

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, August 5, 2008 2:00 PM

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

Regular Meeting

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

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 28

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll Supervisor Daly was noted absent.

There was a quorum present.

Supervisor Daly was noted present at 2:08 p.m.

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

080774 [DSW training and reporting and employee contact information]
Supervisor Alioto-Pier

Ordinance requiring departments to update employee contact information and report annually on the status of required Disaster Service Worker Training.

Ordinance No. 189-08
FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

080283 [San Francisco Special Tax Financing Law]
Supervisor Sandoval

Ordinance amending the San Francisco Administrative Code by adding Article 43.10, Sections 43.10.1 through 43.10.23, to enact the Special Tax Financing Law establishing procedures for the formation of special tax districts, the imposition of special taxes and the issuance of bonds secured by such special tax funds.

Ordinance No. 196-08
FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee**080823 [Establishment of floodplain management programs and designation of floodplain administrator]
Supervisors Elsbernd, Chu**

Ordinance establishing a floodplain management program by adding Article XX, Sections 2A.280 - 2A.285 to the San Francisco Administrative Code; designating the City Administrator as the floodplain administrator; and providing requirements for designating floodplains and for construction and development in floodplains.

**Ordinance No. 188-08
FINALLY PASSED**

Recommendations of the Rules Committee**080709 [Settlement of City's Lawsuit Against Defendant Coral Energy Resources, L.P. - \$277,000]**

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Coral Energy Resources, L.P.; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately \$277,000 to the City from defendant Coral Energy Resources, L.P. (City Attorney)

**Ordinance No. 193-08
FINALLY PASSED**

080710 [Settlement of City's Lawsuit Against Defendants Reliant Energy Services, Inc., Reliant Energy, Inc. (f/k/a Reliant Resources, Inc.), and Mary Kathleen Zanaboni - \$297,500]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendants Reliant Energy Services, Inc., Reliant Energy, Inc. (f/k/a Reliant Resources, Inc.), and Mary Kathleen Zanaboni ("Reliant"); the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately \$297,500 to the City from the Reliant defendants. (City Attorney)

**Ordinance No. 192-08
FINALLY PASSED**

080896 [Settlement of Lawsuit - City and County of San Francisco, et al., v. Pravin Dahy Abhai Patel, et al.]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco and the People of the State of California, by and through Dennis J. Herrera, City Attorney for the City and County of San Francisco, against Pravin Dahy Abhai Patel, George Patel, and Sanjay Patel in exchange for an agreement to rescind the notice of withdrawal submitted pursuant to Government Code section 7060(a); the lawsuit was filed on July 12, 2006, in San Francisco Superior Court, Case No. CGC- 06-454092; entitled City and County of San Francisco, et al., v. Pravin Dahy Abhai Patel, et al; other material terms of said settlement are set forth in the Settlement Agreement contained in Board of Supervisors File No. 080896. (City Attorney)

**Ordinance No. 191-08
FINALLY PASSED**

080897 [Settlement of Lawsuit - Schram Construction, Inc. - \$722,104.09]

Ordinance authorizing settlement of the lawsuit filed by Schram Construction, Inc. ("Schram") against the City and County of San Francisco (the "City") seeking \$1,000,000; the lawsuit was filed on June 23, 2006 in the Superior Court of the City and County of San Francisco, Case No.CGC-06-453479, entitled Schram Construction, Inc., v. City and County of San Francisco; other material terms of said settlement are: 1) The City will pay a total of \$722,104.09 to Schram; 2) Schram will indemnify the City against potential legal claims and/or lawsuits from subcontractors and suppliers; 3) All warranties not yet expired will remain in full force and effect; and 4) The City reserves all rights relating to latent defects. (City Attorney)

Ordinance No. 187-08

FINALLY PASSED

**080826 [Menu Labeling at Chain Restaurants]
Supervisor Ammiano**

Ordinance amending Sections 468.2, 468.3, 468.4, 468.5, 468.6, and 468.8 of the San Francisco Health Code to (1) set rounding rules for disclosure of nutritional information, (2) allow nutritional information for pizzas to be listed per serving size, (3) allow chain restaurants to display the information required by Section 468.4 in brochures and booklets, (4) authorize the Director of the Department of Public Health to adopt rules and regulations to enforce these provisions, and (5) extend the deadlines for electronic reporting and disclosure on menus, food tags, and posters.

