persons interested in or objecting to the proposed Resolution endorsing a Term Sheet for revisions to a proposed development agreement with California Pacific Medical Center (CPMC) for CPMC's Long Range Development Plan, including new hospitals at the Cathedral Hill and St. Luke's Campuses, with any final development agreement subject to the approval of the Planning Commission, the Municipal Transportation Agency and the Board of Supervisors. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the endorsement of a Term Sheet for revisions to a proposed Development Agreement with California Pacific Medical Center (CPMC) as referenced in File No. 130232. Ken Rich (Office of Economic and Workforce Development), Dr. Warren Browner (California Pacific Medical Center), Barbara Garcia, Director (Department of Public Health), Rhonda Simmons (Office of Economic and Workforce Development), and Olson Lee, Director (Mayor's Office of Housing), provided an overview of the matter and responded to questions raised throughout the discussion. Abdalla Megahed; Rachel Ebor; Emily Lee; Calvin Welch; Gordon Mar; Melayne Morgan; Mark Aaronson; Manuel Flores; Benjamin Aune; Male Speaker; Hatty Lee; Lorenzo Listana; Ryan Thayer; John Gressman; Bernie Choden; Danny Campbell; Michael Lyon; Ken Barnes; Jennifer Warburg; Rebecca Rolfe; Dr. Ed Kersh; Dr. Karen Makely; Dr. Lisa Everson; Madelene Kopperdahl; Jane Sandoval; Barbara Savitz; Eileen Prendiville; Dina Hilliard; Michael Smithwick; James Tracy; Brian Sang; Female Speaker; Female Speaker; Rose Chung; Mark Sakioto; David Elliott Lewis; Keyal; spoke in support of the Term Sheet endorsement. Male Speaker; spoke neither in support nor against the Term Sheet endorsement. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.

HEARD AND FILED

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Committee of the Whole Adjourn and Report

130232 [Term Sheet Endorsement - CPMC Development Agreement]

Sponsors: Mayor; Chiu, Farrell and Campos

Resolution endorsing a Term Sheet for revisions to a proposed development agreement with California Pacific Medical Center (CPMC) for CPMC's Long Range Development Plan, including new hospitals at the Cathedral Hill and St. Luke's Campuses, with any final development agreement subject to the approval of the Planning Commission, the Municipal Transportation Agency and the Board of Supervisors.

Resolution No. 077-13

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMITTEE REPORTS

Recommendations of the Rules Committee

130209 [Appointment, Historic Preservation Commission - Jonathan Pearlman]

Motion approving the Mayor's nomination for appointment of Jonathan Pearlman to the Historic Preservation Commission, Seat No. 3, for a term ending December 31, 2016. (Clerk of the Board)

Motion No. M13-043

APPROVED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

130210 [Appointment, Historic Preservation Commission - Ellen Johnck]

Motion approving the Mayor's nomination for appointment of Ellen Johnck to the Historic Preservation Commission, Seat No. 5, for a term ending December 31, 2016. (Clerk of the Board)

Motion No. M13-044

APPROVED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Land Use and Economic Development Committee

130146 [Health Code - Commercial Dog Walking Regulations]

Sponsor: Wiener

Ordinance amending the Health Code to correct numbering and clarify provisions of the Commercial Dog Walking Ordinance.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

ROLL CALL FOR INTRODUCTIONS

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

PUBLIC COMMENT

Abdalla Megahed; expressed various concerns.

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

Carol Sanders; expressed concerns regarding the anti-Arab and anti-Muslim bus advertisements.

Rachel Roberts; expressed concerns regarding the anti-Arab and anti-Muslim bus advertisements.

Male Speaker; expressed various religious concerns.

Female Speaker; expressed concerns regarding the anti-Arab and anti-Muslim bus advertisements.

Male Speaker; expressed concerns regarding the anti-Arab and anti-Muslim bus advertisements.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

130236 [Honoring Leslie E. Wong]

Sponsor: Chiu

Resolution honoring San Francisco State University President Leslie E. Wong.

Resolution No. 078-13

ADOPTED

130237 [Urging the California State Legislature to Pass Assembly Bill 1199]

Sponsors: Mar; Campos

Resolution urging the California State Legislature to pass Assembly Bill 1199 to create a smoothing formula for enrollment-related funding losses for any community college that is under severe sanction from accreditation agencies and is also suffering an enrollment decline.

Resolution No. 079-13

ADOPTED

130238 [Arbor Week - March 7-14, 2013]

Sponsor: Wiener

Resolution celebrating the many benefits of the City's urban forest, declaring March 7, 2013, through March 14, 2013, as Arbor Week in the City and County of San Francisco.

Resolution No. 080-13

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Campos requested that File No. 130231 be severed so that it may be considered separately.

