

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

## MEETING MINUTES

Tuesday, April 29, 2008 2:00 PM

Legislative Chamber - Second Floor  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

*AARON PESKIN, PRESIDENT*

*MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,  
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,  
ROSS MIRKARIMI, GERARDO SANDOVAL*

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

**Budget and Finance Committee**

Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu

**City and School District Select Committee**

Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar

**City Operations and Neighborhood Services Committee**

Supervisors Chu, McGoldrick, Elsbernd

**Government Audit and Oversight Committee**

Supervisors Peskin, Ammiano, Maxwell

**Land Use and Economic Development Committee**

Supervisors Maxwell, Sandoval, Peskin

**Public Safety Committee**

Supervisors Mirkarimi, Maxwell, Dufty

**Rules Committee**

Supervisors Daly, Dufty, Ammiano

#### Meeting Days

Wednesday  
1:00 PM

1st and 3rd Thursday  
3:30 PM

1st and 3rd Thursday  
1:00 PM

1st and 3rd Monday  
10:00 AM

Monday  
1:00 PM

2nd and 4th Monday  
10:00 AM

1st and 3rd Thursday  
10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 103 Number 15

**Members Present:** Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:07 p.m. On the call of the roll Supervisors Alioto-Pier and McGoldrick were noted absent.*

*There was a quorum present.*

### Supervisors Alioto-Pier and McGoldrick Excused from Attendance

Supervisor Dufty, seconded by Supervisor Maxwell, moved to excuse Supervisors Alioto-Pier and McGoldrick from attendance. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

## CONSENT AGENDA

### Recommendations of the City Operations and Neighborhood Services Committee

**080435 [Funds to support Department of Public Health Emergency Preparedness - \$468,469]  
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$468,469 from the California Department of Public Health (CDPH) Emergency Preparedness Office, to fund the Hospital Preparedness Program; for the period of September 1, 2007 through August 8, 2008.

**Resolution No. 214-08**

**ADOPTED**

**080439 [Grant to fund rapid HIV tests in San Francisco - \$781,839]  
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a new three-year grant from the California Department of Public Health (CDPH) in the amount of \$731,070, including a retroactive contract with University of California – San Francisco (UCSF) which includes a 12 percent contingency for a total of \$781,839 to support the project entitled “Expanded and Integrated Human Immunodeficiency Virus (HIV) Testing of Populations Disproportionately Affected by HIV (Primarily African Americans);” for the period of October 1, 2007 through September 30, 2010.

**Resolution No. 212-08**

**ADOPTED**

**080440 [Grant to support technical assistance for an HIV/AIDS project - \$215,928]  
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a new grant from the Bill and Melinda Gates Foundation in the amount of \$215,928, including a retroactive contract with Public Health Foundation Enterprises, Inc. (PHFE) in the amount of \$207,198, for the "China MSM: Technical Assistance" project; for the period of January 1, 2008 through December 31, 2008.

**Resolution No.** 213-08  
**ADOPTED**

**080452 [Gift of up to \$300,000 - private, Department of Public Health]**

Resolution authorizing the Department of Public Health, Community Behavioral Health Services to retroactively accept a gift of Buprenorphine medication from Reckitt Benkiser Pharmaceuticals with a monetary value of up to \$300,000 for the period of March 1, 2008 through August 31, 2008 for ongoing and new patients receiving Opiate Replacement Treatment in San Francisco. (Public Health Department)

**Resolution No.** 211-08  
**ADOPTED**

**080476 [Grant funds to support nutrition services - \$343,000]  
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a three-year grant in the amount of \$343,000 from the Vitamin Cases Consumer Settlement Fund to support the "Women's Nutritional Awareness Project," for the period of July 1, 2008 through June 30, 2011.

**Resolution No.** 209-08  
**ADOPTED**

**Recommendations of the Rules Committee****080458 [Settlement of Claim - Christopher L. Blackstock- \$40,000]**

Resolution approving the settlement of the unlitigated claim filed by Christopher L. Blackstock against San Francisco for \$40,000; claim was filed on September 13, 2007. (City Attorney)

**Resolution No.** 210-08  
**ADOPTED**

**080378 [Appointment - Sweatfree Procurement Advisory Group- Jamie Crook]**

Motion appointing Jamie Crook, term ending December 17, 2009, to the Sweatfree Procurement Advisory Group.