Ordinance No. 195-08

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA**UNFINISHED BUSINESS****Recommendation of the Budget and Finance Committee****080880 [Recreation and Park Department - Event Fees]
Supervisor McGoldrick**

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.22 to amend the fees for use of the parks for events.

Ordinance No. 190-08

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the City Operations and Neighborhood Services Committee Without Recommendation**080594 [Prohibiting pharmacies from selling tobacco products]
Mayor, Supervisors Peskin, McGoldrick**

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.

(No Economic Impact)

Ordinance No. 194-08

FINALLY PASSED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 3 - Chu, Dufty, Elsbernd

From the Government Audit and Oversight Committee Without Recommendation**081013 [Economic Impact Analysis of Proposed Daytime Street Closure]
Supervisors Peskin, Elsbernd, Alioto-Pier**

Resolution directing the Office of Economic Analysis and the Office of Small Business to conduct an analysis of the economic impact of the proposed "Sunday Streets" street closure planned for August 31st and September 14th on local businesses and requesting the City postpone any street closure until such analysis is completed.

NOT ADOPTED by the following vote:

Ayes: 5 - Alioto-Pier, Elsbernd, McGoldrick, Peskin, Sandoval

Noes: 6 - Ammiano, Chu, Daly, Dufty, Maxwell, Mirkarimi

Recommendation of the Rules Committee**080618 [Charter Amendment - Board of Supervisors Aides, November 2009 Election]
Supervisor McGoldrick**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Section 2.117, to eliminate the reference to the number of staff members provided for members of the Board of Supervisors.

ORDERED SUBMITTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 2 - Chu, Elsbernd

NEW BUSINESS**Recommendations of the Budget and Finance Committee**

**080441 [Regulating Overtime for City Employees]
Mayor, Supervisor McGoldrick**

Ordinance amending Section 18.3-1 of the Administrative Code, to limit overtime hours worked in any fiscal year and to limit overtime to no more than 80 in a regular work week except for work performed for emergency or critical services needs, if such emergency or critical service need is approved by appropriate officials.

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

Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Peskin, Sandoval
Noes: 5 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi

Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Ordinance be RE-REFERRED. The motion FAILED by the following vote:

Ayes: 4 - Daly, Elsbernd, Peskin, Sandoval
Noes: 7 - Alioto-Pier, Ammiano, Chu, Dufty, Maxwell, McGoldrick, Mirkarimi

Ordinance amending Section 18.3-1 of the Administrative Code, to limit overtime hours worked in any fiscal year and to limit overtime to no more than 40 in a regular work week except for work performed for emergency or critical services needs, if such emergency or critical service need is approved by appropriate officials.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**080830 [Pre-Tax Commuter Benefits for Qualifying Transit]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Environment Code by adding a new Section 421 to require San Francisco employers to offer commuter benefits to encourage employees to use public transit or van pools; to authorize the Department of the Environment to implement an Emergency Ride Home program; and making environmental findings.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081016 [Refunding City and County of San Francisco Finance Corporation Lease Revenue Bonds, Series 2000-1, Series 2000-2, and Series 2000-3 (Moscone Center Expansion Project)]
Mayor**

