

# 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, January 6, 2009 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, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,  
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
ROSS MIRKARIMI*

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

##### **Budget and Finance Committee**

Supervisors McGoldrick, Mirkarimi, Elsbernd

##### **City and School District Select Committee**

Mirkarimi, Dufty, Alioto-Pier, Mendoza, Maufas

##### **City Operations and Neighborhood Services Committee**

Supervisors Chu, McGoldrick, Elsbernd

##### **Government Audit and Oversight Committee**

Supervisors Peskin, Campos, Maxwell

##### **Land Use and Economic Development Committee**

Supervisors Maxwell, Campos, Peskin

##### **Public Safety Committee**

Supervisors Maxwell, Mirkarimi, Dufty

##### **Rules Committee**

Supervisors Daly, Dufty, Peskin

#### Meeting Days

Wednesday  
11:00 AM

1st and 3rd Thursday  
3:30 PM

1st and 3rd Thursday  
10:30 AM

1st and 3rd Monday  
1:00 PM

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 104 Number 1

**Members Present:** Michela Alioto-Pier, David Campos, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin.

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:11 p.m. On the call of the roll all Supervisors were noted present.  
(The district eleven Supervisor's seat is currently vacant)*

*There was a quorum present.*

## APPROVAL OF MEETING MINUTES

**Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of November 25, 2008. The motion carried by the following vote:**

**Ayes:** 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

## COMMUNICATIONS

*Former Supervisor Gerardo Sandoval was sworn in as Judge to the Superior Court of California on January 5, 2009 which has left a vacancy in district eleven.*

*The Board of Supervisors is in receipt of a letter dated December 19, 2008, communicating the Mayor's veto of File No. 081088 which would require conditional use authorization for any elimination of dwelling units through mergers, conversions, or demolitions of existing dwellings units. The Board must act on the veto within 30 days of the date of the veto, being January 18, 2009. Therefore, it is Item #17 on today's agenda.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

- 081522 [Appropriating \$136,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for Fiscal Year 2008-2009]**

**Mayor**

Ordinance appropriating \$136,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for Fiscal Year 2008-2009.

(Fiscal Impact.)

**Ordinance No. 4-09**

**FINALLY PASSED**

- 081523 [General Obligation Bond Short-Term Indebtedness]**

**Mayor**

Ordinance amending the San Francisco Administrative Code by adding Article 43.11, Sections 43.11.1 through 43.11.5, to authorize the issuance of short-term indebtedness in anticipation of the issuance of general obligation bonds authorized by the voters.

(Fiscal Impact.)

**Ordinance No. 5-09**

**FINALLY PASSED**

- 081507 [Accept-Expend Federal Grant and amend Annual Salary Ordinance, FY 2008-2009 \$1,024,467.00]**

**Supervisor Elsbernd**

Ordinance authorizing the Police Department to retroactively accept and expend grant funding in the amount of \$1,024,467.00 from the National Institute of Justice for a program entitled "NIJ's 2008 Forensic DNA Unit Efficiency Improvement Program," and amending the Annual Salary Ordinance to create grant-funded positions.

**Ordinance No. 7-09**

**FINALLY PASSED**

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

**081124 [Prohibiting advertisements for alcoholic beverages on City property]  
Supervisors Mirkarimi, McGoldrick**

Ordinance amending the San Francisco Administrative Code by amending Section 4.20, to prohibit advertisements for alcoholic beverages on City property.

**Ordinance No.** 13-09  
**FINALLY PASSED**

**081508 [Funds to support public health emergency preparedness - \$460,396]  
Supervisor Maxwell**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of \$460,396 from the California Department of Public Health (CDPH) Emergency Preparedness Office, to fund the Hospital Preparedness Program; for the period of August 9, 2008 through August 8, 2009.

