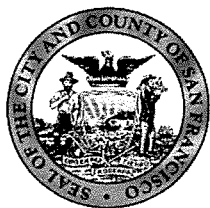


EXHIBIT “J”



City and County of San Francisco

TUESDAY, OCTOBER 04, 2011

i believe

>> and welcome to the san francisco board of supervisors meeting.

Can you please call the roll?

Supervisor avalos: present.

Supervisor campos: present.

president chiu: present.

Supervisor chu: here.

Supervisor cohen: present.

Supervisor elsbernd: here.

Supervisor farrell: present.

Supervisor kim: here.

Supervisor mar: here.

Supervisor mirkarimi: present.

Supervisor wiener: present.

>> all members are present.

President Chiu: can you please join me in the pledge of allegiance?

[Pledge of alleg iance]

[Inaudible conversations]

Madam Car, do we have any communications?

>> there are no communications.

Items one-seven comprise the consent agenda and will be acted

on by a single roll call vote

unless it is requested to be removed and considered separately.

Supervisor mirkarimi: four.

President Chiu: items one through seven without item four.

Supervisor cohen: aye.

Supervisor elsbernd: aye.

Supervisor farrell: aye.

Supervisor kim: aye.

Supervisor mar: aye.

supervisor mirkarimi: aye.

Supervisor wiener: aye.

Supervisor avalos: aye.

Supervisor campos: aye.

President Chiu: aye.

Supervisor chu: aye.

>> 11 aye' s.

President Chiu: those ordinances

are finally passed resolutions adopted.

>> amending the police code to

have various sections, requiring a handgun to be kept in a locked container or disabled.

And prohibiting the sale of enhanced ammunition.

Supervisor mirkarimi: just added relevance to why this is so important that we are passing today.

Headline news shows six victims of gun violence, five people

killed, a sea lion wounded by gun shots.

It underscores the need for

us to stand tall for rational and a measured a gun safety laws when we are challenged by the

nra and other gun right advocate groups.

It doesn'

t take away any buddies the second amendment right, we just want our communities safe.

President Chiu: can we take this item same house and call?

This ordinance is finally passed.

>> amending the code to create

a parks fund for the emergency relief fund and change the administering agency for the homeless fund.

President Chiu: same house, same call. Item 9.

>> amending the environment code to update the green building design, construction, and

operation of city buildings.

President Chiu: same house, same call.

>> the land use and economic development committee, amending the planning code to create the

lombard and scott street housing

special use district 3151 through 3155.

President Chiu: this item needs

to be continued to later in the meeting, so we will do that unless somebody has objection.

>> from the rules committee without recommendation, amending the campaign government conduct code.

The amount of public matching funds.

Supervisor farrell: we can continue this item from last

week because we did not have the supervisors here. I would ask for your support here.

President Chiu: supervisor kim?

supervisor kim: I will be introducing legislation as an alternative to this proposal.

I was going to speak about it at

roll call, but I do have legislation that I will be introducing today.

President Chiu: any further discussion?

supervisor mirkarimi.

Supervisor mirkarimi: thank you, Mr. President.

I was absent at the tail end of the discussion because we had a

for alarm fire in the district. I apologize that I wasn't here for the complete betting through the chair.

i would ask the general cons

ole a couple questions.

>> good afternoon, special counsel.

Supervisor mirkarimi: I understand the aim of what

supervisor supervisor farrell

-- what supervisor farrell and

elsbernd are doing.

I am one of the early sponsors of public financing for the mayoral campaigns.

It is a time that we design that

legislation, we did so based on a certain level, a trigger level

of expenditure in matching donations. If we were to reassess what that

level would look like, the

1.475, theoretically adjust the

level higher up, what would you

suggest as part of that process?

is that an automatic disqualification?

Is that something that doesn't necessarily assist in the arguments that are trying to correct what doesn't need to be corrected?

>> it would not have that much effect.

the concern that I have is the connection between an outside

expenditures and the public finance.

If you change those amounts ,

eliminating the connections, make whatever changes you wish to make.

Supervisor mirkarimi: the connection being is not relative

to any specific number ?

>> even if you raise that to a

higher number, the burden is on the city to prove that you have

a compelling interest .

Supervisor mirkarimi: it has not yet assessed by a specific trigger, are we correct?

>> it is not one that I have heard. i don'

t think the ethics commission who serves that proposal.

Supervisor mirkarimi: that helps

beg part of the larger question of potential remedies.

Many here have been trying to sort through the possibility

either in adapting to supreme

court ruling or protecting what

san francisco has already passed.

It is a possible one, correct?

>> it is, in light of the

supreme court decision.

President Chiu: supervisor

avalos, will you defer

defer to supervisor farrell?

Supervisor farrell: raising a

cap has nothing to do, except politically speaking, but legally speaking, has nothing to do with what is curing what ails us.

>> the city will still be at risk.

Supervisor farrell: May be something to mitigate an adjustment, just making sure

that we have nothing to do with

legally speaking, the supreme court's decision.

>> you could conjure up the argument that the chill won't

happen, but it is not a very strong argument.

Supervisor farrell: what I opposed to my colleagues, the

idea is to combine -- or are we waiting on this part of it?

The part of it before us exposing us to legal risk?

We can take up the other issue when the ethics commission hears it.

Supervisor campos: thank you,

Mr. President.

first, let me say that I don't

know that -- know that having this discussion in open session

in terms of the viability, I

will be voting against it.

I appreciate the reasoning behind it. I think it is important for us to address what the supreme court has decided to.

It takes into consideration some of the policy reasons why we

have public financing.

>> I look forward to having that

discussion and conversation as the matter goes forward. I want to thank supervisor kim

and her staff for trying to

serve -- comply with the supreme

court ruling and taking into

account some of the decisions

that everything has to be taken

into consideration in a way that is responsible.

My colleagues indicated the need

for us to come forward the

proposal as an alternative, and

I appreciate the fact that

supervisor kim has done that.

Supervisor mar: thank you.

I wanted to thank mark from the city attorney's office for the

great advice he's given us.

I support the efforts of
supervisors elsbernd and farrell.

I wanted to couple that with increasing the spending caps for
the mayoral elections.

I will be supportive of supervisor kim, and others to hers to
couple the removing of the
trigger with increased spending caps. I think they voted overwhelmingly for campaign finance reform, and that will
have efforts to improve our
public financing system and make it legally indefensible.

-- legally defensible.

I appreciate the work of
supervisors farrell and elsbernd.

Supervisor kim: thank you so much. I want
to thank supervisor elsbernd and farrell.

This was not something that we have been paying attention to.

To directly address the question
of why waiting to address a supreme court ruling in separate
legislation, our office thought it was strong that we have
levels of accountability for public financing. including supervisor mirkarimi
and many of the advocates that worked on framing that issue.

We spent some time doing outreach which is why it took us
time to come forward, examining multiple options.

It includes supervisor farrell
and elsbernd's amendments.

Exactly as the supreme court
ruling had indicated. We want to couple it with other amendments that will continue to address the original intent of
public financing without this
incentivizing candidates --
disincentivizing candidates.

We also wanted to become a public finance candidate as well.

This is something that the
ethics director -- thank you for your assistance on this as well.

It was a strong position, many of the advocates wanted a full hearing on this legislation.

This will now give the community
opportunity to give feedback for
both the ethics commission and the board of supervisors.

Supervisor elsbernd: thank you,
mr. President, and thank you,
supervisor kim, for coming

forward with this legislation.

The amendment that you are introducing is exactly what supervisor farrell and I have introduced.

i just want to point out a couple of things that perhaps have not been thought through.

First, a rule of the board, and a supervisor can divide a

question -- any supervisor can divide a question. If the intent of this is to ensure that there are eight votes, let'

s use me as an example.

You will not get me to vote for

the supervisorial races.

I will divide the question.

By not moving forward with the the item today, I will say that we' ll need a budget analyst report as well, because this is increasing the cost of government by increasing how much candidates will have.

You are opening up a six-week

period where there will

absolutely can be a lawsuit and attorney fees.

they are now on record saying that you agree with what supervisor farrell has done.

Presumably you vote for the way that you said you agree.

The other piece will fall, but it will all be about increasing

the campaign and that -- limit.

There are a lot of people sitting up here that are running for reelection next year.

The way that it is presented

will do a lot more harm for the

desire to improve the public financing system because it will

look so self-interested for incumbents to raise their limits and couple it with something that everyone else already

agreed we are not going to vote for today.

If the effort is truly designed

to improve the public finance and strengthen in for the city, what this is doing is really going to sour supervisor mar' s point.

This will look so self interested, particularly for those of you that are running for office next year.

Supervisor wiener: I' ll be

voting for the ordinance today.

I think that discussing whether

to increase supervisorial spending caps as a worthwhile discussion.

having just gone through a raise last year, there is a pretty

decent argument that the cap is too low.

It is a worthwhile discussion.

Supervisor kim: I want kim

want to thank supervisor kim:

for raising the discussion.

The two have nothing to do with each other.

If we have a part of ordinance

that all we can tell is patently unconstitutional, I don' t like that it is.

I think the supreme court was

wrong, but they've ruled we

should repeal it.

I will not open ourselves up to a lawsuit that we'll move.

We have a duty to do that, in my view.

I have not heard any argument about why we should not do that.

I would like to take this opportunity to make another

change that might be appropriate, but it does not even give any leverage.

It is not likely had a chance --

maybe someone disagrees -- of

doing well in a lawsuit.

we have good representation and would do as well as we could do. But I do not see why we would

not pass this ordinance,

eliminate the litigation risk, and then move forward with any other appropriate changes to public financing.

supervisor farrell: first of

all, if the legislation is as advertised, to piggyback a

little bit on what supervisor

elsbernd is saying -- if we are only raising taxes for the

supervisor races, that is the most self interested cap we could have.

what about the mayoral race, or the sheriff's race?

Look at it as a whole.

Otherwise, we will degrade the

reputation of this board, if we

pass what I agree is very self interested legislation about next year's

supervisor races, which will affect many on this board. One thing that drives me crazy

about this debate -- this has

been from the get go about complying with the lot and the supreme court.

We are bound as the board of supervisors by the U.S. Supreme court.

It is not about protecting the advocates and making sure their voices continue to be heard.

That, to me, is interesting and part of the dialogue, but it is

not what we are doing here, and

i do not know why we are passing legislation that is to protect the advocates.

Supervisor avalos: along the lines of protecting the

advocates, I will say, actually, the effort to create

the public financing program

came out of the process I feel is important.

last week, I was supporting supervisor farrell's

amendment

because there was an absence of thought for the community that

came together to create a

program about what to do about the supreme court decision.

i supported the amendment coming forward.

Since that time, there has been a lot of discussion.

I wanted to harken to that discussion and find a way to

bring up a new amendment.

What I believe supervisor kim is

proposing -- I am not sure it is the answer, but I do think it needs to be vetted with a lot of the

designers of our public financing program, with whom I

worked to find an amendment to harmonize with the board of supervisors was going to do with the mayor's

program back in 2007.

There has been a process I feel comfortable with.

i do appreciate your bringing

this forward, supervisor

farrell, to answer the challenges from the supreme court decision, but I will be

voting against the amendment, looking for a new version.

Supervisor kim's is probably a start, and we will be able to assess a new path for the future.

Supervisor kim: I want to respond to some of the new comments that were made.

This was a novel part of the law, put forward in June.

Many of us were unprepared to answer to the supreme court ruling.

i wish we had taken time earlier

to get more feedback to this issue.

I just want to acknowledge that.

The reason we did not address the mayoral race was not because

we did not want to, but because

we wanted to introduce something today.

In the next 30 days, ethics may

make a recommendation related to the mayoral race.

We wanted something quickly, today. This allowed us to move forward

with at least next year's race.

This is not about protecting the advocates. I think it is more about style.

For my office, when we write

legislation, we do a lot of

outreach to our communities, and too many folks who care about

the issues we work about. We want to make sure we have support for anything we bring forward to the board.

We spent expensive time speaking

to folks and coming up with a -- expensive time speaking to folks and coming up with a policy

proposal people felt comfortable with. We want to honor process.

People really wanted a public backing. They want to come to the board

to speak in public comment about this.

For me, it is about valuing

community input, and honoring the designers and authors of this. If you want to say it is not

about whether we support public

financing -- I do not know whether the author's support public financing at all.

I do not know whether this is just about the supreme court ruling. I think this is a larger dialogue about the future of public financing.

for me, I think it has been an

important government reform, bringing more integrity to the electoral process.

For me, protecting that is of the utmost importance.

More than helping anyone in this

room today, I am looking for future candidates that will come

out of neighborhoods and running

grass-roots campaigns, which this really benefits.

It makes sure we have a wider variety of folks who feel they

can run for office and represent the communities here in city hall.

Supervisor cohen: thank you, colleagues, for your comments.

I would like to speak to the many members of the public that

are here today, to explain what is happening.

The united states supreme court

issued a ruling that brought our public finance law out of compliance.

The debate you're hearing right now is should we follow the supreme court ruling,

if we should not follow the

supreme court ruling, what does that mean for san francisco?

Let me tell you what it means.

It exposes us for a lawsuit.

Do you know who foots the bill for a lawsuit?

The people in this room, the taxpayers.

I find it frustrating and disingenuous that we have

members on the board who do not

mind spending taxpayer money to make a point.

I understand public financing is

important and critical. I worked hard last year.

I was a publicly financed candidate. I agree it should be there.

but there is a comingling of issues here.

The issue we need to vote on, which we need a vote for, which

supervisors elsbernd and farrell

put forth, brings us into

compliance, so we are following the law.

we are not above the law here.

There are members using this as

a wedge issue to continue to

carry the torch and move forward some kind of agenda. It is wrong.

The supreme court -- the supreme court has issued a statement

that forces us -- our council --

council has advised us on what would be right and cost-effective.

April through June, we heard debate on the budget.

We made severe cuts to service

providers, homeless advocates, adult aid health care centers.

We have fewer resources to

squander away on a potential

lawsuit that is an uphill battle that we cannot win. Can you believe this?

I hope, for those of you that

get up and start making public

comment, you take this into consideration, and remember which supervisors are voting on this issue.

All we are doing is complying

with what the United States Supreme Court has already brought down. Thank you.

Supervisor Campos: thank you.

I want to agree with a couple of points that were made by

Supervisors Farrell and Elsbern

-- Elsbern, in terms of the scope of the legislation.

I support what Supervisor Kim is

proposing, but we must have a

broad piece of legislation addressing what happens in the

mirror -- Mayor'

S race, the Sheriff'

S race, and any others.

I will support this, assuming there will be changes were needed. I believe the Mayor pay for race is one of them.

-- Mayor'

S race is one of them.

Supervisor Chu: I want to think

Supervisor -- thank Supervisor

Cohen for your comments.

I think it is spot on.

This issue of us not having a

process or not a complete one --

to be honest, the process we went through to have this initial proposal was a public process.

It initiated from the ethics commission. The ethics commissioners voted on it. It came to our board.

It was vetted to our process and

had public comment period to behave as though this was not a

process that was complete or Thoreau is inaccurate.

I want to make that point.

About process -- even if we

voted for this, that does not

prevent another public process to figure out how to improve public financing.

Using process as an excuse to

not deal with an impending

litigation risk is irresponsible and inaccurate.

That is the comment I would like to make.

President Chiu: supervisor cohen, are you still on the roster?

Supervisor cohen: I am back on their roster.

It is going to be a long night.

This is only item 11.

In the interest of transparency,

when we cast our vote -- pay

attention to some quick math.

Who is up for reelection? Where do they vote?

Do not get me wrong.

Public financing should be revisited.

The point I do not think I made

earlier -- supervisor kim is interested in assuring the discussion around public financing.

It is a very important.

I agree with supervisor farrell

about being equitable in which offices we consider, if we are

going to offer public financing.

An equal playing field should be

equal for everyone, not just supervisor races.

I am not sure which races are up for reelection. Actually, I do.

But I do not want to call up my colleagues. Trust me when I tell you that

those who are in favor will be

voting with supervisor kim on her ordinance.

i am asking you to be mindful of that when it comes time for

elections, like supervisor

elsbernd said, being self interested. I think it is deplorable.

The issue is we are out of compliance.

We as san franciscans, the city and county are not following the law.

We need to cast a vote so we can follow the law like other jurisdictions are doing across

the country, like supervisor chu

said, and then we can have a conversation about public financing. It is critical that those who are not connected and do not

have family money can run for office as well.

That is the true spirit of public financing.

Supervisor

weiner: I want to disagree with a couple of the comments that have been made.

With some of my colleagues i

will be voting with today, I disagree with the viewpoints made.

It is worth -- we should be looking at our public financing statute to see how it can be improved. The fact is, the board of supervisors -- we are the ones who ultimately have to legislate it. If that means raising a cap or doing whatever we have to do, it is our responsibility to look at that legislation. Even though people will call us self interested -- part of being a supervisor is you get called every name in the book, with no basis. We have a responsibility to take a look at the ordinance from time to time and see if it needs to be updated, if the cap needs to be changed. I am comfortable doing that. I think supervisor -- thanks supervisor kim for raising that issue, which is worthy of discussion. what supervisor campos said made me nervous. I appreciate wanting to broaden the discussion and look at every aspect of the public financing ordinance -- supervisor, mayor -- that make sense as a global approach. It also makes it a more complicated, long process. we have what is apparently an unconstitutional provision. The longer we let this lender, the more litigation and money risk we have. The more I am hearing, the more convinced I am that we need to take action today, fix what we need to fix, and then move forward with a good process to update our ordinance.

