

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, January 12, 2010 - 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

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

City and School District Select Committee
Supervisors Elsbernd, Dufty, Avalos, Yee, Fewer, Maufas

City Operations and Neighborhood Services Committee
Supervisors Dufty, Daly, Elsbernd

Government Audit and Oversight Committee
Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee
Supervisors Maxwell, Mar, Chiu

Public Safety Committee
Supervisors Chiu, Mirkarimi, Alioto-Pier

Rules Committee
Supervisors Campos, Daly, Alioto-Pier

Meeting Days

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
10:00 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: John Avalos, David Campos, David Chiu, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Eric Mar, Sophie Maxwell and Ross Mirkarimi

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, Supervisor Alioto-Pier was noted absent. There was a quorum.

Supervisor Alioto-Pier Excused from Voting

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that Supervisor Alioto-Pier be excused from voting. The motion carried by the following vote:

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

COMMUNICATIONS

There were none.

CONSENT AGENDA

Recommendation of the Land Use and Economic Development Committee

090319 [Zoning Ordinance Providing for a Five Feet Special Height Exception for Ground Floor Commercial Uses in NC-1 Designated Parcels]

Sponsor: Avalos

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for commercial ground floor uses in NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; amending Section 710.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Ordinance No. 5-10

FINALLY PASSED

Recommendations of the Public Safety Committee

091385 [Approving the Extension of the Existing Three-Year Plan for State-Funded Child Abuse Prevention Programs]

Sponsor: Mirkarimi

Resolution approving the extension of City and County of San Francisco's Three-Year County Plan for the Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families programs. (Human Services Department)

Resolution No. 3-10

ADOPTED

091440 [Accept and Expend Grant - Second Chance Act Prisoner Reentry Initiative - \$600,000]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the Bureau of Justice Assistance in the amount of \$600,000 to provide direct services for adult state prisoners and parolees; for the period of October 1, 2009, through September 30, 2010.

Resolution No. 1-10

ADOPTED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

091354 [Public Employment - Amendment to the Annual Salary Ordinance, FY 2009-2010 - Department of Public Health]

Sponsors: Avalos; Daly, Mirkarimi, Campos and Mar

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance 2009-2010) to add 236.42 FTEs in various job classes and delete 200.16 FTEs in various job classes for 11.8 pay periods (January 17, 2010, through June 30, 2010) and add 66.35 FTEs in various job classes and delete 66.35 FTEs in various job classes for 13.1 pay periods (January 1, 2010, through June 30, 2010) in the Department of Public Health.

Ordinance No. 6-10

FINALLY PASSED by the following vote:

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

Noes: 3 - Chu, Elsbernd, Maxwell

Excused: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee

090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]

Sponsors: Avalos; Campos, Mirkarimi and Mar

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending 37.9 to provide an owner the option of giving additional notice in lieu of making relocation payments for owner move-in eviction of a newly covered single-family home or individually owned condominium, provided the tenant was initially given specified notice of this status (new Section 37.9(a)(8)(ix)); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

Duplicated, see File No. 100039.

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

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

FINALLY PASSED by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

100039 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]

Sponsors: Avalos; Campos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance:" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

Duplicated, see File No. 090583.

Supervisor Avalos, seconded by Supervisor Mar, moved that this Ordinance be AMENDED relating to applying to non-rent controlled buildings where foreclosure has occurred. The motion carried by the following vote:

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

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

Supervisor Avalos, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING to February 9, 2010. The motion carried by the following vote:

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

090835 [Residential Rent Ordinance Prohibiting Owner Move-In Evictions of Households with a Child Under the Age of 18, Except by an Owner Moving In with a Child and Except Where the Owner Only Owns One Unit in the Building]

Sponsors: Mar; Chiu

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owner move-in eviction where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner who will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).
(Supervisor Maxwell dissented in Committee.)

Supervisor Mar, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED ON FIRST READING to January 26, 2010. The motion carried by the following vote:

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

Recommendation of the Public Safety Committee

091015 [Reimbursement to City for Dignitary Security Provided During Campaign-Related Travel by Elected Officials]

Sponsors: Mirkarimi; Campos, Avalos and Daly

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding sections 3.600, 3.605, 3.610 and 3.615, to require City elective officers to reimburse the City for the cost of dignitary security provided by the City during travel for campaign-related activities or meetings and to require the Police Department to report to the Board of Supervisors regarding the cost of security.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Avalos, Campos, Chiu, Daly, Mar, Maxwell, Mirkarimi
Noes: 3 - Chu, Dufty, Elsbernd
Excused: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

091230 [Department of Building Inspection Cash Revolving Fund]

Ordinance amending San Francisco Administrative Code Section 10.135 to increase the cash revolving fund of the Department of Building Inspection from \$600 to \$2,000. (Building Inspection Commission)

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

091421 [Appropriating \$739,355 of Various Fee Revenues for Salaries, Fringe Benefits, and Services of Other Departments in the Department of Building Inspection for FY2009-2010]

Sponsor: Mayor

Ordinance appropriating \$739,355 of Intergovernmental Memorandum of Understanding and Vacant Building Fee revenues for salaries and fringe benefits for limited duration positions to fund fee collection costs, and to fund a projected work order shortfall with the City Attorney, for the Department of Building Inspection for FY2009-2010.
(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

091422 [Public Employment - Amendment to the Annual Salary Ordinance, FY2009-2010 - Department of Building Inspection]

Sponsor: Mayor

Ordinance amending Ordinance No. 183-09 (Annual Salary Ordinance FY2009-2010) to reflect the addition of eleven limited duration positions (4.9 FTE) in the Department of Building Inspection.