**Resolution No.** 5-09  
**ADOPTED**

**081559 [Accept-Expend Federal grant funds - Department of Public Works - \$1,475,675]  
Supervisor Elsbernd**

Resolution authorizing the Department of Public Works to accept and expend a grant in the amount of \$1,475,675 from the U.S. Department of Justice, Bureau of Justice Assistance Edward Byrne Memorial Discretionary Grants Program.

**Resolution No.** 6-09  
**ADOPTED**

**081506 [State grants to fund agricultural projects - \$17,672.98]  
Supervisor Dufty**

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend three grants with a total amount of \$17,672.98, from the California Department of Food and Agriculture (CDFA); with retroactive approval to accept and expend two of these grants (Agreements #08-0507 and #08-0415) totaling \$914.98, for the period of July 1, 2008 through June 30, 2009, and approval to accept and expend a third grant (Agreement #08-0345) in the amount of \$16,758.00 for the period of January 1, 2009 through December 31, 2009.

**Resolution No.** 9-09  
**ADOPTED**

**Recommendations of the Government Audit and Oversight Committee**

**081452 ["Know your rights" brochure for towing]  
Supervisor Peskin**

Ordinance adding Section 3055.2 to the San Francisco Police Code to require tow car firms to display "Know Your Rights When Your Car is Towed from Private Property" brochure and setting administrative penalties.

**Ordinance No.** 11-09  
**FINALLY PASSED**

**081514 [Appropriating \$45,000,000 of Certificates of Participation Revenue for the Moscone Center Improvement Project in the Office of the City Administrator for Fiscal Year 2008-2009]  
Supervisor Peskin**

Ordinance appropriating \$45,000,000 of San Francisco Certificates of Participation (COPs) Series 2009B to fund the Moscone Center Improvement Project in the General Services Agency - Office of the City Administrator for Fiscal Year 2008-2009 and placing these funds on Controller's Reserve pending issuance of the COPs.

(Fiscal Impact.)

**Ordinance No. 6-09**

**FINALLY PASSED**

**081510 [Accept and Expend Grant - Juvenile Accountability Block Grant - \$200,000]  
Supervisor Maxwell**

Resolution authorizing the Mayor's Office of Community Investment (MOCI) to accept and expend a grant in the amount of \$200,000 from the State Corrections Standards Authority for the purpose of strengthening existing local juvenile justice accountability measures through the Juvenile Accountability Block Grant.

**Resolution No. 1-09**

**ADOPTED**

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

**080872 [Planning - Union Street Neighborhood Commercial District - Full-Service Restaurants]  
Supervisor Alioto-Pier**

Ordinance amending Planning Code Sections 725.1 and 725.42 of the Union Street Neighborhood Commercial District to provide for a limited number of new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

**Ordinance No. 8-09**

**FINALLY PASSED**

**081372 [Mission Bay North-Park Parcels NP3, NP4 and NP5 Improvements]  
Supervisor Daly**

Ordinance designating a portion of State Trust Parcel 1, lying next to the Mission Creek Channel for public open space and park purposes; naming the new park "Mission Creek Park"; accepting the irrevocable offer for the acquisition facilities; designating said facilities as public open space and for park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,882; and authorizing official acts in connection with this Ordinance. (Public Works Department)

**Ordinance No. 10-09**

**FINALLY PASSED**

**081564 [Administrative Code - Amendment to Large Tourist Hotel Conversion Ordinance]  
Supervisor Peskin**

Ordinance amending Administrative Code Chapter 41F to clarify the scope and implementation of the Large Tourist Hotel Conversion Ordinance, including minor edits to the definition of "Convert" and additional guidance regarding the conversion process for Large Tourist Hotel Rooms, and making required findings.