Supervisor kim: thank you.

I just wanted to respond to comments about the process. It is true that we went through the regular public process for vetting any legislation here in san francisco, but you can do what is the normal course of public hearings, or you can do intentional outreach on legislation. That is what I am imagining. I know that is not the top priority of every office, to do outreach to advocates and folks that originally defined legislation, but that was not foreign to our office, and that is why we are moving forward with a hearing process that would engage all the folks we reached out to. But I do want to acknowledge this did go through a public process, and what we did at minimum. I am more than happy to talk to the ethics about other city races in san francisco. Some of our offices, like school board, are also state offices.

I believe they are under different legal boundaries.
If my colleagues would like to
look at other races, like the
sheriff and the dna -- the da, I am happy to look at that and have an overall discussion.
I think raising the ceiling would have happened anyway, without us having to legislate
it at the time. Unfortunately, the supreme court
ruling made the trigger unconstitutional -- not the amount, but the trigger.
we have to move forward with this now, coupled with removing
the trigger portion, which is
unconstitutional, to protect the intent of our public financing
law, which is to bring on members of our community who
felt they did not have the capital to win office in san francisco.
i appreciate the comments about services for the homeless,
seniors, and the poor, but it is grass-roots candidates who them
advocate against cuts for the
homeless, the poor, and working families.
I do think public finance is integral in the whole process.

supervisor

cohen: yes.

Supervisor kim is correct.
The folks that benefit or could potentially benefit from public
financing are the ones that could advocate on behalf of
those that need the most advocating.
But, again, we are talking about a simple constitutional issue.

We are out of compliance. public financing.
Two separate issues that should not become an old or brought together.

We need to vote -- that should
not be combing gold -- be
comingled or brought together.

We need to vote and come into compliance, and then talk about a public financing structure.

Today, I hope I have articulated -- maybe I have not.
But I want to make sure we drive home the point it is not to
coaming goal -- it is not to
mingle two separate issues.
one is not necessary to the other.

Our council has advised us.

Supervisors kim, weiner, campos,
farrell, ch

iu, and elsbernd are graduates from law school. Six attorneys.

President Chiu: do not forget eric.

Supervisor cohen: supervisor mar

is an attorney. You would think they would understand the importance of the supreme court. I am just a graduate with a policy major. I think we have some overachievers, people with policy majors and law school.

It is kind of sad we have all these folks with a legal education -- from harvard.

I do not know where eric went.

They are questioning the united supreme -- the united states supreme court on what?

And theological -- an

ideological principle that has

nothing to do with compliance and can be debated by the public in a transparent process.

Supervisor kim: my legislation

would comply with a supreme court ruling.

supervisor avalos: my mother

taught me that if I had nothing

nice to say, I should not say

anything nice at all, so I will

ask for 10 seconds of silence right now.

President Chiu: I want to bring all of this together.

Hopefully, I am the last person to speak on this topic.

first of all, I do support, as I

think we all do, fixing the provisions in our public

financing system that the

arizona case showed to have legal issues.

Because of that, as I indicated

last week, I support supervisor

farrell'

s legislation, and the

aspects of supervisor kim' s legislation that do the same thing.

I think all 11 of us want to address the constitutionality.

In order to minimize the legal and budget exposure, we should do this as soon as possible. that is why I am prepared to vote on that today.

That said, and support efforts

to amend public financing rules to adjust to the new reality.

I look forward to the work the ethics commission will do.

Hopefully, in a few weeks, we

will have another version we can

consider, based on what happens today. It is important for the public

to know I think every member of this board does support

addressing the constitutionality issues that were raised.

Regardless of the outcome of

this boat, that should be clear.

Whether we resolve that today or

in a couple of weeks, I believe that will get resolved.

I want to and with that. Are there any further comments?

Supervisor cohen: no comment.

President Chiu: unless there are

other motions, could we take a roll-call vote on the ordinance as proposed?

Supervisor cohen: aye.

Supervisor elsbernd: aye.

supervisor farrell: aye.

Supervisor kim: no.

Supervisor mar: no.

Supervisor mirkarimi: no.

Supervisor weiner: aye.

Supervisor avalos: no.

Supervisor campos: ho.

-- no.

President Chiu: aye.

supervisor chu: aye.

President Chiu: given that this

ordinance would have required eight votes, the ordinance fails.

Supervisor kim will be introducing her ordinance, which includes many aspects of what

supervisor farrell proposed

today, as well as other changes

to the public financing system that the ethics commission will be reviewing in a few weeks.

Let us move to the next item, item 12.

>> ordinance authorizing

settlement of lawsuits

involving mitchell engineering, and authorizing bonds and

appropriation of funds not to

exceed \$15.75 million.

Supervisor cohen: aye.

Supervisor elsbernd: aye.

Supervisor farrell: aye.

Supervisor kim: aye.

Supervisor mar: aye.

Supervisor mirkarimi: aye.

Supervisor weiner: aye.

supervisor avalos: aye.

Supervisor campos: aye.

President Chiu: aye.

Supervisor chu: aye.

>> there are 11 ayes.

President Chiu: items 13 through 15.

>> resolutions authorizing the general manager of the public utilities commission to execute various amendments to increase engineering project design services in amounts not to exceed \$14 million, up \$15 million, and \$16.50 million.

president chiu: without objection.

>> 16 and 17 authorize the general manager of the public utilities commission to execute amendments to increase the new tunnel construction management services agreement, not to exceed \$17.50 million and \$34 million.

president chiu: same house, col.

-- same house, same call.

>> 19 authorizes designated officers

-- 18 and 19 authorized officers and employees of the city to examine sales and transactions and use tax records.

President Chiu: this item is adopted.

>> item 20 authorizes the department of public health and the purchaser to contract with the community health authority to provide payment services for the healthy san francisco program.

President Chiu: same house, same call.

>> item 21 authorizes the department of public health to except and expand a grant to fund -- I accept and expand a grant to fund health services through August 31, 2012.

President Chiu: this item is adopted.

>> item 22, making findings under the california environmental quality act, approving a new market tax credit agreement with the community development corporation in connection with the new sf jazz building.

Supervisor mirkarimi: I would be more than happy to defer to supervisor kim.

supervisor kim: I want to introduce an item amending item 22, thanks to our budget adviser, harvey rose, who did a report on this item.

We agree with his amendments and are offering them to the board.

President Chiu: is there a second to that amendment?

Seconded by supervisor mirkarimi. Any discussion?

Without objection, those amendments are made.

Supervisor mirkarimi: I would

like to note that in the budget committee I pointed out that

this is a very important, I think, addition to this part of our city.

It rests in district 6, but borders district 5.

It is the building of sf jazz, which I think was very important

that it build a relationship

with the fillmore jazz corridor

and businesses, and the academic interest, and trying to resuscitate that corridor.

If that had not been the case, that this institution that is proposed to go on franklin

street be more vigorous in the establishing of the

relationships with those in the fillmore area -- people should

be reminded, if they have

forgotten, that west of

mississippi, san francisco was

the jazz harlem in the united states.

that is something I do not think

we should undermine, and should capitalize as much as we can. This addition to this neighborhood helps do that, as

long as it is well done.

I put on pause the community benefits agreement, which I thought was insufficient for this particular building.

i have asked both redevelopment and the architect to this

proposal to come back with a better community benefits agreement.

If I could through the President Bring up redevelopment to speak on this?

>> good afternoon, supervisors.

I am the deputy executive director of the san francisco redevelopment agency.

I am also chief operating

officer of the san francisco community investment fund.

Supervisor mirkarimi: I want to say thank you, because it was

just last wednesday we asked for

a quick turnaround in helping us

revise and upgrade the agreement presented to us.

I think some improvement has been made. I appreciate that.

And I want to thank my office

for helping take part in that negotiation.

And I think supervisor came for her support.

-- thank supervisor kim for her support.

In terms of what is today, we

realize the agreement must be solidified by October 11.

What is attached is a community benefits agreement.

So this is the proper time to move the whole enchilada.

I ask one zip code to be added.

I ask that you also add 117.

The rest comports with our

interest, I think, in trying to at least take care, for those in

the film more western addition, who are struggling to bring

back attention in a jazz

historical way -- I believe this institution can add to that. >> I also want to thank

supervisor chu, who advised that they and service if they do not

comply in the community benefits.

we were able to negotiate that in this process.

Supervisor mirkarimi: that is a good point. I will not go into all the details, but it has been impressive. >> thank you very much.

Supervisor chu: I just wanted to make a comment about why this item came out of committee without recommendation.

Overall, it is a new type of

program we have been using in the city.

Typically, we use redevelopment credits, but this is a new market tax credit.

It allows san francisco to use tax credit to attract capital

investments in to certain neighborhoods.

one reason it was scheduled so quickly is there was a timing

issue with potentially lose in other funders for the committee.

We scheduled it in committee,

but did not yet have a budget

analyst report, so we moved it without recommendation pending the report. Since that time, you have received the report.

it came out yesterday.

Supervisor kim made amendments.

One of my concerns is the city

would be on the hook, that there is indemnity.

What risk will we be taking?

Previously, it would be the redevelopment agency indemnifying a contract. Currently, it is the san francisco general fund.

After conversations, I have learned the risk is minimal.

It had to do with whether our

city department heads and the redevelopment agency -- if there

is fraudulent activity that happens.

For the most part, many of the items that would constitute a

recapture -- if we were not in compliance with one or two of

the items, we would have time to fix that.

Because the risk is very low,

because the project is positive
in terms of community benefit,
because we are leveraging \$7.60
million in tax credit from the northern community loan fund, \$5
million from the property fund, and others, I think this is a good deal for the city. I hope you support it.

President Chiu: further discussion?

Supervisor kim: I want to express my support for this project.

I am excited we are bringing a jazz center to san francisco.

Jazz is an american classical form of art.

It is good to honor that next to

the symphony, the opera, and other arts institutions.

I want to thank supervisor

nurjarunu -- mirkarimi.

These benefits specifically come

for benefits in low income communities.

We want to make sure our

community benefits agreement is targeted for the communities where jazz has historically been
a large part of the history and tradition. i appreciate your work on that.

I am excited to see this project

open, I believe next year, in the fall.

President Chiu: is there further discussion?

Can we take these items same house, same call?

Without objection, this is adopted as amended.

>> item 23 is from the city operations and neighborhood services committee, without

recommendation, an ordinance amending the administrative code

to prohibit limited services pregnancy centers from making false statements to the public about their services.

President Chiu: is there anything you want to say about this measure?

supervisor cohen: thank you, President. I am still collecting myself

over here about item 11.

I would like to move for a continuance.

President Chiu: to what date?

Supervisor cohen: one week.

President Chiu: that would be the 18th -- two weeks, given we are not here next week.

Supervisor farrell: I would like

to be added as a co-sponsor.

President Chiu: unless there is an objection, this item will be continued to October 18.

Item 24.

>> a resolution responding to the judge of the superior court

on the findings and recommendations in the civil

grand jury report entitled

"hiring practices of the city
and county of san francisco,"
urging the acceptance of the findings and recommendations through the department heads.

president chiu: any discussion?

Without objection, same house, same call? This resolution is adopted.

>> item 25, responding to the
presiding judge of the superior
court on the findings and recommendations contained in the
report "san francisco' s ethics commission -- the sleeping watchdog."

supervisor elsbernd: I think I

have been informed -- I know I have been informed that there is
a mistake in the file in front
of us, and the committee disagreed with the
recommendation, recommendation four.

Excuse me. Finding four. No?

Recommendation number four.

President Chiu: supervisor makes a motion we disagree with that finding, which is my recollection of what happened in committee.

Supervisor avalos: I will second that motion, and that is the correct representation of what happened in committee.

President Chiu: the motion has been made and seconded.

Without objection, the amendment will be made.

On the underlying resolution, as amended --

supervisor elsbernd: just to be

consistent, recommendation 7,

which the committee agreed to,

to maximize transparency and

broadcast meetings on sfgov

television, I like the previous item, where there was a recommendation to hire a new employee. You put in language that

suggested we agree with this

legislation, subject to our

typical budget process and insuring dollars are available. I would like to see that language year. I do not like to write a blank check.

i would suggest we amend the

resolution to include language

similar to item 24, which says we agree with recommendation no.

-- number seven

, subject to the budget process.

Supervisor campos: something related to this -- I am

introducing today an ordinance that would require the ethics commission meetings to be

broadcast on -- be broadcast on

sfgtv.

Obviously, whatever is done must

be within the confines of the budget.

it is my hope and believe this

is such a priority that the ethics commission should move forward. My understanding is they are already committed to doing that.

I do not know that I object to

what supervisor elsbernd is

saying, but I do know -- do not

know whether the ordinance changes that.

Supervisor mirkarimi: I want to

remind folks we have passed legislation where we compel that

everything of commissions that are not televised car audio

stream to -- are audio streamed now.

it has taken a long time to get that up and running. The ultimate goal is to

broadcast on tv, but we audio

stream all the important ones, like ethics.

President Chiu: there is a motion they should be subject to --

supervisor elsbernd: on page

two, line 19, add the clause,

taken from the work on item 24, that says "within the constraints of the budget."

if we are going to do it on one, we should do it on the other.

President Chiu: without objection, the motion passes.

Supervisor avalos: actually, I

would like to keep it -- I do

not want to support that language. I would like to go to roll call

vote.

I think it has been before us

over and over again in this body whether to televise the ethics commission.

A lot of us have said it should be. I think we should make that statement clear.

It always comes down to a question of whether we have money.

I think we should make that determination.

But I like the language without the amendment.

president chiu: with that, I

think supervisor avalos would like to rescind that last boat.

Seconded by supervisor elsbernd.

On the motion to amend, is there further discussion?

If I could speak for a moment, I absolutely support our colleagues that want to make sure these meetings are

televised, and I understand we are going to find the budget to do that.

I think it is appropriate, what

supervisor elsbernd

has stated, but I am also supporting supervisor campos'

s legislation.

Supervisor campos: I understand

what supervisor avalos is saying, but I do not think it

prevents us from moving forward

to ensure these are televised.

I think the ordinance I am

introducing will get us to that.

But I certainly appreciate the perspective.

Supervisor avalos: I just think it makes a more definitive statement without the extra language.

I have been asked over and over again about whether the ethics commission meetings should be televised. I just want to make it clear.

president chiu: on the motion to amend?

Supervisor cohen: aye.

Supervisor elsbernd: aye.

Supervisor farrell: aye.

Supervisor kim: aye.

Supervisor mar: aye.

Supervisor mirkarimi: aye.

Supervisor weiner: aye.

Supervisor avalos: no.

supervisor campos: aye.

President Chiu: aye.

Supervisor chu: aye.

>> there are 10 ayes, one no.

President Chiu: the motion to amend passes.

On the underlying motion, a roll-call vote.

-- motion, a roll-call vote.

Supervisor cohen: aye.

Supervisor elsbernd: aye.

Supervisor farrell: aye.

Supervisor kim: aye.

Supervisor mar: aye.

Supervisor mirkarimi: aye.

Supervisor weiner: aye.

supervisor avalos: aye.

Supervisor campos: aye.

President Chiu: aye.

Supervisor chu: aye.

>> there are 11 ayes.

President Chiu: adopted as amended.

>> item 26, acknowledging and accepting the union square business improvement district

gift of a, not -- of a promenade.

President Chiu: why don't we skip over our special orders at 4:00?

and moved to -- move to the

non-controversial item 43.

>> this was referred to the

board without recommendation as a committee report.

It amends the administrative code to clarify that only

amounts actually paid to provide

employee health care services

shall satisfy the employer expenditure requirements of the health care security ordinance.

Supervisor campos: thank you, Mr. President.

I guess yet another unanimous

court -- vote at the board of supervisors. This item has been before us

many times, debated over and over again. I am going to spare the

discussion -- I am happy to

engage in the discussion, but I believe the facts are clear.

We introduced the original

legislation in May of this year. This has had a number of

hearings, not only at the government audit committee, but

at the health commission, the

small business commission, and the board.

People have tried to complicate this issue, but it is simple.

It is about protecting the right of workers to have health care.

It is about protecting consumers.

I would simply ask for a vote.

Before I do that, I want to make a clarifying amendment.

It is an amendment that

clarifies that when we talk about the termination of these

accounts -- the closing of these accounts happening 18 months

after termination of employment

-- clarifying that it is a

definitive amount of time, at 18

months past employment, whether

or not there is activity in the account. That is in response to a number of concerns that have been raised by the business community.

I want to make sure there is certainty and clarity on that.

On the spirit of compromise that

has guided our approach, I make a motion to amend the legislation along the lines of

this document that I am

circulating to all of you, which makes it clear that the accounts

will be closed 18 months passed termination of employment. I make that motion.

President Chiu: is there a second?

Seconded by supervisor farrell.

Any objection to the motion to amend? Without objection.

Supervisor farrell: I will keep my comments short, because the writing is on the wall with the amount of co-sponsors.

For those of us who will be voting against this today, it is not because we do not recognize the need to cure what ails us, or that there are problems with the current ordinance.

I will speak for everyone in saying it is about protecting jobs.

For me, our report we received in city hall about potentially losing up to 400 jobs in san francisco is unacceptable.

A job killer is not something I want to support.

i wish it had gone through more of a process.

But we are where we are. It will be interesting to see where we go with this, legislatively.

I appreciate what supervisor

chu has introduced, and mayor lee.

i look forward to the dialogue, going forward.

