

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

**Tuesday, November 20, 2012 - 2:00 PM**

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

**Regular Meeting**

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DAVID CHIU, PRESIDENT

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

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

<b>Budget and Finance Committee</b> Supervisors Chu, Avalos, Kim	Wednesday 1:00 PM
<b>City and School District Select Committee</b> Supervisors Campos, Olague, Chiu, Fewer, Maufas, Commissioners Mendoza	4th Thursday 3:30 PM
<b>City Operations and Neighborhood Services Committee</b> Supervisors Elsbernd, Chu, Olague	2nd and 4th Monday 10:00 AM
<b>Government Audit and Oversight Committee</b> Supervisors Elsbernd, Wiener, Chiu	2nd and 4th Thursday 10:00 AM
<b>Land Use and Economic Development Committee</b> Supervisors Mar, Cohen, Wiener	Monday 1:30 PM
<b>Public Safety Committee</b> Supervisors Avalos, Olague, Mar	1st and 3rd Thursday 10:00 AM
<b>Rules Committee</b> Supervisors Kim, Farrell, Avalos	1st and 3rd Thursday 1:30 PM

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

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## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*The meeting was called to order at 2:05 p.m. On the call of the roll, all Supervisors were noted present.*

## **AGENDA CHANGES**

*There were none.*

## **APPROVAL OF MEETING MINUTES**

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of October 9, 2012. The motion carried by the following vote:

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

## **COMMUNICATIONS**

*There were none.*

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

### 121122 [Formal Policy Discussions - November 20, 2012]

Pursuant to Charter Sections 2.103 and 3.100(7), and Administrative Code Section 2.11, the Mayor shall answer the following eligible questions submitted by the Supervisors representing Districts 6 and 10. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. What are the current procedures for recouping cost incurred through street closures for major conventions like Salesforce's Dreamforce and Oracle's Open World? Specifically, what costs are being reimbursed to the City beyond permitting fees? What costs incurred by Departments other than Municipal Transportation Agency and San Francisco Police Department is being recouped? In addition to the required traffic control plan, how else is the City ensuring that major corporations allow pedestrian and cyclist access in case of street closures? And finally does the City evaluate increased traffic congestion in downtown areas when permitting street closures on major arterials like Howard Street between 3rd and 4th Streets and do we evaluate the cost of that congestion and recoup that cost? (Supervisor Kim, District 6)

2. With the November election behind us, our Federal delegation is contending with potentially significant budget cuts as a result of sequestration. Have you examined what some of the potential impacts of these cuts may be to City programs and services, particularly those who serve the poor and those in federally subsidized housing? (Supervisor Cohen, District 10)

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

**HEARD AND FILED**

## CONSENT AGENDA

### Recommendation of the Budget and Finance Committee

#### 120965 [Business and Tax Regulations Code - Prevent Termination of Payroll Expense Tax Exclusion for Small Business Net New Payroll if Voters Adopt Gross Receipts Tax] Sponsors: Farrell; Campos, Elsbernd, Chu, Wiener and Cohen

Ordinance amending the San Francisco Business and Tax Regulations Code Article 12-A by amending Section 906.5 to prevent the Payroll Expense Tax Exclusion for Small Business Net New Payroll for years 2012 through 2015 from terminating in the event the voters of the City and County of San Francisco pass a gross receipts tax.

(Fiscal Impact)

**Ordinance No. 233-12**

**FINALLY PASSED**

**Recommendation of the Land Use and Economic Development Committee****120816 [Administrative Code - Port Pre-Payment of Jobs-Housing Linkage Program Obligations]****Sponsor: Kim**

Ordinance amending the San Francisco Administrative Code, by adding Section 61.12, to authorize pre-payment of Jobs-Housing Linkage Program obligations for developments on certain Port lands; and adopting environmental findings.

**Ordinance No. 232-12****FINALLY PASSED****Recommendations of the Rules Committee****120657 [Settlement of Lawsuit - Michael Horan - \$250,000]**

Ordinance authorizing settlement of the lawsuit filed by Michael Horan against the City and County of San Francisco for \$250,000; the lawsuit was originally filed on September 25, 2009, in San Francisco Superior Court, Case No. CGC-09-492910, removed to United States District Court, Northern District, Case No. CV-10-01383; entitled Michael Horan v. City and County of San Francisco, et al. (City Attorney's Office)

**PASSED, ON FIRST READING****120976 [Settlement of Lawsuit - Rehab Financial Corporation - City to Receive \$164,099]**

Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Rehab Financial Corporation, Gayle Bloomingdale, and Barbara Wood for payment to the City of \$164,099; the lawsuit was filed on March 30, 2010, and is pending in San Mateo County Superior Court, Case No. CIV506113; entitled City and County of San Francisco, et al., v. Rehab Financial Corporation, et al. (City Attorney's Office)

**PASSED, ON FIRST READING****120994 [Settlement of Lawsuit - Christine McGuire - \$27,000]**

Ordinance authorizing settlement of the lawsuit filed by Christine McGuire against the City and County of San Francisco for \$27,000; the lawsuit was filed on January 6, 2011, in San Francisco Superior Court, Case No. CGC-11-507062; entitled McGuire v. City and County of San Francisco, et al. (City Attorney's Office)

