

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

**Tuesday, December 11, 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 2:08 p.m. On the call of the roll, Supervisor Kim was noted absent. There was a quorum.*

*Supervisor Kim was noted present at 2:09 p.m.*

## **AGENDA CHANGES**

*There were none.*

## **APPROVAL OF MEETING MINUTES**

**Supervisor Campos, seconded by Supervisor Cohen, moved to approve the Board Meeting Minutes of October 23, 2012, October 30, 2012, and November 6, 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

### 121147 [Formal Policy Discussions - December 11, 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 from Supervisors representing Districts 3 and 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. Mr. Mayor, in your March appearance before the Board, I asked you about Proposition I, passed by voters in November 2007 to create an Office of Small Business that supports small businesses in complying with the laws administered by 14 City departments. Prop I specifically stated that within four months of the Office's opening, the Office "shall issue a report that analyzes the existing laws, regulations, roles, procedures and responsibilities of all City departments that impact small businesses and make recommendations regarding the streamlining and consolidation of such departmental functions under the Office of Small Business."

You committed that this report would be completed by June of this year. As of today, no report has been published and no overall recommendations have been made to streamline and consolidate the functions of the 14 different City departments from which 80,000 small businesses seek approvals to do business.

Mr. Mayor, I look forward to continuing to work with your administration on a wide variety of efforts to assist small businesses. Will you re-commit to carrying out this mandate of Prop I, and when will this report be forthcoming? (Supervisor Chiu, District 3)

2. I recently asked the public to suggest questions to ask you, and I received a number of responses through Facebook and Twitter. Several of them were concerned about diversity in our local economy, such as the following from local comedian, Nato Green:

"What does the Mayor propose to promote a diversified economy in San Francisco, so the City is not simply high paid high finance or tech jobs and their low wage servants? Also will the Mayor crash the real estate market to make San Francisco affordable again?"

To elaborate on this, the 2010 census showed the largest population growths in the City were in very low income households and upper income households. In this year's "San Francisco Economic Strategy Update: Phase 1 Findings," the City's Chief Economist wrote that "the industries that create a more balanced distribution of job opportunities are, generally, in the local-serving sector of the economy, which has largely declined in recent years."

What is your plan to create living wage jobs in local-serving industries to prevent the City's middle and working classes from being displaced by people moving to the City for new upper income jobs in the creative (including high tech), financial, and professional service industries?

(And unlike Mr. Green's facetious remarks, I would prefer options that do not include crashing the real estate market.) (Supervisor Avalos, District 11)

*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 Land Use and Economic Development Committee

**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.

**Resolution No. 453-12**

**ADOPTED**

### Recommendation of the Rules Committee

**121106 [Settlement of Lawsuit - Pacific Rod and Gun Club]**

**Sponsor: Elsbernd**

Ordinance authorizing settlement of the unlawful detainer lawsuit entitled City and County of San Francisco, et al., v. Pacific Rod and Gun Club, et al., filed on September 24, 2012, in San Francisco Superior Court, Case No. CUD-12-642832, regarding City-owned property located at 520 John Muir Drive in San Francisco; material terms of the settlement agreement include City and Club executing an amended and restated month-to-month lease with improved insurance, indemnity and other provisions in favor of the City, a new 90-day termination notice requirement, and a stipulation for entry of judgment without trial to facilitate City obtaining a writ of possession following such notice period.

**Ordinance No. 249-12**

**FINALLY PASSED**

**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 Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to January 29, 2013. 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 Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to January 29, 2013. 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 Farrell, seconded by Supervisor Campos, moved that this Motion be CONTINUED to January 29, 2013. The motion carried by the following vote:**

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

## **Recommendation of the Budget and Finance Committee**

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

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

Ordinance appropriating \$843,000 of State Reserves and \$1,412,000 from School District Set-Aside funds for the San Francisco Unified School District for FY2012-2013.  
(Fiscal Impact)

**Supervisor Kim, seconded by Supervisor Avalos, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to January 15, 2013. The motion carried by the following vote:**

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

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

### **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.

**Ordinance No. 247-12**

**FINALLY PASSED by the following vote:**

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

### **120982 [Jack Early Commemorative Plaque - Stockton Street Adjacent to Washington Square]**

**Sponsor: Chiu**

Ordinance commemorating the Stockton Street sidewalk adjacent to Washington Square Park under Public Works Code Sections 789 et seq., the Commemorative Street Plaque Ordinance, accepting a plaque in honor of Jack Early as a gift to the City, waiving permit and inspection fees for plaque installation, and directing official acts in furtherance of this Ordinance.