Ordinance approving the issuance of lease revenue refunding bonds to refinance, in whole and/or in part, the \$144,300,000 outstanding City and County of San Francisco Finance Corporation Lease Revenue Bonds, Series 2000-1, Series 2000-2, and Series 2000-3 (Moscone Center Expansion Project); approving the form of a site and facilities lease by and between the City and County of San Francisco (the "City") and the City and County of San Francisco Finance Corporation (the "Corporation"); approving the form of a project lease between the Corporation and the City; approving the form of a reimbursement agreement among the City, the Corporation and each credit provider; approving the form of an Official Statement; approving the form of a purchase contract between the Corporation and each underwriter, including the form of a certificate of the City; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds; approving modifications to documents; and ratifying previous actions taken in connection therewith.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**080949 [Approval of Amendment to the Construction Management Services Agreement for the Laguna Honda Hospital Replacement Program]
Supervisor Elsbernd**

Resolution authorizing the Director of Public Works to execute an amendment to the construction management services agreement for the Laguna Honda Hospital Replacement Program from \$9,995,383 to \$14,784,481.

(Fiscal Impact.)

Resolution No. 357-08

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

**080950 [Approval of Amendment to Design Agreement for the Laguna Honda Hospital Replacement Program]
Supervisor Elsbernd**

Resolution authorizing the Director of Public Works to execute amendment to a design agreement for the Laguna Honda Hospital Replacement Program from \$39,155,175 to \$44,633,529.

(Fiscal Impact.)

Resolution No. 358-08

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

**081036 [Multifamily Housing Revenue Bonds, Series 2008B - Geary Senior Housing]
Supervisor McGoldrick**

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed \$30,000,000 for the purpose of providing financing for the construction of a multifamily rental housing project to be known as Geary Senior Housing, to consist of 150 housing units; approving the form of and authorizing the execution of an indenture of trust providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to City officials to take actions necessary to implement this resolution; and related matters.

Resolution No. 360-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

**080478 [Height Map Amendment - Rezoning Block 5323, Lots 13, 14, 14A, 15, 15A And 15B On Third Street And Mendell Street, From A 105-A Height And Bulk Limit To A 55-X Height And Bulk Limit]
Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by amending Height Map HT 10 of the Zoning Map of the City and County of San Francisco to change height and bulk limit for Block 5323, lots 13, 14, 14A, 15, 15A and 15B, located at the intersection of Third Street and Mendell Street, from 105-A to 55-X; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080976 [Street Artist Spaces]

Resolution approving designation for six (6) months of nine (9) temporary selling spaces for weekend usage on Market Street, north side, at Steuart Street, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size and bus zone; said spaces subject to Board of Supervisors review. (Arts Commission)

Resolution No. 359-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use and Economic Development Committee Without Recommendation

**080282 [Off-Site Residential Inclusionary Affordable Housing Requirements]
Supervisors Sandoval, Daly**

Ordinance amending Section 315.5 of the Planning Code to provide that twenty-five percent of off-site units given site permits annually may be built outside of the currently-required one-mile radius from the market-rate project, and to provide that off-site units cannot be located in industrially-zoned areas or within a quarter mile of developments containing 200 or more publicly-owned and operated affordable housing developments.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Chu, Daly, Duffy, Elsbernd, McGoldrick, Mirkarimi, Sandoval
Noes: 4 - Alioto-Pier, Ammiano, Maxwell, Peskin

SPECIAL ORDER 3:00 P.M.

080994 [Public Hearing - DPH Delinquent Refuse Service Payment Liens (Garbage Liens)]

Hearing of persons interested in or objecting to report of delinquent charges for refuse collection service and nuisance removal costs submitted by the Director of Public Health, as modified to the date of adoption of this resolution, and creating Special Assessments and Liens based thereon.

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

There were none.

The President declared the public hearing closed.

FILED.

080995 [Unpaid DPH Delinquent Refuse Service Payment Liens to become Special Assessments to the property taxes]

Resolution confirming report of delinquent charges for refuse collection service and nuisance removal costs submitted by the Director of Public Health, as modified to the date of adoption of this resolution, and creating Special Assessments and Liens based thereon.