130231 [Committee of the Whole - Term Sheet Endorsement - CPMC Development Agreement]**Sponsors: Chiu; Farrell and Campos**

Motion directing the Board of Supervisors to hold a public hearing on March 12, 2013, at 3:00 p.m., with the Board sitting as a Committee of the Whole, to consider adopting a Resolution endorsing a Term Sheet for revisions to a proposed development agreement with California Pacific Medical Center (CPMC) for CPMC's Long Range Development Plan, including new hospitals at the Cathedral Hill and St. Luke's Campuses, with any final development agreement subject to the approval of the Planning Commission, the Municipal Transportation Agency, and the Board of Supervisors.

The President inquired as to whether any member of the public wished to address the Board relating to File No. 130231. There were no speakers. The President declared public comment closed.

Motion No. M13-041

APPROVED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Ordinances

111316 [Business and Tax Regulations Code - Excluding Stock-Based Compensation from Payroll Expense, Tax Years 2011 through 2017]

Sponsor: Chiu

Ordinance amending the Business and Tax Regulations Code, Article 12-A, Section 906.4, to clarify the amount of payroll expense tax attributable to stock-based compensation that a person may exclude from its payroll expense tax liability.

(Fiscal Impact)

12/12/11; REFERRED TO DEPARTMENT.

12/16/11; RESPONSE RECEIVED.

03/12/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/5/2012.

07/17/12; FILED PURSUANT TO RULE 5.37.

03/12/13; REACTIVATED PURSUANT TO RULE 3.42 to Government Audit and Oversight Committee.

130119 [Building Code - Mandatory Seismic Retrofit Program - Wood-Frame Buildings; Optional Evaluation Form Fee]

Sponsors: Mayor; Chiu, Wiener, Yee, Farrell, Breed, Mar and Tang

Ordinance amending the Building Code to establish a Mandatory Seismic Retrofit Program for wood-frame buildings of three or more stories or two stories over a basement or underfloor area that has any portion extending above grade, and containing five or more dwelling units where the permit to construct was applied for prior to January 1, 1978, and the building has not been seismically strengthened; establishing a fee for administering the program; adopting environmental findings and findings of local conditions under California Health and Safety Code, Section 17958.7; establishing an operative date; and directing the Clerk of the Board to forward the legislation to specified State agencies.

02/05/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/7/2013.

02/19/13; REFERRED TO DEPARTMENT.

02/20/13; RESPONSE RECEIVED.

02/25/13; RESPONSE RECEIVED.

02/26/13; NOTICED.

03/12/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

130248 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]**Sponsor: Kim**

Draft Ordinance amending Administrative Code, Chapter 31, to provide for appeals to the Board of Supervisors of certain environmental documents and determinations under the California Environmental Quality Act, to clarify procedures, and to provide public notice of environmental documents and determinations.

03/12/13; ASSIGNED UNDER 30 DAY RULE PENDING APPROVAL AS TO FORM to Land Use and Economic Development Committee.

130251 [Public Works Code - Public Improvements as Gifts]**Sponsors: Wiener; Yee**

Ordinance amending the Public Works Code, by adding Section 791, to allow the Director of the Department of Public Works, subject to specified requirements, to accept certain public improvements as public gifts and dedicate such improvements to public use; and making environmental findings.

03/12/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/11/2013.

130252 [Administrative Code - Street Design Review Committee]**Sponsors: Wiener; Yee**

Ordinance amending the Administrative Code, by adding Section 98.2, to establish a Street Design Review Committee.

03/12/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/11/2013.

130253 [Fire Code - Fire Apparatus Access Roads]**Sponsors: Wiener; Yee**

Ordinance amending the Fire Code, Chapter 5, Section 503.4, to clarify what does not constitute an obstruction of a Fire Apparatus Access Road.

03/12/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/11/2013.

Resolutions**130254 [Lease Financing for Improvements - Moscone Convention Center]****Sponsor: Kim**

Resolution providing for the sale of certificates of participation evidencing undivided, proportionate interests in the right to receive certain rental payments to be made by the City and County of San Francisco under a Lease Agreement to finance capital projects at the Moscone Convention Center; providing for the sale of the Certificates by competitive sale; approving the form and publication of an Official Notice of Sale and a Notice of Intention to Sell the Certificates; approving the form of a Preliminary Official Statement and the form and execution of an Official Statement relating to the sale of the Certificates; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the execution, sale, and delivery of the Certificates; approving modifications to documents; and ratifying previous actions taken in connection therewith.