Supervisor weiner: one of the

great things about having passed a health care security ordinance

to the board several years ago, instead of passing it on the ballot, which has happened with some other pieces of complicated

economic regulation, it is it

gives us enormous flexibility as

the time for change -- as the times change or loopholes become

apparent -- to fix those, and to do it in a way where we are

bringing everyone to the table,

working with labor, the business

community, large businesses,

small businesses, unions , and to find something that works economically and protect the values we cherish.

That is this opportunity.

there is a way to fix this loophole, and to do it in a way

that does not unnecessarily

harm businesses, particularly

small and midsize businesses.

It has been disappointing to me

that the middle ground that

president pi -- c

hiu has been advocating, that I have been

advocating -- that it has not happened.

We have lines drawn in the sand.

I appreciate supervisor campos' s

dialog and changes, but it is not enough.

I continue to support the position that we fix this

loophole in a way that works for

all involved, including workers
and businesses, where not everybody gets everything they
want, but we are able to address the issue. I will not be supporting the
ordinance today, and I will be
supporting a future effort we
have all been talking about to
address this in what I believe is a more reasonable way.
Supervisor elsbernd: thank you. I just want to follow up a
little bit on supervisor weiner'
s points as one of two members of this board that
served during the passage of the health care security organs.
That process was extraordinary. We work with everybody.
I was one of the last people who agreed to support it.
Labor and community representatives came to talk to me. How many visits do you think I got on this? not one.
The process on this is not
comparable.
Whether you have a good process
or bad process -- I just want to
make the comparison is nowhere close. When the sponsor of the legislation tables their own
item right before we go on
recess, and that motion passes
9-2 -- it was safe for me to
assume it was not going to get jammed through after that.
I think a lot of other people recently assumed that. I think there is a question of timing, and the elephant in the room.
There are a lot of people who May disagree with this point.
But I do not think it is a
coincidence there is a mayor' s
race five weeks from today.
It is what it is, but let us not say this has been a great
process comparable to the original legislation. that was a great model.
I give a lot of credit for that. There is not any credit to the process here.
This does poor service to the issue of process.
I do think supervisor -- thank
supervisor campos for making
mention of the hearing at the small business commission.
I will add that they unanimously rejected this item.
Not a single vote from the small business commission.
That was not the case when we pass universal health care.
We are not talking big business downtown.
Small businesses, the people

hurt in the most, unanimously opposed this.

The last piece -- working on the

pension issues, we spent eight months.

That is a billion dollars sacrifice for labor.

We spent eight months getting there, and we are not quite there. This measure, should it be

approved, is half a billion for

the business community, and it will be thrown through with very

little discussion, very little discussion.

\$50 million a year times 10 is half a billion dollars for business over the next 10 years.

Look at this process.

not the best way to encourage jobs.

Not the best way to encourage a business climate in san francisco.

I really think if the intent is

to fix this, we can do a lot better.

Supervisor campos: I heard from a number of colleagues who asked me to keep the presentation short, because there has been a lot of debate.

What is interesting about the discussion of the process is that everyone has a right to their opinion.

I think assembly member amiano would have a different perspective in terms of the

process we have followed, and the five months we have introduced this legislation.

there are two points that at the end of the day come down to explaining why this is the right

approach to fix what everyone acknowledges is a serious problem.

I point out that for quite some

time folks in the chamber of commerce and the business community were not saying there was a loophole.

In fact, the word loophole was

not being used for some time.

I am glad that now people admit a loophole exists. But there are two points that go

to the heart of why this is the

right approach, and why, notwithstanding the efforts to

modify and compromise, there are fundamental differences of opinion.

One has to do with whether or not we actually cap the amount

of money that a consumer pays for and an employee is entitled to when it comes to health care.

The chamber has proposed that we

cap that amount at four

quarters, or one year. The problem that many of us,

including a coalition of labor

and business, have with that approach is that if you cap the amount that is accumulated in

these accounts, it means that at

the most an employee who is

lucky enough to accumulate the

entire amount, \$4,300, is only

able to accumulate \$4,300.

That is a problem, because if

you look at the cost of health care in san francisco, you are talking about a situation where very little could be provided to that employee if that is the only amount available to them.

The average night at a hospital in san francisco is \$20,000.

The average mri in san

francisco costs \$7,875.

\$4,000 would not cover any of that.

if a woman gets pregnant and wants to have a normal delivery

in san francisco, assuming there

is no see section -- c- section,

that woman has to pay \$16,097.

The amount of coverage would not cover that. God forbid you have kidney

stones or a urinary tract infection in san francisco.

That is \$40,000.

i personally believe that what consumers are paying, as consumers are being charged to

pay -- the expectation is that workers will have basic coverage.

I do not think you can say basic, adequate coverage is being provided, when all you are giving is \$4,000.

that is the first fundamental difference of opinion. There are those of us who

believe it is not right and does

not make sense from a public policy standpoint to tell a full-time worker you cannot

accumulate more than \$4,000,

given what health care costs in san francisco. That is the first thing.

The second thing is that my

proposal is the only proposal which requires that when a

consumer pays money, as they do

at restaurants, that every cent the consumer pays is spent on health care.

I believe that when you go to a

restaurant and the owner makes a representation to you as a customer that they are going to

provide health care to the

workers of that restaurant, that every cent that you pay on that

bill should go to health care, as represented.

Mine is the only proposal that does that.

This is not just about protecting workers.

It is about consumer protection.

the law is very clear.

You should meet the representations'. You should fulfill the representations' you make to consumers.

-- you should fulfill the

representations made to consumers. I hear from san franciscans who

are shocked that money does not go to health care, but is pocketed by these businesses.

I do not think that is right.

In a sense, those of us who are taxpayers in san francisco and go to these restaurants are paying twice.

Not only are we paying as talks

-- as customers, but as taxpayers.

When a worker does not get

health care, the worker goes to S.F. General, and the taxpayer must foot the bill.

Those are the fundamental differences of opinion. That is why this coalition is moving forward.

We have tried to negotiate.

We have met many times with the business community.

At the end of the day, there is a fundamental difference of opinion.

I believe that at the end of the day this legislation not only

complies with the letter, but

the spirit of the original law,

which is why I am proud to have support of the original author

of the ordinance, tom amiano.

Supervisor avalos: I would like

to thank supervisor campos for bringing this measure back.

I was with a lot of community and labor organizations that

worked on the original ordinance passed in 2006.

If we had known this would be an

issue, that there was a potential loophole, we would

have made sure it was closed at that time.

I look at this as fulfilling the

original promise of the health care security ordinance. I will be supporting the measure.

I think it is important also to

say that a lot of the work, the

fund is being developed, --

funds being developed, were made because workers made the work to make that happen.

They are contributing to the success of the businesses that I think they should be able to

share in the ability to have health care with everyone else in the city of san francisco that has it.

I want to make sure we honor the workers and what they are able to produce. and to make sure they have that

access that has been somewhat

denied in with what is available to them to spend on health care.

Supervisor wiener: I want to

respond to one thing the

supervisor campos said about the

purported health care charges that people pay in some restaurants.

When you have a restaurant that is charging a charge and labeling it as going to help the san francisco or for employee health care and it is not going there, that is not defensible.

I certainly do not defend that.

if there is valid legislation , I am all for that because restaurants that do that should

not be doing that, they should

call it something else and not mislead consumers into thinking it is going to health care. It is not doing that. It is really important to keep in mind, and I do not know if anyone has done the analysis when you talk about all the businesses that are paying into our health care security ordinance, the percentage of them at the restaurants that apply that charge is a very small percentage of businesses. Not all restaurants do it. I have yet to see a non-restaurant. The businesses that i patronized, food or otherwise, the percentages that do that are exceedingly low. The fact that there is a small percentage of covered businesses that are doing this is not a reason to support this ordinance. The other businesses that are not doing it should not be swept in with that kind of conduct. if we want to address that, we should address it.

These are, in my mind, issues that I understand there are some overlap. But they are not completely overlapped.

Supervisor Kim: thank you.

I do appreciate all the comments that were made. It is a very complicated issue and I think that we have gone through several months trying to figure out the best solution to

address this loophole in our health care ordinance.

I want to say a couple of things. When this ordinance first came out, I was on the fence about it korea I was worried for many of our small businesses who want to support in their ability to meet this legislation hand closing the loophole. There are a couple of things that turned my mind toward supporting this. One was meeting with many of the workers to -- whose businesses opted into -- hra for health care.

During the workers knowing they did not have access for funds and being told that they could not spend it on basic health care needs like dental visits,

which was, to me, astounding.

The comments about this being a sledgehammer way of approaching

this instead of finally tuning a more nuanced piece of legislation, I will bring up a conversation we have been having extensively about increasing our exposure to litigation.

Unfortunately, we live under

federal laws as well which limit

our abilities to mandate employer-employee relationships. the purpose solution would have been mandating that employers had to spend -- had to allow their employees to spend on these basic things.

And to enforce notification.

These are things that increase our exposure to litigation. For many of our board members

who are worried about exposing taxpayer dollars to risk, in

many ways, this legislation is the only proposal that I have

seen thus far the response to closing the loophole and

minimizing our litigation risk. The last thing I will say is that anything can be called a job-killer. We raised our minimum wage.

We have one of the highest in the country. that could be called a job- killer. If we have held the san francisco, that could be called a job-killer. When you look at the comptroller' s report of the 36,000 jobs that we are

projected to grow over the next three years, we may, at most, lose 100-300 jobs. When you think about that in the overall context, I would rather have 35,700 jobs that pay a living wage and that afford health care to our residents because in the long run, that is the most cost-effective way to take care of our residents.

Supervisor mar: I do have

empathy for the many who have

been writing to us and calling and the commission's letter was very helpful.

But to the broad coalition of labor and community groups that have worked with supervisor

campos, it is not a complicated issue. It comes down to protecting consumers and making sure that

every single penny gives access by workers to their health care.

I like how supervisor campos broke down costs involved from

pregnancy to a basic night in the hospital.

That makes it very clear why

this proposal is the one that is

really about fairness and protecting consumer rights and especially workers'

access to healthcare, which they need in this economy. I will be supportive of this

ordinance and applaud the effort of the coalition. Thank you.

President Chiu: first of all, I want to reiterate my

appreciation for the work of supervisor campos as well as the coalition that has brought these issues to our attention.

I have always strongly supported our help the san francisco

program as well as the original legislation.

I am proud, as we all are, to live in a city where our employers have a legal obligation to provide health care to their employees.

That being said, I do a thing that there is a way for us to accomplish the goals of making

sure that all of our employees of health insurance but doing it in a way that does not result in fewer jobs.

I just want to lay out -- I have

introduced an alternative that

would be heard at our G.O. Committee in several weeks that addresses some of the problems we have seen today.

Employers who have not provided adequate employee noticed.

employers to have a defense -- have deceived consumers.

Also, the litigation risks that supervisor kim and referred to.

If anything happens legally to this health care security

ordinance structure, supervisor campos'

legislation would be the default. the real issue is, when you're

talking about \$50 million, as

supervisor elsbernd has targeted to be \$500 million over the next

10 years, we are not -- as he

has pointed out, we know that not all of this money is going to be used for health care.

We know that this money will sit in health care reimbursement

accounts, but tens of millions

of dollars of year will sit in

those accounts not necessarily used to employ san franciscans.

Of the last two years, san francisco have lost 30,000 jobs.

while it is true that the economic analysis shows that we

are calculated that there will

be 230-460 jobs lost next year, I do not think we can afford to lose those jobs here. What I'm hoping for is some kind of balance.

A balanced approach to we can move forward with. That being said, I look forward to continuing to work with our

colleagues, the labor community, the advocates, and the business community to move this to a better place.

Supervisor chu: I want to thank supervisor campos for bringing this problem to us.

I think it really opens our eyes to some of the things that we had not anticipated with the original legislation.

as you have mentioned, \$4,000 does not go very far. Coming from a family where my parents and I did not have

insurance for the most part, it really does not go very far at all.

I can appreciate how this is a

problem, especially for folks who really needed to do not have coverage anywhere else.

i am not convinced that this is

the right strategy but I look forward to working with you to

figure out how to tailor it in a way that could work for us all.

It is an important issue. I am interested in taking a look at whether we have any ability

to ask whether we can do an

accumulation method unless certain providers or businesses allow the money to be used for premiums. I do not know if that is an option at all. I was wondering if there was a

way to accumulated over and 18 deaths month.

-- an 18-month period.

there -- I agree there needs to be a fixture.

This is not a solution yet.

Unfortunately, I will be voting against this legislation.

Supervisor campos: --

supervisor cohen: there are a total of six co-sponsors.

i have found myself in the unfortunate position of being on a swing vote on this issue. This issue has been very heavy

and difficult to

pick sides.

i will be supporting this

legislation and I am an original co-sponsor so I will stick with it.

I believe that this, converse to was supervisor chu was saying, this is a step in the right direction.

although she is voting no, I will be voting yes.

But voting yes and looking very

critically at what the unintended consequences will be so that we can continue to

better our best and refine all ordinances, not just this

ordinance in particular, but all ordinances, so that we can continue to create an

environment that is both

equitable for all members and

also hospitable to small businesses here in the city and county of san francisco.

So I look forward to continuing to work with our business leaders, our labor leaders, the mayor's office, as well as assembly member tom and colleagues on the board of supervisors. This is only the beginning. Trust me, this issue is very complicated.

We will continue to fine tune it.

I want to encourage members to continue to work together so that we can continue to better our best. thank you.

President Chiu: roll-call vote. H aye.

E no.

Supervisor farrell: no.

Supervisor kim: aye.

Supervisor mar: aye.

Supervisor mar: --

supervisor mirkarimi: aye.

Supervisor campos: aye.

President Chiu: aye.

Supervisor chu: no.

President Chiu: this ordinance is passed on the first reading. What'

ll we go to our 3:30 special ordinance?

We have a special commendation

from -- Madam Clerk, could you remind me who is from?

>> is from supervisor kim.

Supervisor kim: thank you. I think that there are people

out in the hallway so united

players and members of their family, I see you here. If you want to come in at this time.

Last wednesday, we had a loss in our community and our city.

eric in passed away on September 28.

He was a son, community member, artist, and worker for many of us in the city. And also a dear friend of mine.

Upon hearing on his sighting at -- upon hearing of a sudden

passing last wednesday, there was a community outpouring of

support, love, and sadness for

our loss.

E was not only someone who was a friend, but an angel in our community.

Someone who gave -- sony gave

countless hours to our youth and

families, acting as a tutor who, working at united players for

many years, and also at west

egg and being one of the goodest

people I have ever met. I am truly saddened for his loss. I am sorry, I was going to try to keep it together. I know that many of our members and young people Miss Him as well.

I have a lot more to say about

him, but I do not think I can finish.

We have a certificate to honor

-- we have an immemorial -- an

in memoriam that is co-sponsored by others.

The amount of care that he had for citizens was unbelievable.

I have known him since his work

supporting artists and his love of music.

As a school board member, he would call me all the time to check up on students to see if I could help them.

In talking to counselors, I remember one student who was always late to high school because she had to draw of all for siblings to go to school. he was concerned because her grades were slipping.

He always made sure that people were looking out for all the students he took care of.

I just want to recognize his leadership and his love.

He is a mission high school

grad and a die-hard giants fan .

In remembrance of e, a dedicated community worker,

artist, and friend, he dedicated more than 20 years of

commitment as a youth manager and performance artist.

He was a man the was deeply and passion for his work and

community, for the people, and forth his family.

He is an unsung hero who will be missed but always remember her.

My apologies -- I tried to keep it together but I want to thank the community for being here

today to recognize someone who was our angel and friend.

[Applause]

president chiu: we have a couple of other colleagues the would like to speak to this.

Supervisor mirkarimi: supervisor kim'

s passion and sorrows before those of us who have known eric.

the day after he died I went

over to united players in on howard street.

A little shocked and unclear as to what happened. I wanted to speak to members of the community over there. I'

m still kind of processing y eric has passed. I have not heard exactly.

It is a mystery then and it appears to be now.

we are prepared and I want to thank supervisor kim for the recognition that she is applying

right now to present an in

memoriam when it comes to roll call.

United place was a community and eric was a pillar in the community. It is well known because of the

work that is done in the streets

that erik and united place has been essential in helping us take that to our streets in a

way that grass-roots would want to take back our streets.

And empower community where they had been disempowered.

i greatly appreciate the outpouring of support, greatly appreciate those who recognize

the true commitment and

contribution by eric and others

in the community of united place.

Today is a small recognition for that.

supervisor avalos: eric was also a resident of my district.

I want to acknowledge that and

the work that he has done has spanned many areas.

He was a part of organizing -- we had several peace marches of the last couple of years that

eric took part in and helped

sponsor building unity among the youth.

That is the same work that has been going on in the south embarcadero.

I want to abolish the love that

eric brought to the community and helped bring up a lot of young people whose lives are better because of his work. I want to thank him for that.

supervisor kim: I do want to recognize members of his family who are here today.

His sister, his brother, his brother, and his mother.

Many of our family' s first come

to the south of market, and as

supervisor avalos mentioned, our residents of district 11. If we could call up his family to receive a commendation on

behalf of e, and all the members of the united players, thank you for being here.

[Applause]

[Applause]

>> my brother eric was a great man. He still is to this day. He is up there watching over us

all like he was with all of the kids.

But yeah, nothing else I can say.