Resolution No. 345-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080996 [Public Hearing - DPH Reinspection Fee Liens]

Hearing of persons interested in or objecting to the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating Liens and Special Assessments based thereon.

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

There were none.

The President declared the public hearing closed.

FILED.

080997 [Unpaid Department of Public Health complaint Reinspection Fee Liens to become Special Assessments to the property taxes]

Resolution confirming the report of delinquent reinspection fee costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating Liens and Special Assessments based thereon.

Resolution No. 346-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080998 [Public Hearing - DBI Special Assessment of Liens for Code Enforcement Cases]

Hearing of persons interested in or objecting to the report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and Fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3 Section 108A, Section 110A – Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above.

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

Al Berger, property owner of 21 Wood Street

Rosemary Bacci, Representative of the Department of Building Inspection.

Heard at public hearing.

The President declared the public hearing closed.

FILED.

080999 [Special Assessment of Liens for Assessment of Cost - Department of Building Inspection]

Resolution confirming report of Delinquent Charges for Code Enforcement cases with Delinquent assessment of costs, and Fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3 Section 108A, Section 110A – Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for Services rendered by said Department of Costs thereof having accrued pursuant to Code Violations referenced above.

Resolution No. 347-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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

Privilege of the Floor

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

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Mirkarimi introduced, welcomed and presented Certificates of Honor to members of the San Francisco Police Department from the Park and Northern Stations and to Richard Johnson in recognition of their efforts to provide safer communities in San Francisco.

Supervisor Peskin introduced, welcomed, and presented a Certificate of Honor to Dr. Amit Gosh in recognition of his 30 years of employment with the San Francisco Planning Department.

Supervisor Elsbernd introduced, welcomed and present Certificates of Honor to the Consul General and the Vice Consul General of Ireland in recognition of their service to the Irish community in San Francisco.

COMMITTEE REPORTS

**080691 [Zoning - Hunters View SUD and the 40/65-X Height and Bulk District]
Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 263.20 to establish special exceptions for heights within the Hunters View Special Use District and the 40/65-X Height and Bulk District, allowing residential buildings with conditional use authorization pursuant to Planning Code Sections 303 and 304 to have a maximum height of 65 feet; adopting 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: 10 - Alioto-Pier, Ammiano, Chu, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

**080692 [Zoning - Hunters View Special Use District]
Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.39 to establish the Hunters View Special Use District, allowing the subdivision or portions of the site as individual lots to exceed the density of the underlying zoning district and allowing uses that are either principally or conditionally permitted within NC-1 districts to be principally permitted within the special use district; adopting 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: 10 - Alioto-Pier, Ammiano, Chu, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

**080693 [Zoning Map Amendments - Hunters View]
Supervisor Maxwell**

Ordinance amending the Zoning Maps of the City and County of San Francisco, Sheet HT10, to change the Height and Bulk Designation of Assessor's Block 4624, Lots 3, 4 and 9 and Block 4720, Lot 27 from 40-X to 40/65-X, Sheet ZN10, to change the Zoning Use Districts of Block 4720, Lot 27 from RH-2, NC-2 and M-1 to RM-1, and Sheet SU10, to designate Assessor's Block 4624, Lots 3, 4 and 9 and Block 4720, Lot 27 with the Hunters View Special Use District; adopting 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: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

ROLL CALL FOR INTRODUCTIONS

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

John Bardis; expressed concern with issues relating to major issues and decisions which drive the City's economy

Walter; shared in song appreciation of government

Taxi cab driver; expressed concern with issues relating to the taxi cab industry and urged support of Item 35 urging Yellow Cab Company to not require prepayments or deposits from taxicab drivers

Richard McRee; expressed concern with issues relating to his patent for Sigmund Stern Grove design

John DiDonna; expressed concern with issues relating to the violations of human rights