**Ordinance No.** 14-09  
**FINALLY PASSED**

**Recommendations of the Rules Committee**

**081477 [Settlement of Lawsuit - Laurent Katgely, et al. v. CCSF, et al. (C. Spencer) - \$67,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Chez Spencer, a partnership, against the City and County of San Francisco for \$67,000; the lawsuit was filed on December 8, 2004 in San Francisco Superior Court, Case No. 436942; entitled Laurent Katgely, et al. v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 1-09  
**FINALLY PASSED**

**081478 [Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (IMG Home) - \$500,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by IMG Home Corporation against the City and County of San Francisco for \$500,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 2-09  
**FINALLY PASSED**

**081479 [Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (N. Quimson) - \$45,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Noreen Quimson against the City and County of San Francisco for \$45,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 3-09  
**FINALLY PASSED**

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

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

**REGULAR AGENDA**

**UNFINISHED BUSINESS**

**Vetoed by the Mayor**

- 081088** [Requirement of Conditional Use Authorization for any permit application to remove dwelling units]  
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.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on December 19, 2008.

Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before January 18, 2009.

*Continued on Overturn of Veto to January 13, 2009.*

Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED ON OVERTURN OF VETO. The motion carried by the following vote:

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

**From the Clerk**

- 081496** [Adopting findings related to disapproving the categorical exemption issued for the 2626 Filbert Street project]

Motion adopting findings related to disapproving the determination by the Planning Department that the 2626 Filbert Street project is categorically exempt from environmental review under the California Environmental Quality Act.

**Motion No.** M09-10

**APPROVED** by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

- 081467** [Adopting findings related to disapproving the categorical exemption issued for the 2655 Scott Street project]

Motion adopting findings related to disapproving the determination by the Planning Department that the 2655 Scott Street project is categorically exempt from environmental review under the California Environmental Quality Act.

**Motion No.** M09-09

**APPROVED** by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

**From the Board**

**081589 [Eastern Neighborhoods Zoning Map - Height District for Mission Street theater properties]**

Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3595, Lot 024 on Mission Street between 19th and 20th Streets and Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 65-X/85-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 16, 2009. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before February 10, 2009.

**FINALLY PASSED** by the following vote:

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin  
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

**Recommendation of the Budget and Finance Committee****081440 [De-Appropriating \$998,145 of General Fund and \$761,021 of Federal Direct Grant Revenue for the Community Justice Center for FY 2008-2009]  
Supervisor Daly**

Ordinance de-appropriating \$998,145 of General Fund in the Mayor's Office of Community Justice and \$761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 16, 2009. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before February 10, 2009.

(Fiscal Impact.)

(Supervisor Elsbernd dissented in committee.)

**FINALLY PASSED** by the following vote:

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin  
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

**Recommendations of the Government Audit and Oversight Committee**



**081450 [Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and elimination of Transfer Tax Review Board, operative January 1, 2013]**

Ordinance amending Sections 1106, 1108, 1108.4, 1115, 1115.1 and 1115.3 and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) eliminate obsolete provision regarding documentary tax stamps; and (5) eliminate Transfer Tax Board of Review and references to that Board.

**Ordinance No.** 20-09

**FINALLY PASSED by the following vote:**

Ayes: 6 - Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

Noes: 4 - Alioto-Pier, Campos, Chu, Dufty

**Supervisor Campos, seconded by Supervisor Elsbernd, moved that this Ordinance be PREVIOUS VOTE RESCINDED. The motion carried by the following vote:**

Ayes: 8 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin

Noes: 2 - Daly, Maxwell

*Continued to January 13, 2009.*

**CONTINUED ON FINAL PASSAGE by the following vote:**

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

**081451 [Property Tax Refund Claim Processing]  
Supervisor Peskin**

Ordinance to amend Administrative Code Section 10.2 to delegate to City Attorney the authority to grant or deny property tax refund claims and to establish administrative rules and procedures for City Attorney to follow.