No words can explain how my brother loved the community, the

city of san francisco, and of course, the giants. I appreciate all you have done and thank you in. [Applause]

>> good afternoon everybody.

I want to thank the board of supervisors for bestowing this honor up on eric.

It takes that sometimes for us to recognize the people who really have an impact on our lives. I want to a college eric and

also there are so many people like him who work to make several cisco a great place.

he just did his work. He did not like doing

interviews, he did not want to be on camera. He just did his work.

Because that is what he believed in.

I just want to thank you .

This is for eric but i know eric would also want me to speak for those people that just do their work to make the city better. So I thank you.

This is a young man who would

like to say a few words.

>>

he was my case manager.

He helped me in my school work.

When I got in trouble, he always helped me.

He wanted me to graduate, so I' ve got to finish it for him.

[Applause]

>> thank you. And thank you for giving him this honor.

President Chiu:

thank you. thank you all very much for being here today.

>> I just want to say that I am his sister.

I'

ve known him for a long time growing up in san francisco.

We lost a great leader and a great son the other dead.

he is a friend and mentor to a bunch of the younger generation.

E wood of only like us to continue on the good fight, to make the city a better place.

That is our city, the city we

grew up in, the city went to the public schools and, that we currently live in, and I am

utterly proud to say that I know the family and the family will

continue in that will continue

to dedicate their time and souls to this great city in the will only make it good because of the salt of the earth, people like e.

izz, I love you like a sister.

Much respect to the family and this city that we call home. Thank you. [Applause]

President Chiu: thank you very much for the presentation. I think that concludes our commendations for today. madam clerk, could we go to roll call.

>> for soro call for introductions, supervisor cohen.

Supervisor cohen: thank you very much.

I told you it was going to be a long, exciting day.

In colleagues, here today I am excited in -- I am excited to introduce to you a menace to the planning code and zoning maps that facilitate the expansion

and relocation of a center for youth wellness in that they view. The center for youth on this is

a unique partnership -- was it something I said?

[Laughter]

the center for youth and

wellness is a unique partnership

between the california medical

centers, bayview health, they the child health centers, the stanford early life stress

research program and tipping point community.

These organizations have partner together to build a one-stop health and wellness center for

san francisco children and families.

The center for you bwana' s will combine pediatrics with mental health services, educational

support, family support,

research and best practices, and child abuse response under one roof.

unfortunately, what we have

begun to see is that youth in

the communities to suffer disproportionately from violence and poverty have not only

physical health needs, but mental health needs as well.

These impacts require a more comprehensive approach to

delivering public health services to our youth.

the center for public health juana's will be the first in the city to have a comprehensive approach to the physical and emotional needs of our youth in

the city who are business -- who are witnesses or victims of violence, all in one building.

Thank you Mr. Chair and Madam Clerk. The rest I submit.

supervisor farrell: thank you I have a few pieces of legislation.

I am introducing legislation that I crafted with our mayor's

office of housing which has their full support which I thank

them for to provide greater neighborhood notice and input for city development projects. Later today we will hear the appeals on the youth project in our district.

In my opinion, appeal that could have been avoided had neighbors provided breaded notice --

greater notice of the project and ability to provide input

before the product was set in stone. Specifically, this establishes

an e-mail opt-in system -- opt-in

system where they can receive notifications for development that are funded by our city.

My hope is we can avoid the

debacle which has six -- which has unfolded over the last years in my district.

I want to specifically thank our mayor's office of housing for crafting the legislation. They have been great to work with and for their support on the legislation.

I am introducing a resolution

commending our golden gate

valley branch library reopening.

Originally opened in 1918, the

golden gate valley branch is a landmark carnegie library and is fully accessible, technologically updated, and has been transformed into a state of the art library designed to serve the neighborhood for many more decades to come.

The renovation has been a team

effort between the public library, staff and administrators, department of

public works building design and construction addition, a fine

line construction, taggard

architects, and in numbers of fish.

And members of the community raised funds and design the branch to sue their neighborhoods me needs.

I commend the library, the friends of the library, and the department of public works. Members of the surrounding

neighborhood and the entire team and made this writing so

successful for their dedication and hard work. I invite everyone to join us in the celebration of the rededication of the golden gate valley branch library on

saturday, October 15, at 1:00. The rest I submit.

supervisor chu: I have submitted my item.

Supervisor wiener: I submit.

Supervisor kim: --

supervisor mirkarimi: I submit.

President Chiu: I have a couple of items today. some have to do with neighborhood issues with in my district a. I want to first mention that the district I represent are many of

the densest neighborhoods not

just in the city, but in the west coast which the least amount of open space.

Like every neighborhood, we have challenges hanging on to

families and our family flight has been exacerbated by the

limited amount of open space and recreation space. There was language pass a number of years back by the board of supervisors that prevent buildings and structures from

being built on part parcels in my district.

That was meant to protect our open space, but it turns out

that it would also block the building of playground

structures on such parcels. I am introducing a technical piece of legislation to clarify

that hopefully someday, we can build playgrounds structures on some of this opens days.

I have a second item to request

a hearing on the status of the eight washington project. This is a product in my

district of the golden coast and barbary district neighborhoods. There have been many questions raised about this project regarding recreation and housing needs. I would like to ask for a

hearing so the questions can be answered.

I know there are a lot of folks who want to hear about what the current plans are.

the third item I am introducing today is an item that I have

worked with our city attorney as well of supervisor wiener on, which has to do with security in our city' s parking lots and in

and around our nightclubs. In the last couple of years, we

have passed several pieces of legislation to make sure that there is adequate security in and around nightclubs in san francisco.

In recent months, there have been requests made of us and by

the entertainment industry and nightclub owners in to consider security measures in and around

our parking lots, particularly those that are close to nightclub venues.

over the last few days, there was another incident of

violence that occurred in those spaces. The legislation that supervisor wiener and I are introducing

would require all parking lots to have a security plan.

For those who are within 1,000

feet of an entertainment permit,

to ensure that there is adequate

lighting, to ensure that exits and entrances are properly maintained, and to ensure that there is security during the hours of operation of these

lots and into the wee hours of the morning, which is where these incidences of violence take place. I want to thank supervisor wiener for his work on this issue and look for to his consideration.

supervisor campos: thank you.

Colleagues, as I noted earlier, I will be introducing an ordinance that will require that meetings of the san francisco ethics commission be televised.

I look forward to your support in that effort.

i know that there is a lot of interest in this issue. The key is that we want to

provide more transparency to the

very important work that the ethics commission does. The rest I submit.

Supervisor kim: thank you.

I had already mentioned this earlier, but I am introducing

legislation to amend our public financing laws.

I had spoken of it in detail about that previously during our discussion.

Basically, incorporating some of the amendments that would actually take out the portion of our public finance law that is now on constitutional by the

U.S. Supreme court, but also

makes steps to protect the

intent of public financing, to continue to encourage candidates to participate and be able to allow candidates to run sufficient campaigns as they run for office.

I want to a knowledge my

cosponsor, supervisor avalos, supervisor campos, and

supervisor mirkarimi, and supervisor mar.

>> thank you, supervisor kim. Supervisor mar.

Supervisor mar: thank you, Madam Clerk.

Many of you have probably heard

about the unfortunate stabbing death that occurred in the richmond district on monday morning.

i wanted to ask my colleagues to

close the meeting in more import

dina and peter wu, two of the victims in the violent incident.

The passing of dina and her son

-- she was 73 and her son was 44. That passed in a domestic violence incident that occurred in monday morning in the richmond district, a few blocks from my home.

Mr. Dennis wu,

who was also

involved in the ascent.

They emigrated from china decades ago and have been very involved in the chinese community.

Dennis has served as the

President Of the wu family welfare association for several terms.

I will be joining the police commissioner at our police

chief and others from the

richmond area at a community

meeting this evening at 6:30 at

the richmond rec center.

The police chief will answer concerns about the incident and I and others will be there to give our condolences to the

family but also make our communities safe and address issues such as domestic violence in our neighborhood.

The rest I submit.

>> seeing no other names on the

offer -- on the roster, that includes roll-call for introduction.

President Chiu: was going other two are four-o' clock special orders? The first hour like to call is

the order about the edward the second project.

If you could call items 45 and 42 as well as an item 10.

>> persons interested in decisions of the planning

department and the commission' s affirmation of the-declaration

adopted and issued on July 14, 200011.

projects located at 3151

through 3161 scott street.

Item 37 is the motion reversing departments issuance of the- declaration.

Item 38 is the motion directing the findings.

item 39 is the person' s interest of planning commission' s presentation on properly located

at 3151-3155 scott street.

Item 31 is approving the conditional use association.

Item 41 is disapproving the commission' s finding to approved the conditional use association. Item 10 has been called.

President Chiu: on today' s

hearing, we have to hearings on

the project of 3151-3155 scott

street, the edward the second project.

This would allow the creation of

25 units of housing, 24 of them for transitional aid to you from 18-24.

We have an appeal of the-

declaration.

There is an appeal of the conditional use authorization for this project. both of these have been brought by the same appellant, the county all association and

various other associations to. The issues on the appeals are different. Our consideration of the

appeals of the neg dec, involves

the inaccurate -- the inaccuracies and inadequacy of the declaration.

Six votes of the board are required.

Our appeal of the conditional use authorization involves an analysis of whether the planning commission' s determination to authorize the project was appropriate.

This hearing is quasi -- judicial

and nature and May require due process. to overturn planning or to

authorize the conditions, eight boats of the board are required.

While both hearings involve

distinct analysis, they relate

to the same project and the consideration of many members of the public that May wish to speak on one or both of these issues.

under consideration of the

appellant, the board, and itself, I suggest we consolidate into a single hearing.

In order to ensure that the

project sponsor and others receive a full opportunity to

address the appeals, I propose that we conduct the hearing as

follows -- first, the appellate will have up to 10 minutes to present their case for the appeal. The appellate will then have 10

additional minutes to appeal the conditional use application. Next, members of the public to support either or both of the appeals, meaning you want to

request to reject the neg dac or

conditional use, you missed but

-- you May be for up to 10 minutes on both of these issues.

Next, the planning department will have up to 10 minutes to present the analysis for certifying the neg dec and another 10 minutes to present analysis for authorizing the conditional use and planning unit development. Following planning a presentation, the real party in interest, the project sponsor, will have up to 10 minutes to present their case for certification of the- declaration. The project sponsor will have up to 10 minutes confirming the authorization.

Following the project sponsor, members of the public debt which to support the issuance of the neg dec and the conditional use of -- conditional use authorization May speak for up to 10 minutes on both issues.

We ask the speakers to identify a particular appeal if they wish. Finally, the appellants will have up to three minutes for rebuttal in support of the neg dec appeal and the conditional use authorization. At the end of the hearing, we are considered by law to consider the question of the issuance of the-declaration and therefore, we will first vote on whether to affirm the neg dec.

In the event it is confirmed, we will then confirm or overturned the conditional use authorization.

Given that this relates to the conditional use authorization is quasi -- judicial in nature, we need to provide parties with due process for this entire proceeding.

Members May not be biased or predispose toward a particular option on this project.

all of us will be considering

the same effects, records, and testimony.

Colleagues, any objections to proceeding in this way?

Let me ask the supervisor

farrell resided you have any official comment. Why don't we proceed to the hearing? I will have four representatives from the appellants. if you could please set up.

As I said before, you have of 210 minutes to present your case

for the appeal of the neg de3c c.

You up to 10 minutes for the appeal of the cu.

You can use all of that time or as much as you would like.

>> President Chiu and supervisors, thank you.

I represent the cow hollow association.

I will present the talking points regarding the final mitigated-declaration appeal.

then I will continue on to the

cu and, with President Chiu's

permission, ceded the rest of my

time to a member of the cow hollow association.

The overarching point before us today is about transparency and consistency and processed.

The cha is entitled to a full

and complete objective analysis

under ceqa, rather than go

through all of the points that

the association has put forward

or referred to you in the written materials and discussed what I think are the most important.

First, the city violated ceqa by

failing to perform required

analysis before approving the project.

Before approving a project

subject to ceqa, the city must

consider a final eir or neg dec.

The california supreme court has emphasized that ceqa requires

environmental review to refer to products first rather than final approval.

by lending its political and financial assistance to this

project, the city, as a

practical matter, has committed itself to the project.

In August of 2009, the mayor's office of housing issued a

notice of funding availability

for \$2 million for a housing project. C after.

Hp as the project sponsor, the

recommended an additional \$2.4

million to chp outside of the funding selection process.

in July of 2010, chp

executed a deed of trust and security agreement with the mayor's office of housing.

On July 20, 2010, the city

issued a notice -- rather, a certificate of exemption with regard to ceqa.

Finding that the projects

categorically exempt from further ceqa analysis.

On that same day, the mayor's

office approved the loan.

Within a few days, it became clear that the planning

department was -- had decided to not go forward with the notice

of exemption and instead began a study to determine whether the project may have significant effects on the environment.

December 2010, the city loaned

chp another \$2.2 million.

for a total \$4.4 million.

The money has been lent, the property had been purchased, but

it was not until July of this year that the mitigated neg dec

became final.

What we have here is a fait

accompli.

There is little room to argue

that this project would not go forward or will not go forward.

By committing \$4.4 million, it has subverted the ceqa of

process and deprived the cow

hollow association and other neighbors of their due process.

President Chiu: we have a question from one of our colleagues.

If we could roll the clock while he asks the question.

Supervisor wiener: thank you for bringing up this argument because it is one that I really do not understand.

i wanted to press you on it.

You cannot do ceqa until you

have enough shape around the

project to do a ceqa analysis. Is that correct?

In terms of the density, the traffic impact, and being able to study those kinds of things. Right?

>> correct.

supervisor wiener: if you decide

you want to support transition aged youth housing and this is a

great provider and we want to

start supporting the project and encouraging development, but it

is one to take us some time to actually figure out if it will

be 30 units, 70 units, 20 units,

100, is there one to be parking or no parking, and all the other

things that go into the final project.

Your argument that the city

cannot take any of those steps

ahead of time to work with the provider to come up with a

project without first undergoing

ceqa on a project that does not

exist because you cannot do ceqa on it, that is what I'm hearing and I am a little bit confused.

>> the issue is that the mayor's

office of housing loan \$4.4 million.

/

supervisor wiener: that is often the case. If you loan money to explore what the possibilities are.

There are a lot of transactions that happened before you have a product that is far enough along to be able to undergo a ceqa analysis.

>> to buy the building?

Supervisor wiener: that building

-- if you got -- if you do not know if anything can be done to that building, there are so many things that happened before you

have a building or a project that is tangible enough to

undergo ceqa that it strikes me that the argument you are

making, taken to its logical conclusion, would make it

impossible for government to

engage in any kind of project activities to move a project forward without undergoing ceqa even though you could not

undergo ceqa because the details are not finalized. >> I would respectfully disagree. There are many steps that the

city could take them a require

the expenditure of funds that would not, as a practical matter, require the city to commit itself to the project.

But by loaning \$4.4 million on a 55-year loan, and allowing the project sponsor to purchase this building, that is a commitment to the project.

supervisor wiener: what if the city did not load any money or a small amount of money, said \$100,000, to go through a process and spent 300 hours of staff time working with the provider to determine what kind of price would be appropriate?

Could someone take the position that that is committing yourself such that you would

have to undergo extensive ceqa analysis even though you do not have a fully fleshed out project

and appeal that to this board and file a lawsuit afterwards? That is what I'm trying to feel here. Where are the limits to your argument about these three-

commitments?

i do not see where you draw that line.

It strikes me as ceqa swallowing up the ability of government to do any kind of planning or partnering before you have a final project ready for presentation.

>> our position is that, by loaning \$4.4 million so that chp could purchase the building, it is far beyond any preliminary inquiry or planning stage.

It is a de facto commitment to the project prior to ceqa- reviewed approval.

Supervisor wiener: how do you draw that line of? You're saying one thing, but I could think of 100 difference in areas where someone could take that exact same position.

>> it is difficult to discern.

But here, it is not.

It is so far into the realm of tacit approval.

this is \$4.4 million we are talking about. A substantial sum of money.

Supervisor wiener: what if it were \$500,000?

>> I agree that there are facts out there that would make it more difficult and it would be nice to have a rule.

But that is now we are -- that

is not what we are arguing for today. We are arguing for the facts before us under the circumstances.

\$4.4 million is a commitment to the project.

Supervisor wiener: because there

is no rule, what your argument leads to is the possibility of tying up any project that has

any civic participation before

you have a ceqa-ready project.

Then you are pre-committed.

you said that, in the paper, you are pre-committed.

I can see many different scenarios were this is a problem, but I will let you continue.

>> I will use my time to address your point.

I believe that if there were

more transparent mechanisms to

plan and approve these projects, then everyone would

have an idea of how the process

is supposed to transpire, what

the role of the neighborhood is,

and what the process is and there would be consistency in that process.

supervisor wiener: that is not ceqa. That has to do with our planning process, distinct from ceqa.

>> I will examine those arguments from the conditional use.

My next point is that the lead agency did not address the

adverse social effects on people caused by the project.

As a factor in determining the

significance of the project's political changes.

if the project would cause overcrowding at a public facility and the overcrowding causes an adverse affect on

people, the overcrowding would be regarded as a significant effect.

Hear, the planning department fails to consider whether an

adverse affect on the neighbors caused by overcrowding due to the physical changes to the building is a significant effect.

The department bases its

analysis on the assumption that

there will be 24 presidents.

However, there is no such limitation bound in the

application in the analysis under ceqa.

