

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, March 11, 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, 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.

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Alioto-Pier, Ammiano and McGoldrick were noted absent.

There was a quorum present.

Supervisors Alioto-Pier and Ammiano were noted present at 2:06 p.m

Supervisor McGoldrick was excused from attending today's meeting.

Supervisor McGoldrick Excused from Attendance

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to excuse Supervisor McGoldrick from attending today's meeting. The motion carried by the following vote:

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

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the February 12, 2008 and February 26, 2008 Board Meeting Minutes. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

**080099 [Appropriating \$34,896,162 of bond sale proceeds, interest and property rental revenues for improvements and construction of San Francisco Public Library Facilities Fiscal Year 2007-2008]
Mayor**

Ordinance appropriating \$31,065,000 of bond sale proceeds from the 2000 Branch Library Improvement Program Bond – 4th Series, \$3,679,362 in bond interest earned and \$151,800 in rent monies to fund the improvement and construction of the San Francisco Public Library Facilities for Fiscal year 2007-08. Place Controller's Reserve on \$31,065,000 of the bond sale proceeds pending sale of the bond.

**Ordinance No. 34-08
FINALLY PASSED**

Recommendations of the Land Use and Economic Development Committee

**080157 [Zoning - Educational services and institutional uses, Mixed Use Districts and NCDs]
Supervisor Peskin**

Ordinance amending the Planning Code by amending Sections 102.2 to exclude specified accredited educational institutions from the definition of arts activities; amending Section 790.50 and 890.50 to clarify that certain institutions, including accredited educational institutions, in the Neighborhood Commercial Districts and Mixed Use Districts are required to comply with applicable provisions of the institutional master plans as set forth in Section 304.5; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

**Ordinance No. 36-08
FINALLY PASSED**

**080156 [Zoning - Conditional Use for specified educational services in Western SoMa]
Supervisor Peskin**

Ordinance amending the Planning Code by amending Section 823 to prohibit educational institutions as defined in Section 890.50(c) in the Western SoMa Planning Area Special Use District; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

(Economic Impact.)

**Ordinance No. 35-08
FINALLY PASSED**

**080280 [Zoning - Repeal of the interim moratorium on institutional uses in the Western SoMa]
Supervisor Peskin**

Ordinance repealing the interim zoning moratorium that prohibits the establishment of specified new institutional uses in the Western SoMa Planning Area Special Use District.

**Ordinance No. 38-08
FINALLY PASSED**

Recommendations of the City Operations and Neighborhood Services Committee

080222 [Gift - Private, Public Health Department - Data Center and Electronic Medication Administration Record System]

Resolution authorizing the Public Health Department to accept a gift of a Data Center and an Electronic Medication Administration Record System for the San Francisco General Hospital (SFGH) from the San Francisco Hospital Foundation (SFGH Foundation). (Public Health Department)

Resolution No. 116-08

ADOPTED

080224 [Gift of Equipment to Fire Department]

Resolution authorizing the San Francisco Fire Department to accept a gift of a fifteen Porto2Vent Continuous Positive Air Pressure Devices and Backpacks valued at \$19,050 from Emergent Technologies for use by Fire Department employees who provide ambulance services in the City. (Fire Department)

Resolution No. 114-08

ADOPTED

**080227 [Grant to support SFGHMC's Quality Improvement Initiative]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health, San Francisco General Hospital Medical Center (DPH-SFGHMC) to accept and expend retroactively a two-year grant from Kaiser Permanente's Community Benefits Program in the amount of \$150,000, to fund SFGHMC's Quality Improvement Initiative; for the period of October 1, 2007 through October 1, 2009.

Resolution No. 121-08

ADOPTED

**080228 [Funds to support nutrition services]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$11,927 from FACET, BAART Programs Turk Street Clinic for a project entitled "FACET – SFDPH Nutrition Services," for the period of January 1, 2008 through December 30, 2008.