Jamie Crook, succeeding Christina Martinez, term expired, seat 4, must be member of the public, for the unexpired portion of a two-year term ending December 17, 2009.

**Motion No.** M08-72  
**APPROVED**

- 080429 [Appointments - In-Home Supportive Services- Alice Wong, Sharon Brunn and Rosie Byers]**  
Motion appointing Alice Wong, Sharon Brunn and Rosie Byers, terms ending March 1, 2011, to the In-Home Supportive Services Public Authority.

Alice Wong, succeeding herself, term expired, seat 13, must be consumer at-large who is 18 years of age or older, for term ending March 1, 2011.

Sharon Brunn, succeeding herself, term expired, seat 3, must be consumer at-large over the age of 55, for term ending March 1, 2011.

Rosie Byers, succeeding herself, term expired, seat 12, must be member representing the bargaining unit of the union that represents IHSS independent providers, for term ending March 1, 2011.

Motion No. M08-74

**APPROVED**

- 080432 [Appointments - Bicycle Advisory Committee- Mark Hostenpiller and Jake Wegmann]**  
Motion appointing Mark Hostenpiller and Jake Wegmann, terms ending November 19, 2008, to the Bicycle Advisory Committee.

Mark Hostenpiller, succeeding Francisco Hernandez, term expired, seat 9, must be a nominee of District 9 Supervisor. The member must serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration, for term ending November 19, 2008.

Jake Wegmann, succeeding Hitesh Soneji, term expired, seat 6, must be a nominee of District 6 Supervisor. The member must serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration, for term ending November 19, 2008.

Motion No. M08-76

**APPROVED**

- 080433 [Appointments - Commission on the Aging Advisory Council- Lila McCarthy and Anna Maria Pierini]**  
Motion appointing Lila McCarthy and Anna Maria Pierini, terms ending March 31, 2010, to the Commission on the Aging Advisory Council, residency requirement waived.

Lila McCarthy, succeeding herself, term expired, seat 1, must be nominee of District 2 Supervisor, for a two-year term ending March 31, 2010.

Anna Maria Pierini, succeeding herself, term expired, seat 4, must be nominee of District 3 Supervisor, for a two-year term ending March 31, 2010 (residency requirement waived).

Motion No. M08-77

**APPROVED**

- 080454 [Settlement of Lawsuit - John Weatherspoon III- \$5,150,000.00]**  
Ordinance authorizing settlement of the lawsuit filed by John Weatherspoon III, by and through his Guardian Ad Litem, Barbara Weatherspoon against the City and County of San Francisco for \$5,150,000.00; the lawsuit was filed on May 9, 2006 in San Francisco Superior Court, Case No. 452-083; entitled John Weatherspoon III, by and through his Guardian Ad Litem, Barbara Weatherspoon v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**080455 [Settlement of Lawsuit - Marnix Van Ammers and Jean Walker- \$70,000.00]**

Ordinance authorizing settlement of the lawsuit filed by Marnix Van Ammers and Jean Walker against the City and County of San Francisco for \$70,000.00; the lawsuit was filed on April 9, 2007 in the San Francisco Superior Court, Case No. 462-146; entitled Van Ammers, et al., v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**080456 [Settlement of Lawsuit - Jane Martin- \$75,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Aristides Cisneros and Shirley Kollman against the City and County of San Francisco for \$75,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**080457 [Settlement of Lawsuit - Margarita Hill- \$55,000]**

Ordinance authorizing settlement of the lawsuit filed by Margarita Hill against the City and County of San Francisco for \$55,000; the lawsuit was filed on December 12, 2006 in San Francisco Superior Court, Case No. 458664; entitled Margarita Hill v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**080334 [Settlement of Lawsuit - CCSF v. Pacific Gas & Electric Company, et al. - \$357,036.43]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Pacific Gas and Electric Co., et al. on June 20, 2005, in San Francisco Superior Court, Case No. CGC-05-442416, entitled, City and County of San Francisco, a municipal corporation v. Pacific Gas and Electric Co., a corporation, Stacy and Witbeck/Esquivel, a joint venture, Stacy and Witbeck, Inc., a corporation, Esquivel Grading and Paving, Inc., a corporation, Bauman Landscape, Inc., a corporation, and DOES 1 to 25, inclusive. (City Attorney)