My next point is that the mandatory findings of significant cumulative impact

analysis, growth inducing impact

analysis, were flawed and glossed over.

in both the initial study and

the final mitigated neg dec

failed to take into account the impact in a special use district and increased density as well

as performance of open space requirements.

next,

I would like to address a

piece milling -- pieacemealing

nature of the process, in that through this pre approval long

process, you have a new way of

approving projects in the city.

You have grown so much money behind them that it is a done deal.

Really, what that is is a de facto amendment to the housing element. When you look at the housing element, uc

-- you see issues of transparency and neighborhood

involvement required. That is just not what happened here.

The point is that, what you really have is a de facto amendment to the housing element.

And that requires an eir.

Moreover, what the -- I will reserve that argument.

I have not had an opportunity

to -- I know that the department

came out with a response to some

of these issues we raised today.

I have not had an opportunity to review it thoroughly.

But I understand that the

argument is the city is not committed to the project.

and I'd just do not see how a \$4.4 million loan over a period of 55 years is anything less than a commitment to the project.

I would also point out that the

notice of exemption, while the department may believe there is

evidence that this is a case that does not require a-

declaration, I would like to

point out that that flies in the face that this is a the

mitigated neg dec.

It is the notice of exemption

that is referred to as the -- it

has no practical implication or

it does not shed any light on

the necessity of the mitigated neg dec.

Unless the supervisors have any

questions, I will move on to

highlight the arguments in the conditional use.

First, the commission improperly authorized the conditional use before the board of supervisors.

A conditional use

permit allows the use permitted by the zoning regulations, but because of possibilities that permitted use

could be incompatible with applicable zoning, a special permit is required.

The project is not permitted under current zoning legislation. Planning commission found the project is consistent with the planning code based on the

proposed ordinance which is not current laws.

The fact is more convenient with the city to do a conditional use at the same time as ceqa does not mean that they can ignore the procedure.

The conditional use, as it

stands, assumes it is already passed and that is not the case.

Nothing in the conditional use

authorization makes a contingent upon an sud.

Next, the city' s special use district ordinance is improper

methods to propagate california

codes based on property requirements.

Density bonus requirements require the city to adopt an

ordinance that specifies how

compliance with the density bonus law will be implemented.

The city has not adopted an ordinance.

If it did, it would go to some of supervisor wiener'

s concerns

about how the process should proceed to continue and

approved low-income housing.

Instead, the city passes and ad

hoc ordinance under special use

district ordinance to allow density bonuses.

Arguably, the city must pass an

sud to comply with the density bonus requirements of state law.

The city is

in an untenable situation.

If the city did pass an

ordinance, that would comprehensively deal with the density bonus requirements, you would have a consistent and transparent application of the regulation.

Hear, there it --

here, there is

no transparency, it is not consistent, and there is no way for the neighbors to understand and participate in a process

because this ad hoc basis is

opaque to the average resident.

Next, the commission did not address the inherent conflict

between permanent housing and housing for transitional-aged youths.

the project is designed to be

affordable housing for youth between 18-24 years of age.

There is a fundamental conflict

between housing design for youth up to a particular age and permanent housing with eviction control.

again, there is a disconnect

between the project as presented

to the community and to the potential reality.

The risk is that once the

project is fully occupied, current residents will not cycle

out to make room for additional residents, but after several

years, the project could be at full capacity with only residents over the age of 24.

The sud does not
require tay
housing, but the application, the legislation, the entire process is presented as that.
This is an issue that should be
addressed in order to create a
consistent or part of a
consistent, uniformed approach to this development of this type of housing.
next, the commission could not
have a rational decision on the application because the project
sponsor is consistently unclear
about the population that the project would serve. the project sponsor has represented that the project
will support housing and for the conditioning of the foster care.
this is described as any use
between 18 and 24.
The planning commission
described the residence as
transitional age students and a
maximum of 50% of median income. The motion adopting conditional
use only mentions foster use twice.
-- youth twice.
This inconsistency and the
reality has disturbing
implications not only for this project but as as a precedent for future projects.
next, the size and density project.
This is insufficient as so far
as it will try to pack too many kids into two small units.
This is the immensely important
and to make work, the project sponsor needs a certain number of kids.
To compare this to booker t., this is not even close.
This is massively expensive.
This is basically at the feet of the people that have to live there.
I would like to point out that there are several aspects of the housing element.
there is the objective of
greater policy awareness out -- at greater policy awareness. How could this happen without
any discussion?
also to great certainty in the development in the entitlement
process by creating primers. Implement the planning process
improvements to produce project delays and provide clear information.
this is a pot of the project for many reasons.
when a project flies in the

face of the openness and

transparency and the housing element.

this is a much better framed

statutory speak in set of regulations to carry out the

goal of increasing housing in the city.

That will conclude my presentation. If anyone has any questions.

>> any questions for the appellant?

Ok, thank you very much.

Of like to ask if there are members of the public felt like

to support either or both of the appeals.

what I would like to suggest is

that if we could line up.

I know that there is an overflow

room and individuals that was to speak on behalf of the

appellants.

We will bring folks in as we have capacity.

>> I have a resident of the neighborhood.

I am talking about the rule and

holding of the california

supreme court.

the rule is not unclear.

See "procedures are violated when there is a project

completed prior to documents.

This was approved before the

completion of the environmental documents.

This project was approved on

july 19th, 2010, when the mayor

approved the loan to enable the

purchase of the property.

If that was not enough, by the end of the year, the city has

invested in its project that it

approved \$4,416,508.

Each dollar is a reason. The city's approval of this

project ignores the bright line

rule of the supreme court

case

which the city must conform itself to.

There is evidence this could have an effect on the environment.

these are needed to exempt the project.

This causes overcrowding.

This might be a significant

affect.

the lead agency has been

prevented with many for -- their arguments.

>> thank you very much.

Thank you very much.

>> we have a lot of speakers and we have several hearings. Let's hear from the next speaker.

>> our company built a mixed

use project.

We completed this in 2010.

We were informed of the housing proposal by a neighbor.

We were

required by law to visit a potential condominium of hours.

We have lost numerous sales

because the mayor is speaking with the project sponsors.

objections include it density, no drug free policy, insufficient staffing.

Findings must be made per paragraph two of the findings.

This

is for improvements with the potential development.

these findings cannot be made.

This suffers from overwhelming

neighborhood opposition .

i respectfully request that you

deny conditional use approval. Thank you.

>> our issue is not affordable

housing but any use that it serves.

This is not chp or with larkin street.

This is about the choice of this

particular building in a myriad of zoning exceptions.

the city could have avoided this

process .

I have a thought and with the outline and outreach plan.

Out reach in this case can mean identifying decision makers that will support and pass required

legislation that includes the planning department, the mayor, his staff. After they reach out to the

supporters among the community leaders, neighborhood

associations and can influence the back of the project. Only after the project is

virtually insured legislative

passage, political cover did they contact the neighbors.

They have traded an

uncooperative atmosphere with the stress of the people in the area.

the project sponsor has purchasing deadlines for the

building and they needed the zoning from the city.

There is \$4.4 million to spy out reach.

No decision makers lived near the property.

>> let me ask anyone watching

this if you wish to speak in

support of the appellants,

please come up to the hearing room and we will give you an opportunity shortly.

>> I am from the marina community association.

the implication both of this and what they have during is to

imply that organizations to not support use housing. We do.

We think it is your responsibility to get the most

that you can. The other problem with this

project as you are deliberately done nine this to a good number

of people that need it because you'

re going with a gold-plated cadillac project.

it is your responsibility to guard the public money whether

it comes from a federal fund or

a state fund or a city fund.

Get the most for these people

that need it the housing, don't give them some gold-plated projects that is not really

accommodate 25 people.

this

is being billed for but \$280 million a square foot.

That is a ridiculous use of public money and it is your responsibility to make sure that

the money that the city has is used to get the maximum benefit

for these young people out here in need housing. I don'

t think the rest don't

care if that is near my house or someone else.

>>

I am here today to ask you to

give us answers regarding this project.

transparency is the most notable problem. The lack of any type of community outreach.

Secondly, we have now

determined that the units are subject to control.

There is no transparency for the

selection criteria of the 24

people that will get these

rooms, 24 rooms.

There is one directly across the

street which is controlled by lottery, by the mayor'

s office. I want to know why there is no selection.

Who will be doing this?

The final thing I would like to

say is that if they age in

place, they will not really be -- this is not serving the community that is supposed to serve.

>> thank you, supervisors.

all I'm asking is that you consider the impact on people

like me .

Working against a done deal is difficult. Please, do your jobs.

>> next speaker.

>> thank you.

I have to

agree. we did not find out anything about this until it was a done deal.

We asked a lot of questions , we have not gotten any solid answers.

We have an answering -- asking the question.

We never really found out.

for the investors in this project?

I still have not found out what the public or private.

We probably know it is the mayor' s office.

Who is the person that is

getting the tax break?

hey, maybe I would unlike some tax breaks if I had been approached.

Let the big concern is the parking in the neighborhood.

there were 6500 bar and restaurant seats.

There are 1800 workers, 700

offices.

Only 1395 parking spaces.

I invite any of you to come to

the area about now and try to get a parking space.

we will get more people.

The study that they sent is

flawed because it shows that

people over 62 who live near supermarkets and cleaning and

things like that of have cars.

Guess what, no one over 62 will be living there.

>> thank you very much.

>> good afternoon.

I am a resident but not really a

neighbor of this project.

I speak to you more as a mother and taxpayer.

The big problem is that this is

a special use district for one building and it creates an incredible presence.

The project sponsor can increase

the number of rooms from 16 to 24.

This makes the project viable for the price tag.

a din of could see door room

would have cost about \$4 million.

-- a low occupancy dorm room could have cost about \$4 million.

This was sponsored by other supervisors outside the district and I understand they did not come and meet the neighborhood associations to meet -- find out with the objections are to it.

This is stacked against anyone really opposed at this point.

I don't think that that is much to do.

it calls into question the way we run our city.

You have someone from the middle

of a district who gets overruled in people and other areas.

The supervisors might not be responsible to the needs of that district, will not vote for you.

i know that some of to iran in the general election, you are outside the purview of district two.

-- I know that some of you were in the general election.

kids need more space. Thank you.

>> thank you, next speaker.

>> good afternoon, supervisors. I have a key items.

I had a property a very close. At the first is a letter from my

tenant, the new proposal , if approved, we would have to reconsider our tenancy.

we do not want to live near a housing project for at risk youth.

One comes from my own personal history.

After college, I worked for six months in asheville, north carolina.

For the most part, these were well developed and they have

little chance of changing their tendencies.

A young man brought a gun to the program. This was not the first time this had happened and it would not be the last.

Unfortunately, they are littered

with stories like this and sometimes they turn more serious.

The 24 at risk youth living next door, I don't want to take my

chances waiting for the next life threatening experience.

it was claimed that the minute

that the finding was announced, they began an extensive community are reached.

I live directly next door and in

early May of 2010, this is what I received.

And notice of intent to approve a housing development. This was already a done deal.

>> thank you.

>> I was not going to speak today.

I just came to see what was happening. We were originally told with 24

rooms down when I went to the other

hearing, the public speeches, then the commissioners get to say what they say.

They called us elitist.

When has an elitist ever been at the bottom of a hill?

they are putting that in a newspaper and we're supposed to go for that? That is a done deal. We will see if it is. Thank you.

>> thank you.

>> hello, I and a property owner

in the area and I just have one statement.

October 22nd, 2010, the neighborhood advisory committee was formed.

I found this out through the neighborhood association.

There was a letter stating that they would support population

density and when the majority of participants refused to sign the

document, the chp suspended the vote after one meeting.

>> hello.

The chp purchased this and it is a special use district. When searching for a site for the project, there criteria was

a building was for 20 units.

This is scheduled for 16 minutes.

This is based on the city wide

definition of group housing which will allow them to have up to 50 prominent residents.

Based on the special use

district, the edward can have up to 98 people there at one time.

This project is far too small.

It seems like this is not suitable.

There is no outside space, there

is no parking, the rooms are very small. I don't know about the kitchen

and dining facilities and whether there is a group room where everyone can meet.

I think that the area is not a

good area and we quite disapprove of it.

>> next speaker.

>> good afternoon, supervisors.

My family owns the project adjacent.

This is not mandatory transition. The tenants will find a standard

lease with no time limits.

there is no actual program for the expectations and goals.

The chp cannot get control, they

went out.

I went hours listening and transcribing the entire hearing

and at the end of the day, I

witnessed a disregard for neighborhood questions and concerns from all except for one commissioner. It has been clear that the mind of these commissioners had been made up before the meeting started. That is denying us to process.

this is setting a dangerous precedent.

The commissioners opinions were misplaced, and accurate, and in some places offending.

This not what we expect from a committee.

Prior to the meeting, it had already been circulated in the hall that it would be fine if to one.

commissioner antonini was the only one who addressed the size of the project.

They express discontent regarding the special use request.

They polished that the site has a lot of challenges, overcrowding.

You cannot make it smoke-free, of all free, or probably drug free.

Many questioned the extensive community outreach from the chp. Thank you.

>> thank you. Next speaker.

>> and all the hearings they have asked what alternative

sites did you see. She did not look.

2230 lomb

ard, there are 29 rooms. They have been remodeled.

They were on sale at the same time.

Larger

rooms, larger bathrooms.

There was an office, this was to let people in and out.

all they needed to do was add an

elevator and laundry facility

and for all those parking prices, lots of parking places,

they could have put a nice to me the room. They did not look at alternatives. Other people ask what sites to

look at in the neighborhood and in the city.

I have a list of 16 right here

that were available at the time.

It must have been in a bad area.

The edwardian at market street was for sale at the same time.

you are not stopping the clock?

I have not finished.

Bayside in in the fisherman' s

wharf is something to do.

It is for 171,000 square feet

and does give people a lot more amenities. There are dozens of them.

They did not look.

This is not in my backyard. Let' s do what' s best for the kids. Thank you.

president chiu: are there any other members of the public who wish to speak on behalf of the appellants?

I want to make sure that anyone from the outside room has an opportunity to speak on behalf of the appellants.

Ok. This is it.

>> my name is jeff would. I am with the town hall association.

I am interested in maintaining the quality of our neighborhoods.

The city has proposed to change

the zoning but it is not taking full responsibility for the new conditional use.

by that, what I mean is, the city is waving open space requirements, they are waving

parking requirements, they are

waving a backyard requirements

and there is virtually no common space in the plan that was

proposed to the planning commission.

community housing

partners, to

their credit, they recognized

that these are problems with the proposed facility.

They have quite willingly offer some solutions.

they have offered to provide extra staffing.

They have offered to provide an

additional approximately 3000

square feet of common area community space for the residence.

they have also suggested a community oversight commission -- committee.

These suggestions need to be incorporated into the

conditional use if the zoning controls are removed.

Not just glibly avoided like the

planning commission did, this is something that supervisors need to look at.

It is probably true for every affordable housing unit in the city.

It needs some of this kind of input.

I think these conditions will protect not only the neighborhood, but it will improve the quality of life of residents. Thank you.

president chiu: thank you. Any other members of the public which to speak on behalf of the appellants? Ok. Seeing none, let's go to a presentation from our planning department.

>> I will do my best to be heard here. Good afternoon President Chiu and members of the board.

i am lisa gibson with the planning department.

In joining me today is my

colleague andrea contraras, who

is the final coordinator for the negative declaration that is the subject of today's appeal.

also with me is annemarie

rogers, who will address the conditional use application.

Tina tam will be available for questions about national resources. The planning department sent to

two appeal responses responding

to a total of two letters that were set by the appellate as a

result to the final neg dec appeal. If any of you need our latest memo, we have extra copies.

We also of copies for members of the public.

After careful consideration of the concerns raised in the testimony today, the planning department continues to find that the ffmd was appropriately issued.

We will uphold the decision to issue and fund and returned the product to the department for an eir.

I would like to turn things over to andrea who will conclude the presentation and wrap things up. >> thank you.

I am with the planning department. The department found that the proposed conversion of a 29-room hotel to a 25-room group housing units includes a sud

would not result in a significant effect on the environment. The litigation measures have been agreed to buy the project sponsor and a mitigated negative declaration was appropriately prepared. The department's response to the primary concerns raised by the appellate can be grouped into the four main points.

Two related to the environmental review process and two related to the fmnd.

the department maintains that the preliminary maintained negative declaration was properly circulated.

And the city complied with the california environmental quality act, or ceqa, prior to any approval. In response to the substance-related concerns, the department asserts that the project density would not result in any significant impact.

And the fmnd's analysis was inadequate.

Preparation of an eir is not warranted. in one process-related issue is the circulation of the pmnd. The department circulated it for a 20-day review period, consistent with the ceqa requirements.

The project is not a statewide, regional, or area significance as defined by ceqa, therefore it did not require a 30-day review period or circulation to the state agencies cited by the appellants.

The second process-related issue is compliance with ceqa prior to project approval, which the city did. initially, in July of 2010, the department determined that the product was exempt from ceqa and issued a certificate of determination of exemption.

The department found that the proposed change of use with

minor alterations, the building would not result in any significant environmental impact.

At that time, their policy was

not required pursuant to the

district ceqa guidelines that

were in a factory that the assumption determination was appropriately issue.

After the department issued the

exemption determination, members of the public continue to raise

concerns about the project' s impact.

Out of an abundance of caution, the department decided to prepare an initial study to determine whether and eir was required.