Resolution No. 120-08

ADOPTED

080181 [Gift - Private, Department of Public Health - \$104,538]

Resolution authorizing the Department of Public Health to retroactively accept a gift from the San Francisco General Hospital Foundation with a monetary value of \$104,538 to back fill-staff attending training designed to decrease the risk of cardiovascular events (heart attacks and strokes) for the period of January 1, 2008 through December 31, 2010. (Public Health Department)

Resolution No. 115-08

ADOPTED

Recommendations of the Rules Committee**080178 [Settlement of Lawsuit - Lydia Jones]**

Ordinance authorizing settlement of the lawsuit filed by Lydia Jones against the City and County of San Francisco for \$65,000.00; the lawsuit was filed on October 23, 2006 in San Francisco Superior Court, Case No. CGC-06-457229; entitled Lydia Jones v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

080179 [Settlement of Lawsuit - Susan Sponseller]

Ordinance authorizing settlement of the lawsuit filed by Susan Sponseller against the City and County of San Francisco for \$100,000; the lawsuit was filed on January 24, 2007 in San Francisco Superior Court, Case No. 459858; entitled Susan Sponseller v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

080180 [Settlement of Lawsuit - Kelly Medora]

Ordinance authorizing settlement of the lawsuit filed by Kelly Medora against the City and County of San Francisco for \$235,000; the lawsuit was filed on January 27, 2006 in United States District Court, Northern District of California, Case No. C06-00558 EDL; entitled Kelly Medora, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA**UNFINISHED BUSINESS****Recommendation of the Budget and Finance Committee****080193 [Appropriating \$2,263,846 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for Fiscal Year 2007-2008]**

Supervisor Maxwell

Ordinance appropriating \$2,263,846 of General Fund Reserve to fund unanticipated increased costs of indigent defense expenses associated with People v. Bell as well as adult criminal and juvenile delinquency cases in the Superior Court of California for Fiscal Year 2007-2008.

Ordinance No. 37-08

FINALLY PASSED by the following vote:

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

Recommendation of the Land Use and Economic Development Committee

- 071522 [Residential Rent Ordinance: Sellers and Purchasers to Give Tenants Written Disclosure of Rights Before and After Sale of the Rental Property]
Supervisors Daly, Sandoval, McGoldrick

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by adding subsection (j) to Section 37.9, to provide that tenants in units subject to Section 37.9 be given written disclosure of specified rights by sellers and purchasers before and after the sale of such property.

Ordinance No. 33-08

FINALLY PASSED by the following vote:

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

Noes: 1 - Alioto-Pier

Excused: 1 - McGoldrick

NEW BUSINESS

Recommendations of the Budget and Finance Committee

- 080230 [Appropriating \$4,270,320 for Capital Improvements at San Francisco General Hospital in the Department of Public Health for Fiscal Year 2007-2008]
Supervisor Chu

Ordinance appropriating \$4,270,320 of General Fund Budget Savings Incentive Reserve Funding for capital improvements at San Francisco General Hospital associated with central service building seismic upgrades and electrical power distribution in the Department of Public Health for Fiscal Year 2007-2008.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - McGoldrick

- 080196 [Appropriating \$246,000 of General Fund Reserve to the Human Resources Department to fund the Workers Compensation Clinic at San Francisco General Hospital]
Supervisors Mirkarimi, Ammiano, Daly

Ordinance appropriating \$246,000 from the General Fund Reserve to the Human Resources Department to fund the Workers Compensation Clinic at San Francisco General Hospital for Fiscal Year 2007-2008.

(Supervisors Elsbernd and Chu dissented in committee)

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin, Sandoval

Noes: 3 - Alioto-Pier, Chu, Elsbernd

Excused: 1 - McGoldrick

Recommendations of the City Operations and Neighborhood Services Committee

**080039 [Landmark Tree Designation of Blue Elderberry located in the Bernal Heights Natural Area at Folsom Street and Bernal Heights Boulevard]
Supervisor Ammiano**

Ordinance designating the Blue Elderberry (*Sambucus mexicana*) in the Bernal Heights Natural Area (Assessor's Block 5548, Lot 002) at Folsom Street and Bernal Heights Boulevard as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

PASSED ON FIRST READING by the following vote:

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

**080040 [Landmark Tree Designation of Moreton Bay Fig at 3555 Cesar Chavez Street, facing Valencia Street]
Supervisor Ammiano**

Ordinance designating the Moreton Bay Fig (*Ficus macrophylla*) at 3555 Cesar Chavez Street (Assessor's Block 6575, Lot 002), facing Valencia Street as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

PASSED ON FIRST READING by the following vote:

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

**080041 [Landmark Tree Designation of Flowering Ash tree no. 1 at 500 Cortland Avenue]
Supervisor Ammiano**

Ordinance designating the Flowering Ash (*Fraxinus ornus*) tree no. 1 at 500 Cortland Avenue, in front of the Bernal Heights Library, which flanks the eastern side of the main doors to the library on Cortland Avenue (Assessor's Block 5707, Lot 027) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

PASSED ON FIRST READING by the following vote:

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

**080042 [Landmark Tree Designation of Flowering Ash tree no. 2 at 500 Cortland Avenue]
Supervisor Ammiano**

Ordinance designating the Flowering Ash (*Fraxinus ornus*) tree no. 2 at 500 Cortland Avenue, in front of the Bernal Heights Library, which flanks the western side of the main doors to the library on Cortland Avenue (Assessor's Block 5707, Lot 027) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

PASSED ON FIRST READING by the following vote:

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

- 080043** [Endorsing the recommendations of the Healthcare Action Team regarding the discharge of homeless patients in San Francisco]
Supervisors Ammiano, Daly, Mirkarimi

Resolution endorsing the Healthcare Action Team's recommendations for procedures on homeless patients hospital discharge, including more respite beds, a streamlined discharge process, distribution of information sheets, utilization of transitional care programs, expansion of the Ombudsman office and no discharges on Fridays.

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

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

Resolution endorsing the Healthcare Action Team's recommendations for procedures on homeless patients hospital discharge, including more respite beds, a streamlined discharge process, distribution of information sheets, utilization of transitional care programs, expansion of the Ombudsman office and providing written discharge verification.

Resolution No. 112-08

ADOPTED AS AMENDED by the following vote:

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

Recommendation of the Land Use and Economic Development Committee

- 071528** [Administrative Code - Amendments Creating Large Tourist Hotel Conversion Ordinance]
Supervisors Peskin, Ammiano, Daly, Maxwell, Mirkarimi, Sandoval

Ordinance amending the Administrative Code to add Section 41F to limit conversion of Large Tourist Hotels into condominium projects, allowing the Planning Commission to approve conversion of up to 500 units before March 1, 2010, establishing conditions precedent and procedures for an annual lottery system for conversions after March 1, 2010, requiring applicants for conversions to provide the Planning Department with certain information regarding the conversion, creating a 120-month sunset period, and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Rules Committee

**071659 [Deletes the cap on the amount that an individual production can receive under the Rebate Program]
Supervisor Alioto-Pier**

Ordinance amending Administrative Code Section 57.8 by repealing the provision that limits individual rebates under the Rebate Program to the amount of tax that the film production paid to the City.

(Economic Impact)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Ordinance be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

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

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

**071660 [Comprehensive Package to Support Film Production in San Francisco]
Supervisor Alioto-Pier**

Resolution directing City departments, and urging other public entities, to cooperate with the Film Commission to streamline film permitting procedures, to adopt a single Use Agreement and a single insurance policy for film productions, and to create consistent fee structures.

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED. The motion carried by the following vote:

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

Resolution No. 117-08

ADOPTED AS AMENDED by the following vote:

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

From the Rules Committee Without Recommendation

**071661 [Menu Labeling At Chain Restaurants]
Supervisors Ammiano, Dufty, Mirkarimi, McGoldrick, Maxwell**

Ordinance amending Sections 468 through 468.8 of the San Francisco Health Code to (1) require chain restaurants to disclose, per standard menu item, the total number of calories on menu boards and food tags, and the total amount of calories, saturated fat, carbohydrates and sodium on menus; (2) revise existing requirements for providing nutritional information on alternative disclosure media; and (3) authorize the Department of Public Health to impose a fee on chain restaurants for implementation of the ordinance.

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

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

**071626 [Repealing Board Rule 3.9.1 - Mayor's appearance before the Board of Supervisors]
Supervisor Alioto-Pier**

Motion amending the Rules of Order of the Board of Supervisors to repeal Rule 3.9.1 regarding Mayor's appearance before the Board.

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

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

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

Supervisor Alioto-Pier introduced, welcomed and presented Certificates of Honor to the winners of the SF Climate Challenge.

Supervisor Elsbernd introduced and welcomed family members of Emeric Kalman and read a resolution commending Mr. Kalman.