**PASSED, ON FIRST READING****121014 [Settlement of Lawsuit - Leslie Jones - \$197,500]**

Ordinance authorizing settlement of the lawsuit filed by Leslie Jones against the City and County of San Francisco for \$197,500; the lawsuit was filed on August 5, 2010, in San Francisco Superior Court, Case No. CGC-10-502290; entitled Leslie Jones, et al. v. City and County of San Francisco, et al. (City Attorney's Office)

**PASSED, ON FIRST READING**

**121015 [Settlement of Lawsuit - Acquila Yeargin - \$27,500]**

Ordinance authorizing settlement of the lawsuit filed by Acquila Yeargin against the City and County of San Francisco for \$27,500; the lawsuit was filed on July 7, 2010, in San Francisco Superior Court, Case No. CGC-10-501334; entitled Acquila Yeargin v. Brandon Thompson, et al. (City Attorney's Office)

**PASSED, ON FIRST READING**

**121036 [Settlement of Lawsuit - Gilles Combrisson et al. - Not to Exceed \$320,000]**

Ordinance authorizing settlement of the class action lawsuit filed by Gilles Combrisson, William Phillips, Patrick Hagemester, and Ranell Hansen against the City and County of San Francisco for an amount not to exceed \$320,000; the lawsuit was filed on June 12, 2009, in San Francisco Superior Court, Case No. CGC-09-489400; entitled Gilles Combrisson, et al. v. City and County of San Francisco, et al. (City Attorney's Office)

**PASSED, ON FIRST READING**

**120993 [Settlement of Unlitigated Claim - Trico Construction - \$440,000]**

Resolution approving settlement of the unlitigated claim filed by Galliera, Inc., dba Trico Construction (Trico), against City and County of San Francisco for \$440,000. (City Attorney)

**Resolution No. 418-12**

**ADOPTED**

**121059 [Appointment, Commission on the Aging Advisory Council - Catherine Rose Russo]**

Motion appointing Catherine Rose Russo, term ending March 31, 2014, to the Commission on the Aging Advisory Council. (Clerk of the Board)

**Motion No. M12-133**

**APPROVED**

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

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

## 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.

**Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to December 11, 2012. The motion carried by the following vote:**

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

**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)

**Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to December 11, 2012. The motion carried by the following vote:**

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

**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)

**Supervisor Campos, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to December 11, 2012. The motion carried by the following vote:**

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

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**Recommendations of the Land Use and Economic Development Committee****120191 [Building Code - Definition of Efficiency Unit]****Sponsor: Wiener**

Ordinance amending the San Francisco Building Code Section 1208.4 to reduce the square footage requirement for Efficiency Dwelling Units in new structures or buildings pursuant to Section 17958.1 of the California Health and Safety Code; and making environmental findings.

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

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Noes: 1 - Avalos

**120352 [Administrative Code - Housing Preservation and Production]****Sponsors: Olague; Kim, Campos and Mar**

Ordinance amending the San Francisco Administrative Code by 1) amending the title of Chapter 10E and adding Section 10E.4 to monitor San Francisco's housing preservation and production policies and goals; and 2) making environmental finding.

(Supervisor Wiener dissented in Committee.)

**Supervisor Olague, seconded by Supervisor Kim, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague

Noes: 4 - Chu, Elsbernd, Farrell, Wiener

Ordinance amending the San Francisco Administrative Code by amending the title of Chapter 10E and adding Section 10E.4 to monitor San Francisco's housing preservation and production policies and goals, and making environmental findings.

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

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

**120523 [Planning Code - Transit Impact Development Fee Increase and Updates]****Sponsors: Mayor; Wiener and Olague**

Ordinance amending the San Francisco Planning Code, Article 4, by revising and making technical corrections to specified definitions in Section 401 relating to the Transit Impact Development Fee (TIDF), amending Sections 402, 408, 411 through 411.5, 411.7, 411.8, and adding a new Section 411.9 to increase TIDF rates, revise exemptions and credits, and clarify TIDF implementation and collection, and making environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

**Supervisor Wiener, seconded by Supervisor Cohen, moved that this Ordinance be CONTINUED ON FIRST READING to December 4, 2012. The motion carried by the following vote:**

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

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

#### **120997 [Appropriating \$1,412,000 for San Francisco Unified School District - FY2012-2013]**

**Sponsors: Kim; Campos, Mar, Avalos and Olague**

Ordinance appropriating \$2,705,000 of State Reserves for the San Francisco Unified School District for FY2012-2013.

(Fiscal Impact)

(Supervisor Chu dissented in Committee.)

**Supervisor Kim, seconded by Supervisor Mar, moved that this Ordinance be CONTINUED ON FIRST READING to December 4, 2012. The motion carried by the following vote:**

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

#### **120963 [Business and Tax Regulations Code - Improvement Districts: Longer Term When Assessments Pledged to Bond, Lease, or Other Obligations; Alternative 2/3 Weighted Vote by Businesses]**

**Sponsor: Mayor**

Ordinance amending San Francisco Business and Tax Regulations Code, Article 15 (Business Improvement Districts Procedure Code), Sections 1510 and 1511, and by adding Section 1515, to provide for a district term of up to 40 years when assessments are pledged or applied to pay any bond, financing lease (including any certificates of participation therein), or other similar obligations of the City; authorize the Board of Supervisors to require a weighted two-thirds (2/3) vote of business owners to be assessed, based on ballots cast, as an alternative or additional procedure for establishing a business improvement district and levying assessments; and clarify existing provisions and update references to state law; and making a finding that California Constitution, Article XIID, does not apply to the levy of business assessments authorized by Business and Tax Regulations Code, Article 15.