**Ordinance No. 248-12**

**FINALLY PASSED 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

#### **121007 [Electric System and Solar Project Agreement - North Star Solar, LLC]**

Ordinance authorizing, pursuant to Charter Section 9.118(a), a System Impact Mitigation Agreement with North Star Solar, LLC, requiring North Star Solar, LLC, to pay the Public Utilities Commission the costs necessary to mitigate the impacts to the City's electric system caused by the interconnection of North Star Solar, LLC's solar project to the electric grid; authorizing similar mitigation agreements with other projects in the future; appropriating funds from these agreements to pay the costs of mitigation work; and placing various mitigation funds on reserve with the Board of Supervisors. (City Attorney's Office)  
(Fiscal Impact)

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

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

#### **121064 [Business and Tax Regulations, Police Codes - Parking Stations - Revenue Control Equipment; License Regulations; Parking Tax Bonds; Administrative Citation Process]**

**Sponsor: Campos**

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Article 6 (Common Administrative Provisions) to revise the bonding requirements for parking operators; revise the time to bring an action to collect tax; clarify the extent of a surety's liability; revise the administrative citation appeal process; and make other minor technical changes; amending Article 22 (Parking Stations; Revenue Control Equipment) to clarify that non-City governmental entities operating parking stations are exempt from the revenue control equipment requirements; and amending the San Francisco Police Code Article 17 (Miscellaneous License Regulations) to clarify that governmental entities operating parking garages or parking lots are exempt from the permitting requirements applicable to other commercial parking garage and valet operations.

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

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

#### **121012 [Adopting CEQA Findings - Geary Road Bridge Project]**

Resolution adopting findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and San Francisco Administrative Code Chapter 31, including the adoption of a mitigation monitoring and reporting program, related to the funding of Project No. CUW26403, the Geary Road Bridge Project, in Alameda County and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

**Resolution No. 454-12**

**ADOPTED by the following vote:**

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

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

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

**Resolution No. 455-12**

**ADOPTED by the following vote:**

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

**121109 [Expenditures from South of Market Community Stabilization Fund - \$760,000]**

**Sponsor: Kim**

Resolution authorizing the 2012 South of Market (SoMa) Community Stabilization Fund Program and authorizing the Mayor's Office of Housing to expend SoMa Community Stabilization Fund dollars in the amount of \$760,000.

**Resolution No. 456-12**

**ADOPTED by the following vote:**

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

**121110 [Issuance of Tax Exempt Obligation - San Francisco Friends School - Not to Exceed \$32,000,000]**

**Sponsor: Wiener**

Resolution approving the issuance of a tax exempt obligation by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$32,000,000 to finance and refinance various capital facilities owned by San Francisco Friends School.

**Resolution No. 452-12**

**ADOPTED by the following vote:**

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

**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.

**Resolution No. 457-12**

**ADOPTED by the following vote:**

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



**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.

**Resolution No. 458-12****ADOPTED by the following vote:**

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

**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)

**Resolution No. 459-12****ADOPTED by the following vote:**

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

**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.

**Resolution No. 460-12****ADOPTED by the following vote:**

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

**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.

**Resolution No. 461-12****ADOPTED by the following vote:**

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

**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.

**Resolution No. 462-12****ADOPTED by the following vote:**

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

**121138 [Lease Termination Agreement - Downtown Parking Corporation - 833 Mission Street]**

Resolution authorizing the termination of the lease agreement with the Downtown Parking Corporation and authorizing the Director of Transportation to execute a Lease Termination Agreement for property located at 833 Mission Street that will expire on December 31, 2012. (Municipal Transportation Agency)

**Resolution No. 464-12****ADOPTED by the following vote:**

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

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

Resolution approving and authorizing an amendment to the Permit with Another Planet Entertainment for the production of the annual Outside Lands Music Festival to grant Another Planet Entertainment, LLC, eight additional years and increasing the capacity of the event to 75,000, providing for Another Planet Entertainment to pay the City increased Rent Payments, endow a gardener within the festival premises, and pay for materials and supplies to maintain the Polo Fields; making environmental findings; and ratifying prior actions.

**Resolution No. 463-12****ADOPTED by the following vote:**

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

**Recommendations of the Land Use and Economic Development Committee****120434 [Police Code - Amendments to Junk Dealer and Junk Gatherer Permit Process]****Sponsor: Cohen**

Ordinance amending the San Francisco Police Code, Sections 974.1, 974.2, 974.4, 974.8, 974.9, 974.10-1, 974.11, 974.14-1, 974.14-2, 974.21, 974.22, 895, 2.26, 2.27, and repealing Sections 974.5, 974.6, 974.10-2, 974.23 and 896 through 898 to cause all existing junk dealer and junk gatherer permits to expire as of June 30, 2013, establish an annual permit for junk dealers with junk yards and a two-year permit for other junk dealers, provide for permit suspensions and revocations to remain in effect during any administrative appeal, amend the permit enforcement process, and update fees; and making environmental findings.