**Ordinance No.** 12-09

**FINALLY PASSED by the following vote:**

Ayes: 8 - Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

Noes: 2 - Alioto-Pier, Dufty

**Recommendation of the Land Use and Economic Development Committee**

**081125 [Promoting and Sustaining Music and Culture in San Francisco]  
Supervisors Mirkarimi, Maxwell**

Ordinance adding Chapter 90A to the San Francisco Administrative Code to establish a music and culture sustainability policy for City government; provide for development by the Entertainment Commission of a proposal for an on-line permitting system for entertainment-related permits, licenses, and determinations; provide for review by the Entertainment Commission of new criteria for entertainment related permits, licenses, and determinations; establish a process coordinated by the Entertainment Commission for reviewing and possibly revising City Codes to conform to and implement the music and culture sustainability policy; urge the Planning Commission to consider amending the General Plan to conform to and implement that policy; and provide for an annual hearing by the Entertainment Commission to review and make recommendations relating to implementation of that policy.

**Ordinance No.** 9-09

**FINALLY PASSED** by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

## **NEW BUSINESS**

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

**081442 [Appropriating \$500,000 of Revenue from PGA Tournament Agreement for Harding Park PGA Related Improvements for the Recreation and Park Department in Fiscal Year 2008-2009]  
Supervisor Elsbernd**

Ordinance appropriating \$500,000 of Revenue from the Professional Golf Association (PGA) Tournament Agreement for staffing and improvements to the Harding Park Golf Course per the PGA Tournament Agreement at the Recreation and Park Department for Fiscal Year 2008-2009.

(Fiscal Impact.)

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

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

**081388 [Emergency contract to replace the stator core in Kirkwood Powerhouse generator number 1, designated "KPH1" - Not to Exceed \$1,327,531]  
Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60 to replace the stator core in the Kirkwood Powerhouse generator number 1, designated "KPH1." (Public Utilities Commission)**

**Resolution No.** 8-09

**ADOPTED** by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

- 081454 [Approving Central Subway Partnership Contract - Not to Exceed \$147,375,171]**  
Resolution approving Municipal Transportation Agency Contract No. CS-149, Program Management and Construction Management Services for the Central Subway Project with Central Subway Partnership, A Joint Venture of AECOM USA, Inc. and EPC Consultants in an amount not to exceed \$147,375,171 for a term not to exceed five years with an option to extend the term an additional five years. (Municipal Transportation Agency)

(Fiscal Impact.)

**Resolution No. 3-09**

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

- 081485 [WSIP Agreement No. CS-765, Parsons Water and Infrastructure]**  
Resolution approving Amendment No. 2 to Agreement No. CS-765, San Francisco Water System Improvement Program – Program/Project/Pre-Construction Management Services with Parsons Water and Infrastructure. (Public Utilities Commission)

**Resolution No. 15-09**

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

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

- 081357 [Liquor license transfer - 2200 Mission Street]**  
Resolution determining that the transfer of a Type 21 off-sale general license from 2767 Lombard Street to 2200 Mission Street (District 9), to Howard Ngo for Duc Loi Supermarket, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Resolution No. 10-09**

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

- 081378 [Liquor license transfer - 201 Harrison Street, Suite C]**  
Resolution determining that the transfer of a Type 21 off-sale general license from 433 Precita Avenue to 201 Harrison Street, Suite C (District 6), to Najwa Osama Habash and Osama Khalil Habash for Main Market Liquor & Deli, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Resolution No. 11-09**

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

**081455 [Liquor license transfer - 2200 Jerrold Avenue]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 236 8th Street to 2200 Jerrold Avenue (District 10), to Nelly Ghassan for The Gifted Basket, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

**Resolution No.** 12-09

**ADOPTED** by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

**From the City Operations and Neighborhood Services Committee Without Recommendation****081358 [Liquor license transfer, 115 Mason Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 232 O'Farrell Street to 115 Mason Street (District 6), to John D. Smith for Union Square Sports Bar Inc., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

Supervisor Chu, 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, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 232 O'Farrell Street to 115 Mason Street (District 6), to John D. Smith for Union Square Sports Bar Inc., will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