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

091409 [Accept and Expend Grant - Sidney E. Frank Foundation and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$250,000]

Sponsor: Mayor

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$250,000 from the Sidney E. Frank Foundation to initiate the San Francisco Zero Energy Homes (SFZEH) Program which will create the tools necessary for San Franciscans to radically reduce the amount of energy they use and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

091420 [Accept and Expend Grant - Living Cities Initiative and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$175,000]**Sponsor: Mayor**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$175,000 from the Living Cities Initiative to support the City's Zero Energy Home Program by accelerating the use of home performance testing of existing buildings throughout the City and thus drive the market, which will create a range of employment and career growth options and amend Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

091465 [Appropriating \$1,743,767 of Library Capital Improvements Fund Balance for the Branch Library Improvement Program in the San Francisco Public Library for FY2009-2010]**Sponsors: Mayor; Maxwell**

Ordinance appropriating \$1,743,767 of Library Capital Improvements Fund Balance, which consists of interest earnings from General Obligation Bond proceeds sold for the Branch Library Improvement Program and rent income from the Visitacion Valley Public Library, to fund capital projects at the Bayview and Visitacion Valley Library locations as part of the Branch Library Improvement Program in the San Francisco Public Library for FY2009-2010; placing \$1,683,967 on Controller's reserve.

(Fiscal Impact.)

PASSED, ON FIRST READING by the following vote:

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

Excused: 1 - Alioto-Pier

091452 [Approving Administrative Terms and Conditions for San Francisco Sustainable Financing Program]**Sponsors: Mayor; Mar and Dufty**

Resolution approving administrative terms and conditions for the San Francisco Sustainable Financing Program; identifying the San Francisco Department of the Environment or its City agency designee as the Program Administrator for the City; setting reporting requirements; authorizing the execution of an administrative services agreement; and related matters.

Resolution No. 8-10**ADOPTED by the following vote:**

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

Excused: 1 - Alioto-Pier

Recommendations of the Public Safety Committee**091436 [Accept and Expend Grant - U.S. Department of Justice/Office of Violence Against Women and Amendment to the Annual Salary Ordinance for FY2009-2010 - \$698,970]****Sponsor: Chiu**

Ordinance authorizing the San Francisco District Attorney's Office to retroactively accept and expend a grant in the amount of \$698,970 from the U.S. Department of Justice/Office of Violence Against Women - Grants to Encourage Arrest Policies and Enforcement of Protection Orders for the purpose of improving the criminal justice systems' response to limited English proficiency victims of domestic violence, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one (1) grant-funded position (.50 FTE) in Class 8129 Victim Witness Investigator at District Attorney's Office.

PASSED, ON FIRST READING by the following vote:

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

091445 [Accept and Expend Grant - FY 2009 Second Chance Youth Offender Reentry Initiative and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$660,615]**Sponsor: Maxwell**

Ordinance authorizing the Juvenile Probation Department ("JPD"), on behalf of the City and County of San Francisco, to retroactively accept and expend a grant in the amount of \$660,615 from the Office of Justice Programs ("OJP") for the United States Department of Justice for funding under the FY2009 Second Chance Youth Offender Reentry Initiative ("Second Chance Grant Award"); and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.60 FTE) at the San Francisco Public Defender's Office (PDR).

PASSED, ON FIRST READING by the following vote:

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

091456 [Accept and Expend Grant - FY 2009 Homeland Security Grant Program and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$2,079,703]**Sponsor: Mayor**

Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a FY2009-2010 Homeland Security Grant Program grant in the amount of \$2,079,703 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one Class 5277 Planner I grant-funded position (0.50 FTE) at the General Services Agency (GSA- ADM) and one Class 5278 Planner II grant-funded position (0.50 FTE) at the Department of Emergency Management.

PASSED, ON FIRST READING by the following vote:

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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

091450 [Hearing - Special Tax District No. 2009-1 (San Francisco Sustainable Financing)]

Hearing of persons interested in or objecting to proposed Resolution of Formation to Establish and Determining Necessity to Incur Bonded Indebtedness (\$150,000,000) for Special Tax District No. 2009-1 (San Francisco Sustainable Financing), establish boundaries of said special tax district, to describe the facilities to be financed, to establish an appropriations limit, and to provide for other matters related thereto.

The President inquired as to whether any member of the public wished to address the Board relating to the proposed Special Tax District 2009-1 referenced in File Nos. 091448 and 091449. Rich Chinn (Department of Environment) provided an overview of the project and responded to questions raised throughout the discussion. Steven Moss; Joel Koppel; Andy Fessel; Matthew Winter; Male Speaker; Gail Brown; Jeanine Potter; and Annie Carmichael; spoke in support of the proposed district. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report Without Recommendation

091448 [Resolution Determining Necessity to Incur Bonded Indebtedness - \$150,000,000] Sponsors: Mayor; Mar and Dufty

Resolution determining necessity to incur bonded indebtedness in a maximum principal amount of \$150,000,000 within the boundaries of Special Tax District No. 2009-1 (San Francisco Sustainable Financing) and determining other matters in connection therewith.