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

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

#### **120989 [Resolution of Intention - Moscone Expansion Business Improvement District]**

**Sponsor: Mayor**

Resolution declaring the intention of the Board of Supervisors to establish a business-based business improvement district to be known as the "Moscone Expansion District" and levy a multi-year assessment on defined hotel businesses in the district; approving the management district plan for the district; ordering a ballot election and setting a time and place for a public meeting and a public hearing; approving the form of the Notice of Public Meeting and Public Hearing and Assessment Ballots; directing the Clerk of the Board of Supervisors to give notice of the public meeting and public hearing as required by law; and providing for environmental findings. (Fiscal Impact)

**Resolution No. 416-12**

**ADOPTED by the following vote:**

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



**121009 [Master Lease Amendment - Treasure Island Fire Fighting Training Center]**

Resolution approving the Fourth Amendment to the Treasure Island Fire Fighting Training Center Master Lease between the Treasure Island Development Authority and the United States Navy to Extend the Term. (Treasure Island Development Authority)

**Resolution No. 420-12**

**ADOPTED by the following vote:**

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

**121032 [Agreement - SFO Shuttle Bus Company - Shuttle Bus Services - Not to Exceed \$105,000,000]**

Resolution approving the agreement between SFO Shuttle Bus Company and the City and County of San Francisco to provide shuttle bus services at San Francisco International Airport acting by and through its Airport Commission not to exceed \$105,000,000 for a term December 1, 2012, through June 30, 2016, plus three options for two years each. (Airport Commission)  
(Fiscal Impact)

**Resolution No. 421-12**

**ADOPTED by the following vote:**

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

**121043 [Agreement - Workers' Compensation Third Party Administrator Services - Not to Exceed \$26,288,201]**

**Sponsor: Mayor**

Resolution authorizing the San Francisco Municipal Transportation Agency and the Department of Human Resources to retroactively execute an agreement with Intercare Holdings Insurance Services, Inc., for Workers' Compensation Third Party Administrator services for an amount not to exceed \$26,288,201 and for a term of three years, with an option to extend the term for up to an additional two years.

**Resolution No. 422-12**

**ADOPTED by the following vote:**

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

**121067 [Accept and Expend Grant - Adolescent Health Working Group Health Education Collaborative - \$120,000]**

**Sponsor: Cohen**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$120,000 from The California Wellness Foundation to participate in a program entitled Adolescent Health Working Group Health Education Collaborative for the period of October 1, 2012, through September 30, 2014.

**Resolution No. 423-12**

**ADOPTED by the following vote:**

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

**121044 [Piers 30-32/Seawall Lot 330 - Warriors Development Project]****Sponsors: Mayor; Chu, Chiu, Farrell, Wiener and Mar**

Resolution finding that a project proposed by GSW Arena LLC, an affiliate of the Golden State Warriors, to rehabilitate Port property at Piers 30-32, develop on the piers a multi-purpose venue useable for public assembly uses and other events, such as conventions, Warriors home games, cultural events, family shows and performing arts, and for other purposes, including public open space, maritime use, visitor serving retail, and related parking facilities, and develop on Seawall Lot 330 residential, hotel, and/or retail uses and accessory parking, is fiscally feasible and responsible under Administrative Code Chapter 29; urging City and Port officials to make evaluating the proposed project among its highest priorities; and to take all appropriate steps to further environmental review of the proposed project.

(Economic Impact)

**Supervisor Kim, seconded by Supervisor Campos, moved that this Resolution be AMENDED on Page 11, Line 17, by deleting 'FURTHER RESOLVED, That future discretionary approvals from the Board of Supervisors will be heard by the CAC prior to approval including the term sheet, the DDA, the Waterfront Land Use Amendment, zoning amendments and other transaction documents; and, be it'; and on Page 11, Line 21, by adding 'FURTHER RESOLVED, That the Board of Supervisors will not take action on the term sheet, the Piers 30-32 Ground Lease and the SWL 330 Conveyance or Lease Agreement, and any proposed zoning amendments or amendments to the Waterfront Land Use Plan, until after the Piers 30-32 CAC holds meetings to review and discuss those items; and, be it'. The motion carried by the following vote:**

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

Noes: 3 - Chu, Elsbernd, Farrell

(Economic Impact)

(Fiscal Impact)

**Resolution No. 417-12**

**ADOPTED AS AMENDED by the following vote:**

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

**121068 [Accept and Expend Grant - Brownfields Assessment Project - \$400,000]****Sponsor: Mayor**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$400,000 from the United States Department of Environmental Protection to support the Brownfields Assessment Project by performing site assessments and preparing cleanup plans for potentially contaminated properties located in the Southeast area of San Francisco, in support of the Blue Greenway Project for the period of October 1, 2012, through October 31, 2015.

**Resolution No. 424-12**

**ADOPTED by the following vote:**

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

**121069 [Accept and Expend Grant - FY2012 Urban Areas Security Initiative Program - \$21,931,312]****Sponsor: Mayor**

Resolution authorizing the Department of Emergency Management, on behalf of the City and County San Francisco, as the primary grantee of Urban Areas Security Initiative (UASI) funds for the Bay Area Urban Area and as the fiscal agent for the UASI Approval Authority, to retroactively accept and expend a FY2012 UASI Program grant in the amount of \$21,931,312 from the U.S. Department of Homeland Security through the California Emergency Management Agency for the period of October 12, 2012, through May 31, 2014.