**PASSED, ON FIRST READING**

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

## **REGULAR AGENDA**

## **UNFINISHED BUSINESS**

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

- 080359 [Appropriating \$6,593,103 for Officer Training, Inmate Housing Cost Overruns, and Compensatory Time Off for the Sheriff and Public Health Departments for Fiscal Year 2007-2008]  
Mayor

Ordinance de-appropriating \$323,886 of General Fund and appropriating \$600,000 of Sheriff Inmate Program Beginning Fund Balance, \$269,044 of Peace Officer Training funds, and \$5,400,173 of General Fund Reserve for peace officer training and cost overruns related to inmate housing and Compensatory Time Off in the Sheriff's Department, and jail health services in the Department of Public Health for a total appropriation of \$6,593,103 for Fiscal Year 2007-2008.

(Fiscal Impact.)

Ordinance No. 79-08

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Sandoval  
Noes: 1 - Peskin  
Excused: 2 - Alioto-Pier, McGoldrick

- 080444 [Appropriating \$275,237 of Beginning Fund Balance for Grievance Arbitration Expenses and Workers' Compensation Settlement Costs in the War Memorial for Fiscal Year 2007-2008]  
Mayor

Ordinance appropriating \$275,237 of Beginning Fund Balance for Grievance Arbitration Expenses and Workers' Compensation Settlement Costs in the War Memorial for Fiscal Year 2007-2008.

(Fiscal Impact.)

Ordinance No. 77-08

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

### Recommendation of the Government Audit and Oversight Committee

- 080481 [Settlement of Lawsuits - M-J SF Investments, LLC - \$5,163]  
Supervisor Peskin

Ordinance authorizing settlement of two lawsuits filed by M-J SF Investments, LLC, against the City and County of San Francisco for \$5,163 in costs to the City and County of San Francisco; the first lawsuit was filed on April 6, 2006, in San Francisco Superior Court, Case No. CGC-06-451001; entitled M-J SF Investments, LLC, et al., v. City and County of San Francisco, et al; the second lawsuit was filed on September 21, 2007, in San Francisco Superior Court, Case No. CPF-07-507496; entitled M-J SF Investments, LLC, et al., v. City and County of San Francisco, et al; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 080481.

Ordinance No. 78-08

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

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

**071531 [Amending the Planning Code to include properties in the proposed Excelsior Alcohol Restricted Use District in the Fringe Financial Service Restricted Use District and making related Zoning Map Amendments]**

**Supervisor Sandoval**

Ordinance amending San Francisco Planning Code Sections 249.35, 711, and 712 to include properties in the proposed Excelsior Alcohol Restricted Use District in the Fringe Financial Service Restricted Use District prohibiting new fringe financial services, as defined, with certain exceptions, including properties in the Assessor's Blocks fronting on both sides of Mission Street from Silver Avenue to the Daly City border; amending Special Use District Maps Numbers SU11 and SU12 of the Zoning Map of the City and County of San Francisco to define the boundaries of the Fringe Financial Service Restricted Use District; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

**Ordinance No. 75-08**

**FINALLY PASSED by the following vote:**

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

**080279 [Landmark Designation of 900 Innes Avenue (Shipwright's Cottage)]**

**Supervisor Maxwell**

Ordinance designating 900 Innes Avenue (Shipwright's Cottage) as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

**Ordinance No. 76-08**

**FINALLY PASSED by the following vote:**

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

## **NEW BUSINESS**

### **Recommendation of the City Operations and Neighborhood Services Committee**

**071294 [Climate change goals and action plan]**

**Supervisor Mirkarimi**

Ordinance amending the San Francisco Environment Code by adding Chapter 9, Sections 900 through 908, to establish City greenhouse gas emissions targets and departmental action plans, to authorize the Department of the Environment to coordinate efforts to meet these targets, and to make environmental findings.

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

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

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

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

**Recommendation of the Government Audit and Oversight Committee****080485 [General Obligation Refunding Bonds]  
Mayor**

Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the issuance of City and County of San Francisco General Obligation Refunding Bonds and authorizing the preparation, execution and delivery of a final official statement; acknowledging the receipt of certain information relating to such Refunding Bonds; ratifying the approvals and terms and conditions of a previous resolution; and related matters.