Resolution No. 7-10

ADOPTED by the following vote:

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

091449 [Resolution of Formation of Special Tax District No. 2009-1 San Francisco Sustainable Financing]

Sponsors: Mayor; Mar and Dufty

Resolution of formation to establish Special Tax District No. 2009-1 (San Francisco Sustainable Financing), establish boundaries of said special tax district, to describe the facilities to be financed, to establish an appropriations limit and to provide for other matters related thereto.

Resolution No. 6-10

ADOPTED by the following vote:

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

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

There were none.

SPECIAL ORDER 4:00 P.M.

091345 [Public Hearing - Conditional Use Appeal for 1969 California Street]

Hearing of persons interested in or objecting to decision of the Planning Commission by its Motion No. 17959 dated October 8, 2009, relating to the approval, subject to certain conditions, of a conditional use authorization (Case No. 2009.0639C), under Planning Code Sections 209.9 and 303 to allow the establishment of an art gallery and associated offices (d.b.a. Anthony Meier Fine Art Gallery) within a designated City Landmark, Landmark #260, the Tobin House, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, on property located at 1969 California Street, Assessor's Block No. 0649, Lot No. 016. (District 5) (Appellant: Greg Scott on behalf of Pacific Heights Residents Association) (Clerk of the Board) (Filed 11/9/09 - Companion Measure to File Nos. 091346, 091347, 001348)

The President inquired as to whether any member of the public wished to address the Board relating to the Conditional Use Appeal for 1969 California Street. Steve Williams (representing the Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Male Speaker; Judith Dufty; Bob Dufty; Alea McGuire; Kei Yamagami; Ian Berke; Male Speaker; Bill Bronson; Steve Bennett; Sissy Harris; Michael Barcun; Male Speaker; Female Speaker; Jacqueline Mahana; Terry McGuire; Greg Scott; and Jerry Crowen; spoke in support of the appeal and in opposition to the project. Tara Sullivan and Aaron Starr (Planning Department) provided details of the project and responded to questions raised throughout the discussion. Fred Gladstone and Suzanne Kelley (representing the Project Sponsor) provided details of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Celeste Meyer; Chris Meyer; Dr. Karen McNeal; Female Speaker; Jack Gold; Arney Lara; Tom Christopher; Joe Sweeney; Julian Ray; Marcus Kelly; Female Speaker; Male Speaker; Alexander Bose; Carol Brooks; Norm; Brian Soloman; Mark Perrin; Lyndsay Husk; Nordet Burk; Keith Deitrich; Al Gibson; Alvin; Jessica Silverman; Larry Matthews; Gabriella Meyer; Sara Kane; Beth Richardson; Jamie Sanders; Raul Kennedy; Chris Bliss; Rich Niles; and Male Speaker; spoke in support of the project and in opposition to the appeal. Steve Williams (representing the 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

091346 [Approving Planning Commission Decision Related to Conditional Use Appeal for 1969 California Street]

Motion approving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

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

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

Excused: 1 - Alioto-Pier

091347 [Disapproving Planning Commission decision related to Conditional Use Appeal for 1969 California Street; Approving Conditional Use with additional conditions]

Motion disapproving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street. (Clerk of the Board)

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be **AMENDED** adding additional conditions as follows: (1) added to Condition #11: Deliveries related to the art gallery shall occur only on street cleaning days; and (2) added to Condition #14: Valet Parking for art events must have off-street parking for all vehicles and in no instance shall off-street parking spaces be used. Valet parking operations must not unreasonably obstruct driveways at any time; and (3) new condition #17: No residential parking permits shall be used by gallery employees. Alternatively, the gallery must provide employees with off-street parking. The motion carried by the following vote:

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

Excused: 1 - Alioto-Pier

Motion disapproving decision of the Planning Commission by its Motion No. 17959, approving Conditional Use Application 2009.0639C on property located at 1969 California Street and authorizing conditional use subject to all of the conditions imposed by the Planning Commission, by its Motion No. 17959, and further subject to additional conditions imposed by the Board of Supervisors on January 12, 2010. (Clerk of the Board)

Motion No. M10-5

APPROVED AS AMENDED by the following vote:

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

Excused: 1 - Alioto-Pier

091348 [Preparation of Findings Related to the Conditional Use Appeal for 1969 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2009.0639C on property located at 1969 California Street, for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M10-6

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

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

Excused: 1 - Alioto-Pier

SPECIAL ORDER 4:00 P.M.**091388 [Public Hearing - Appeals of Revocation of Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated November 16, 2009, revocation of a Minor Sidewalk Encroachment Permit No. 06MSE-0181 issued on January 23, 2007, on properties located at 77 O'Farrell and 48 Stockton Streets, Lot No. 003 in Assessor's Block No. 328. (District 6) (Appellant: Martin H. Orlick for 77 O'Farrell Street) (Clerk of the Board)
(Filed 11/30/09 - Companion Measure to Files 091389, 091390, 091488.)