**Resolution No. 425-12****ADOPTED by the following vote:**

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

**121006 [Master Lease Extension - Department of Public Health - 2176-78 Mission Street - \$32,363.07 Per Month with Annual Increases]**

Resolution authorizing the extension of a Master Lease of Real Property at 2176-78 Mission Street for the Department of Public Health for ten years, \$32,363.07 per month for the period of December 5, 2012, to December 4, 2013, and subsequently subject to increases pursuant to the Consumer Price Index yearly. (Real Estate Department)  
(Fiscal Impact)

**Resolution No. 419-12****ADOPTED by the following vote:**

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

**121072 [Accept and Expend Grant - Medical Monitoring Project - \$196,104]****Sponsor: Wiener**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$196,104 from Centers for Disease Control and Prevention to participate in a program entitled Medical Monitoring Project for the period of June 1, 2012, through May 31, 2013.

**Resolution No. 427-12****ADOPTED by the following vote:**

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

**121073 [Accept and Expend Grant - Enhancing Engagement and Retention in Quality HIV Care - \$300,000]****Sponsor: Wiener**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$300,000 from the Health Resources and Services Administration to participate in a program entitled "Enhancing Engagement and Retention in Quality HIV Care for Transgender Women of Color - Demonstration Sites" for the period of September 1, 2012, through August 31, 2013, and waiving indirect costs.

**Resolution No. 428-12****ADOPTED by the following vote:**

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

**121074 [Accept and Expend Grant - Special Projects of National Significance Program - \$300,000]****Sponsor: Wiener**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$300,000 from the Health Resources and Services Administration to participate in a program entitled "Special Projects of National Significance Program Building a Medical Home for Multiply Diagnosed HIV Positive Homeless Populations - Demonstration Sites" for the period of September 1, 2012, through August 31, 2013, and waiving indirect costs.

**Resolution No. 429-12****ADOPTED by the following vote:**

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

**Recommendation of the City Operations and Neighborhood Services Committee****120984 [Police Code - Prohibiting Public Nudity]****Sponsor: Wiener**

Ordinance amending the San Francisco Police Code by adding Section 154 to prohibit nudity on public streets, sidewalks, street medians, parklets, and plazas, and on public transit vehicles, stations, platforms, and stops, except as part of permitted parades, fairs, and festivals.

**Supervisor Wiener, seconded by Supervisor Farrell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Ordinance amending the San Francisco Police Code by adding Section 154 to prohibit nudity on public streets, sidewalks, street medians, parklets, plazas, and public rights-of-way, and on public transit vehicles, stations, platforms, and stops, except as part of permitted parades, fairs, and festivals.

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

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

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

**Recommendation of the Rules Committee****120221 [Administrative Code - Extension of Public Utilities Revenue Bond Oversight Committee]****Sponsor: Farrell**

Ordinance amending the San Francisco Administrative Code, Section 5A.36 to extend the sunset date of the Public Utilities Revenue Bond Oversight Committee to January 1, 2016.

**Supervisor Farrell, seconded by Supervisor Chu, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

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

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

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

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

### Privilege of the Floor

Supervisor Kim, seconded by Supervisor Olague, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

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

*Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to the Housing Inspection Division of the Department of Building Inspection in recognition of their accomplishments and continued community support.*

*Supervisor Olague introduced, welcomed, and presented Certificates of Honor to Pamela Palpallatoc, Esq., Philip Tam, Marshall Johnson, Leland Rubin, and Martha Hollins in recognition of their tremendous work to improve the conditions of public housing, commitment to serving low-income residents, and continued community support.*

## SPECIAL ORDER 4:00 P.M.

### **120849 [Public Hearing - Tentative Parcel Map Appeal - 1101-1103 Dolores Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated August 9, 2012, approving a Tentative Parcel Map for a 2-unit condominium conversion located at 1101-1103 Dolores Street, Assessor's Block No. 6511, Lot No. 033. (District 8) (Appellants: Kevin Cheng and Todd Mavis) (Filed August 20, 2012). (Clerk of the Board)

*The President indicated receipt of a letter from the appellant, dated November 19, 2012, withdrawing their appeal. The President inquired as to whether any member of the public wished to address the Board. There were no speakers. The President declared the public hearing closed.*

**HEARD AND FILED**

### **120850 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map - 1101-1103 Dolores Street]**

Motion approving decision of the Department of Public Works and approving the Tentative Parcel Map for a 2-unit condominium conversion located at 1101-1103 Dolores Street, Assessor's Block No. 6511, Lot No. 033, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1; approving the decision of the Department of Public Works. (Clerk of the Board)

**Motion No. M12-134**

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

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

**120851 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map - 1101-1103 Dolores Street]**

Motion disapproving decision of the Department of Public Works and disapproving the Tentative Parcel Map for a 2-unit condominium conversion located at 1101-1103 Dolores Street, Assessor's Block No. 6511, Lot No. 033, consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1. (Clerk of the Board)

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

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

**120852 [Preparation of Findings Related to the Tentative Parcel Map Disapproval - 1101-1103 Dolores Street]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 2-unit condominium conversion located at 1101-1103 Dolores Street, Assessor's Block No. 6511, Lot No. 033. (Clerk of the Board)

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

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

## COMMITTEE REPORTS

### Recommendation of the Government Audit and Oversight Committee

**121071 [Urging Muni to Prioritize Eligible Funds for Low-Income Youth and Maintenance]  
Sponsor: Wiener**

Resolution urging Muni to prioritize funding for vehicle and equipment maintenance, rehabilitation, and purchase in light of deteriorating Muni service.  
(Supervisor Chiu dissented in committee.)