SPECIAL ORDER 4:00 P.M.**070910 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district. (Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

*The President inquired as to whether any member of the public wished to address the Board members.
Continued to March 25, 2008*

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

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

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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

070911 [Affirming the Categorical Exemption issued for the 3424 Jackson Street project]

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to March 25, 2008

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

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

070912 [Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to March 25, 2008

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

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

070913 [Preparation of findings related to the 3424 Jackson Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to March 25, 2008

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

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

COMMITTEE REPORTS

**080236 [Repealing the San Francisco Traffic Code and enacting Division I of the San Francisco Transportation Code to conform to the requirements of Proposition A]
Supervisor Peskin**

Ordinance repealing the San Francisco Traffic Code and enacting Division I of a new San Francisco Transportation Code, setting forth requirements for the regulation of transit, traffic, streets and parking under the jurisdiction of the Board of Supervisors, including the regulation of news gathering vehicles, enforcement authority, parking control, rules for driving, bicycle registration, towing and impoundment, abatement of nuisance vehicles, procedures on the temporary use or occupancy of public streets and violations.

PASSED ON FIRST READING by the following vote:

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

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.

*Abdullah Megaheed; expressed concern with issues relating to the homeless
James Chaffee; expressed concern with issues relating to the SF Public Library
Eugene Gordon, Jr.; expressed concern with issues relating to the violation of human rights
Nan Su; expressed concern with issues relating to the human rights torch relay
Walter; expressed in song certain general issues
Reverend Debra Benedict; expressed concern with issues relating to the lack of interaction between the Mayor and the Board of Supervisors
Clare Lee; expressed concern with issues relating to the human rights torch relay
Male speaker; expressed concern with issues relating to the human rights torch relay
Francisco da Costa; expressed concern with issues relating to the quality of life issues in San Francisco
Richard McCree; expressed concern with issues relating to his patent for Sigmund Stern
Edmond Larry; expressed concern with issues relating to SRO's, housing and violence in these housing facilities*

CLOSED SESSION

080300 [Closed Session - Existing Litigation - Chambers v. City and County of San Francisco]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding existing litigation, Chambers v. City and County of San Francisco, filed on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuit. (City Attorney)

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved to convene in Closed Session. The motion carried by the following vote:

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

The Board recessed at the hour of 3:22 p.m. to convene in closed session pursuant to the above motion.

Calling the Roll

The following Supervisors were noted present:

Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval

Persons in attendance:

Cheryl Adams, Deputy City Attorney

Jim Emery, Deputy City Attorney

Dr. Mitchell Katz, Director of Public Health

Monique Zmuda, Deputy Controller

Angela Calvillo, Clerk of the Board

Kay Gulbengay, Deputy Clerk of the Board

Reconvening of the Board

The Board at the hour of 3:32 p.m. reconvened.

Matter was heard in Closed Session and Filed.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved not to disclose its Closed Session Deliberations. The motion carried by the following vote:

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

Recommendation of the Rules Committee

080135 [Settlement of Lawsuit - Mark Chambers]

Ordinance authorizing settlement of the class action lawsuit entitled Chambers v. City and County of San Francisco, filed on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA. Pursuant to the proposed settlement, the City will enhance community-based housing and services for residents of Laguna Honda Hospital and for other San Franciscans who would benefit from long-term community-based care. (City Attorney)

Continued to March 25, 2008

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

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

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.

080327 [Funds to support HIV research activities]

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$7,167 from University of California, San Francisco, Center for AIDS Research (CFAR); for the period of September 1, 2007 through August 31, 2008.

Resolution No. 119-08

ADOPTED

080328 [Urging the Department of Parking and Traffic to install STOP signs at the intersection of 24th Street and Hoffman Avenue]

Supervisor Dufty

Resolution urging the Department of Parking and Traffic to install STOP signs at the intersection of 24th Street and Hoffman Avenue.

Resolution No. 118-08

ADOPTED

080329 [Declaration of Election Results - February 5, 2008]

Supervisor Peskin

Resolution declaring the results of the February 5, 2008 Consolidated Presidential Primary Election.

Resolution No. 111-08

ADOPTED

**080330 [Approval of a 30 day extension for Planning Commission review - Types of Entertainment]
Supervisor Peskin**

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance amending Sections 102.17, 790.38, and 890.37 of the San Francisco Planning Code to define three types of entertainment use based upon size; amending Sections 1060, 1060.1, 1060.3, 1070, 1070.1, and 1070.3 of the San Francisco Police Code to define the three types of entertainment use authorized by the Planning Code and to require an application and the permit for a place of entertainment or extended-hours activity to specify one of the three types of entertainment use; adopting findings, including environmental findings and findings required by Section 302 of the Planning Code.