Female speaker; expressed concern with issues relating to the redevelopment of the Hunters Point Area

Desiree Choy; expressed concern with issues relating to the Mayor's proposal to impose fines on the public for not sorting garbage properly

Male speaker; expressed appreciation for the new skate park

John Hung; expressed concern with issues relating to the taxi cab industry and urged support of Item 35 urging Yellow Cab Company to not require prepayments or deposits from taxicab drivers

John; expressed concern for the lack of funding for music programs in the SFUSD

David Miller; expressed concern with issues relating to the taxi cab industry and urged support of Item 35 urging Yellow Cab Company to not require prepayments or deposits from taxicab drivers

Rauch Graffis; urged support of Item 35 urging Yellow Cab Company to not require prepayments or deposits from taxicab drivers

Male speaker; expressed concern with issues relating to the taxi cab industry and urged support of Item 35 urging Yellow Cab Company to not require prepayments or deposits from taxicab drivers

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.

- 081065 [Accept-Expend Grant Funds available through the San Francisco Foundation to fund the Youth Stewardship Program 2007-2008 - \$18,000]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a grant in the amount of \$18,000 to support the San Francisco Recreation and Parks Department Youth Stewardship Program 2007-2008.

Resolution No. 361-08

ADOPTED

**081069 [Urging Yellow Cab Cooperative, Inc. to not require prepayments or deposits from taxicab drivers]
Supervisors Daly, Ammiano**

Resolution urging Yellow Cab Cooperative, Inc. not to require deposits or prepayments from taxicab drivers as a condition of employment or contract and urging the Taxi Commission to adopt rules prohibiting the collection of deposits or prepayments.

Resolution No. 362-08

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Reference to Committee Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

081070 [Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 4, 2008 Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 4, 2008 Election. (Clerk of the Board)

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

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Motion No. M08-128

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Sandoval requested that this matter be severed so that it might be considered separately.

**081066 [Urging the Recreation and Park Commission and the San Francisco Housing Authority to thoroughly review the proposed plan to build a recycling and trash compacting center in McLaren Park]
Supervisor Sandoval**

Resolution urging the Recreation and Park Commission and the San Francisco Housing Authority to review for consistency with the City's general plan, the proposed plan to build a recycling and trash compacting center in McClaren Park.

REFERRED to the Land Use and Economic Development Committee.

OFF-AGENDA LEGISLATION

Ordinances**081082 [Requiring Activation of Closed Captions During Video Events]
Supervisor Alioto-Pier**

Ordinance amending the San Francisco Police Code by amending Sections 4401 and 4402 to require the activation of closed captioning during video events in a park, open space, zoo, or other outdoor recreation area. 8/5/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/4/2008.

**081084 [Authorizing the Department of Public Health to perform and award contracts for public work under a specified procedure]
Supervisor Elsbernd**

Ordinance adding San Francisco Administrative Code Chapter 6, Section 6.69, to authorize the Department of Public Health to perform and award contracts for health facilities public work through competition among a pre-qualified pool of contractors.

8/5/08, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 9/4/2008.

**081085 [Public Employment - Office of the Public Defender]
Supervisor McGoldrick**

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance FY 2008-2009) to reflect the addition of two positions (2.0 FTE) Class 8177 Attorneys (Civil/Criminal) in the Office of the Public Defender (PDR).

(Fiscal Impact.)

8/5/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**081086 [Public Works Code - annual right-of-way occupancy assessment fee for driveways]
Supervisor McGoldrick**

Ordinance amending the Public Works Code by amending Section 716 to establish an annual public right-of-way occupancy assessment fee for the portion of an automobile runway (driveway) that requires or required modification to the public right-of-way; and making environmental findings.

8/5/08, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 9/4/2008.

08/12/08 - Referred to Planning for determination of environmental impact.