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

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

**120880 [Planning Code - Valencia Street Neighborhood Commercial Transit District]**

**Sponsor: Campos**

Ordinance amending the San Francisco Code, Section 726.52, of the Zoning Control Table, for the Valencia Street Neighborhood Commercial Transit District to permit a personal service use on the third story and above with a Conditional Use Authorization, and make environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1.

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

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

**120704 [Disapproving Street Encroachment - 10 Niantic Avenue]**

Resolution upholding Department of Public Works' recommendation for disapproval and disapproving the application for a revocable encroachment permit to Lee Yun Ling & Cindy Zhou, for the occupancy of a portion of the public right-of-way for a new single family dwelling encroaching 3-feet into the public right-of-way at 10 Niantic Avenue (Assessor's Block No. 7178, Lot No. 001), under Article 15, Section 786.7 of the Public Works Code. (Public Works Department)

**Supervisor Elsbernd, seconded by Supervisor Farrell, moved that this Resolution be CONTINUED to January 15, 2013. The motion carried by the following vote:**

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

## SPECIAL ORDER 3:00 P.M.

### Board of Supervisors Sitting as a Committee of the Whole

#### **121089 [Public Hearing to Acquire Temporary Construction Licenses for Various Real Properties by Eminent Domain for Central Subway/Third Street Light Rail Extension Project]**

Hearing of persons interested in or objecting to proposed Resolutions authorizing the acquisition of real properties commonly known as 1 Stockton Street #1 (File No. 121090), (Assessor's Parcel Block No. 0327, Lot No. 025); 1000-1032 Stockton Street #2 (File No. 121091), (Assessor's Parcel Block No. 0193, Lot No. 019); 1455 Stockton Street #3 (File No. 121092), (Assessor's Parcel Block No. 0130, Lot Nos. 001 and 040); 19 Stockton Street #4 (File No. 121093), (Assessor's Parcel Block No. 0327, Lot No. 005); 212 Stockton Street #5 (File No. 121094), (Assessor's Parcel Block No. 0309, Lot No. 011); 216 Stockton Street #6 (File No. 121095), (Assessor's Parcel Block No. 0309, Lot No. 013); 250-4th Street #7 (File No. 121096), (Assessor's Parcel Block No. 3733, Lot No. 008); 39 Stockton Street #8 (File No. 121097), (Assessor's Parcel Block No. 0327, Lot No. 004); 801 Market Street #9 (File No. 121098), (Assessor's Parcel Block No. 3705, Lot No. 048A); 930 Stockton Street #10 (File No. 121099), (Assessor's Parcel Block No. 0210, Lot No. 047); 950 Stockton Street #11 (File No. 121100), (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.

*The President inquired as to whether any member of the public wished to address the Board relating to the acquisition of various properties as referenced in File Nos. 121090, 121091, 121092, 121093, 121094, 121095, 121096, 121097, 121098, 121099, and 121100. John Funghi (Real Estate Department), provided an overview of the project and responded to questions raised throughout the discussion. Walter Paulson, shared in song certain concerns with the Board. There were no other speakers in support of the project or the associated proposed acquisitions. Mark Seifert (1000-1032 Stockton Street and 212 Stockton Street); spoke in opposition to the project and the associated proposed acquisitions. John Funghi (Real Estate Department) provided a rebuttal and responded to questions raised throughout the discussion. There were no other speakers. The President declared public comment closed and adjourned as the Committee of the Whole, reconvening as the Board of Supervisors.*

**HEARD AND FILED**

### Committee of the Whole Adjourn and Report

**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)

**Resolution No. 465-12**

**ADOPTED by the following vote:**

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

**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)

**Supervisor Campos, seconded by Supervisor Cohen, moved that this Resolution be TABLED. The motion carried by the following vote:**

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

**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)

**Resolution No. 466-12**

**ADOPTED by the following vote:**

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

**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)

**Resolution No. 467-12**

**ADOPTED by the following vote:**

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

**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)

**Resolution No. 468-12**

**ADOPTED by the following vote:**

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

**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)

**Resolution No. 469-12**

**ADOPTED by the following vote:**

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

**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)

**Resolution No. 470-12**

**ADOPTED by the following vote:**

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

**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)

**Resolution No. 471-12**

**ADOPTED by the following vote:**

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

**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)

**Supervisor Campos, seconded by Supervisor Cohen, moved that this Resolution be TABLED. The motion carried by the following vote:**

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

**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)

**Supervisor Campos, seconded by Supervisor Cohen, moved that this Resolution be TABLED. The motion carried by the following vote:**

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

**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)

**Resolution No. 472-12**

**ADOPTED by the following vote:**

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



**SPECIAL ORDER 3:00 P.M.****121154 [Seniority Lottery]**

Lottery to determine the seniority of the newly elected Members of the Board of Supervisors scheduled for the regularly scheduled Board Meeting of Tuesday, December 11, 2012, at 3:00 p.m., pursuant to Board Rule 6.21.