The President inquired as to whether any member of the public wished to address the Board. Michael Yaki, David New and Martin Orlick (representing the Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Jackie Sax spoke in support of the central subway project. There were no other speakers. John Funghi (Department of Public Works) provided details of the project and responded to questions raised throughout the discussion. Michael Yaki (representing the 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

091389 [Approving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]

Motion approving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and rejecting the appeal of Martin H. Orlick. (Clerk of the Board)

Motion No. M10-7

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

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

091390 [Disapproving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]

Motion disapproving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and upholding the appeal of Martin H. Orlick. (Clerk of the Board)

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

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

091488 [Findings Related to Board's Disapproval of the Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and uphold the appeal of Martin H. Orlick. (Clerk of the Board)

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

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

Excused: 1 - Alioto-Pier

SPECIAL ORDER 4:00 P.M.

091483 [Public Hearing - Appeals of Revocation of Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated November 16, 2009, revocation of a Minor Sidewalk Encroachment Permit No. 06MSE-0181 issued on January 23, 2007, on properties located at 77 O'Farrell and 48 Stockton Streets, Lot No. 003 in Assessor's Block No. 328. (District 6) (Appellant: Marshall C. Wallace for 48 Stockton Street) (Clerk of the Board)
(Filed 12/1/09 - Companion Measure to File Nos. 091485 and 091486)

The President inquired as to whether any member of the public wished to address the Board. Marshall Wallace (representing the Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Jackie Sax spoke in support of the central subway project. There were no other speakers. John Funghi (Department of Public Works) provided details of the project and responded to questions raised throughout the discussion. Marshall Wallace (representing the 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

091485 [Approving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]

Motion approving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and rejecting the appeal of Marshall C. Wallace. (Clerk of the Board)

Motion No. M10-8

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

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

Excused: 1 - Alioto-Pier

091486 [Disapproving Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]

Motion disapproving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and upholding the appeal of Marshall C. Wallace. (Clerk of the Board)

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

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

091487 [Findings Related to Board's Disapproval of the Decision of the Department of Public Works to Revoke Encroachment Permit for 77 O'Farrell and 48 Stockton Streets]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 77 O'Farrell and 48 Stockton Streets, Assessor Block No. 328, Lot No. 003, in connection with the Central Subway Project, and uphold the appeal of Marshall C. Wallace. (Clerk of the Board)

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

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

SPECIAL ORDER 4:00 P.M.**091391 [Public Hearing - Appeal of Revocation of Minor Sidewalk Encroachment Permit for 24-34 Ellis Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated November 16, 2009, revocation of a Minor Sidewalk Encroachment Permit No. 03MSE-157 issued on June 7, 2006, on property located at 24-34 Ellis Street, Lot No. 008 in Assessor's Block No. 327. (District 6) (Appellant: Harvey C. Hacker) (Clerk of the Board) (Filed 12/1/09 - Companion Measure to File Nos. 091392, 091393, 091489.)

The President inquired as to whether any member of the public wished to address the Board. Allen Gutenberg (representing the Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Jackie Sax spoke in support of the central subway project. There were no other speakers. John Funghi (Department of Public Works) provided details of the project and responded to questions raised throughout the discussion. Allen Gutenberg (representing the 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

091392 [Approving Decision of the Department of Public Works to Revoke Encroachment Permit for 24-34 Ellis Street]

Motion approving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 24-34 Ellis Street, Assessor Block No. 327, Lot No. 008, in connection with the Central Subway Project, and rejecting the appeal of Harvey C. Hacker. (Clerk of the Board)

Motion No. M10-9

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

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

091393 [Disapproving Decision of the Department of Public Works to Revoke Encroachment Permit for 24-34 Ellis Street]

Motion disapproving the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 24-34 Ellis Street, Assessor Block No. 327, Lot No. 003, in connection with the Central Subway Project, and upholding the appeal of Harvey C. Hacker. (Clerk of the Board)

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

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

091489 [Findings Related to Board's Disapproval of the Decision of the Department of Public Works to Revoke Encroachment Permit for 24-34 Ellis Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the decision of the Department of Public Works to revoke a Minor Sidewalk Encroachment Permit for 24-34 Ellis Street, Assessor Block No. 327, Lot No. 008, in connection with the Central Subway Project, and uphold the appeal of Harvey C. Hacker. (Clerk of the Board)

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

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

SPECIAL ORDER 4:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

100026 [Hearing - Annulling the Privilege to Occupy Certain Subsurface Encroachments Along the Central Subway Alignment]

Hearing of persons interested in or objecting to proposed resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton streets to accommodate the construction of the Central Subway project. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board relating to the proposed annulment of privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton streets referenced in File No. 091479. John Funghi (Department of Public Works) provided an overview of the project. Martin Orlick; Allen Gutenberg; Marshall Wallace; and Karl Johnson; spoke in opposition to the proposed resolution. See also public hearing comments in File Nos. 091388, 091391, and 091483. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole reconvening as the Board of Supervisors.