(Fiscal Impact)

03/12/13; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

130255 [Urging the Public Utilities Commission, Department of Public Works, Municipal Transportation Agency, and Planning Department to Ensure the Coordination of Street, Transit, and Utility Infrastructure]

Sponsors: Wiener; Yee

Resolution urging the Public Utilities Commission, Department of Public Works, Municipal Transportation Agency, and Planning Department to develop a clear policy for reviewing street improvement projects that overlap the jurisdiction of various agencies and for those agencies to expeditiously modernize codes, standards, regulations, and other guidelines to ensure that the City's collective public policy interests are advanced.

03/12/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

130256 [Urging the California State Legislature to Adopt Legislation Allowing Local Jurisdictions Greater Flexibility to Amend the Fire Code]

Sponsors: Wiener; Yee

Resolution urging the California State Legislature to adopt legislation allowing local jurisdictions flexibility to amend local fire code street width standards in order to maximize pedestrian and bicyclist safety goals.

03/12/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

130257 [Anti-Arab and Anti-Muslim Bus Advertisements]

Sponsors: Chiu; Avalos, Breed, Campos, Cohen, Kim, Mar and Yee

Resolution standing with Muslim and Arab communities in the face of anti-Arab and anti-Muslim bus advertisements.

03/12/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

130258 [Approval of a 60 Day Extension for Planning Commission Review of Conversion of Student Housing Monitoring (File No. 120883)]

Sponsor: Kim

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 120883) amending the Planning Code, by adding Section 102.36.1, to establish an annual monitoring requirement for Student Housing conversions; to require a posting to announce that the report is available for public review; and to provide an enforcement mechanism for failure to submit the annual report; 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.

03/12/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearing

130259 [Hearing - 8 Washington Proposed Project Potential Impact on Nearby Assets]

Sponsor: Chiu

Hearing on the potential impacts of the proposed 8 Washington project on nearby assets, including the North Force Main, of the Public Utilities Commission.

03/12/13; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCE**130071 [Settlement of Lawsuit - Espinoza (named in the complaint as Carlos Espinosa) - \$95,000]**

Ordinance authorizing settlement of the lawsuit filed by Carlos Cadena-Espinoza (named in the complaint as Carlos Espinosa) and Noemi Gereda-Cerrato against the City and County of San Francisco for \$95,000; the lawsuit was filed on January 6, 2011, in the Superior Court, Case No. CGC-11-507063; and removed on May 9, 2011, to the United States District Court - Northern District of California, Case No. 11-cv-02282 JSW; entitled Carlos Espinosa, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

02/25/13; RECEIVED FROM DEPARTMENT.

03/12/13; RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION**130220 [Settlement of Claim - Roman Carrasco - \$42,000]**

Resolution approving the settlement of the unlitigated claim filed by Roman Carrasco against the City and County of San Francisco for \$42,000; claim was filed on August 1, 2012. (City Attorney's Office)

02/25/13; RECEIVED FROM DEPARTMENT.

03/12/13; RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Avalos

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation that it shall be the policy of the City and County of San Francisco to eliminate any race or gender pay inequity due to occupational segregation.

The Civil Service Commission shall conduct a pay equity survey. This survey shall be conducted in accordance with the City and County's historic study on pay equity, using set criteria to determine comparable classifications. This survey shall use best available data to determine City and County classifications disproportionately occupied by people of color or women. These classifications shall be deemed "pay equity" classifications. The survey shall also determine City and County classifications underrepresented by people of color or women. These classifications shall be deemed "underrepresented" classifications. Classifications shall be considered either "pay equity" or "underrepresented" in relation to the demographics of the City and County's overall workforce. "Pay equity" classifications should be compared to comparable "underrepresented" classifications to determine inequity in pay. The Civil Service Commission shall complete this survey and transmit it to the Mayor, Department of Human Resources, and Board of Supervisors by June 30, 2014, and shall update the survey on or before June 30th of each following year.

The City shall make "pay equity" adjustments to "pay equity" classifications whose base pay is less than 95% of comparable "underrepresented" classifications at the top step, in order to bring base wages in line. These adjustments can be made incrementally and shall never exceed 5% of base wage in any given fiscal year. When a previous year's 9-month Budget Status Report issued by the Office of the Controller projects a budget deficit for that year, the City is not required to make any "pay equity" adjustment in that year. "Pay equity" adjustments should be made by the City and County independent of the collective bargaining process.

Base pay of "pay equity" classifications shall not be reduced due to "market-based salary surveys" or like mechanisms that compare "pay equity" classification to jurisdictions or employers that have not corrected for pay inequality based on race and class.

In Memoriams

Geraldine "Gerry" Meister - Entire Board

Pastor Rance Whiteside - Supervisor Campos

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:20 p.m.

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

Approved by the Board of Supervisors on April 16, 2013.

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Angela Calvillo, Clerk of the Board