*Rick Caldeira, Legislative Deputy Director, provided an overview of the process. Mr. Caldeira continued by reading the names of the Supervisors-elect. Derek Evans, Assistant Committee Clerk, placed the envelopes in the drum, locked the drum, and spun it around. One by one envelopes were drawn and names were read into the record as follows:*

*Supervisor-elect Norman Yee  
Supervisor-elect London Breed*

*Therefore, beginning January 8, 2013, at 12 noon the following order will be the official order of seniority of all continuing and newly elected Board members:*

*Supervisor Carmen Chu  
Supervisor David Campos  
Supervisor Eric Mar  
Supervisor John Avalos  
Supervisor and current Board President David Chiu  
Supervisor Mark Farrell  
Supervisor Malia Cohen  
Supervisor Scott Wiener  
Supervisor Jane Kim  
Supervisor Norman Yee  
Supervisor London Breed*

*Mr. Caldeira concluded by indicating that seniority determines the order of polling Board Members for the assignment of offices, parking spaces, seats in this Legislative Chamber, and for the appointments to compensated and non-compensated commission positions. There were no further actions.*

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

*Supervisor Elsbernd was noted absent at 3:45 p.m. and noted present at 3:55 p.m.  
Supervisor Cohen was noted absent at 3:52 p.m. and noted present at 4:02 p.m.*

### **Privilege of the Floor**

**Supervisor Cohen, seconded by Supervisor Elsbernd, 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 Cohen introduced, welcomed, and presented a Certificate of Honor to State Assemblymember and Former Supervisor Fiona Ma in recognition of her accomplishments and continued community support. Supervisors Kim, Chiu, and Chu shared in this recognition.*

*Supervisor Elsbernd introduced, welcomed, and presented Certificates of Honor to Na Fianna Hurling Club and the Ulster Gaelic Football Club of the the San Francisco Gaelic Games Clubs in recognition of their accomplishments and continued community support.*

*Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to Sam Adato's Drum Shop in recognition of their accomplishments and continued community support.*

*President Chiu presented a Certificate of Honor to Supervisor Olague in recognition of her distinguished service as a Member of the San Francisco Board of Supervisors. Supervisors Campos, Farrell, Mar, Avalos, Kim, Wiener, Cohen, Chu, and Elsbernd shared in her commendation.*

*President Chiu presented a Certificate of Honor to Supervisor Elsbernd in recognition of his distinguished service as a Member of the San Francisco Board of Supervisors. Supervisors Wiener, Farrell, Cohen, Kim, Campos, Chu, Mar, Olague, and Avalos shared in his commendation.*

*Supervisor Mar was noted absent at 5:04 p.m., and noted present at 5:30 p.m.  
Supervisor Elsbernd was noted absent at 5:16 p.m., and noted present at 5:29 p.m.  
Supervisor Farrell was noted absent at 5:35 p.m., and noted present at 5:43 p.m.  
Supervisor Elsbernd was noted absent at 5:49 p.m., and noted present at 6:02 p.m.*

**SPECIAL ORDER 4:00 P.M.****121118 [Public Hearing - Appeal of Determination of Exemption from Environmental Review - San Francisco Municipal Transportation Agency's Fell and Oak Streets Bikeways Project]**

Hearing of persons interested in or objecting to the Planning Department's determination dated October 4, 2012, Case No. 2011.0836E, that the San Francisco Municipal Transportation Agency's Fell and Oak Streets Bikeways Project is exempt from environmental review under the California Environmental Quality Act (CEQA), Classes 1 and 4 (State CEQA Guidelines Sections 15301(c) 15304(h)). The proposed work involves removing parking lanes and adding bike lanes, as well as other related changes to Fell and Oak Streets between Baker and Scott Streets. (District 5) (Appellants: Mark Brennan, Howard Chabner, and Ted Loewenberg) (Filed November 2, 2012).