HEARD AT PUBLIC HEARING

Committee of the Whole Adjourn and Report Without Recommendation

091479 [Annulling the Privilege to Occupy Certain Subsurface Encroachments Along the Central Subway Alignment]

Resolution annulling the privilege to occupy certain subsidewalk basement encroachments along 4th, Ellis, Geary, Market, O'Farrell, and Stockton Streets to accommodate the construction of the Central Subway Project. (Municipal Transportation Agency)

Resolution No. 9-10

ADOPTED by the following vote:

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

Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdullah Megaheed; expressed various concerns.
James Chaffee; expressed concerns relating to the SF Public Library.
Richard Robinson, expressed various concerns.
Walter Paulson; shared in song certain concerns with the Board.
Christopher Dahl; expressed concerns relating to SF Charter, Article 3.100.
Jeremiah Wright; expressed various concerns.
Ray Hart; expressed concerns relating to the Executive Branch of government.
Frank Lara; expressed concerns relating to MTA layoffs.
Danielle Wiseman; expressed concerns relating to MTA layoffs.
Male Speaker; expressed concerns relating to MTA layoffs.
Shanika Bell; expressed concerns relating to MTA layoffs.
Abraham Davis; expressed concerns relating to MTA layoffs.
Sterling Haywood; expressed concerns relating to MTA layoffs.
Jorge Montiel; expressed concerns relating to MTA layoffs.
Carlos Alberto Jr.; expressed concerns relating to MTA layoffs.
Maria Cristina Gutierrez; expressed concerns relating to MTA layoffs.
Jazzie Collins; expressed concerns relating to MTA layoffs.
Marie Harrison; presented Certificate of Appreciation to Supervisor Chris Daly relating to environmental justice.
Lawrence Manu; expressed concerns relating to MTA layoffs.
Leah Brilenka; expressed concerns relating to MTA layoffs.
Male Speaker; spoke regarding the Stockton Street Farmer's Market.
Catherine Howard; expressed concerns relating to expansion of soccer fields near Beach Chalet.
Nancy Cross; expressed concerns relating to service gaps.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**100012 [Supporting the Youth PROMISE Act]****Sponsors: Avalos; Mar**

Resolution supporting HR 1064 and SB 435, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act.

Resolution No. 11-10

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

ADOPTED**100014 [Accept and Expend Grant - National Endowment for the Arts Grant - \$50,000]****Sponsor: Mayor**

Resolution authorizing the San Francisco Arts Commission to accept and expend a grant in the amount of \$50,000 from the National Endowment for the Arts for WritersCorps' contracted teacher positions from the NEA's ARRA funds.

Resolution No. 13-10**ADOPTED**

100015 [Accept and Expend Grant - CDC Kenya-Monitoring and Evaluation - \$48,837]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$48,837 from the Regents of the University of California, to assist with a project entitled "CDC Kenya-Monitoring and Evaluation;" for the period of November 1, 2009, through August 31, 2010.

Resolution No. 14-10

ADOPTED

100016 [Body Armor Prohibition]

Sponsor: Chiu

Resolution urging the Supreme Court to review Lower Court's Ruling Overturning Ban on Felons Owning or Wearing Body Armor.

Resolution No. 15-10

ADOPTED

100017 [Declaring January 10, 2010, Lee Mallory Day in San Francisco]

Sponsor: Chiu

Resolution Declaring January 10, 2010, Lee Mallory Day in San Francisco.

Resolution No. 16-10

ADOPTED

100018 [Extending the Term of Service for the Biodiesel Access Taskforce to December 31, 2010]

Sponsor: Mirkarimi

Resolution extending the term of service for the Biodiesel Access Taskforce to December 31, 2010.

Resolution No. 17-10

ADOPTED

100019 [Accept and Expend Grant - Health Impact Assessment of Congestion Pricing Policy - \$96,415]

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend a grant from the Robert Wood Johnson Foundation in the amount of \$96,415 to assist with a project entitled Health Impact Assessment of Congestion Pricing Policy for the period of January 15, 2010, through January 14, 2011.

Resolution No. 18-10

ADOPTED

100001 [Final Map 5705: 2540 – 2550 Hyde Street]

Motion approving Final Map 5705, a 6 Unit Residential Condominium Project, located at 2540 - 2550 Hyde Street being a subdivision of Lot 046 in Assessors Block No. 0045 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-10

APPROVED

100002 [Final Map 5468 – 2395 Lombard Street]

Motion approving Final Map 5468, a 3 Unit Commercial and 12 Unit Residential Mixed-Use Condominium Project, located at 2395 Lombard Street being a subdivision of Lot 041 in Assessors Block No. 0512 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-11

APPROVED

100003 [Final Map 5587 – 700 Valencia Street]

Motion approving Final Map 5587, a Nine Residential Unit and Three Commercial Unit Mixed-Use Condominium Project, located at 700 Valencia Street being a subdivision of Lot 001 in Assessors Block No. 3588 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Motion No. M10-12

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Elsbernd requested that File No. 091463 be severed so that it may be considered separately.

091463 [Calling on Congress to Pass Meaningful Healthcare Reform that Promotes a Holistic Approach to Women's Health, Including Access to Reproductive Choice for All and a Robust Public Option]

Sponsors: Daly; Mirkarimi, Campos, Avalos and Mar

Resolution calling on Congress to pass meaningful healthcare reform that promotes a holistic approach to women's health with access to reproductive choice for all and a robust public option; opposing the Stupak-Ellsworth-Pitts Amendment and an amendment proposed by Senator Ben Nelson that would limit reproductive choice; supporting a strong public option like that proposed by Senator John D. Rockefeller or Representative Raul Grijalva; urging the United States Senate to pass meaningful healthcare reform that ensures access to health services, including reproductive health; urging the US Senate to continue opposing the inclusion of anti-choice language in health care reform; encouraging conferees to remove the Stupak amendment and include a robust public option; and commending members of the California congressional delegation who supported a robust public option and opposed the restrictions on reproductive choice.