Resolution No. 113-08
ADOPTED

**080331 [Approval of a 30 day extension for Planning Commission review - 690 Market Street]
Supervisor Peskin**

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed Resolution that would initiate the designation of 690 Market Street, the Chronicle Building, Lot 6 in Assessor's Block 311, as a landmark pursuant to Section 1004.1 of the Planning Code and urging expedited consideration of the building's landmark status and a Mills Act contract associated with the building's rehabilitation and restoration.

Resolution No. 122-08
ADOPTED

080290 [Final Map - One Ecker Street]

Motion approving Final Map 4614, a 53 Unit Mixed-Use Condominium Project, located at One Ecker Street being a subdivision of Lot 022 in Assessors Block No. 3708 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,409; District 6.)

Motion No. M08-45
APPROVED

080297 [Final Map - 1355 Valencia Street]

Motion approving Final Map 2015, a 7 Unit Mixed-Use Condominium Project, located at 1355 Valencia Street being a subdivision of Lot 022 in Assessors Block No. 6515 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,361; District 9.)

Motion No. M08-46
APPROVED

The foregoing items were acted upon by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor**Ordinances**

- 080346 [Reserving \$760,163 of Disability Access Projects for the Board of Supervisors Chamber in the City Administrator's Office for Fiscal Year 2007-08]
Supervisor Daly**

Ordinance de-appropriating \$760,163 of Disability Access Capital Projects in the City Administrator's Office and appropriating \$944,470, including \$184,307 of General Fund Reserve, for Community Behavioral Health Services at Buster's Place, Mental Health Clinic Directors, and Health at Home Chronic Care Nursing in the Department of Public Health for Fiscal Year 2007-2008.

(Fiscal Impact.)

3/11/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 080349 [Zoning Map Amendment - 5050 Mission Street, corner of Seneca Ave]
Supervisor Sandoval**

Ordinance amending the San Francisco Planning Code by amending Zoning Map ZN 12 of the Zoning Map of the City and County of San Francisco to change the use classification of Block 6969, Lot 11, located at the southwest corner of Mission and Seneca Streets, from RH-1 (Residential, House, One Family) District to NC-3 (Moderate-scale Neighborhood Commercial) District; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

3/11/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/10/2008.

- 080350 [Enterprise Zone Tax Credit Law]
Mayor**

Ordinance amending Section 906A of the Business and Tax Regulations Code to delete the requirement that a new job be created to obtain the Enterprise Zone Tax Credit after the effective date; to apply the credit to all newly hired Qualified Employees; to make the definition of "Qualified Employee" consistent with the state law; to conform the geographical boundaries of the San Francisco Enterprise Zone with the area approved by the State Department of Housing and Community Development; and to delete an outdated reference to the Private Industry Council.

(Economic Impact.)

3/11/08, ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 4/10/2008.

**080351 [Changing the official sidewalk width - Mission Street]
Mayor**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1578 to change the official sidewalk width on the north side of Mission Street west of 3rd Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change; and approving a public access easement for a portion of Jessie Square.

3/11/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**080359 [Appropriating \$6,778,604 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 \$5,585,674 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 \$6,778,604 for Fiscal Year 2007-2008.

(Fiscal Impact.)

3/11/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Resolutions

**080345 [Welcoming Beijing 2008 Olympic Torch, Tibetan Freedom Torch, and Global Human Rights Torch Relay]
Supervisor Daly**

Resolution commending the Tibetan Freedom Torch and the Global Human Rights Torch Relay and in their efforts to raise awareness regarding human rights violations in China and urging the San Francisco City Representatives accepting the Beijing 2008 Olympic Torch to welcome the Torch in the explicit spirit of Olympism, consistent with the United Nations Charter established in this City, and the United Nations Universal Declaration of Human Rights.

3/11/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**080347 [Accept and Expend Department of Water Resources (DWR) Water Use Efficiency Grant Funds - \$200,000]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a Department of Water Resources (DWR) Water Use Efficiency Grant in the amount of \$200,000.