*The President inquired as to whether any member of the public wished to address the Board. Mari Sessman, Ted Loewenberg, and Howard Chabner (Appellants); provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Walter Paulson; JJ Dillon; Male Speaker; Dan Cooley; Amil; Willit; Emil; Steve; Wendy Cook; Raheim Awhal; spoke in support of the appeal. Brett Bollinger (Planning Department) provided an overview of the decision of the Planning Department. Luis Montoya (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Lawrence Lee; Elizabeth Stamp; Jason Henderson; Morgan Fitzgibbons; spoke in support of the project and in opposition to the appeal. Mark Brennan (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 AND FILED**

**121119 [Affirming the Exemption Determination - San Francisco Municipal Transportation Agency's Fell and Oak Streets Bikeways Project]**

Motion affirming the determination by the Planning Department that the San Francisco Municipal Transportation Agency's (SFMTA) Fell and Oak Streets Bikeways Project is exempt from environmental review. (Clerk of the Board)

**Motion No. M12-146**

**Supervisor Olague, seconded by Supervisor Campos, 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

**121120 [Reversing the Exemption Determination - San Francisco Municipal Transportation Agency's Fell and Oak Streets Bikeways Project]**

Motion reversing the determination by the Planning Department that the San Francisco Municipal Transportation Agency's (SFMTA) Fell and Oak Streets Bikeways Project is exempt from environmental review.

**Supervisor Olague, seconded by Supervisor Campos, 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

**121121 [Preparation of Findings to Reverse the Exemption Determination - San Francisco Municipal Transportation Agency's Fell and Oak Streets Bikeways Project]**

Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the San Francisco Municipal Transportation Agency's (SFMTA) Fell and Oak Streets Bikeways Project is exempt from environmental review.

**Supervisor Olague, seconded by Supervisor Campos, 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

### Recommendations of the Rules Committee

**121141 [Appointment, Successor Agency Commission (Commonly Known as Commission on Community Investment and Infrastructure) - Theodore Ellington]**

**Sponsor: Mayor**

Motion confirming the Mayor's appointment of Theodore Ellington to the Commission on Community Investment and Infrastructure, seat 1, for the unexpired portion of a four-year term ending November 3, 2016.

**Motion No. M12-141**

**APPROVED by the following vote:**

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

**121142 [Appointment, Successor Agency Commission (Commonly Known as Commission on Community Investment and Infrastructure) - Marily Mondejar]**

**Sponsor: Mayor**

Motion confirming the Mayor's appointment of Marily Mondejar to the Commission on Community Investment and Infrastructure, seat 2, for the unexpired portion of a two-year term ending November 3, 2014.

**Motion No. M12-142**

**APPROVED by the following vote:**

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

**121143 [Appointment, Successor Agency Commission (Commonly Known as Commission on Community Investment and Infrastructure) - Christine Johnson]**

**Sponsor: Mayor**

Motion confirming the Mayor's appointment of Christine Johnson to the Commission on Community Investment and Infrastructure, seat 3, for the unexpired portion of a four-year term ending November 3, 2016.

**Motion No. M12-143**

**APPROVED by the following vote:**

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

**121144 [Appointment, Successor Agency Commission (Commonly Known as Commission on Community Investment and Infrastructure) - Mara Rosales]****Sponsor: Mayor**

Motion confirming the Mayor's appointment of Mara Rosales to the Commission on Community Investment and Infrastructure, seat 4, for the unexpired portion of a two-year term ending November 3, 2014.

**Motion No. M12-144**

**APPROVED by the following vote:**

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

**121145 [Appointment, Successor Agency Commission (Commonly Known as Commission on Community Investment and Infrastructure) - Darshan Singh]****Sponsor: Mayor**

Motion confirming the Mayor's appointment of Darshan Singh to the Commission on Community Investment and Infrastructure, seat 5, for the unexpired portion of a four-year term ending November 3, 2016.

**Motion No. M12-145**

**APPROVED by the following vote:**

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

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

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

**Supervisor Campos, seconded by Supervisor Mar, moved that this Resolution be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:**

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

**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).*

Supervisor Elsbernd was noted absent at 6:22 p.m., and noted present at 6:32 p.m.  
Supervisor Farrell was noted absent at 6:23 p.m., and noted present at 6:33 p.m.  
Supervisor Mar was noted absent at 6:28 p.m. for the remainder of the meeting.