*Supervisor Daly request that the question be divided.*

*Adoption of the resolution with all of the Police Department's conditions except for the following: 1) Loitering is prohibited on any sidewalks or property adjacent to the licensed premises; 2) The premises shall maintain at least two surveillance cameras at all times when open to the public; 3) During all hours that the premises are open to the public a security guard shall be on site.*

**Resolution No.** 13-09

**ADOPTED** by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

*Adoption of the resolution with the following Police Department's conditions: 1) Loitering is prohibited on any sidewalks or property adjacent to the licensed premises; 2) The premises shall maintain at least two surveillance cameras at all times when open to the public; 3) During all hours that the premises are open to the public a security guard shall be on site.*

**Resolution No.** 13-09

**ADOPTED** by the following vote:

Ayes: 7 - Alioto-Pier, Chu, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi  
Noes: 3 - Campos, Daly, Peskin

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

**070546 [Zoning Map Amendment - Northwest corner of Divisadero and O'Farrell Streets, Block 1098, Lot 9]  
Supervisor Mirkarimi**

Ordinance amending the San Francisco Planning Code by amending Sectional Map 2 of the Zoning Map of the City and County of San Francisco to change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets, from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District; 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: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

**080126 [Planning Code-Amending Article 11 Designation of 545-547 Mission Street]  
Supervisor Maxwell**

Ordinance amending the designation of 545-547 Mission Street (Assessor's Block 3721, Lot 082) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

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

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

**081275 [Summary Vacation of Stevenson Street east of 10th Street]**

Ordinance ordering the summary vacation of a portion of Stevenson Street east of 10th Street; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance. (Real Estate Department)

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

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

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

*Supervisor Daly introduced, welcomed, and presented a Certificate of Honor to Rachel Redondiez, aide to Supervisor Daly, in recognition of her dedicated work to the City and County of San Francisco.*

*Supervisors Peskin, Alioto-Pier, Campos, Daly, Dufty, Elsbernd, Chu, Maxwell, and Mirkarimi recognized and congratulated Supervisor McGoldrick for his past 8 years of service as a Member of the Board of Supervisors.*

*Supervisors Daly, Alioto-Pier, Campos, Dufty, Elsbernd, Chu, Maxwell, McGoldrick and Mirkarimi recognized and congratulated President Peskin for his past 8 years of service as a Member of the Board of Supervisors.*

*Angela Calvillo, Clerk of the Board, presented a plaque to President Peskin commemorating his last two years holding the Office of President of the Board of Supervisors.*

**090006 [Commending Supervisor Jake McGoldrick]  
Supervisor Peskin**

Resolution Commending and Honoring Supervisor Jake McGoldrick for his distinguished service as a Supervisor of the City and County of San Francisco.

*Presented in Board but no action taken on Resolution.*

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

**090005 [Commending Supervisor Aaron Peskin]  
Supervisor Daly**

Resolution commending and honoring Aaron Peskin for his distinguished service as President and member of the San Francisco Board of Supervisors.

*Presented in Board but no action was taken on Resolution.*

**ADOPTED by the following vote:**

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

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

**081420 [Public Hearing - Conditional Use Appeal for 299 Valencia Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17739 dated November 6, 2008, relating to the approval of a Conditional Use Authorization (Case No. 2006.0432CV), under Planning Code Sections 121.1, 151.1 and 303 to allow a large-lot mixed-use development providing up to 25 off-street residential parking spaces and 2 car share spaces in an NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) Zoning District and a 50-X Height and Bulk District on property located at 299 Valencia Street, Lot 014 in Assessor's Block No. 3532. (Filed by Jason Henderson on behalf of the Hayes Valley Neighborhood Association and subscribed by Supervisors Peskin, Ammiano, Maxwell, Daly and Mirkarimi; District 6.)

(Filed 11/14/08; Companion Measure to 081421, 081422, 081423.)