**Resolution No.** 202-08

**ADOPTED by the following vote:**

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

**Recommendation of the Land Use and Economic Development Committee****071674 [Zoning - Amending Superseded Height and Bulk Provisions in the North Beach NCD]  
Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by amending Section 722.1 and the Zoning Control Table in Section 722 to delete building height and bulk provisions superseded by Ordinance No. 20-88 and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

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

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

**Recommendations of the Rules Committee****080423 [Appointment, Planning Commission - Ron Miguel]**

Motion approving the Mayor's appointment of Ron Miguel to the Planning Commission term ending June 30, 2008. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - March 25, 2008.)

**Motion No.** M08-73

**APPROVED by the following vote:**

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

**080430 [Confirming the reappointment of Thomas Mazzucco to the San Francisco Police Commission]  
Mayor**

Motion confirming the Mayor's nomination of, and reappointing, Thomas Mazzucco to the San Francisco Police Commission for a four-year term ending April 30, 2012.

(Section 4.109 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - March 28, 2008.)

**Motion No.** M08-75

**APPROVED by the following vote:**

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

**RECESS**

*The Board recessed at the hour of 2:46 p.m.*

*Reconvening of the Board*

*The Board reconvened at the hour of 4:06 p.m.*

*The following Supervisors were noted present: Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin - 8*

*Supervisor Sandoval was noted absent.*

*Supervisors Alioto-Pier and McGoldrick were previously excused.*

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

*Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to William F. Wilkinson.*

**SPECIAL ORDER 4:00 P.M.**

**070967 [Public Hearing - Appeal of Minor Sidewalk Encroachment for 1166 Haight Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated June 13, 2007, approving a request of Minor Sidewalk Encroachment Permit to construct a warped driveway ramp and two (2) planter boxes to encroach 3'-0" into the public sidewalk right-of-way (25% of the sidewalk width as allowed by Article 15, Section 723.2 of the Public Works Code) fronting the property at 1166 Haight Street to provide access to a proposed garage below grade. (Appellant: Raquel Fox.)

(Filed June 28, 2007; companion measure to Files 070968, 070969; District 5.)

*Continued to July 29, 2008.*

**Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:**

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin

Absent: 1 - Sandoval

Excused: 2 - Alioto-Pier, McGoldrick

**(Only one of the following two motions should be approved.)**

**070968 [Minor Sidewalk Encroachment Permit Appeal for 1166 Haight Street]**

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the Encroachment Permit.

*Continued to July 29, 2008.*

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

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin

Absent: 1 - Sandoval

Excused: 2 - Alioto-Pier, McGoldrick

**070969 [Minor Sidewalk Encroachment Permit Appeal for 1166 Haight Street]**

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the appeal.

*Continued to July 29, 2008.*

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

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin

Absent: 1 - Sandoval

Excused: 2 - Alioto-Pier, McGoldrick

**SPECIAL ORDER 4:00 P.M.**

**080460 [Public Hearing - Conditional Use Appeal for 1575 South Van Ness Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Commission dated March 13, 2008, relating to the disapproval of a Conditional Use Authorization (Case No. 2007.1456C), under Planning Code Sections 703.3 and 703.4 to allow a Formula Retail Use paint store (dba ICI Paints) within a Moderate Scale (NC-3) Neighborhood Commercial District on property located at 1575 South Van Ness Avenue; Lot 027 in Assessor's Block 6571.

The Commission could not affirmatively vote to either approve or disapprove the application due to a 3-3 split on the Commission. In the absence of an affirmative action, the project is considered disapproved by the Commission. (Appellant: Paul R. Johnson on behalf of The Glidden Company dba ICI Paints.)

(Filed April 4, 2008; companion measure to Files 080461, 080462, 080463; District 9.)