In doing so, we consider the

potential impact of the project

under the air district ceqa guidelines.

The department acted prudently and cautiously to identify a significant air quality impact,

even though the related air quality significant threshold was not technically applicable to the project.

The initial study identified in the mitigation measures to

reduce this impact to less than severe levels. The project sponsor agree to this measure and the department

issued a pmnd.

The project loan approval is not considered a project approval

under ceqa and therefore we approve the loans before the ceqa analysis. I would like to address the issues raised by the appellant. The offense of the density increase.

the proposed density increase

from 16 to 24 units was analyzed.

While the project would result in an increase in group housing

density, the department' s found its assets would be less than significant under ceqa.

With regard to land use, the

project would not specifically divide an established community, conflict with land use policies adopted for the purposes of

environmental litigation, it would not conflict with a

conservation plan, and it would

also not sit -- substantially impact the existing character of the project the city.

Thus, the project would not have a significant land use impact.

In addition, the project would not result in significant impacts to population and housing.

It would result in a total of 25

residents and employees for

.01% increase in the residential population in the marina neighborhood.

While this May be noticeable to immediate neighborhoods, the increase would not substantially change the existing area wide population and the resulting entity would not exceed levels

that are common in urban areas such as san francisco.

Further, the project would not displace people are housing or result in the need for additional housing.

Regarding cumulative and growth-

inducing impact, department staff would be planning efforts in the project the vicinity and found no past, present, or foreseeable sud' s.

As such, the appellants

assertion that it was set at

present -- set a precedent for other sud'

s is speculative.

Other reasonable developments should be considered in a ceqa analysis.

Contrary to the appellants assertions, the project is not part of a larger project and is not peacemealing.

this refers to the breaking down

of a development into multiple

developments in order to avoid review.

The project at 3155 scott street is an entirely separate and

independent of the 2009 housing element and and and other projects proposed. P the project is.

iecemealing of a greater project.

The fmnd

analysis of resources and hazardous materials -- all of these were analyzed in the fmnd.

The appellate has provided no substantial evidence to support their claims to the contrary.

finally, before I conclude, I would like to a knowledge the public testimony to that. It is clear from the speakers that there is a great deal of concern regarding the project.

I would like to thank the speakers for their testimony and everyone for coming out to speak to something that is very important to them.

i would especially know that no

new information has been raised that changes our conclusions

that and fmnd was appropriately issued. The department has found that,

with litigation, the proposed product would not have a significant impact on the

environment and fits the

criteria of a mitigated negative declaration pursuant to the ceqa guidelines. We believe the appellate has not provided any substantial evidence to review the conclusions of the department.

In some, the pmdn

was properly circulated, and ceqa review was

given before the project, the project would not result in significant impact cannot be

mitigated, the analysis of ceqa

topics was adequate, and preparation of eir to address these topics is not warranted.

Further environmental review would not change the facts that

this case would provide information for assessing the potential impact related to density or other ceqa topics.

Ultimately, it is the city' s responsibility under ceqa to determine the significance of an impact and based upon facts of this case.

That concludes our presentation. Thank you.

Supervisor farrell: ms.

contraras, before you hand it over, I have not had an issue with the environmental review at all.

But I just got your memo back.

I wanted to ask you, you labeled it as process.

The notion of, when a project is

approved has to do with the state case and what supervisor wiener was alluding to earlier.

Under your estimation, as people who run ceqa for us, when is a project approved?

>> thank you, supervisor farrell.

i would prefer to speak to the

particulars of this case, which
are that the loan was approved
in July of 2010 did not commit
the city to a definitive course of action.

The particulars of the loan for
this project required that even
in the event of a default, the city would be able to recover its money.

The loan itself does not commit the city two particular points
of action and supporting the project.

Supervisor farrell: I understand your point and I read that point. Is in the converse true then?

It goes both ways, is what I am saying.

One person -- you could view it and understand it and say, there are certain outlooks for the
city, if it is not approved, there would be certain things.

On the flip side, could someone say the same?

that the city is committed if

the planning department approves it and the board of supervisors approves it, and so forth.

>> in my previous experience, a project approval would consist

of building permits, application

use signed, and it is common

knowledge among planning department stop that that cannot

occur until the process is complete.

>> thank you.

I am lisa gibson with the planning department. If I May address the question.

Prodded approval occurs at the

time when the lead agency, the

city, commits to the project to implementing it at a point where

it is an action which cannot be reversed.

Every project has specific circumstances depending on the

approval that are required.

in this case, the loan was not considered to be an

irretrievable, irreversible commitment of resources.

In this case, the project

approval is the approval of the conditional use authorization

and the sud ordinance to.

supervisor farrell: in the memo

I got this morning, it says that

ceqa is defined as approval by

the public agency which commits it to a definite course of action.

Not irreversible, but a definite course of action.

This applies to this project and every other one that we get through. I am just curious from a process point of view. Could someone take the position

that, if the board approves it and these other things that I mentioned could happen, then we are committed to it?

>> I think the operative word there is "it."

there is no commitment the city has made to approve the project.

this board has not acted to cut -- to approve the project.

That is the decision that awaits.

The first step that can be much received that consideration is the determination of the adequacy of the environmental document that is on appeal right now.

The loan that was -- that has

been approved by the city is very different from the nature

of the loan that was the subject

of the save tara case.

The terms of the loan are very different for the city.

The language of the loan documentation is very specific

to ensure that the city will get repaid.

In that case, there was a resumption and a store and a strong interest the city had in approving the project.

If it did not do so, it would not be repaid the money was

lent, and that case \$500,000.

The terms of that project were five years. In this case, these the civil war in which is that if the city

does not approve the project in, the loan must be repaid.

If it is not, there is a deed of

trust that the city can revoke to claim that property and use those proceeds to repay the loan.

Supervisor farrell: ok.

again, no substantive issue with the environmental review.

When I read the memo, and kurt supervisor wiener, I did have a question. The preference is not to address this.

But supervisor wiener asked this of the appellant, the attorney.

What is the bright line in terms of approval?

Talking about a dollar amount or otherwise.

This hearing today -- again,

this is for future processes. I want to be very clear about where we are.

>> thank you for the question. President Chiu, if I May, I would like to offer that our city attorney is available. We are getting into legal grounds that May be better handled by the city attorney.

>> good afternoon.

Approval by sequel is when the

city to Mr. Definitive course of action.

The most recent case that has

discussed this issue said that

as many people who would like to

be a bright line, and pull -- unfortunately it is not.

they have

submitted

irreversible meeting of

discourse, momentum, etc.

In the save tara case,

we let \$500,000 in the absence of repayment. the city has express' officially that it was support for the project, calling it a done deal.

The city began relocation.

In that case, the supreme court

said that you have gone too far, too early.

they actually said it is not a bright line rule.

It has to be interpreted on a case-by-case basis.

Supervisor farrell: I completely agree with supervisor wiener' s point earlier.

how are we going to fund these projects further if there is not some commitment on some level? Thank you for answering those questions.

Supervisor wiener: I want to thank you for following up on that. It is not just about these projects.

Whether it is treasure island or

something else, there are a

million mega-projects were saying the city could not do anything could be possibly interpreted as a vague commitment to wanting a project to be done before you are completely done with your ceqa

review would mean that no major

projects at all, ever, that require any sort of participation. I do not need the case law to require that.

I think the entire case was sort of an extreme kind of case.

supervisor chu: I just want to make sure that I understand. In terms of the pre-funding issue that was brought up by the appellant, the issue I am hearing is that because the city' s own programs require that

there is a loan repayment,

should there not be a future approvals going for environmental process? in that case, it is different

from the save tara case?

>> experiencing technical difficulties. That is correct.

Supervisor chu: another question for clarification. We have the environmental documents but also the special use appeal. One of the things I was

wondering about was, there is a

state law that allows for a

density bonus for affordable housing.

I wanted to understand how that works.

Do you get the bonus even

without approval of and sud?

Could you explain that?

>> good afternoon President Chiu and members of the board.

And there are certain

circumstances where the state housing bronislaw would

encourage a exceptions to the

existing law, including changes

to environmental requirements, parking requirements, adding

density which adds affordability which qualifies in this instance. We have not yet presented the

sud or conditional use appeal. I will present more when you are ready for that.

Supervisor chu: thank you.

President Chiu: any further questions?

>> I will continue with the presentation. This is our response to a conditional use appeal.

The conditional use appeal is perhaps the central question that is before the board today.

Is this project necessary and desirable for the community?

In this case, we are using an existing building for needed housing and services for transitional-aged youths.

it is hard to imagine a more

necessary or desirable project. While the appellate has raised numerous issues the we have addressed in our materials, I am going to focus on three categories for you today.

The process, the project, and the general plan. Let' s talk about the process first.

the appellate argues that proper procedures were not followed, but that is not the case.

The department has followed all procedures for noticing and public hearings for these environments.

The prosecutor has above the value of this project at every step in the process. At every opportunity, the appellate has filed an appeal.

today is not the first. The document was party appealed before the planning commission

and the planning commission upheld the ceqa document before

it adopted or even considered enabling legislation in the project. Due process has been served.

But what about the procedures for the enabling legislation,

and this case the special use district.

The appellate argues that the

commission cannot approve the hottest initial use of a prior to the board approving the sud.

Again, this is not the case.

For all normal procedures, the commission recommended approval of enabling legislation to this body.

And the commission approved the

cu and engine on your approval. Should do not approve the sud

today, there is no cu

opposition -- authorization.

This is outside the department' s jurisdiction.

If there are no questions, I

will end by remarks to set all

public noticing and procedures have been followed. Let' s consider the project itself.

Is the project prudent? Clearly, the answer is no. As entitled by the commission,

this project would allow 24 occupants to reside in a building based upon single occupancy units.

This is eight less occupancy could be permitted as of today under the existing codes without the sud.

The existing zoning would allow 16 units, each housing to

people, of 232 occupants overall with the existing zoning.

The sud allows a project that would be more in line with never requirements.

it allows more units to be required, but the project would have a lowered number of occupants per unit.

The approved projects as only

one occupant per unit for a total of 24.

If the appellate was to maximize development potential, they

could have saw and sud that

would have allowed 44 full-time occupied living in 22 rooms, to

occupants for room -- two

occupants per room.

Unfortunately, this is not what happened. The appellate submitted several conditions that would like to be applied to this project.

The question that aspect of this project, such as the size of the commitment, the type of

support services and security. None of these features are mandated by the planning commission for the group housing uses they approve for.

And yet, the products are as committed to provide these elements with their project. This is testament to the value

of the project, not any land-use requirements. During the hearing, commissioners noted reading everything from the public. They consciously decided to

include or exclude the final condition before you for your re-examination. Many of the appellants additional request are already included in the motion before

you or beyond the commission's

jurisdiction or told to be inappropriate for a land use body. Let me know if you have questions about any of their conditions?

And what about conformity with the general plan. The appellate states this project violates individual housing elements.

The commission determined that this project is inconsistent with the general plan and

perhaps, the special housing element.

Instead of jumping in point-by-

point, it is important to understand that when determining the consistency with the general plan, it requires a view of the whole plan.

The general plan has a number of public policy goals which conflict with each other. The decision makers should review all the pertinent

policies and decide whether the project is consistent with the general plan.

In addition to considering policies from the housing element, the commission has done that this product is consistent

with the transportation, urban

design, commerce and industry, and other elements.

This project is a reasonable profit that can turn a hotel

into housing for those in need. You have heard from those who

have lived in the neighborhood and their opinion is important.

But under the criteria with the

project is considered, necessity and as our ability, these are applied on a citywide

basis, not solely a tally of votes in the area.

Section 303c1 of the planning code allows the board to base its findings on community as well as neighborhood considerations. This was based on conditions relevant to both the neighborhood and the broader city.

It is important -- the project in regard to immediate neighbors. Let's

also review the project in relative to the benefits of the larger community and other public policy goals.

The bottom line is this location is a desirable location for the

project as it is in that -- as it is in an area that contains an abundance of housing at a variety of densities.

It is an appropriate

neighborhood for

it is in an area with a rich public transit system.

The former U.S. Would have

generated a higher traffic

impasse that it would for young people with limited income.

It will help offset the need for private vehicles.

The commission spoke specifically about how this project fits in with the residential character and how in neighborhoods such as this they can provide resources for young people. this is desirable and much needed affordable housing. The commission found that the physical attributes of the project and the housing itself to be compatible with the neighborhood and the surrounding structures. The reuse of an existing building that has been part of the community fabric. They have found that this is compatible.

Contrary to comments, the project is not yet approved.

At this point, the matter is in your hands before you.

We respectfully request that the board of supervisors upholds the planning commission' s decision. >> thank you.

Any questions for planning?

Please turn cell phones off.

Supervisor chu: 8 follow up to the question I had earlier.

You talked about the density

bonus and how the project

sponsor could have requested a higher density level.

What that had required that they come to us for any approval to

get to that level or could that have been done without any action?

>> the state housing density

requires that cities or jurisdictions require an avenue

or ordinances for requiring exemptions including density increases.

It could have been required

either through a universal or it is adopted through this board

that it is applied in any case.

It has been a process in san francisco.

Additional community input is required for everything that comes forward. >> thank you.

Supervisor farrell: just to

clarify real quick, mine are

standing that the state has the density bonus of 35%.

The local jurisdictions have to

grant a law to do that.

San francisco has chosen not to do that yet. that'

s the process we have in

place to promulgate the 35%.

That is how we do it.

>> any other questions?

colleagues, why do we not move to the project sponsored?

You can divide up the time as

you see fit between the two different appeals?

>> good evening, board of supervisors.

I am the executive director and the project sponsor. Joining me for my presentation

today is parcel low not am the

executive director of ge services.

Through our statements today, we will address a myriad of issues brought up.

We went to address process.

back in 2009, community housing partnership applied for this issue from the housing ordinance.

Called for housing developers to come together and create house

for youth ages 18-24 that at

were risk for homelessness.

They asked that baby in a

transit rich neighborhood. Study showed that too much

affordable housing in areas that are saturated.

There are specific warning

points to have this in a low crime rate neighborhood and did not have saturation.

There are two brokers along side the search. It was for sale.

It met our criteria.

it would fit up to 24 units.

It would be delivered vacant.

It was in a transit-

rich neighborhood with a low crime rate.

The minute we were awarded funds

for a loan, we began community outreach.

We began by saying that we were

looking for offices in district two.

We began community out reached.

We have support letters from

residents in district two, from

city-wide organizations and a documentation of over 65

community outreaches we have had.

I would like to address how this will impact the neighborhood.

This is a rich and vibrant

neighbor to any community in seven francisco.

We will have 24-hour staffing on-site.

We will be a good community neighbor.

By coming together with the neighborhood groups, we could

come together with medication.

They have already agreed to

4

mitigations on neighbor' s requests.

We are providing 24/7 staffing.

We have a desk coverage 24 hours

a day, six days a week.

we created over 3000 square feet of community space.

We have limited overnight guests to over 10 per month.

We committed to forming a project advisory committee that would be present through the operation stage of the process.

upon execution of this

agreement, the neighborhood group walked away.

They decided to come here today and have their administrative appeal. They were unable to reach a partnership with us.

We feel that we made every

attempt possible under current

law and regulations to address the neighbor' s concerns.

The kids will have a lease.

They will sign it.

They will have to pay rent and be a good neighbor. We feel this has the right set of tools to be a successful project.

I will now how barcelona to come forward to talk to you about the design of the building.

>> good evening.

I would like to distribute some drawings to the board.

13 there.

there is also --

>> your time is continuing.

>> we have been doing affordable housing for over 20 years.

We have designed and constructed

over 1300 units in san francisco.

It is the kind of work we like to do.

We believe that is why it market street wants to work with us.

We will go to the next page that we cover.

>> could you get to the microphone?

>>

the basement consists of a community room with storage.

There is also a laundry

that

serves the residence.

We are installing an elevator echoes from the basement to the second floor.

the ground floor is very spacious.

There are a lot of the amenities that are available to residents.

These services are about 300 square feet.

The program illustrated 50 square feet.

There was some confusion on the appellate
nt'

s calculation for the kitchen.

These are all very expansive spaces for the residents to use.

The dining accommodate 17 seats,
which is 71% of the population of the building.

there is also a lounge, a

property manager, and a resident

manager accessible on the ground floor.

When you go to the next plan on

the second floor, this is where the elevator services are.

when you calculate the total

number of the accessible units,

we have five including the resident manager.

That total was 20% of the units.

We are going way beyond

that in terms of flexibility.

we do substantial work on the first floor.

Those are all accessible completely.

About half of the building is totally accessible.

The third floor I will not go into too much detail.

it does not have any accessible units on that floor.

The tabulation sheet I gave you

print -- breaks down in detail all of the units.

They vary in detail from 100

detail from to 209 square feet.

in terms of seismic analysis ,

are seismic engineer is making

are building more seismic resisting.

i think that is about it.

If you have any questions, I could answer.

>> colleagues.

Next speaker.

>> good evening, supervisors.

i want to speak briefly about

the need for housing and about the expectations and the work that the young people will be doing while they are housed.

The note that was released came

out of the san francisco mayoral

task force.

That was comprised of representatives and young people.

That is one of the most primary needs for young people.

It is estimated that there are 3700 young people in san francisco that are at risk for homelessness each year.

we are able to house about 400

of those youths currently.

That is why this particular project was selected for the neighborhood.

The young people are expected to

be engaged in education and employment.

The development of life skills and self-sufficiency.