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

Ayes: 7 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague

Noes: 4 - Chu, Elsbernd, Farrell, Wiener

Resolution urging Muni to prioritize funding for low-income youth in light of deep cuts to yellow school bus and the impact of the down-turned economy on low-income families, and vehicle and equipment maintenance, rehabilitation, and purchase in light of deteriorating Muni service.

**Resolution No. 426-12**

**ADOPTED AS AMENDED by the following vote:**

Ayes: 7 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague

Noes: 4 - Chu, Elsbernd, Farrell, Wiener

## **Recommendations of the Land Use and Economic Development Committee**

### **120996 [Planning Code - Efficiency Dwelling Units - Numerical Cap and Open/Common Space Requirements]**

**Sponsor: Wiener**

Ordinance amending the San Francisco Planning Code by adding Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; amending Section 135(d) and adding Section 135.4 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

**Supervisor Wiener, seconded by Supervisor Farrell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Ordinance amending the San Francisco Planning Code by adding new Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; amending Subsection 135(d) and adding new Section 140.1 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and making environmental findings, Planning Code, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

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

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

*Supervisor Olague was noted absent at 6:05 p.m. and noted present at 6:12 p.m.*

### **121029 [Environment Code - Suspending Yellow Pages Distribution Pilot Program]**

**Sponsors: Chiu; Elsbernd**

Ordinance amending the San Francisco Environment Code by adding Section 2109 to suspend the Yellow Pages Distribution Pilot Program.

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

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

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

## **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](http://www.sfbos.org/legislation_introduced).*

## PUBLIC COMMENT

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

*Debra Bendict; expressed various concerns.*

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

*Theresa Cooper; expressed concerns regarding body language and government.*

*Ray Hartz; expressed concerns relating to government.*

*Male Speaker; expressed concerns relating to the Municipal Transportation Agency and taxi medallions.*

*Male Speaker; expressed various religious concerns.*

*Male Speaker; expressed various concerns.*

*Male Speaker; expressed various concerns.*

*Peter Ward; expressed concerns regarding a restaurant on Marina Green.*

*Art Scampa; expressed concerns regarding a restaurant on Marina Green.*

*Nicole Preto; expressed concerns regarding a restaurant on Marina Green.*

*Fattellah Kampa; expressed concerns regarding a restaurant on Marina Green.*

*Female Speaker; expressed concerns regarding a restaurant on Marina Green.*

*Aden Junay; expressed concerns regarding Sunshine Task Force and Hepatitis C.*

*Charlie Mapas; expressed concerns regarding the closure of medical marijuana dispensaries.*

*Edmond Juicye; expressed various concerns.*

*Peter Warfield; expressed concerns relating to the SF Public Library.*

*Ana Cora; expressed various concerns.*

*Supervisors Cohen and Wiener were noted absent at 6:15 p.m. for the remainder of the meeting.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **121088 [Committee of the Whole - December 11, 2012 - Public Hearing to Acquire Temporary Construction Licenses for Various Real Properties by Eminent Domain for Central Subway/Third Street Light Rail Extension Project]**

Motion that the Board of Supervisors hold a public hearing on December 11, 2012, at 3:00 p.m., with the Board of Supervisors sitting as a Committee of the Whole, to consider acquisition of temporary construction licenses for various real properties by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension Project. (Clerk of the Board)

**Motion No. M12-135**

**APPROVED**

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

Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague

Absent: 2 - Cohen, Wiener



## IMPERATIVE AGENDA

*[Purely Commendatory Finding]*

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

**Supervisor Chu, seconded by Supervisor Campos, moved ADOPTION of the commendatory finding. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague  
Absent: 2 - Cohen, Wiener

*[Brown Act Finding]*

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

**Supervisor Chu, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague  
Absent: 2 - Cohen, Wiener

### 121149 [Sunset Recreation Center Reopening]

**Sponsor: Chu**

Resolution recognizing the grand reopening of the Sunset Recreation Center and commending the project team of San Francisco Recreation and Park and the Department of Public Works for their hard work and commitment to San Francisco and its residents.

**Resolution No. 430-12**

**ADOPTED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague  
Absent: 2 - Cohen, Wiener

*[Purely Commendatory Finding]*

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

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

Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague  
Absent: 2 - Cohen, Wiener

*[Brown Act Finding]*

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

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

Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague  
Absent: 2 - Cohen, Wiener

**121150 [International Day for the Elimination of Violence Against Women and Girls - November 25, 2012]****Sponsors: Avalos; Cohen**

Resolution declaring November 25, 2012, International Day for the Elimination of Violence Against Women and Girls in the City and County of San Francisco.

**Resolution No. 431-12****ADOPTED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague

Absent: 2 - Cohen, Wiener

*[Purely Commendatory Finding]**Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.***Supervisor Mar, seconded by Supervisor Campos, moved ADOPTION of the commendatory finding.****The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague

Absent: 2 - Cohen, Wiener

*[Brown Act Finding]**Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.***Supervisor Mar, seconded by Supervisor Campos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague

Absent: 2 - Cohen, Wiener

**121151 [Declaring November 24, 2012, as Small Business Saturday in San Francisco]****Sponsor: Mar**

Resolution declaring November 24, 2012, the Saturday after the Thanksgiving holiday, as Small Business Saturday and supporting efforts to increase awareness of the value of locally owned small businesses in the City and County of San Francisco.