*The President inquired as to whether any member of the public wished to address the Board members.*

*Paul Johnson; Attorney for the appellant  
male speaker; support of the appellant  
Don Becker; support of the appellant  
Matthew Grey; support of the appellant  
Pat McKnown; support of the appellant  
Ricardo Areno; support of the appellant  
Bob Eacot; support of the appellant  
John Wetner; support of the appellant  
Kent Ante; support of the appellant*

*Tara Sullivan, Representative of the Planning Department, reviewed with the Board the Planning Department's recommendation with the Board members.*

*Leora Zestil; support of the Planning Commission  
Rick Carp; support of the Planning Commission  
Laura Reeds; support of the Planning Commission  
Amy Sullivan; support of the Planning Commission  
Julie Angelet; support of the Planning Commission  
Kevin Kitner; support of the Planning Commission  
Eric Qudzada; support of the Planning Commission  
Judith Burkowitz; support of the Planning Commission*

*Rebuttal Period:*

*Paul Johnson; Attorney for the appellant*

*The President declared the public hearing closed.*

**Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Hearing be FILED. The motion carried by the following vote:**

**Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin  
Absent: 1 - Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick**

**(Only one of the following two motions should be approved.)**

**080461 [Disapproving Conditional Use Application for property located at 1575 South Van Ness Avenue]**  
Motion approving decision of the Planning Commission disapproving Conditional Use Application 2007.1456C on property located at 1575 South Van Ness Avenue.

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

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin  
Absent: 1 - Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

*Continued to May 6, 2008.*

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin  
Absent: 1 - Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

**080462 [Approving Conditional Use Application for property located at 1575 South Van Ness Avenue]**  
Motion disapproving decision of the Planning Commission disapproving Conditional Use Application 2007.1456C on property located at 1575 South Van Ness Avenue.

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

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin  
Absent: 1 - Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

*Continued to May 6, 2008.*

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin  
Absent: 1 - Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

**080463 [Findings - 1575 South Van Ness Avenue Conditional Use Application Appeal]**  
Motion directing the Clerk to prepare findings related to the proposed Conditional Use Application 2007.1456C on property located at 1575 South Van Ness Avenue.

*Continued to May 6, 2008.*

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin  
Absent: 1 - Sandoval  
Excused: 2 - Alioto-Pier, McGoldrick

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

## PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.*

*James Chaffee; expressed concern with issues relating to the SF Public Library*

*Walter; expressed concern with various issues*

*Sylvia Johnson; express concern with various issues*

*Eugene Gordon Jr.; expressed concern with various issues*

*John Di Donna; expressed concern with various issues*

*Male speaker; expressed concern with China's government*

*Allen Zin; expressed concern with China's government*

*Male speakers; expressed concern with identification of voters*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.*

**080571 [Commendation of Lorraine Woodruff-Long]  
Supervisors Elsbernd, Chu, Dufty**

Resolution commending Lorraine Woodruff-Long for her service to San Francisco parents through the organization Parents for Public Schools of San Francisco.

*Supervisors Chu and Dufty requested to be added as co-sponsors.*

**Resolution No. 207-08**

**ADOPTED**

**080572 [Small Business Week - May 12 - 17, 2008]  
Supervisors Dufty, Maxwell, Alioto-Pier, Chu**

Resolution proclaiming May 12, 2008 to May 17, 2008 Small Business Week in San Francisco.

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

**Resolution No. 206-08**

**ADOPTED**

**080573 [Commending Officer Daryl Deen on 24 years of service to the San Francisco Police Department]  
Supervisor Dufty**

Resolution commending San Francisco Police Department Officer Daryl Deen for 24 years of service.

**Resolution No. 205-08**

**ADOPTED**

**080574 [Hepatitis B Free Week in San Francisco - May 10 - 17, 2008]  
Supervisor Chu**

Resolution declaring May 10 – 17, 2008 Hepatitis B Free Week in the City and County of San Francisco.

**Resolution No. 204-08**

**ADOPTED**

**080575 [State Grant to support the High Risk (Pest Exclusion) Program - \$66,325]  
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH), to retroactively accept and expend funds from the California Department of Food and Agriculture (CDFA) in the amount of \$66,325 in support of the High Risk (Pest Exclusion) Program, for the period of July 1, 2007 through June 30, 2008.

**Resolution No. 203-08**

**ADOPTED**

**080532 [Proclaiming May 1, 2008 to be International Workers' Day, affirming San Francisco as a Sanctuary City, and urging the Congress of the United States to repeal the REAL ID Act of 2005]  
Supervisors Sandoval, Ammiano**

Resolution proclaiming May 1, 2008 to be International Workers' Day, affirming San Francisco as a Sanctuary City, and urging the Congress of the United States to repeal the REAL ID Act of 2005.