## PUBLIC COMMENT

James Chaffee; expressed concerns relating to the SF Public Library.  
Colleen Fernald; expressed concerns relating to political abuse of power.  
Tom Gilberty; expressed various concerns relating to noise pollution.  
Former Supervisor Bevan Dufty; regarding departing Supervisor Elsbernd.  
Walter Paulson; shared in song certain concerns with the Board.  
Female Speaker; regarding Sheriff Ross Mirkarimi.  
Female Speaker; regarding departing Supervisor Olague.  
Male Speaker; regarding departing Supervisor Olague.  
Barbara Tengeri; regarding departing Supervisor Olague.  
Male Speaker; regarding the SF Public Library.  
Ron Austin; regarding MTA service cuts.  
Victor Riego; regarding drunk driving.  
Male Speaker; regarding MTA service cuts.  
Douglas Yep; regarding departing Supervisor Olague and other concerns.  
Otto Duffy; expressed various concerns.  
Former Supervisor Willie Kennedy; regarding the Successor Agency and departing Supervisors Elsbernd and Olague.  
Male Speaker; expressed various concerns.  
Male Speaker; regarding mobile food trucks.

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### 121148 [Final Map 6901 - 1190 Mission Street]

Motion approving Final Map 6901, a two Lot Subdivision and a 418 Residential Unit and two Commercial Unit Mixed-Use Condominium Project, located at 1190 Mission Street being a subdivision of Assessor's Block No. 3702, Lot No. 308, and adopting findings pursuant to the General Plan and City Planning Code, Section 101.1. (Public Works Department)

**Motion No.** M12-147

**APPROVED**

### 121171 [Apply for Grants - Anti Drug Abuse Program Allocation Funds]

**Sponsor:** Mayor

Resolution authorizing the Department of Children Youth and Their Families to apply for grants from the Board of State and Community Corrections.

**Resolution No.** 473-12

**ADOPTED**

**121172 [Commemoration of Roe V. Wade Anniversary]****Sponsors: Campos; Cohen and Mar**

Resolution commemorating the 40th anniversary of Roe v. Wade and commending the work of pro-choice advocates and service providers in the City and County of San Francisco.

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

**Resolution No. 477-12****ADOPTED****121173 [Commending Supervisor Sean R. Elsbernd]****Sponsors: Chiu; Avalos, Campos, Chu, Cohen, Farrell, Kim, Mar, Olague and Wiener**

Resolution commending and honoring Supervisor Sean R. Elsbernd for his distinguished service as a Supervisor of the City and County of San Francisco.

**Resolution No. 450-12****ADOPTED****121174 [Urging the United States Congress to Fund the Special Diabetes Program - 2014-2016]****Sponsors: Cohen; Chiu and Mar**

Resolution urging the United States Congress to renew and fully fund the Special Diabetes Program for 2014 to 2016.

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

**Resolution No. 478-12****ADOPTED****121175 [Multifamily Housing Revenue Bonds - 5800 Third Street]****Sponsor: Cohen**

Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$26,000,000 for the property currently known as 5800 Third Street, San Francisco, California 94124; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$26,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

**Resolution No. 474-12****ADOPTED**

**121176 [Multifamily Housing Revenue Bonds - 1100 Ocean Avenue]****Sponsor: Elsbernd**

Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$20,000,000 for 1100 Ocean Avenue, (Assessor's Parcel No. 3180- (portion of) Lot No. 1, San Francisco, California 94112); authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage bonds by the City in an aggregate principal amount not to exceed \$20,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

**Resolution No. 475-12****ADOPTED****121177 [Approval of a 30-Day Extension for Planning Commission Review of Establishing the Fillmore Street Neighborhood Commercial District (File No. 120814)]****Sponsor: Olague**

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 120814) amending the San Francisco Planning Code by adding Section 744.1 to establish the Fillmore Street Neighborhood Commercial District along Fillmore Street between Bush and Fulton Streets, amending Section 151.1, a portion of Table 151.1, Section 263.20, and Section 607.1(f) to make conforming and other technical changes, amending Sheets ZN02 and ZN07 of the Zoning Map to rezone specified properties to the Fillmore Street Neighborhood Commercial District, and adopting 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.

**Resolution No. 476-12****ADOPTED****121181 [Commending Supervisor Christina Olague]****Sponsors: Chiu; Avalos, Campos, Chu, Cohen, Elsbernd, Farrell, Kim, Mar and Wiener**

Resolution commending and honoring Supervisor Christina Olague for her commitment to public service as a Supervisor of the City and County of San Francisco.

**Resolution No. 451-12****ADOPTED****121182 [Request for Proposals - Budget and Legislative Analysts Services]**

Motion directing the Clerk of the Board to initiate a Request for Proposals process for Budget and Legislative Analyst services. (Clerk of the Board)

**Motion No. M12-148****APPROVED**



The foregoing items were acted upon by the following vote:

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

Absent: 1 - Mar

## IMPERATIVE AGENDA

*There were no items.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or the Mayor

#### Ordinances

**121194 [Administrative Code - Water Enterprise Capital Cost Recovery Payment Surcharge Fund]**

**Sponsors: Mayor; Chu**

Ordinance amending the San Francisco Administrative Code, Chapter 10, Article XIII, to create the Public Utilities Water Enterprise Capital Cost Recovery Payment Surcharge Fund.  
(Fiscal Impact)

12/11/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/10/2013.