**081087 [Condominium conversion lottery based on seniority of participation]
Supervisor McGoldrick**

Ordinance amending the Subdivision Code by amending Section 1396 to extend the annual 200-unit condominium conversion lottery; amending Section 1396.3 to continue the prioritization of the condominium conversion lottery based on seniority of participation in prior lotteries; and making environmental findings.

8/5/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/4/2008.

**081088 [Requirement of Conditional Use authorization for any permit application to remove dwelling units]
Supervisor McGoldrick**

Ordinance amending the Planning Code by amending Section 317 to require Conditional Use authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units. 8/5/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/4/2008.

**081089 [Torch-Applied Roofing Ban]
Supervisor Mirkarimi**

Ordinance amending Chapter 26 of the San Francisco Fire Code by adding Section 2611 to prohibit in San Francisco the installation of torch-applied roof systems on combustible roofs; adopting environmental findings and findings required by California Health & Safety Code Section 17958.7; and directing the Clerk of the Board to forward San Francisco's amendment and findings to the California Building Standards Commission and the Office of the State Fire Marshal. 8/5/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/4/2008.

**081096 [Ordinance setting San Francisco's fiscal year 2008-2009 property tax rate and establishing pass-through rate for residential tenants]
Supervisor Peskin**

Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the fiscal year ending June 30, 2009. 8/5/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**081097 [Ordinance setting San Francisco Community College District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]
Supervisor Peskin**

Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the fiscal year ending June 30, 2009. 8/5/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**081098 [Ordinance setting San Francisco Unified School District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]
Supervisor Peskin**

Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the fiscal year ending June 30, 2009. 8/5/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 081099 [Ordinance setting San Francisco Bay Area Rapid Transit District's fiscal year 2008-2009 property tax rate to be included in the City's overall property tax rate]
Supervisor Peskin**

Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the fiscal year ending June 30, 2009.

8/5/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 081100 [Zoning - Providing for a Five Feet Special Height Exception for Active Ground Floor Uses in Neighborhood Commercial Districts]
Supervisor Sandoval**

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in the Neighborhood Commercial Districts; amending Sections 703.1, 710.1, 711.1, 712.1, 713.1, 714.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 722.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 731.1, 731.1, 732.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

8/5/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/4/2008.

- 081102 [MOU, Amendment No. 2 - Municipal Attorneys' Association]
Mayor**

Ordinance adopting and implementing Amendment #2 to the 2006-2010 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association.

8/5/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

- 081103 [MOU - Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics]
Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, H-1 Fire Rescue Paramedics, to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact.)

8/5/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

- 081107 [MOU - SF Police Officers' Association (SFPOA), P-2B]
Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (SFPOA), P-2B, to be effective July 1, 2007 through June 30, 2011.

(Fiscal Impact.)

8/5/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Resolutions**081083 [Adoption of the San Francisco Economic Strategy]
Supervisor Alioto-Pier**

Resolution adopting the San Francisco Economic Strategy, as required by Proposition I, passed by the voters in November 2004.

8/5/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**081090 [Issuance and Sale of Tax-Exempt Bonds - Pacific Primary - \$6,000,000]
Supervisor Mirkarimi**

Resolution approving the issuance and sale of tax-exempt bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$6,000,000 to finance various capital facilities owned by Pacific Primary, a California nonprofit corporation, or an affiliate thereof.

8/5/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**081091 [Board response to the 2007-2008 Civil Grand Jury Report entitled "Fits and Starts: The Response of San Francisco Government to Past Civil Grand Jury Recommendations"]
Supervisor Peskin**

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2007-2008 Civil Grand Jury Report entitled "Fits and Starts: The Response of San Francisco Government to Past Civil Grand Jury Recommendations".

8/5/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**081092 [Board response to the 2007-2008 Civil Grand Jury Report entitled "Accountability in San Francisco Government"]
Supervisor Peskin**

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2007-2008 Civil Grand Jury Report entitled "Accountability in San Francisco Government".