**Resolution No. 208-08**

**ADOPTED**

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

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval

Excused: 2 - Alioto-Pier, McGoldrick

## **OFF-AGENDA LEGISLATION**

### **Introduced by Supervisors or Mayor**

#### **Ordinances**

**080591 [Local Business Enterprise and Non-Discrimination in Contracting Bonding and Financial Assistance Program]  
Supervisors Elsbernd, Maxwell**

Ordinance extending the term of the bonding assistance program to end on the earlier of (1) June 30, 2013 or (2) the date on which the Controller is no longer able to certify the availability of funds for any new guarantee agreement.

4/29/08, RECEIVED AND ASSIGNED to Rules Committee.

**080592 [Appropriating \$272,515,000 of COP Revenue for the San Francisco Public Utilities Commission Electrical Reliability Power project for Fiscal Year 2007-2008]  
Supervisors Maxwell, Peskin**

Ordinance appropriating \$273,015,000 of San Francisco Certificates of Participation 2008 Series B and 2008 Series C to fund the San Francisco Electrical Reliability Project also referred to as the Combustion Turbine projects in the Public Utilities Commission for FY 2007-2008.

(Fiscal Impact.)

(Supervisor Alioto-Pier dissented in committee.)

4/29/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**080593 [Appropriating \$1,289,141 of interest earned for improvements to the California Academy of Sciences in the Recreation and Park Department for Fiscal Year 2007-2008]  
Mayor**

Ordinance appropriating \$1,289,141 of interest earned for improvements to the California Academy of Sciences in the Recreation and Park Department for Fiscal Year 2007-2008.

(Fiscal Impact.)

4/29/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**080594 [Prohibiting pharmacies from selling tobacco products]  
Mayor**

Ordinance amending the San Francisco Health Code by amending Section 1009.53 and adding Section 1009.60 and Article 19J, to prohibit pharmacies from selling tobacco products.

Economic Impact.

4/29/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 5/29/2008. (Referred to the Small Business Commission for comment and recommendation.)

## **Resolutions**

**080590 [Airport Capital Plan Bonds - not to exceed \$718,000,000]  
Supervisor Chu**

Resolution approving the issuance of not to exceed \$718,000,000 aggregate principal amount of San Francisco International Airport Second Series Revenue Bonds for the purpose of financing and refinancing the construction, acquisition, equipping and development of capital projects undertaken by the Airport constituting part of the Airport's capital plan.

(Fiscal Impact.)

4/29/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**080597 [Supporting Assembly Bill 3034, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century]  
Supervisors Peskin, Dufty, Mirkarimi, Elsbernd, Daly, Ammiano, Maxwell, McGoldrick, Sandoval, Chu, Alioto-Pier**

Resolution supporting Assembly Bill 3034, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century.

4/29/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080598 [Urging the California State Assembly to support the passage of Assembly Bill 2153]  
Supervisor Ammiano**

Resolution urging the California State Assembly to support the passage of Assembly Bill 2153 and directing the City's lobbyist to work towards this end.

4/29/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080599 [Gift to City of travel from San Francisco Chamber of Commerce for 2008 CityTrip]  
Supervisor Peskin**

Resolution accepting a gift of airfare, accommodations, and conference fees valued in an amount of \$6,500 from the San Francisco Chamber of Commerce for two City officials or employees to join the Chamber of Commerce on its 2008 CityTrip to Los Angeles.

4/29/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080600 [Declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District]  
Mayor, Supervisors Ammiano, Dufty**

Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2008-2009 school year.