**121195 [Appropriating \$2,566,145 of General Fund Reserve to the Treasurer/Tax Collector - FY2012-2013]**

**Sponsors: Mayor; Chiu, Farrell and Avalos**

Ordinance appropriating \$2,566,145 from the General Fund Reserve to the Treasurer/Tax Collector for Gross Receipts Tax Implementation Planning for FY2012-2013.

12/11/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/10/2013.

**121196 [Accept and Expend Grant - Energy Efficiency Program and Amendment to the Annual Salary Ordinance - \$13,100,000]**

**Sponsor: Mayor**

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$13,100,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to implement an Energy Use and Demand Reduction through Energy Efficiency Program and amending Ordinance No. 165-12 (Annual Salary Ordinance, FYs 2012-2013 and 2013-2014) to reflect the addition of five grant funded positions (5 FTE) at the Department of the Environment, for a term from January 1, 2013, through December 31, 2014.

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

**121197 [Public Employment - Amending the Annual Salary Ordinance for Implementation of Proposition E and the Gross Receipts Tax]****Sponsors: Mayor; Chiu, Farrell and Avalos**

Ordinance amending Ordinance No. 165-12 (Annual Salary Ordinance, FYs 2012-2013 and 2013-2014) to reflect the addition of 5 positions (2.5 FTE) in the Office of the Treasurer and Tax Collector for the implementation of Proposition E and the Gross Receipts Tax.  
(Fiscal Impact)

12/11/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/10/2013.

**121198 [Park Code - Recreation and Park Commission Hearing on Certain Permit Applications]****Sponsor: Avalos**

Ordinance amending the San Francisco Park Code, Section 7.05, to require a Recreation and Park Commission hearing on any application for a permit to occupy 25% or more of the area of a park for more than 48 hours.

12/11/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/10/2013.

**121199 [Planning Code - Sign Permits]****Sponsor: Chiu**

Ordinance amending Planning Code, Section 604, to provide that changing the copy on a sign shall not be treated as a new sign; making environmental findings and findings of consistency with the General Plan.

12/11/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/10/2013.

**121200 [Administrative Code - Contractor Prompt Payment for Public Works Construction and Professional Services Contracts]****Sponsors: Chu; Chiu, Campos and Cohen**

Ordinance amending the San Francisco Administrative Code, by adding Sections 6.22(Q) and 6.42(F), to require all public works contractors to pay subcontractors within seven days of receipt of payment from the City.

12/11/12; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 1/10/2013.

**Resolutions****121201 [Finding of Fiscal Feasibility - Moscone Center Expansion Project]****Sponsor: Mayor**

Resolution finding that a project proposed by the City to expand and renovate the North and South exhibit halls of the Moscone Convention Center, including reconfiguring the North and South exhibit halls to create additional contiguous exhibit space, a new ballroom, new loading and building service space, and improvements to the landscaping, urban design, and public realm, within and adjacent to the North and South exhibit halls, is fiscally feasible and responsible under Administrative Code, Chapter 29.

(Fiscal Impact)

12/11/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/10/2013.

**121202 [Accept and Expend Grant - FY2012 Emergency Management Performance Grant - \$289,613]****Sponsor: Mayor**

Resolution authorizing the Department of Emergency Management to retroactively accept and expend a FY2012 Emergency Management Performance Grant in the amount of \$289,613 from the United States Department of Homeland Security, through the California Emergency Management Agency, for building and sustaining preparedness capabilities, for the period of July 1, 2012, to June 30, 2013.

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

**121203 [Prepayment and Collection Agreement - Bay Area Water Supply and Conservation Agency]****Sponsors: Mayor; Chu**

Resolution approving the Prepayment and Collection Agreement between the Bay Area Water Supply and Conservation Agency and the Public Utilities Commission and authorizing the taking of appropriate actions in connection therewith, and related matters.

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

**121204 [Deed Restriction - 17th and Folsom Streets Park Project]****Sponsors: Campos; Kim**

Resolution authorizing the Director of Real Estate to record a deed restriction against Assessor's Block No. 3571, Lot No. 032, for the 17th and Folsom Streets Park Project.