8/5/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**081093 [Board response to the 2007-2008 Civil Grand Jury Report entitled "San Francisco Kindergarten Admissions: Back to the Drawing Board"]
Supervisor Peskin**

Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2007-2008 Civil Grand Jury Report entitled "San Francisco Kindergarten Admissions: Back to the Drawing Board".

8/5/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

- 081094 [Board response to the 2007-2008 Civil Grand Jury Report entitled "A Year of Five Elections for the City and County of San Francisco"]**
Supervisor Peskin
- Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2007-2008 Civil Grand Jury Report entitled "A Year of Five Elections for the City and County of San Francisco".
8/5/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 081095 [Board response to the 2007-2008 Civil Grand Jury Report entitled "The homeless have homes, but they are still on the street"]**
Supervisor Peskin
- Resolution responding to the Presiding Judge of the Superior Court on the recommendations contained in the 2007-2008 Civil Grand Jury Report entitled "The homeless have homes, but they are still on the street".
8/5/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 081101 [Accept-Expend two related HIV research grants - \$105,248]**
Supervisors Dufty, Ammiano
- Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend two related grants in the total amount of \$105,248 from the Public Health Foundation Enterprises (PHFE) to support the "HIV Vaccine Trials Network Study – Parts A and B;" for the periods of January 1, 2008 through June 30, 2008 (Part A) and July 1, 2008 through December 31, 2008 (Part B).
8/5/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.
- 081104 [Urging the Recreation and Park Department to re-install park benches in Civic Center Plaza]**
Supervisor Maxwell
- Resolution urging the prioritization of resources to re-install park benches in Civic Center Plaza.
8/5/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 081105 [Opposing fiscally irresponsible State budget decisions]**
Supervisor Maxwell
- Resolution opposing fiscally irresponsible State budget decisions that would "borrow" local government, redevelopment and transportation funds.
8/5/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 081106 [Urging the Recreation and Park Commission to beautify, landscape, and improve the neglected lot on the southwest end of McLaren Park]**
Supervisor Maxwell
- Resolution urging the prioritization of resources to beautify and improve the neglected and blighted southwest corner of McLaren Park, opposite the Sunnydale Public Housing Complex.
8/5/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED RESOLUTIONS**081052 [Street Encroachment, Various Locations]**

Resolution granting revocable permission to Fisherman's Wharf Community Benefit District to occupy a portion of the public right-of-way to install and maintain a way-finding sign (a total of 10 signs) at the following locations: a) on the north side of Beach Street between Powell and Mason Streets, b) on the north side of Beach Street between Mason and Taylor Streets, c) on the north side of Beach Street between Jones and Leavenworth Streets, d) on the north side of Beach Street between Leavenworth and Hyde Streets, e) on the north side of Beach Street at Larkin Street, f) on the west side of Taylor Street between Jefferson and Beach Streets, g) on the west side of Taylor Street between Beach and North Point Streets, h) on the west side of Taylor Street between North Point and Bay Streets, i) on the east side of Leavenworth Street between Jefferson and Beach Streets, and j) on the east side of Hyde Street between Beach and North Point Streets conditioned upon the payment of an annual assessment fee, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department) 7/25/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

081067 [Approval of one-year extension of professional services contract for the San Francisco Treasurer/Tax Collector for interactive voice response ("IVR") payment services for various City and County Departments]

Resolution approving an extension of up to one-year for a professional services contract for the San Francisco Treasurer/Tax Collector for services to process credit card payment applications on interactive voice response ("IVR") systems for various City and County departments while contract with new vendor is negotiated. (Treasurer-Tax Collector) 7/22/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Alioto-Pier

To: City Attorney

Requesting/Inquiring: To prepare an ordinance requiring all public places, offices, and commercial establishments to secure all appurtenances over 42" height; Drawers and doors of lockers, cabinets and other furnishings or equipment must be adequately secured against opening during an earthquake and spilling contents; All major appliances in work places must be secured to the floor and/or wall to prevent falling over during an earthquake, i.e. boilers, furnaces, water heaters, refrigerators. Anything that would obstruct safe exit from the building should be secured. This would apply to all public places, schools, offices, and commercial establishments.