We operate over 200 units of housing in san francisco.

The young people that stay in

our program the various about

two to three years.

Youth move in and moved out.

Most of us do not live where we

move -- where we lived when we were 22 years old.

The common areas and bedrooms are designed to provide a nice

comfortable place to live at is not so comfortable you are bored to want to stay there the rest of your life.

Young people are working on the skills that they need to exit. They will have a job.

They will make doctor' s appointments, in developing peer

relationships.

75% of our young people go on to independence. Are there any questions that I can answer?

>> any questions, colleagues?

Madame Clerk, is there still time on the roster?

>> there is eight minutes and 57 seconds left.

>> I would ask if there are any presentations left.

If not, we can proceed to public comment.

>> I want to thank the board for hearing this.

I would like them to consider

the need for this housing and dispersing affordable housing to all districts.

>> thank you.

Why do we not move to public

comment in support of the project?

If folks could line up on the left side of the room.

If there are folks in our

overflow room, we will take

folks two minutes at a time. We are going to have to take

this line outside of this room.

Why do we not hear from our first speaker, please?

>> thank you, supervisors.

I am a passport member of the association.

I am a current member of the youth services.

I

am uniquely familiar with the neighborhood and market street.

it has 13 programs and sites throughout the city.

I support the program in our neighborhood.

I do wish that the project would cost less than it cost.

If we cannot increase the

density of the project to 24

units, that will only make the project cost more.

I hope that you approve this

project.

Until the project is completed,

there will be youths not receiving these services.

The youth are in desperate need

of the housing and the services that market street can provide.

>> thank you.

>> good evening, supervisors.

i lived and worked in san francisco.

I testified in support of residential programs in support

of disabled people since 1977.

That was for a house designed for 16 years.

despite its liberal reputation, the neighborhood opposition to the program was vicious.

The board of supervisors supported the program and allowed it to open.

That christmas, the angriest

neighbors brought cookies to the house. That program is still open.

During the 1990' s, the same agency tried to open a residential treatment program in

pacific heights for individuals that had banned in locked facilities.

It has many

pro bono lawyers.

This board approved the program. a few neighbors know that the handsome building houses a program for mentally ill people,

nor should they.

The san francisco board of

supervisors has voted for

programs despite neighborhood opposition. they work for the individuals who live there.

Unlike other bay area cities, over several decades, you have to approve projects like the one before you today.

Projects operated by competent people.

You cannot ask for better sponsors. There is no reason not to

approve this project or to support it.

You have been supporting excellent programs for over 40 years.

Why change now?

>> next speaker.

>> good afternoon. I am a youth.

i am on the board of the youth advisory. I am here because this is

something that directly affects me.

I have been here for three months.

I came here from oregon that with \$20 in my pocket.

within 30 days, they help me get

into a housing option. They transferred me into a shelter.

I was able to finish gathering my birth certificate, my

license, getting into college, and finding a house outside of the shelter.

I am on two waiting lists for housing options.

i heard people before me say

that my peers, the concerns would be that we would be

rambunctious or we would take up space.

Those are valid concerns.

Every week I work with six dedicated homeless youths including myself to try to change those assumptions.

Every day I see dedicated youth

that are tried to get off the streets and are trying to do better with their lives.

We chose this location just like the neighbors did.

this is a safe place where we can get on our feet.

I felt that their concerns are valid.

We are doing the best that we can.

We as youth are doing the best

we can to be productive citizens.

We hope you will do this for us so that we will have more places to live.

>> thank you. Next speaker.

>> I am a nearby resident of the project. I've lived there for over 20 years.

i think it is a great neighborhood for children.

That is why I am excited about welcoming these kids into the neighborhood.

I think it is a great place for these kids. There is an incredible need for this housing.

We have been incredible opportunity to provide more of

it where there will be safe and they can get on with their lives.

I also happen to be a former

board member of larkin street

and a former board member at the research organization.

I am also a developer.

i see all this opposition as a completely normal part of this process.

It makes these projects better in the long run.

I think that the organizations have made modifications to the programs that will make it

better for the community in the long run.

I think that the process has worked great.

i think now is the time to be done with it.

I think the opposition was grasping a little bit.

Cancelling the project to say

that this violates any aspect of

ceqa is a little bit nonsensical.

i am hoping that you will approve this project.

We can get these kids off of the streets and into our neighborhood. Thanks.

>> President, supervisors, my

name is joel lipsky.

i am a member of the board.

I am a former director at the mayor' s office of housing. I was there until January.

I helped to draft it

when the project was rewarded funds.

i need to emphasize that I' m not

speaking on behalf of this. I am speaking as a citizen of the city.

All I want to say is I'

m extremely relieved to hear that the real reason that we have

this appeal has to deal with process and transparency.

Those are things that the department can work on to

prevent this kind of brouhaha in the future.

They are in support of youth

housing. that is not about keeping the

kids out of the neighborhood,

even banks are low in coming and coming from these different neighborhoods.

Even if they had not gotten used to the idea of living with rules.

They are valid concerns about where the kids are going to fit into the neighborhood.

they May not, at if bay field --

if they feel unwelcome.

I want to appeal to the appellants.

.

they are going to feel that they are not welcome because they are expected to misbehave.

They are going to hear a lot of stuff. Some of it May not be true.

>> thank you very much. >> thank you very much.

>> good afternoon, supervisors.

I am here to represent the

harvey milk democratic club.

The club is in full support of

the collaborative effort of the community housing and larkin

street youth services.

If we want to prevent our youth
from slipping through the cracks, we must provide them the opportunity to succeed.
shelters are full of domestic
-- youth that are dumped on the street after the foster system runs out.
Those who have run away from
trauma from coming out as queerer in hostile families.
it is deeply saddening to hear
it neighbors labeling potential
tenants as criminals orthotics.
75% of the listeners admit that they have more concerns about
the tenant population than
design, planning, or financial costs.
this is blatant discrimination and counterproductive to g
theoal of establishing a safe communities city-wide.
They are not battling violence or criminal records.
The units are combined for 24
stable prescreened young adults
ages 18-24 who are in desperate need of affordable housing.
We believed larkin street and the community housing partnership have a stellar partnership as good neighbors to route the city.
We want to give them an
opportunity to thrive in a safe
community with access to recreational resources.
We urge you to support the housing development.
>> thank you. Next speaker.
>> thank you, Mr. President.
My name is rev. Arnold townsend.
san francisco naacp and the opportunity council.
Unlike one of the other
speakers, I would like to be as optimistic as he is.
I have been around this process for a long time.
this has everything to do with people who do not want those kind of people in their neighborhood.
Having bad not one of those type
of people all of my life, I am very familiar with it. You cannot pull the ool
wool over my eyes.
children who are not on parole or probation, they have not done anything wrong.
Wrong has been done to them.
Most of them from the day of their birth.
We are losing our sense of compassion.
We are losing the moral high
ground when it comes to meeting

the needs of the most challenge people in our society.

These youths who are again ing out

of foster care.

They might get a better

response bank they were with the tea party.

it is painful and disgusting when they say that there should

be an oversight committees who determines what the children do in their house.

Who wants an oversight committee for the residents that are complaining about this to

determine what they do in their house?

you have got to be really thick skinned and mean-spirited.

I bet all of these people have

sat and looked and said that somebody needs to do something.

I bet they never realized that

they would have the opportunity to do something. >> thank you. Next speaker.

>> thank you for your time, supervisors.

I am the co-founder and executive director of at the crossroads.

It is for home y>> I was a member of the

transitional youth task force and I am here to offer the strongest possible support.

During the past 14 years, the

need for housing for 18-24 year- old has grown dramatically.

It is essential to the health of all san francisco.

They can become not just

productive members of society, but leaders of the city.

this is why city departments, nonprofit organizations, young

adults, and concerned citizens

have identified housing as the number one priority for this age group.

It is not their fault, it is not an indicator of some problem that they have. They' re just young people that need a safe home.

some of these kids are

fantastic, some are challenging, some are motivated, and some are struggling to find their path.

There are without homes because they have broken families or

they grew up with no safety net. Because they live in an expensive city where many people find it challenging to pay for their housing.

they are not bad kids.

They adapt to their surroundings and they are influenced by those around them.

If they are in a neighborhood

with violence or drug use, they

have the potential to be turned to those avenues.

If adults encourage them to be their best self, that is to they will become.

They want safety, stability, and a positive community.

I have seen the potential time and time again.

We can leave these kids on the streets and say that the only neighborhoods they belong in are the most dangerous and

vulnerable areas, or we can make the statement that all young people deserve the opportunity to build of standing lives.

I am also submitting -- [Inaudible]

President Chiu: you can give it to the clerk. Thank you.

>> I would like to address the residents.

It seems to me like -- wow. Ok.

it seems to me like you guys are fine with having a place to live as long as it is not the community.

I wanted to address the problems that you guys and brought up.

None of you are footing the bill. When is the problem?

It is a good thing you guys are concerned about where your tax dollars are going.

But at the same time, the only people that are actually going

to be putting forth money would

be the use -- youth. Ok.

I think that the main reason

that youth are at risk is because they don't have a safe or stable place to live.

And talking about the committee's or a lack of misinformation from both parties.

On the other hand, do I really need your permission to live somewhere?

That is all I really have to say, thank you.

>> good evening, members of the board.

I am a senior program manager with the corporation for support of housing.

It is a nonprofit organization that helps communities across the country create permanent housing with services to prevent homelessness.

The support of housing model is a prudent approach for homelessness and reducing the costly and unproductive emergency services.

We believe strongly in the research is promising that transition age youth are able to succeed when provided safe and affordable housing and access to relevant and responsive services.

We are an enthusiastic

supporter for the youth services

effort to create 24 apartments

for youth aged 18-244 at risk of

homelessness including the aging out of foster care.

They both have award winning reputations for their work

whether is housing development, management, or support of services.

I trust they will bring this

work ethic and professionalism to the project.

Half at all, it represents a small but meaningful

contribution to the transitional aged youth housing plan.

Each one represents a significant investment in preventing homelessness right

now and preventing the emergence of a new generation of homeless adults and families.

please support the efforts.

The '90s appeals for the conditional use permit. Thank you.

>> good evening, President Chiu

and members of the board.

I am here in strong support of
the project which takes a 29-
unit hotel down to 24 units.

The neighborhood outreach that we have conducted has been amazing.

there is a website for community
meetings, house parties, fires, the males, and door hangers.

And it matches those of your political campaigns.

Sometimes you can't completely
overcome through claims and fear that the opposition is putting out there.

In this case, it has been the comparison to the bridge hotel.

It is a private market rate building where the owners feel the best way to maximize their profits is to run eighth in the current way it is being run.

All of you on the board no for a fact the community housing
partnerships that professionally own and operate at were the second, it will not be another bridge hotel.

If approved, I am confident that my neighbors will realize that as well.

Today, I have to wonder how many of my neighbors have signed
petitions against that were the second because they are against the bridge hotel.

And not because they are against quality projects.

They truly lost to those buyers because of the were the second rather than the economy.

It is due to the untrue rumors of edward the second being another bridge hotel that nobody would want to live next to.
young adults easing out of foster care that have done no wrong to anyone should not be held responsible for these
rumors and unsubstantiated fears. I urge you to support this product that will have no impact
on my neighborhood that is already a vibrant part of san francisco.

>> my name is barbara, I have
been a resident since January of
1985, and I am here to speak in
support of the project.

i have previously written to the board about my support and I am here today to reiterate my
position and feelings that I expressed in those letters.

We have an obligation to uphold
our promise to the youth of california that find themselves in the foster care system.
we tell them if you of pulled your end of the bargain, if you stay in school and are gainfully
employed and immerse yourself in job training, we will continue to support you.

We should be applauding the determination of these young
adults to become self- sufficient.

i urge all parents to remember the assistance they gave their
children after high school graduation whether they' re going
to a two-year or four-year college.

I think we should all remember the assistance we receive from our parents during that
transitional time in two first jobs or careers.

but what happens in california is that at the age of 18, children in the foster care system are left on their own.

I am thankful that they are here to help with the transition through college and the first jobs.

I think we should celebrate the determination and hard work, welcome them to our neighborhood.

Please remember the success that they have had with their projects.

They are developed for young adults 18-24.

I am proud to stand with these agencies and young adults that will live in these 24 units.

i am proud to help them fight to have a, and I'll forward to welcoming them to the marina.

>> my name is bill campbell.

I have lived in different locations within seven blocks of edward the second for 35 years.

I was looking through an alumni magazine when I saw one of those

articles on faculty research projects.

This one began with this sentence.

One third half of the girl

living in high crime areas are victims of sexual violence.

young women that live in poor neighborhoods face violence is

way above what women in other neighborhoods face.

We need a citywide solution and all neighborhoods need to step up. I know the track record.

one of the reasons why it is so successful is that it has high

expectations and it provides a world-class mentoring and support.

Years ago,

there was a mansion and in pacific heights.

I never heard of a single incident to the entire time it was there.

I think it will be the same way here. I have listened to the opponent's comments.

I have heard one person say three times that he was against

this project because it is a gold-plated project. I have heard other people say that the rooms are too small and there is not enough common

areas, there is not enough outside space. It is not nice enough.

The other person says the young people won't stay there too long.

I think it is pretty clear that

no project is going to make all

the implements happy, no project is perfect.

But this project is an exceptionally good one. Let's not wait for a perfect project, because I don't think we will see one.

We need to offer a safe place to live now to transition to community life.

>> I am 21

years old of age and

I have been working with them since entering the foster system in 2004.

there are so currently working with them.

On behalf of all transition age

youth, as a 21-year-old led the divide woman, I have had to face

many -- I have been provided with a wide variety of

supportive services and forms of

membership, case management, and it has allowed me to tackle some

of these issues regarding housing.

i was able to intern who gained

experience as well as plan by next steps around employment.

And I was able to get an educational plan eventually

leading to a transfer to san francisco state.

So I can continue to advocate for youth in this position.

My story is what you will hear over and over again when it comes to the youth services.

I believe that is because they are good at what they do.

they want to continue to help people.

My story still came at a very large price of me dealing with a

lot of hard ships and overcoming a lot of struggles.

But due to their great track record of meeting people where they are at and meeting people

half way, I think they can help the youth and I think they can

assist the residents and hope some of their fears.

I hope he will support this project, thank you.

>> hon. Board members, I live and work in san francisco and I

have had the honor of being a

board member from the late-1980s until the late 1990' s.

I watched it grow.

When I first started, the budget was \$300,000.

now I understand that due to success and reputation as over \$12 million.

That \$12 million supports a full continuum of services that

I am sure you have heard about.

There are very successful, they are known nationally and internationally.

i am reminded, and I know you have heard about the

populations that the market street youth services, who their clients are.

I am reminded that D.C. Youth that are in foster home at age

18, as you heard President Of

the marina remind us, at age 18, they are turned away.

And think about us as parents,

us as children, how support of the work of our children once they graduate from high school

or for those of you younger than I am, how your parents supported

you when you graduated from high school.

these foster kids heart and underserved population.

When I think about this, I am

reminded by something -- a

jesuit philosopher reminded me that the society is judged by

how it treats in the least of its members.

Please support this project.

>> supervisors, I feel underdressed.

I am here talking on behalf of youth services.

I am currently staying at the youth shelter.

I recently had a chance to visit the marina district for the first time.

It was very beautiful and very clean.

I did not understand why there

was some much debate about the shelter and the first place.

Aside from money and building regulations, I understand there is a certain level of fear that

comes with homeless activity in such a beautiful district like the marina.

No one wants to see the marina look like the tenderloin.

I want to reassure anyone with of the concern that you' ve shelters are nothing like other homeless shelters.

All the youth that I have

encountered have all been very motivated individuals whose

ultimate goal was to have jobs and go to school.

It is my belief that living in an area like the marina would only benefit the homeless youth

to continue their pursuit.

San francisco is a very iconic city.

I believe that what happens here influences what happens elsewhere in this country.

I believe that we can really show the rest of the world that

caring about youth who don' t

have a lot of choices in life generally encourage others to do the same.

No one tells the youth that they are going to become homeless until it is a done deal.

No one told me my mom was going

to pass away after I graduated high school.

but because of programs , I am out setting up to go to college next year.

It is a dream I could not see happen otherwise.

I believe rules have been banned for worse reasons.

>> I have a resident avenue independence.

The marina district doesn' t

release support of -- support a lot of what is going on.

I am starting to see them take a tour.

And as a resident, I work for the department and the environment.

I clean up a lot of the murals down there.

And we were down their cleaning up some graffiti.

they have given me an oppportunity with the department of the environment to start

pilot programs to implement energy efficiency and a zero

waste program along with orchard and garden projects.

Hopefully, they can implement the same projects.

without a lot of opportunities,

I am looking forward to going to uc-berkeley for architecture.

I give all my thanks.

>> I am a resident of district

2, and I am asking for your

support in converting the edward the second into a traditional house for young adults.

I have been volunteering for over a year in dallas.

once a week, I go to the house and I concur.

Help them with homework or we

play chess, checkers, or we talk.

I have been doing this for over a year because I am so impressed with the youth that I get to talk to.

They are smart, they are driven, no matter what hand they have

been dealt, they say that they

will put forth the effort to be a contributing member of society.

They do that because of the services of the street and the house where they get to live.

It is similar to when the second would be as well.

>> I used to be a [Unintelligible]

the reason I am here is that on

thanksgiving, I had a chance to meet the kids.

I used to serve dinner to the kids.