**Resolution No. 432-12****ADOPTED by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Chu, Elsbernd, Farrell, Kim, Mar, Olague

Absent: 2 - Cohen, Wiener

## 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

#### **121019 [Administrative Code - California Environmental Quality Act Procedures]**

**Sponsor: Wiener**

Ordinance amending the San Francisco Administrative Code Chapter 31 to reflect revisions in the California Environmental Quality Act (CEQA) and to update and clarify certain procedures provided for in Chapter 31, including without limitation; codifying procedures for appeals of exemptions and negative declarations; providing for the Board to make the final CEQA decision on projects requiring Board legislative action, negating the need to file formal CEQA appeals; revising noticing procedures for environmental impact reports and negative declarations for plan area projects exceeding five acres; expanding noticing requirements for certain exempt projects; and clarifying existing noticing requirements for exempt projects.

10/16/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/15/2012.

10/29/12; REFERRED TO DEPARTMENT.

11/13/12; RESPONSE RECEIVED.

11/20/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

#### **121124 [Administrative Code - Compensation For City Employees With Same-Sex Spouses Or Same-Sex Domestic Partners to Offset Federal Income Tax on Health Insurance Premiums]**

**Sponsors: Farrell; Campos, Chu, Wiener, Avalos and Mar**

Ordinance amending the San Francisco Administrative Code by adding Sections 16.704 and 16.29-7.6 to mandate payments to City employees to offset federal income taxation on health insurance premiums for their same-sex spouses or same-sex domestic partners and to exclude such payments from the computation of compensation under the San Francisco Employees' Retirement System.

(Fiscal Impact)

11/20/12; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## **Resolutions**

### **121042 [Urging the Development of a Workplace Employee Policy on Domestic Violence]**

**Sponsors: Mar; Cohen, Chiu and Avalos**

Resolution urging the Department on the Status of Women to develop and share materials on domestic violence to be shared with City employees and City contractors and grantees.

10/23/12; RECEIVED AND ASSIGNED to Public Safety Committee.

10/29/12; REFERRED TO DEPARTMENT.

11/20/12; SUBSTITUTED.

### **121125 [Accept and Expend Grant - Sidney E. Frank Foundation Renewable Energy - \$250,000]**

**Sponsor: Mayor**

Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$250,000 from the Sidney E. Frank Foundation to plan and implement specific projects to source 100% of San Francisco's electrical demand from renewable energy sources from July 15, 2012, through June 15, 2013.

11/20/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **121126 [Accept and Expend Grant - Encourage Arrest Policies and Enforcement of Protection Orders Program - \$650,000]**

**Sponsor: Mayor**

Resolution authorizing the Department on the Status of Women to retroactively accept and expend an extension grant in the amount of \$650,000 through the United States Department of Justice's Office of Violence Against Women, Encourage Arrest Policies and Enforcement of Protection Orders Program, for grant period April 1, 2012, through March 31, 2014.

11/20/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **121127 [Wastewater Revenue Bonds Issuance - Public Utilities Commission - Not to Exceed \$670,000,000]**

**Sponsor: Mayor**

Resolution approving the issuance of wastewater revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco in aggregate principal amounts not to exceed \$250,000,000 to refund outstanding wastewater revenue bonds pursuant to the Charter of the City and California Government Code, Sections 53580 et seq., and not to exceed \$420,000,000 to finance capital projects benefiting the Wastewater Enterprise pursuant to amendments to the Charter of the City and County of San Francisco enacted by voters on November 5, 2002, as Proposition E; affirming covenants contained in the indenture pursuant to which the wastewater revenue bonds are issued; authorizing the taking of appropriate actions in connection therewith; and related matters.

(Fiscal Impact)

11/20/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**121128 [Grant Application - 2012 U.S. Department of Housing and Urban Development Continuum of Care Program]****Sponsor: Mayor**

Resolution approving the 2012 Grant Application for the United States Department of Housing and Urban Development Continuum of Care Program and fulfilling the San Francisco Board of Supervisors review and approval process for all annual or otherwise recurring grants of \$5,000,000 or more.

11/20/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**121129 [Approval of a 90-Day Extension for Planning Commission Review of Rezoning of 1111 Eighth Street (File No. 111278)]****Sponsor: Cohen**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance (File No. 111278) that would amend the San Francisco Planning Code, Sectional Map SU08 of the Zoning Map; adding San Francisco Planning Code, Section 249.66 to establish the Art and Design Educational Special Use District at 1111 Eighth Street to facilitate the continued operation of the California College of the Arts and provide a regulatory scheme for a potential future phased expansion of the campus; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code, Section 101.1.

11/20/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**121130 [Transfer of Airspace Parcel Agreements - 151 Third Street - Successor Agency to the San Francisco Redevelopment Agency and San Francisco Museum of Modern Art]****Sponsors: Kim; Mayor**

Resolution approving and authorizing the Director of Real Estate to execute Agreement for Transfer of Airspace Parcel within Assessor's Block No. 3722, Lot No. 078, at 151 Third Street from the Successor Agency to the San Francisco Redevelopment Agency to the City and County of San Francisco; and Agreement for Transfer of Airspace Parcel from the City and County of San Francisco to the San Francisco Museum of Modern Art.