From: Supervisor Ammiano

To: Director, Department of Public Works

Requesting/Inquiring: The City recently conducted an audit concerning the amount and geographical distribution of trash on our streets. It is evident that the Mission has a disproportionately high number of streets with names appearing in this audit. I appreciate very much that the Director made a point of stopping by my office to discuss the audit's findings, and I look forward to working with him on the DPW's proposed solutions to addressing litter abatement going forward. In the meantime, I would like to know what strategies to this end are currently being pondered by the administration. Additionally, my office has received upwards of 100 phone calls decrying the removal of garbage cans from areas where they are sorely needed. Does the DPW continue to believe that less trash receptacles will lead to litter on the 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 at the following private property locations:

*295 Buchanan
409 & 1101 Oak
546 Haight
146 Webster
799 Haight
2001 Grove
583 Haight
537 Shrader
701 Shrader
1708 Waller
903 Stanyan
364 Divisadero*

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of repaving basketball and tennis courts at Grattan Park at Stanyan/Rivoli/Alma and Shrader Streets.

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
Southwest corner of Scott and Waller
Northwest corner of Frederick and Shrader
Southeast corner of Oak and Fillmore
Southeast corner of Linden and Buchanan
Southwest side of Divisadero and Fell (near DMV)*

Northeast corner of Oak 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:

UC Campus @ 55 Laguna on the Haight and Buchanan Street sides

Gateway High School, Geary and Scott

1223 Divisadero

816 Divisadero

631 Divisadero

401 Divisadero

968 Page

512 Page

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 public property locations:

Emergency Boxes

Northeast corner of Haight and Buchanan

Fire Hydrants

Northwest corner of Page and Steiner

Southwest corner of Fell and Divisadero

Southwest corner of Buchanan and Haight

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 utility poles at the following locations:

Wood

Southeast corner of Waller and Buchanan

Southeast corner of Fillmore and Hermann

Southeast corner of Linden and Buchanan

Southwest corner of Page and Scott

Metal Poles

787 Divisadero

Northwest corner of Oak and Divisadero

Across the street from 2245 Post Street

Northwest corner of Steiner and Hayes

Northwest corner of Fell and Fillmore

Westside of Stanyan and Waller

Southeast corner of Linden and Buchanan

1756 Waller

Southeast corner of Lasuant and Buchanan

Southeast corner of Shrader and Haight

Bus Shelters

Southeast corner of Haight near Divisadero

Northeast corner of Fillmore and Hermann

Northwest corner of Steiner and Hayes

Southwest corner of Buchanan and Haight

Southwest corner of Divisadero and Geary

Northwest corner of Divisadero and Geary

Northwest corner of Geary and Webster

Southwest corner of Broderick and Hayes

Concrete Overpass

Southwest corner of Geary and Steiner

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

Southwest corner of Divisadero and Sutter

9th Avenue and Judah (near bus stops)

7th Avenue and Irving (near bus stops)

Northwest corner of Hayes and Fillmore

Southeast corner of Fillmore and Haight

San Francisco Chronicle

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

Irving and 9th Avenue

Irving and 7th Avenue

Southwest corner of Haight and Clayton

Southeast corner of Haight and Masonic

Examiner

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

SF Daily

Northwest corner of Hayes and Gough

City Star

Northwest corner of Hayes and Gough

Southeast corner of Fillmore and Haight

SF Weekly

Southeast corner of Masonic and Haight

Southeast corner of Haight and Fillmore

In Memoriams

Jeoflin Roh - Supervisors Daly and Mirkarimi

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:29 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 September 9, 2008.

Signature
needed



Angela Calvillo
Clerk of the Board