4/29/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 080589 [Agreement to Accept the Dolores Hotel Located at 35-37 Woodward Street]**  
Resolution approving and authorizing the execution and performance of an Agreement to Transfer and an Irrevocable Assignment and Assumption Agreement and Amendment to Loan Documents relating to the property commonly known as Dolores Hotel and located at 35-37 Woodward Street; adopting findings that the transfer is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

### Motions

- 080596 [Directing the Budget Analyst to conduct an audit of the SFMTA Proof of Payment Program to determine its effectiveness]**  
Supervisor Dufty

Motion directing the Budget Analyst to conduct a review of the San Francisco Municipal Transit Agency's (SFMTA) Proof of Payment Program to determine the effectiveness of the Proof of Payment Program over the past 3 years and the effectiveness of Transit Fare Inspectors and Station agents in preventing fare evasion.  
4/29/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### Hearings

- 080586 [Implementation of the City's Trash Receptacle Ordinance (File 070020)]**  
Supervisors Dufty, Ammiano

Hearing to consider implementation of the City's Trash Receptacle Ordinance (File 070020), including a review of citations, concern for locations where it is not possible to provide off-street storage for garbage/recycling/compost totes, fairness regarding Ordinance requirements that totes be removed by 6:00 p.m. even for people who work late and feedback from DPW regarding the volume of complaints and possible ways to improve the Ordinance.

4/29/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 080587 [Controller's Nine month Budget Status Report for FY 2007-2008]**  
Supervisor McGoldrick

Hearing on the Controller's Nine month Budget Status Report for FY 2007-2008.

4/29/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 080588 [City and County funding of the Arts]**  
Supervisor Ammiano

Hearing to consider the City and County funding of the Arts in fiscal years 2005-2006, 2006-2007 and 2007-2008.

4/29/08, RECEIVED AND ASSIGNED to Rules Committee.

## **PROPOSED ORDINANCES**

**080514 [Increasing Street Artist Certificate Fee and Increasing Rate of Compensation for the Advisory Committee of Street Artists and Crafts Examiners]**

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and amending Section 2402 to increase the rate of compensation for the Advisory Committee of Street Artists and Craftsmen Examiners, and making environmental findings. (Arts Commission)

(Supervisor Daly dissented in committee.)

4/15/08, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 5/15/2008.

04/29/08 - Referred to the Small Business Commission for review and comment. 04/29/08 - Referred to Planning for determination of environmental impact. 05/02/08 - Response received from Planning, exempt from CEQA. 05/08/08 - Fee ad placed in the SF Chronicle to be published on 5/10/08 and 5/17/08.

## PROPOSED RESOLUTIONS

**080515 [Lease of Real Property at 1 Dr. Carlton B. Goodlett Place, North Light Court]**

Resolution authorizing the lease of 2,400 square feet of space to Juma Ventures, Inc., a California non-profit corporation, in City Hall located at 1 Dr. Carlton B. Goodlett Place. (Real Estate Department)

4/21/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.



**Requests Granted**

*From: Supervisor Dufty*

*To: Controller*

*Requesting/Inquiring: Requesting that the Controller study effectiveness of the organization of the Patrol Special Police as supervised by the San Francisco Police Department.*

*Are there any deficiencies in current rules and regulations; what recommended rules, regulations, and policies should be implemented; about the effectiveness of background checks for applicants to the Patrol Special Police; should the Patrol Special Police have adopted national best practices; communication and integration with SFPD; and how the legal analysis of the Patrol Special Police completed by the City Attorney has been received by SFPD and the Patrol Special Police.*

*From: Supervisor Dufty*

*To: Clerk of the Board*

*Requesting/Inquiring: Requesting that the Clerk of the Board of Supervisors writes to Dr. Lee Sang-mook inviting Dr. Sang-mook to visit the Board of Supervisors during his trip to San Francisco, scheduled for December of this year, and receive a special commendation from the Board of Supervisors for his unparalleled work with marine geophysics in Korea and his advocacy on behalf of the disabled community in South Korea.*

*From: Supervisor Dufty, Maxwell, and Ammiano*

*To: Director, Department of Redevelopment Agency*

*To: Director, Office of the Economic and Workforce Development*

*To: Director, Planning Department*

*To: Director, Small Business Commission*

*Requesting/Inquiring: Requesting that the San Francisco Redevelopment Agency, the Office of Economic and Workforce Development, the Planning Department, and the Small Business Commission provide an outline of information and potential options on creating a Home Improvement District along Bayshore Boulevard that has a green and sustainable overlay and character. These recommendations should include incentives for green building suppliers and contractors to open new businesses that will provide sustainable green employment opportunities and help upgrade the Bayshore corridor. These approaches should consider possible approaches to provide a green or sustainable overlay to any home improvement business seeking to replace the prior lessee at the Goodman Lumber site on Bayshore Boulevard.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