11/20/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**121131 [National Park Service - Cease Efforts to Locate Alcatraz Ferry Service at Fort Mason Piers]****Sponsors: Farrell; Chiu**

Resolution urging the National Park Service to abandon plans to locate Alcatraz Ferry Service at Fort Mason Piers and to focus their efforts on working with the Port of San Francisco to continue service at the Port.

11/20/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**121132 [Accept and Expend Grant - San Francisco Parks Alliance - \$870,355]****Sponsor: Chiu**

Resolution authorizing the Recreation and Park Department to accept and expend a grant of \$870,355 from the San Francisco Parks Alliance for the design and construction of a playground in Sue Bierman Park.

11/20/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**121133 [Accept and Expend Grant - FY2012 Homeland Security Grant Program - \$667,670]****Sponsor: Farrell**

Resolution authorizing the Department of Emergency Management to retroactively accept and expend a FY2012 Homeland Security Grant Program grant in the amount of \$667,670 from the United States Department of Homeland Security, through the California Emergency Management Agency, for building and sustaining preparedness capabilities for the period of October 12, 2012, through May 31, 2014.

11/20/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**121134 [Permit Amendment - Outside Lands Music Festival - Eight Additional Years]****Sponsor: Mar**

Resolution, pursuant to Charter Section 9.118, approving and authorizing an amendment to the Permit with Another Planet Entertainment for the production of the annual Outside Lands Music Festival to extend the term eight additional years, increase the authorized capacity of the event to 75,000, modify components of the permit fee and rent payments, and provide for funds to pay for materials and supplies to maintain the Polo Fields and to endow a gardener for work within the festival premises; affirming a categorical exemption under the California Environmental Quality Act for the amendment; and ratifying prior actions.

11/20/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**121135 [Approval of a 90-Day Extension for Planning Commission Review of Upper Market Zoning (File No. 120901)]****Sponsor: Wiener**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 120901) amending the San Francisco Planning Code, Sections 721.1 and 733.1 to modify the explanation of the boundaries of the Upper Market Street Neighborhood Commercial District and the Upper Market Street Neighborhood Commercial Transit District; amending Section 703.2(b) to permit in a limited area food processing as an accessory use to a nearby off-site non-residential use; and making environmental findings, Planning Code, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

11/20/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**121136 [Approval of a 90-Day Extension for Planning Commission Review of Upper Market Zoning Map Amendment (File No. 120902)]****Sponsor: Wiener**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 120902) amending the San Francisco Planning Code, Sectional Map Sheets ZN07 and HT07 to change the use classification of specified lots on Assessor's Block Nos. 3561 through 3565, now in the Upper Market Neighborhood Commercial District to the Upper Market Neighborhood Commercial Transit District, and to change the height and bulk classification of Assessor's Block No. 3563, Lot No. 034 from 50-X to 65-B; and adopting findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

11/20/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## **Request for Hearing**

### **121137 [Hearing - Annual Review and Approval of the Board of Supervisors/Clerk of the Board - Annual Budget Guidelines]**

Hearing to consider the annual review and approval of the Board of Supervisors/Clerk of the Board Annual Budget Guidelines. (Clerk of the Board)

11/20/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

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

*Pursuant to Rules of Order of the Board of Supervisors Section 2.8, 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 and introduced by the President.*

## **PROPOSED ORDINANCES**

### **120959 [Building Code - Fees and Permit Extensions]**

Ordinance amending the Building Code, Sections 106A.3.7, 106A.3.8.1, 106A.4.1, and 106A.4.4, to address permit expirations and extensions and Tables 1A-A, 1A-G, 1A-J, 1A-K, and 1A-L, of Section 110A, to modify various fees; and making environmental findings. (Building Inspection Department)

09/24/12; RECEIVED FROM DEPARTMENT.

10/02/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/1/2012.

10/10/12; REFERRED TO DEPARTMENT.

10/11/12; RESPONSE RECEIVED.

11/02/12; RECEIVED FROM DEPARTMENT.

11/08/12; NOTICED.

11/20/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

### **121104 [Planning Code - Landmark Designation - 320-326 Judah Street (the Doelger Building)]**

#### **Sponsor: Wiener**

Ordinance designating 320-326 Judah Street (the Doelger Building), Assessor's Block No. 1763, Lot Nos. 020 and 021, as a Landmark under Planning Code, Article 10; and adopting General Plan, Planning Code, Section 101.1, and environmental findings.

11/06/12; RECEIVED FROM DEPARTMENT.

11/20/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/20/2012.

## PROPOSED RESOLUTIONS

### **121084 [Freeway Agreement - California Department of Transportation - State Highway Route 101, South Van Ness Avenue to Golden Gate Avenue]**

Resolution adopting a freeway agreement with the California Department of Transportation (Caltrans) for a portion of State Highway Route 101 from South Van Ness Avenue to Golden Gate Avenue; and authorizing official acts related thereto. (Public Works Department)

11/02/12; RECEIVED FROM DEPARTMENT.

11/20/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

### **121085 [Prevailing Wage Rates - Various Workers Performing Work Under City Contracts]**

Resolution fixing prevailing wage rates for workers performing work under City contracts for public work and improvement; workers performing work under City contracts for janitorial services; workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; workers engaged in theatrical or technical services for shows on property owned by the City; workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City; and workers performing moving services under City contracts at facilities owned or leased by the City. (Civil Service Commission)

(Fiscal Impact)

11/05/12; RECEIVED FROM DEPARTMENT.