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

**121205 [Approval of a 90 Day Extension for Planning Commission Review of Conversion of Student Housing Monitoring (File No. 120883)]****Sponsor: Kim**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 120883) amending the Planning Code, by adding Section 102.36.1, to establish an annual monitoring requirement for student housing conversions, to require a posting to announce that the report is available for public review, and to provide an enforcement mechanism for failure to submit the annual report, adopting findings, including environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

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

**121206 [Extending the Single Room Occupancy Task Force - December 31, 2015]****Sponsors: Kim; Campos and Chiu**

Resolution amending the Single Room Occupancy Task Force to extend it three years beyond the current sunset date of December 31, 2012, to December 31, 2015.

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

## **Motion**

### **121207 [Performance Audit - San Francisco Housing Authority]**

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

Motion directing the Budget and Legislative Analyst to conduct a performance audit of the San Francisco Housing Authority as a priority.

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

## **Requests for Hearing**

### **121208 [Hearing - San Francisco Public Utilities Commission Tap Water Outreach Campaign]**

**Sponsor: Mar**

Hearing on the San Francisco Public Utilities Commission Tap Water Outreach Campaign and the possible expansion of outdoor tap water stations.

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

### **121209 [Hearing - Municipal Transportation Agency's Express Bus Service and Future Service Plans]**

**Sponsor: Mar**

Hearing on the state of the Municipal Transportation Agency's express bus service and future service plans.

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

**Introduced by the President at the Request of a Department****PROPOSED ORDINANCES****121183 [Encroachment, Public Service Easements and Vacations, Infrastructure - 8 Washington Street]**

Ordinance approving an Encroachment Permit for San Francisco Waterfront Partners II, LLC, its successors and assigns, (collectively, "Developer") related to the construction and use of various public improvements affecting existing and future public right-of-ways on, under or adjacent to property located at 8 Washington Street/Seawall Lot 351, Assessor's Block No. 0168/Lot No. 058, Block No. 0171/Lot No. 069, and Block No. 0201/Lot Nos. 012-013 (including Seawall Lot 351) (the "8 Washington Development Site"), and portions of Washington Street, Drumm Street and The Embarcadero; accepting offers of public improvements for park and open space purposes among other uses on portions of the 8 Washington Development Site; ordering the summary vacation of certain public service easements benefitting various City departments located in, on or under portions of the 8 Washington Development Site, subject to conditions; accepting Department of Public Works Order; accepting and approving a relocated SFPUC Jackson Street sewer easement, a relocated SFPUC Drumm Street sewer easement, a new sewer easement across a portion of Seawall Lot 351, and a new easement for the SFPUC's underground vault structure located along The Embarcadero; approving an agreement with the Developer regarding coordination of the Project with SFPUC's facilities and North Shore to Channel Force Main Project; making environmental findings and findings of consistency with the City's General Plan and the eight priority policy findings of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance. (Port)

12/03/12; RECEIVED FROM DEPARTMENT.

12/11/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/10/2013.

**PROPOSED RESOLUTIONS****121184 [Lease Agreement - Japan Center Garage Corporation - Japan Center Public Parking Garage - \$1]**

Resolution approving a lease agreement between the City and County of San Francisco and the City of San Francisco Japan Center Garage Corporation for the Japan Center Public Parking Garage, for an annual base rent of \$1 plus surplus, with an initial term of 10 years with two 5-year options. (Municipal Transportation Agency)  
(Fiscal Impact)

12/03/12; RECEIVED FROM DEPARTMENT.

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

**121185 [Lease Agreement - Uptown Parking Corporation - Sutter Stockton Public Parking Garage - \$1]**

Resolution approving a lease agreement between the City and County of San Francisco and the City of San Francisco Uptown Parking Corporation for the Sutter Stockton Public Parking Garage, for an annual base rent of \$1 plus surplus, with an initial term of 10 years with two 5-year options. (Municipal Transportation Agency)

12/03/12; RECEIVED FROM DEPARTMENT.

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

**121186 [Feeder Agreement - BART]**

Resolution retroactively approving the Feeder Agreement between the City and County of San Francisco and the Bay Area Rapid Transit District for payment for transfer trips, with a term from July 1, 2010, to June 30, 2020. (Municipal Transportation Agency)

12/03/12; RECEIVED FROM DEPARTMENT.

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

**121187 [Agreement - Use of Fast Pass® on BART]**

Resolution retroactively approving the Special Transit Fare (Fast Pass®) Agreement between the City and County of San Francisco and the Bay Area Rapid Transit District, with a term from January 1, 2010, to June 30, 2014. (Municipal Transportation Agency)

12/03/12; RECEIVED FROM DEPARTMENT.

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

**In Memoriams**

*Thomas Westbrook – Supervisor Jane Kim*

*Russell Bradford – Supervisor Malia Cohen*

*Manuel “Spain” Rodriguez – Supervisor David Campos*

*Maureen Healy O’Sullivan – Supervisor Sean Elsbernd*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 6:50 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