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

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

Excused: 1 - Alioto-Pier

Resolution calling on Congress to pass meaningful healthcare reform that promotes a holistic approach to women's health with access to reproductive choice for all and a robust public option; opposing the Stupak-Ellsworth-Pitts Amendment and an amendment proposed by Senator Ben Nelson that would limit reproductive choice; supporting a strong public option like that proposed by Representative Raul Grijalva; urging the United States Senate to pass meaningful healthcare reform that ensures access to health services, including reproductive health; urging the US Senate to continue opposing the inclusion of anti-choice language in health care reform; encouraging conferees to remove the Stupak amendment and include a robust public option; and commending members of the California congressional delegation who supported a robust public option and opposed the restrictions on reproductive choice.

Resolution No. 10-10

ADOPTED AS AMENDED by the following vote:

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

Excused: 1 - Alioto-Pier

Supervisor Chu requested that File No. 100013 be severed so that it may be considered separately.

100013 [International Human Trafficking Day and Human Trafficking Awareness Month]

Sponsors: Chu; Chiu

Resolution supporting the San Francisco Collaborative Against Human Trafficking, International Human Trafficking Awareness Day and the month-long campaign to bring awareness to issue of human trafficking.

Resolution No. 12-10

ADOPTED by the following vote:

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

Excused: 1 - Alioto-Pier

IMPERATIVE AGENDA

There were none.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by Supervisors or Mayor

Ordinances

100041 [Personal Wireless Service Facility Site Permits and Associated Fees]

Sponsors: Avalos; Campos

Ordinance amending the San Francisco Public Works Code by adding Article 25, Sections 1500 through 1526, to establish new requirements for Personal Wireless Service Facility Site Permits and to increase certain fees for obtaining such permits, amending the San Francisco Administrative Code by amending Chapter 11, Article 1, Section 11.9 to eliminate obsolete provisions related to such permits, making the provisions of the ordinance retroactive, and making environmental findings.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

100044 [Repealing Various Municipal Transportation Authority Special Funds]

Sponsor: Chiu

Ordinance amending Chapter 8 and Chapter 10, Article XIII, of the Administrative Code by repealing Sections 8.29 (Municipal Railway Video Production Fund), 10.100-155 (Municipal Transportation Capital Reserve Fund), 10.100-157 (Municipal Transportation Improvement Fund), 10.100-159 (Municipal Transportation Information Fund), 10.100-162 (Municipal Transportation Operators Lounge Facilities Fund), and 10.100-164 (Municipal Transportation Para Transit Fund).

01/12/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/12/2010.

100045 [Increasing Real Estate Recordation Fee]**Sponsor: Chiu**

Ordinance amending Article XIII, Section 8.24-5, San Francisco Administrative Code to increase the recordation fee to \$3.00 from \$2.00 at the time of recording real estate instruments to become operative on its effective date or on July 1, 2009, whichever is later, and making environmental findings.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/12/2010.

100046 [Planning Code - Amending Inclusionary Affordable Housing Ordinance]**Sponsors: Mayor; Chiu**

Ordinance amending the Planning Code by amending the Residential Inclusionary Affordable Housing Program, Section 315 et seq. (the "Program") to change the name of the Program to the Affordable Housing Program and to require all project applicants to pay the Affordable Housing fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 315 et seq. in the Rincon Hill Area Plan be provided as rental; and making findings including findings under the California Environmental Quality Act.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

100048 [Amendment to Solar Energy Incentive Program]**Sponsors: Daly; Mirkarimi**

Ordinance amending the San Francisco Environment Code by amending Sections 18.2, 18.4, 18.7-2, and 18.7-4, to: (1) require that all systems receiving City incentives be installed by individuals trained under the City workforce development program, and (2) eliminate increased incentives for residential properties in the case of systems installed by individuals trained under the City workforce development program.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

100049 [Accept and Expend Grant - Protocol for ENERGYSTAR and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$80,000]**Sponsor: Duffy**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$80,000 from the US Environmental Protection Agency-Region 9 to research and develop a new protocol for ENERGYSTAR in Multifamily High-rise residential and mixed-use buildings and amending Ordinance Number 183-09 to reflect the addition of one (1) grant funded position at the Department of the Environment.

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100052 [Appropriating \$410,000 of Anticipated PGA Tour Revenue for the Harding Park Golf Course in the Department of Recreation and Parks for FY2009-2010]**Sponsor: Elsbernd**

Ordinance appropriating \$410,000 of anticipated PGA Tour revenue to fund preparation of the Harding Park Golf Course for the 2010 Schwab Cup Tournament in the Department of Recreation and Parks for FY2009-2010.

(Fiscal Impact.)

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100054 [Workforce Development - Public Service Academies]**Sponsor: Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Sections 30.30 through 30.35, to establish public safety and public health training programs for San Francisco Unified School District high school students.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

100058 [Requiring Just Cause for Eviction from Residential Properties Owned by Specified Lenders After Foreclosure]**Sponsors: Mayor; Dufty**

Ordinance adding Administrative Code Chapter 37B "Eviction of Residential Tenants by Foreclosing Lender," to provide just cause eviction protections for existing residential tenants after foreclosure, and require that notice of this Chapter be given to residential tenants of the property.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

100059 [Appropriating \$3,257,575 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]**Sponsor: Mayor**

Ordinance appropriating \$3,257,575 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.