11/20/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **121086 [California Constitution Appropriations Limit for FY2012-2013]**

Resolution establishing the appropriations limit for FY2012-2013 pursuant to California Constitution Article XIII B. (Controller)

11/05/12; RECEIVED FROM DEPARTMENT.

11/20/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **121090 [Acquisition of a Temporary Construction License by Eminent Domain - Central Subway/Third Street Light Rail Extension - 1 Stockton Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 1 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0327, Lot No. 025, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

11/05/12; RECEIVED FROM DEPARTMENT.

11/20/12; ASSIGNED to Board of Supervisors.



**121091 [Acquisition of a Temporary Construction License by Eminent Domain - Central Subway/Third Street Light Rail Extension - 1000-1032 Stockton Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 1000-1032 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0193, Lot No. 019, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

11/05/12; RECEIVED FROM DEPARTMENT.

11/20/12; ASSIGNED to Board of Supervisors.

**121092 [Acquisition of a Temporary Construction License by Eminent Domain - Central Subway/Third Street Light Rail Extension - 1455 Stockton Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 1455 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0130, Lot Nos. 001 and 040, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

11/05/12; RECEIVED FROM DEPARTMENT.

11/20/12; ASSIGNED to Board of Supervisors.

**121093 [Acquisition of a Temporary Construction License by Eminent Domain - Central Subway/Third Street Light Rail Extension - 19 Stockton Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 19 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0327, Lot No. 005, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

11/05/12; RECEIVED FROM DEPARTMENT.

11/20/12; ASSIGNED to Board of Supervisors.

**121094 [Acquisition of a Temporary Construction License by Eminent Domain - Central Subway/Third Street Light Rail Extension - 212 Stockton Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 212 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0309, Lot No. 011, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

11/05/12; RECEIVED FROM DEPARTMENT.

11/20/12; ASSIGNED to Board of Supervisors.

**121095 [Acquisition of a Temporary Construction License by Eminent Domain - Central Subway/Third Street Light Rail Extension - 216 Stockton Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 216 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0309, Lot No. 013, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

11/05/12; RECEIVED FROM DEPARTMENT.

11/20/12; ASSIGNED to Board of Supervisors.

**121096 [Acquisition of a Temporary Construction License by Eminent Domain - Central Subway/Third Street Light Rail Extension - 250-4th Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 250-4th Street, San Francisco, California, Assessor's Parcel Block No. 3733, Lot No. 008, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

11/05/12; RECEIVED FROM DEPARTMENT.

11/20/12; ASSIGNED to Board of Supervisors.

**121097 [Acquisition of a Temporary Construction License by Eminent Domain - Central Subway/Third Street Light Rail Extension - 39 Stockton Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 39 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0327, Lot No. 004, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

11/05/12; RECEIVED FROM DEPARTMENT.

11/20/12; ASSIGNED to Board of Supervisors.

**121098 [Acquisition of a Temporary Construction License by Eminent Domain - Central Subway/Third Street Light Rail Extension - 801 Market Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 801 Market Street, San Francisco, California, Assessor's Parcel Block No. 3705, Lot No. 048A, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

11/05/12; RECEIVED FROM DEPARTMENT.

11/20/12; ASSIGNED to Board of Supervisors.

**121099 [Acquisition of a Temporary Construction License by Eminent Domain - Central Subway/Third Street Light Rail Extension - 930 Stockton Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 930 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0210, Lot No. 047, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

11/05/12; RECEIVED FROM DEPARTMENT.

11/20/12; ASSIGNED to Board of Supervisors.

**121100 [Acquisition of a Temporary Construction License by Eminent Domain - Central Subway/Third Street Light Rail Extension - 950 Stockton Street]**

Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 950 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0210A, Lot Nos. 002-103, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1. (Municipal Transportation Agency)

11/05/12; RECEIVED FROM DEPARTMENT.

11/20/12; ASSIGNED to Board of Supervisors.

**Request Granted**

*From: Supervisor Chu*

*To: Director, Planning Department*

*Requesting/Inquiring: Requesting the Planning Department to provide information about the following: The number of front yard paving complaints received by Planning Department over the last 5 years. The number of violations that have been remedied over the last 5 years. The average amount of time it takes for property owners to correct violations and whether the Planning Department conducts follow-up with property owners to ensure compliance (please indicate trends prior to the enforcement procedure change, and following the change). What are some of the major issues in ensuring compliance with front yard paving requirements?*

*Note: In 2011, the Planning Department implemented a change in enforcement procedures for front yard paving violations. Under previous enforcement procedures, a property owner in violation of front yard paving requirements was subject to a maximum \$500 fine if the problem was not addressed after 90 days. This led to property owners opting to pay the maximum fine and not remedying the problem. The reformed procedure, which is currently in place, allows for a higher penalty amount - up to \$250 per day.*

*The issue of non-compliant front yard paving has been a recurring issue in our district and throughout the city for many years.*

*Please submit response to our office by November 30, 2012.*

## **In Memoriams**

*Alex Esclamado – Supervisor Avalos*

*Faye Hannink Bingham – Supervisor Mar*

*Alan Farley – Supervisors Chiu, Mar*

*Edward Patrick McGovern – Supervisor Elsbernd*

*Howard L. Wallace – Supervisors Campos, Mar, Kim, Avalos, Olague*

## **ADJOURNMENT**

*There being no further business, the Board adjourned at the hour of 6:25 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 January 15, 2013.*

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Angela Calvillo, Clerk of the Board