I had a chance to mentor one of

the kids, and native american.

this kid had a hard time coming

out from arizona.

Not only did he have a hard time

coming out, he had hiv.

He feels like everyone is against him.

i was happy to be his sponsor.

I have been clean and sober for 20 years.

I am a member of 12 staff, and I had a chance to see this kid

because I was a former homeless kids.

I was a former gang member and I am a former drug addict.

in my generation, we never had anything what they have today.

If I was given a chance like

this, they could become a police officer, they could become a

supervisor, so to me, it is a project for future generations.

>> I am a resident in live about six blocks from the edward too.

i am a former board member of

the youth services and also a real estate professional.

Ceqa is an important law that has contributed to the environment.

It has become a tool for anyone that wants to construct a project no matter what size or actual impact.

the planning department has appropriately determined that it

should be reviewed.

I urge you to a hold of the determination and denied the appeal.

Conditional use permit are designed to provide flexibility

in the planning code to achieve public code.

out -- and always be improved.

This is a well conceived

project, please support the hotel project for transition aged youth.

>> thank you for the opportunity to speak briefly with you tonight about the edward the second project.

I am a resident of the richmond district. I am here in my professional

capacity tonight, I am the

program director of the court- appointed advocates for children.

What I really want to talk about tonight, there are a lot of practical issues that need to be

considered, however she eighth heard that it is complex.

I am trying to be another reminder of the big picture.

What I consider not to be just

an important issue, but a critical issue.

As someone that has worked the

last 12 years, watch many youth leave foster care without much more than a simple plan for

their lives, sometimes those plans fall apart.

I really see this as one step towards addressing the crisis.

And I think based on the experience we have had, we

really need to see many more projects like this, and maybe we will make a dent in what I call the crisis of housing.

The youth are amazing.

They are called at risk a lot.

I don' t know anybody who as a teenager that doesn' t have risk.

I know I had risen and I have

many privileges and support in my life.

I want you to consider the big

picture of getting these youth

into a safe and affordable -- and have a leg up in their lives.

>> I am coming to speak on

behalf of the san francisco democratic county central committee.

This came out before us and it passed.

we want to see this bill.

I was a teacher for 40 years.

They are at risk of succeeding.

They are at risk of becoming wonderful citizens if they can get the hell.

without help, they can fall through the cracks.

if they can get health, they can make it in this world.

My son was one of those.

My son was so at risk because he

was learning disabled, but very bright.

my son became very abusive because he was so frightened at school.

If it had not been for help

outside of the home that he got , he would not have made it through school.

He would not be a teacher of severely handicapped students.

each of these people has had a hard life.

This will help them.

This is the kind of housing that is important for everybody here.

This will make these children ,

good citizens, good parents , good jobholders.

It is important that you vote on this matter.

>> I am very glad for the

opportunity to be off the

streets and to get my life back in a stable path going forward.

I think that the adults in this room have forgotten that at one

time, we passed through the 18- 25 year category.

There May be somebody who

reached 17 in a skiff to 26, but that was a miracle.

Everybody probably said there were going to run away from home because they don' t like the way they were being treated.

This is an opportunity for the board to go forward with a small

space in the big city of san francisco and help the youth.

Each of us needs to remember, if

not for the help that we have, how many would make it to where we are today?

>> I am a transitional age youth.

It is appalling that people are opposing this project, no matter

how the concerns are framed, it doesn' t make sense to a young

person like myself that would benefit greatly from this housing project.

I don' t understand how people

can be opposed to helping to create safe and affordable

housing for the city' s most marginalized youth. Rather than respond to the

issues, I would like to remind

you all that the initial goal

was to create 400 units for the transitional age youth by 2012.

That goal has already been delayed.

and this is a very urgent matter

and ask that you not further delay this project.

Affordable housing is one of the most critical needs.

Please support the project. Thank you.

>> good evening, supervisors.

I am here to

speak in support of the edward the second project.

Just for a second, imagine a child that has been sexually abused by her father and is forced to enter the foster care system.

This is a friend of mine that is
now 19 years old and just trying
to get her life together, trying to recover from trauma.

This is not the only person.

There are thousands of young
people in similar, worse, or different type of situations that are trying to live a healthy life.

Imagine a senior citizen, a refugee from el salvador that
makes a living out of her house.

She is barely making ends meet,
she consistently taking in youth and young families that are
struggling with housing from her local church.

That is my grandmother.

Not only does she take in those
folks, she supported myself, my sister, and my mother.
if this elderly woman who made
ends meet by clipping coupons, only shopping when there was a
sale, could support some many people that I used to see
growing up, why can't the city and county of san francisco
support this project and provide housing for transitional aid used?

I urge you to make the right decision and the support and
move forward the edward the second.

The goal was to have 400 by 2012, we know that is not going to happen. But let's not delay any further and given the right direction.

>> I am the executive director of the treasure island public development.

I am here in favor of the housing project being proposed by community housing partnerships had to speak against the appeals of this project.

Having worked for over a decade and being in contact with so
many people have rebuilt their

lives and credited the positive environment of treasure island
for helping them stabilize,

grow, and prosper, I feel strongly that we must provide
these opportunities in different neighborhoods whenever we can.

It represents the best of what

the city can do to address those needs and opportunities. I'

ve also worked with community health at a partnership for 15 years.

They take their mission seriously, there are
professional, compassionate, that they care greatly about their tents.

San francisco and the neighborhood could not ask for a better partner.

I hope the appeals are soundly rejected so that this project

May move forward in the san francisco transitional age you can find their place to stabilize growth and prosper.

>> I am a marina native and homeowner.

my neighbors, my extended family, many of my friends.

There is concern -- I can promise you that they will have
much more space than students
have in the dorms.

these are young people that are

asking for a hand up and not a hand out.

Please vote to pass the project, thank you.

>> members of the board of supervisors, my name is richard spring water.

Why May district to resident and a supporter of that were the second.

My day job involves real estate.

in support of housing buildings

, they serve 238 formerly

homeless adults and 48 formerly homeless families.

in addition, I am a member of the san francisco local homeless

coordinating board where I have served for the past 10 years.

The board is charged with

overseeing in the continuum of care.

The proposed project by community housing partnership,

if approved, will play a vital role in the continuum of care.

the solution to homelessness is a home.

Support was developed 20 years ago.

Research has shown the support of housing pays for itself through savings in other public resources.

They are otherwise consumed by the homeless.

Supportive housing turns lives around.

We live in a vibrant city.

We live near busy streets, and noisy schools, popular bars and restaurants whose regular is

frequently celebrated at inconvenient hours.

i wish that I could give comfort to those neighbors that have spoken in opposition to the

motion that there is nothing to worry about.

They have a national reputation has service providers and managers, and I believe it will be a positive addition to the neighborhood.

The one thing I know for sure is that the head with the second will save lives.

Those lives will be our sons and daughters. Thank you.

>> I work for allies united, formerly friends of the children for eight years.

And I work with foster youth and at risk youth.

I understand the concerns and

the fear, I support this project.

The biggest concern is safety, but I have seen the youth

services performed very well, internationally known to be a successful program.

Selecting people that want to be stable adults.

They need help and deserve a real chance.

I feel san francisco should allow this. We have a moral obligation to

protect our most vulnerable

population, our youth.

We have a social responsibility to provide housing opportunities for those trying to uplift themselves.

San francisco has been about community and that is why I have moved here.

i hope that folks voting can see

this is a beacon of light rather

than something that is not worse for us in the community.

>> my name is lisa, I am reading

a letter on behalf of the neighborhood association.

On behalf of the north panhandle neighborhood association, I would like to strongly encourage you to

approve the plans for the edward the second project.

There is a community housing project within our neighborhood.

It is a wonderful project that is filled with civic minded staff and residents.

We have had nothing but positive experiences.

Several residences -- several residents attend committee meetings.

we had our share of detractors on this project.

They are worried, which a think is the main concern, that such a

place will somehow the grade he quality of life for neighbors.

Our experience to date has been the complete opposite.

Our neighborhood and neighbors'

lives are enhanced by a well-run

facility that adds an element of

diversity of life experience and

caring that solidifies our mutual commitment to building a better community.

The community housing partnership is an excellent neighbor.

They are sensitive and responsible to the concerns of

neighbors and provide a much-

needed service to those at the helm.

>> on behalf of san francisco housing action coalition.

month ago, we reviewed this project and support it wholeheartedly.

But we think that the neighborhood would be improved

by putting this project, and san

francisco as a logical would be improved if these types of projects were dispersed all over the city.

We want to express our deep

frustration that ceqa is a tool

to try to hamstring projects, to try to stop them.

It proves how broken it is as a tool for addressing the environmental challenges that the city faces.

The very rare accident of the

site of great developer and a great service provider occurring at the same place at time.

It is hard to police projects.

I want to say that as far as

this appeal goes, we all know that this discussion is about many things.

The impact on the environment is not one of them.

i have to say that the appeal of a project like this is reprehensible and I hope that you would not support it.

>> I am the interim housing director at the vernal heights neighborhood center.

If is a sister agency, we both

have a true community-based approach for her affordable housing.

They said the bar very high for the quality of its development.

we look at it for the long run,

for 55 years, the quality of

construction and the operations to keep the housing stable.

Among the colleagues and

neighbors, as a leader in

developing a very sophisticated

and successful model of property management.

The project is desperately needed to address the needs of transitional youth.

The city is responsible for the funds.

They will be incorporating the

units into a project that we are in development for right now.

It is important that all of the

neighborhoods understand that we are really one city, one community.

And we have a responsibility to take care of each other.

I sought a t-shirt as I was sitting in the overflow room that said that the solution to

homelessness is affordable housing. I would say high-quality

affordable housing less affordable services is a solution to homelessness and this project does just that. I urge your support.

>> I am speaking on behalf -- everyone knows that we are not here because of anybody

spreading passion for ceqa. [Laughter]

A very small group of people think that and the property of

their value of their neighborhood will decline.

The idea that one person can know anything about another

person based on their gender, their sexual orientation, is something we call prejudice.

The notion that it is a

validation to determine who

lives in what neighborhood is called segregation.

And here we are.

If you bring all of our thinking

into the twenty first century, this fades away.

Do you support use housing or to support you homelessness.

I think you know everything that you -- that I have said right now and they will vote the right way.

>> how' re you doing, supervisors?

i come from foster care, and I did not have anywhere to go. It was real hard.

What they are trying to do with

this, they want to support

children coming from a foster

home with housing, this is very vital.

It is real powerful and it would really help a lot in a positive way.

A hope you take into consideration here. Thank you.

>> I live one block from the

edward project

-- also, I am familiar with the community

housing building >> before

coming to this particular

organization, I have worked with transitional youth.

While working with the specific

population of 12-24, I realize the importance of them having something that they can call their own as well as having

certain issues addressed whether

it is teen pregnancy, truancy,

gang violence, things like that in order to overcome their odds.

It is important to assist them and reach out to them.

The community housing partnership, their track record speak for themselves.

In regard to our reaching and working with people that have

been excluded in this society, people are afraid of what they don't know.

It will introduce neighbors to a new set of communities.

>> I am not only a resident, I am an employee.

They have done a lot for me, to give me employed.

I hope for the user, we get some

kind of help that they really need, because it is going to be

rough on all-out of people. if they don't get housing, it will be rough on everybody else.

>> I am President Of the golden gate valley neighborhood association.

we heard about the golden gate valley library.

And edward the second is one

block west of the western boundaries. We have supported this product from the very beginning. We think it is good for the neighborhood. We think it is important for us to shoulder some of the burden for this youth population.

We think the community housing partnerships and the youth

services our quality organizations. I've been impressed by the amount of negotiation that they have undertaken with our

neighbors that are nervous

about this project and I am not a entirely sure exactly why.

I think the mitigation of a health and should help ease

those concerns, like if there is an advisory committee or what ever it is of neighbors to

oversee the implementation of this project.

I just want you to know that there are many of us out there

that think this is good, and we welcome it.

we are just not frightened by the unknown.

>> over 60% of its population,

what we see when the population

actually attends city colleges,

they become couch surfers.

They go from house to house with no permanent or stable residents. A lot of them end up dropping

out because there is no support

services for this population.

In the city of st. Francis where we talk about these values of

supporting and protecting the people that don't have a lot of protection, this is one of the projects that we should be

supporting in san francisco.

I want to point out that this is

a drop in the bucket of the real housing needs for this population.

I want to make sure that we can

be as supportive in san

francisco for the population to

continue to support projects that really bring this

population out of poverty and out of their cycle of abuse.

I want to wholeheartedly support this project and I hope that the board of supervisors can, too.

>> I am with the council on community housing associations, we are in strong support of the project.

you are talking about to institutions, they have had an incredible track record.

These are organizations that we look to as a coalition, as models of how to get it done and how to do it well.

And that is a core value of those organizations.

i want to put that into the larger context of the affordable

housing community, a coalition of 17 member organizations that

build housing, provide services and do advocacy.

It is important that community-

based organizations are here to stay. They don't build and run.

it is different than thinking

about a one-time project that you have to live with.

These folks are going to build its affordability and quality because this is an asset they have to manage.

They also build for their own

property management viability

because they have to own it, run it, and operate it.

In terms of housing in the san

francisco, some of the best managed housing in the best management services is from affordable housing developers.

I want to emphasize that this

will be good quality, very well managed.

>> I know it has been a long evening for you wallenda been hearing a lot about this particular project from folks.

i want you to take a minute and

clear your mind, close your

eyes, and think about what image comes to your mind when I say a couple of phrases.

Foster care youths. Homeless youth.

Are those images and scary?

my comments are mostly directed from those fighting against this project.

These images to scare them. They scare them ala.

Even though they May have moved into the neighborhood that has

the widest people in the entire city, that particular neighborhood doesn't have a gate around it. It is inside san francisco.

i want you to think about that as you are moving forward with this project.

It is not ok for folks to do this.

It is not any different from the police officers standing with

guns after katrina, trying to keep folks from coming out of new orleans.

it is done with money, keeping people out of a neighborhood by using legal means because you have the money to do it.

People who you are afraid of, who you are prejudiced against. That is not ok.

We need to stand up against this, because there is no other way to describe that but wrong.

>> you have a lot of disabled people, people going into that

neighborhood, they have things that they have to overcome right there.

When I hit this town, i found a

place to live in this big old victorian house.

There are 18 bedrooms, and it

was like 1/3 of halftime minimum

wage

there were a number of interesting characters. about a third of them were college students like myself.

That is where my life interacted

with Mr. Garcia.

What I wanted to show you is

that san francisco is gone, it is not coming back.

that building has exactly six people living in it.

Does the need for this kind of project.

>> are there any other members of the public that wish to speak?

Why don't we go back to the

appellant?

>> there is a preliminary

matter, the assertion that the

association walked away from the deal.

There is a memorandum of understanding that both sides

worked on, a condition of that

memorandum that the project

sponsor required was that they

take the appeal, they lack the legal standing to do. I want to set the record straight.

With regard to the comment that

the sud as an affordable

housing mechanism doesn't

create a precedent.

It would be pure speculation.

To conclude as much, I would

respond that such are a reasonably foreseeable development.

I would direct the supervisor's attention to policy 7.5 that

says the production of affordable housing through

process and zoning accommodations and prioritized affordable housing in the river approval process.

Be specific used in this

capacity should have, under --

come under ceqa review because they are easily foreseeable developments.

There are six sponsors to this legislation. Prior to the analysis.

Therefore, it means that this legislation is as good as past.

that is the type of city support

prior to analysis that the case was concerned with.

It was this kind of momentum

that has a negative affect on the fair and objective process.

going to the supervisor's

comment about the density bonus, I would like to point out that

the

density bonus law that compliance will be implemented.

This means that there should be

one ordinance, not a variety of sud's.

on this basis, a request that

the supervisors rescind it.

Supervisor wiener: is it your

position that an sud can't be

sponsored before ceqa

certification?

the mere introduction of an sud

or zoning legislation can't be

introduced or co-sponsored

before sequence -- ceqa?

>> because it has six

sponsors, it is basically a done deal.

supervisor wiener: if I

introduce an sud and my

colleagues add their name as a

co-sponsor, in your mind, that

would be invalid?

>> it creates the impression of city support prior to the completion of the ceqa analysis.

Under the factors, I believe this would show the kind of bureaucratic and financial momentum in conjunction with the fact that the mayor' s office of housing -- it subverts the ceqa process.

Supervisor wiener: supervisors can vote on the process once it has happened. We have seen that before. you are not signing in blood that you are voting for it.

>> you would be in a better position to answer that than I.

I don' t dispute the lack of a rule, I realize it creates a lot of uncertainty and ambiguity.

The fact remains that this was a project that got pushed through >> thank you. Any additional questions?

Colleagues, any additional questions to any of the parties?

All right, at this time, this

hearing has been held and is closed.

These matters are in the hands of the board.

supervisor farrell.

>> thank you, President.

I understand that we are first dealing with ceqa.

I appreciate everyone coming out tonight.

This has been the source of a

lot of debate for years in district two.

But me first address ceqa. I appreciate the planning department answering the questions I had earlier.

I am going to make a motion to approve or item 36 and table 37

and 38.

>> this is seconded by supervisor elsbernd.

We need a roll-call vote because

the house has changed. >> aye.

>> aye.

>> aye.

>> aye.

>> mar absent.

>> mirkarimi absent. >> aye.

>> there are nine ayes.

>> colleagues, at this time I would like to make a motion that

we affirm the planning commission' s decision on the