(Fiscal Impact.)

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100065 [Appropriation Ordinance to Reflect Mayor's Budget Balancing Plan for FY2009-2010]**Sponsor: Mayor**

Ordinance appropriating \$9,499,120 of sources and \$3,343,411 of uses and de-appropriating \$1,465,360 of sources and \$29,419,679 of uses in various departments consistent with the Mayor's Proposed Budget Balancing Plan for FY2009-2010 to balance the projected shortfall for FY2009-2010.

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions**100042 [Accept and Expend Grant - Supporting HIV Health Services - \$3,533,612]****Sponsor: Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$3,533,612 from the California Department of Public Health Office of AIDS, to assist with a project entitled "Single Allocation Model" for the period of July 1, 2009, through June 30, 2010.

01/12/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

100043 [Potential Health Impacts of Wireless Facilities]**Sponsors: Campos; Avalos, Chu and Mar**

Resolution urging the U.S. Environmental Protection Agency to study the health impacts of wireless facilities and, if appropriate, to establish a safe level of exposure to radiofrequency radiation emissions; urging the Federal Communications Commission to update its existing standards; and urging the California Congressional Delegation to introduce federal legislation to repeal limitations on state and local authority imposed by the Telecommunications Act of 1996.

01/12/10; RECEIVED AND ASSIGNED to Public Safety Committee.

100047 [Planning Code - Interim Controls Related to Affordable Housing Requirements]**Sponsors: Mayor; Chiu**

Resolution approving interim controls providing that the alternatives provided to project applicants of residential development under Planning Code Section 315 et seq. shall, except for certain eligible projects, be suspended and replaced by an interim affordable housing fee that is equivalent to the current in lieu fee and amending the housing requirements for residential projects in the Rincon Hill Area Plan for 18 months or until a permanent ordinance amending Planning Code Section 315 et seq. is adopted; and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

01/12/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

100051 [Confirming Report of Delinquent Transfer Taxes]**Sponsor: Dufty**

Resolution confirming report of delinquent transfer taxes submitted by the County Recorder, as modified to the date of adoption of this resolution, and creating special assessments and liens based thereon.

01/12/10; ASSIGNED to Board of Supervisors.

100053 [Accepting a Gift to the Recreation and Park Department of Synthetic Turf Athletic Fields Valued at Approximately \$6,000,000 from the City Fields Foundation]**Sponsors: Mar; Campos, Chu, Chiu, Elsbernd, Alioto-Pier and Dufty**

Resolution authorizing the Recreation and Park Department to accept a gift of synthetic turf athletic fields at Mission Playground and the Beach Chalet Soccer Fields, valued at approximately \$5,000,000 from the City Fields Foundation.

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100060 [Accept and Expend Grant - HIV Technical Guide - \$14,500]**Sponsor: Dufty**

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the World Health Organization in the amount of \$14,500 to develop a technical guide for HIV care and prevention programs for men who have sex with men (MSM) and transgendered individuals; for the period of December 15, 2009, through December 31, 2009.

01/12/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100061 [Opposing Shading of Public Parks and Open Space]**Sponsors: Chiu; Avalos, Campos, Daly, Mar, Maxwell and Mirkarimi**

Resolution opposing changes to the Park Shadow Ban that would increase shading of public parks and open space.

01/12/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100062 [Urging President Obama to Issue an Executive Order Creating a National Ocean Policy]**Sponsor: Mirkarimi**

Resolution urging President Obama to issue an Executive Order to create a National Ocean Policy based on the recommendations of the Ocean Policy Task Force.

01/12/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100063 [Angel Island Immigration Station Day - January 21, 2010]**Sponsors: Mar; Avalos, Campos, Chiu and Chu**

Resolution declaring January 21, 2010, as Angel Island Immigration Station Day, and Commemorating the 100th Anniversary of the Immigration Station.

01/12/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100064 [Bernal Heights Branch Library Re-Opening]**Sponsor: Campos**

Resolution recognizing the grand re-opening of the Bernal Heights Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

01/12/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100066 [Accept and Expend Grant - Transportation Development Act, Article 3 - \$1,089,413]**Sponsor: Mayor**

Resolution authorizing the San Francisco Municipal Transportation Agency to accept and expend a grant in the amount of \$1,089,413 from the Metropolitan Transportation Commission for various bicycle projects in the City and County of San Francisco in FY2009-2010.

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests for Hearing**100036 [Committee of the Whole – Beilenson Hearing]****Sponsor: Avalos**

Hearing to consider the Department of Public Health's budget eliminating or reducing health care medical services.

01/12/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

100040 [Governor's Proposed Budget for FY2010-2011]**Sponsor: Avalos**

Hearing to consider the Governor's proposed budget for FY2010-2011.

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

100050 [Committee of the Whole - Confirming Report of Delinquent Transfer Taxes]

Hearing of persons interested in or objecting to a report of delinquent transfer taxes submitted by the County Recorder, as modified to the date of adoption of this Resolution, and creating special assessments and liens based thereon pursuant to Section 1115.1 of the Real Property Transfer Tax Ordinance (under San Francisco Business and Tax Regulations Code Article 12-C). (Clerk of the Board)

01/12/10; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

Motions**100035 [Committee of the Whole - Health Services Reductions (Beilenson Hearing) January 26, 2010, at 3:00 p.m.]****Sponsor: Avalos**

Motion scheduling the Board to sit as a Committee of the Whole to consider health services reductions (Beilenson Hearing), to be held on January 26, 2010, at 3:00 p.m.