*Requesting/Inquiring: Requesting that the Department of Public Works report on the status of repairing potholes at the following locations:*

*Geary and Post, pothole on southwest side of street*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

*Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from newsstands at the following locations:*

*San Francisco Bay Guardian:*

*Southeast corner of Fillmore and Post*

*Southeast corner of Laguna and Page*

*9th Avenue and Judah (near bus stops)*

*7th Avenue and Irving (near bus stops)*

*Northwest corner of Fillmore and Geary*

*Southeast corner of Fillmore and Haight*

*In front of 497 Oak Street*

*San Francisco Chronicle:*  
Southeast corner of Fillmore and Post  
Southeast corner of Oak and Buchanan  
Southeast corner of Laguna and Page  
Northwest corner of Fillmore and Hayes  
Southeast corner of Haight and Fillmore  
Irving and 9th Avenue  
Irving and 7th Avenue  
*San Francisco Examiner:*  
Southeast corner of Fillmore and Post  
Northwest corner of Fillmore and Hayes  
Northwest corner of Hayes and Gough  
Southeast corner of Haight and Fillmore  
*SF Daily:*  
Northwest corner of Hayes and Gough  
*City Star:*  
Northwest corner of Hayes and Gough  
*Onion:*  
Northeast corner of Fillmore and Waller  
Northwest corner of Hayes and Gough  
Southeast corner of Divisadero and Page  
Southeast corner of Fillmore and Haight  
*SF Weekly:*  
Southwest corner of Hayes and Webster  
Southeast corner of Masonic and Haight  
Southeast corner of Haight and Fillmore

*From: Supervisor Mirkarimi*  
*To: Director, Department of Public Works*  
*Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from the following locations:*  
*Phone Switch Boxes:*  
Northeast corner of Oak and Webster  
Southwest corner of Geary and Webster  
Southeast corner of Fell and Fillmore  
Southeast corner of Fillmore and Post  
Southeast corner of Scott and Haight  
Southeast corner of Buchanan and Fell  
*City Trash Cans:*  
Southwest corner of Buchanan and Hayes  
Buchanan and Haight Street  
546 Haight Street  
*Mailboxes:*  
Post and Geary  
Hayes and Laguna  
Southwest corner of Fell and Buchanan

*From: Supervisor Mirkarimi*  
*To: Director, Department of Public Works*  
*Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti at the following private property locations:*  
Fillmore and Post, Kabuki Theater Wall on Fillmore side  
295 Buchanan  
299 Webster

335 Webster  
345 Grove  
360 Haight  
484 Haight  
308 Fillmore  
401 Fillmore  
557 Fillmore  
1015 Fillmore  
1000 Steiner  
333 Haight  
406-408 Buchanan  
536 Fell  
401 Haight  
546 Haight  
799 Haight  
498 Haight  
425-431 Buchanan  
383 Grove  
385 Grove  
432 Grove  
200 Octavia  
626 Fell  
Geary and Steiner (the wall on the southwest corner of the walking bride)  
451 Hayes  
525 Gough  
355 Laguna

*From: Supervisor Ammiano*

*To: Director, Mayor's Office of Criminal Justice*

*To: Chief, Police Department*

*Requesting/Inquiring: Where exactly is the City in the process of assessing the efficacy of existing Shotspotter systems, and where exactly is the City in the process of siting a Shotspotter system in the Mission district? I would like a date certain schedule for the deployment for a Shotspotter system in the Mission, and I would like to have updates on a weekly basis regarding progress on this front.*

### **In Memoriams**

*Paul Wonner - Supervisor Dufty*

*James "Jimmy" Guerre - Supervisor Dufty*

*Kenneth Arthur, Jr. - Supervisor Maxwell*

*Maria Crotti - Supervisor Peskin*

*Libania "Libby" De Souza - Supervisor Peskin*

*Jason Roger Mosley - Supervisor Mirkarimi*

## ADJOURNMENT

*There being no further business the Board adjourned at the hour of 5:28 p.m.*

*Angela Calvillo, Clerk of the Board*

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

*Approved by the Board of Supervisors on June 3, 2008.*



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Angela Calvillo  
Clerk of the Board