3/11/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**080348 [Enterprise Zone Designation]
Mayor, Supervisor Peskin**

Resolution supporting California Enterprise Zone Designation for the City and County of San Francisco.

3/11/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**080352 [Commending Emeric Kalman]
Supervisors Elsbernd, Peskin**

Resolution commending Emeric Kalman on his many years of service to his community and participation in local government.

3/11/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080353 [Commendation for Dr. Julianne Malveaux]
Supervisor Maxwell**

Resolution commending Dr. Julianne Malveaux on her appointment as the 15th President of Bennett College for Women and proclaiming March 24, 2008 Dr. Julianne Malveaux day in San Francisco.

3/11/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080354 [Save Candlestick State Recreation Area]
Supervisor Maxwell**

Resolution urging the California State Legislature to keep Candlestick State Recreation Area in the City of San Francisco open and allocate additional funding for the park to fulfill the general plan.

3/11/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080355 [Supporting University of California patient care and service employees in contract negotiations]
Supervisor Ammiano**

Resolution supporting University of California low-wage patient care and service employees and the findings of Failing California's Communities: How the University of California's Low Wages Affect Surrounding Cities and Neighborhoods.

3/11/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080356 [Grant funds to support worker health and safety - \$7,360]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$7,360 from the University of California, Berkeley for a project entitled "Worker Health and Safety in Chinatown Restaurants," for the period of September 1, 2007 through August 31, 2008.

3/11/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080357 [Approval of a 60 day extension for Planning Commission review]
Supervisor Alioto-Pier**

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on a proposed Resolution that would initiate the designation of The Metro Theatre, 2055 Union Street, Lot 018 in Assessor's Block 0541, as a landmark pursuant to Section 1004.1 of the Planning Code.
3/11/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**080358 [Urging the State to pay expenses for special election]
Supervisors Peskin, Chu**

Resolution urging the California State Legislature to introduce and support legislation to pay for the expenses authorized and incurred in the preparation for and conduct of the special election proclaimed by the Governor, and the special primary election required by law, to fill the vacancy in the office of the Member of Congress from the 12th Congressional District.
3/11/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**080340 [Management Audit of the Marina Yacht Harbor Fund]
Supervisor Alioto-Pier**

Hearing on the Management Audit of the Marina Yacht Harbor Fund.
3/11/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**080341 [Employer Spending Requirement (ESR)]
Supervisor Ammiano**

Hearing request on the Employer Spending Requirement (ESR) of the Health Care Security Ordinance.
3/11/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee. Sponsor requests that the item be scheduled at the Government Audit & Oversight Committee meeting on March 17, 2008.

**080342 [Transitional Youth Task Force Findings]
Supervisor Dufty**

Hearing to inform of the Transitional Youth Task Force recommendations from related report--Disconnected Youth in San Francisco: A Roadmap to Improve the Life Chances of San Francisco's Most Vulnerable Young Adults. The Task Force was formed in 2006 with over 70 agencies, community members and young people focused on key recommendations for San Francisco to improve outcomes for the city's most vulnerable young people.
3/11/08, RECEIVED AND ASSIGNED to Rules Committee. Sponsor requests that the item be referred to Rules Committee.

**080343 [Deemed Approved Off-Sale Alcohol Use Nuisance Regulation]
Supervisor Maxwell**

Hearing to receive an update on the administration of and participation in the Deemed Approved Uses Ordinance.

3/11/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**080344 [Status Report on the CityBuild]
Supervisor Maxwell**

Hearing to receive an update on the progress of CityBuild's transition from a pilot project to a fully institutionalized and established workforce development program, including a discussion of projected budget, staffing, and curriculum development.

3/11/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED ORDINANCES

PROPOSED RESOLUTION

080299 [Airport Concession Lease]

Resolution approving the Boarding Area "E" Candy Kiosk Lease between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

2/28/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Peskin

To: City Attorney

Requesting/Inquiring: Ordinance prohibiting use and occupancy of the upper dais in the Board of Supervisors Chamber, City Hall Room 250, by any and all persons.

From: Supervisor Elsbernd

To: Director, Municipal Transportation Agency

Requesting/Inquiring: Inquiring into the possibility of installing vehicle speed reduction devices on 14th Avenue between Ulloa and Vicente Streets.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:05 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 March 25, 2008.



Angela Calvillo
Clerk of the Board