01/12/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

100055 [Budget Line Item for Police Department Dignitary Security]**Sponsor: Mirkarimi**

Motion ordering submitted to the voters an ordinance requiring the City's annual budget to include an appropriation for the Police Department's expenditures on security for City officials and dignitaries at an election to be held on June 8, 2010.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/11/2010.

100056 [Cannabis Regulation and Control]**Sponsors: Mirkarimi; Campos**

Motion ordering submitted to the voters a Statement of Policy regarding the Regulation of the Cultivation and Sale of Cannabis at an election to be held on June 8, 2010.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/11/2010.

100057 [Budget and Legislative Analyst Audit of the City's General Fund Revenues]**Sponsor: Mirkarimi**

Motion requesting the Budget and Legislative Analyst to: (1) conduct an audit of the City and County of San Francisco's existing lease, fee, and other General Fund revenues generated by City department activities and of the City's collection of General Fund revenues; and (2) identify new General Fund revenues, enhancement of existing General Fund revenues, and improved collection of General Fund revenues.

01/12/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced by the President at the Request of Departments**PROPOSED ORDINANCES****100029 [Acceptance of Sewer Main and Reissuance of Encroachment Permit for Poppy Lane]****Sponsor: Dufty**

Ordinance accepting an irrevocable offer for a sewer main; dedicating said improvements for public use; accepting a sewer main on Poppy Lane for maintenance and liability purposes; rescinding Resolution No. 493-00 in order to modify and reissue the major encroachment permit for 101 Poppy Lane in accordance with this Ordinance; accepting Department of Public Works Order No. 178,477; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the eight priority policies of City Planning Code section 101.1; and authorizing official acts in connection with this Ordinance. (Public Works Department)

12/30/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

PROPOSED RESOLUTIONS**100027 [Approving the City and County's Triennial Self Assessment and Review of its Child Welfare and Juvenile Probation Placement Services]**

Resolution approving San Francisco's Child and Family Services Review - Self Assessment, a review of its Child Welfare and Juvenile Probation Placement Services, including a needs assessment for the Child Abuse Prevention, Intervention, and Treatment; Community Based Child Abuse Prevention; and Promoting Safe and Stable Families programs. (Human Services Department)

01/04/10; RECEIVED AND ASSIGNED to Public Safety Committee.

100028 [Approval of the Mental Health Services Act Information Technology Component and Technological Needs Three-Year Program and Expenditure Plan]

Resolution approving the Mental Health Services Act Information Technology Component and Technical Needs Three-Year Program and Expenditure Plan and authorizing the amendment of the MHSA Agreement to include this Plan in the agreement. (Public Health Department)

01/04/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Chiu

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation amending Administrative Code Chapter 31.17. The text is as follows: The certification of completion and the final EIR shall be transmitted not less than 14 days before the scheduled hearing by the Environmental Review Officer to the applicant and the board, commission or department that is to carry out or approve the project, and shall be presented to the body which will decide whether to carry out or approve the project. It shall be accompanied with all recommendations regarding possible action on the project.

From: Supervisor Avalos

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation prohibiting alcohol sales in formula retail prescription drug stores.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

- 500 Grove*
- 633 Central*
- 646 Central*
- 799 Haight*
- 1568 Haight*
- 1456 Haight*
- 478-484 Haight*
- 1173 Hayes*
- 901 Oak*
- 580 Hayes*
- 745 Buchanan*
- 1123 Masonic*
- 1429 Oak*
- 19067 Oak*
- 533 Haight*
- 420 Haight*
- 101 Pierce, on the planter boxes*
- 303 Webster*
- 55 Laguna, on the Buchanan and Haight side*

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:

- Utility Boxes*
- Northeast corner Fulton & Broderick*
- Northeast corner Baker & Hayes*
- Southeast corner Laguna & Hayes*
- Across from 295 Buchanan*

Garbage Cans

- Northeast corner Laguna & Hayes*
- Southwest corner Broderick & Hayes*

Bus Shelters

*Southeast corner Divisadero & Haight
Southeast corner Grove & Laguna
Northeast corner Fillmore & Hermann, canopy
Southwest corner Buchanan & Haight
Haight & Fillmore, all bus shelters (graffiti & grime)*

Mailboxes

*Southwest corner Hayes & Broderick
Northwest corner Steiner & Fulton*

Emergency Boxes

In front of 300 Webster

Wood Poles

*In front of 341 Waller
Northwest corner Cole & Carl
In front of 509 Webster*

In Memoriams

*Catherine "Kay" Baxter – Supervisors Alioto-Pier and Dufty
Uta Hirota – Supervisor Mar
George Tsongas – Supervisor Chiu
Joseph Jackson – Supervisor Daly
Nathan "Nate" Cohn – Supervisor Elsbernd
Eleanor Lloyd – Supervisors Elsbernd and Maxwell
Glen John Ghiselli – Supervisor Dufty
AJ Trasvina – Supervisor Avalos*

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:11 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 February 9, 2010.

Angela Calvillo, Clerk of the Board