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

*Jason Henderson, appellant  
Silvia Johnson*

*Continued to January 13, 2009.*

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

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

Noes: 1 - Dufty

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision 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.)**

- 081421 [Approving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]**  
Motion approving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Continued to January 13, 2009.*

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

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin  
Noes: 1 - Duffy

- 081422 [Disapproving Planning Commission decision related to Conditional Use Appeal for 299 Valencia Street]**  
Motion disapproving decision of the Planning Commission by its Motion No. 17739, approving Conditional Use Application 2006.0432CV on property located at 299 Valencia Street. (Clerk of the Board)

*Continued to January 13, 2009.*

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

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin  
Noes: 1 - Duffy

- 081423 [Preparation of findings related to the Conditional Use Appeal for 299 Valencia Street]**  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2006.0432CV on property located at 299 Valencia Street, for action by the Board at its next meeting. (Clerk of the Board)

*Continued to January 13, 2009.*

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

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin  
Noes: 1 - Duffy

## COMMITTEE REPORTS

- 081505 [Continuation of existing taxi fares and gate fee cap]**  
Supervisor Daly

Ordinance amending Section 1137 of the Police Code to maintain current taxi fares and gate fee cap.

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

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

**081541 [Appointment, Historical Preservation Commission - Karl Hasz]**

Motion approving the Mayor's nomination for appointment of Karl Hasz to the Historical Preservation Commission, Seat No. 6, for a two-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081542. Transmittal date – December 4, 2008.)

**Motion No.** M09-08

**APPROVED by the following vote:**

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

**081609 [Appointment, Historical Preservation Commission - Alan Martinez]**

Motion approving the Mayor's nomination for appointment of Alan Martinez to the Historical Preservation Commission, Seat No. 1, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081610. Transmittal date – December 4, 2008.)

**Motion No.** M09-07

**APPROVED by the following vote:**

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

**081615 [Appointment, Small Business Commission - Kathleen Dooley]**

Motion appointing Kathleen Dooley, term ending January 6, 2010, to the Small Business Commission.

Vacant seat, succeeding David Chiu, seat 2, resigned, must be appointed by the Board of Supervisors and be an owner, operator, or officer of a San Francisco small business, for the unexpired portion of a four-year term ending January 6, 2010.

**Motion No.** M09-06

**APPROVED by the following vote:**

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin



**081549 [Appointment, Historical Preservation Commission - Charles Chase]**

Motion approving the Mayor's nomination for appointment of Charles Chase to the Historical Preservation Commission, Seat No. 3, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081550. Transmittal date – December 4, 2008.)

**Motion No.** M09-05

**APPROVED by the following vote:**

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

**090001 [Appointment, Historical Preservation Commission - Courtney Damkroger]**

Motion approving the Mayor's nomination for appointment of Courtney Damkroger to the Historical Preservation Commission, Seat No. 5, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090004. Transmittal date – December 24, 2008.)

**Motion No.** M09-04

**APPROVED by the following vote:**

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

## 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.*

*Male speaker; expressed congratulations to the various outgoing Supervisors*

*Abdullah Megaheed; expressed concern with various issues*

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

*Male speaker; expressed concern with various issues*

*Wayne Harman; expressed concern with issues related to the Sunshine Ordinance*

*Seldon Amanay; expressed concern with issues related to clean and safe streets*

*Male speaker; expressed concern with issues related to the homeless.*

*Ernestine Weiss; expressed concern with issues related to renaming of Ferry Park and the reputation of former Supervisor Sue Bierman*

*Jesus; expressed concern with various issues*

*Sue Hestor; expressed concern with issues related to equipment in the Board Chamber*

*Male speaker; expressed concern with issues related to public access channels*

*Mark Bitner; expressed concern with issues related to Parrots of Telegraph Hill*

*Male speaker; expressed concern with issues related to free speech and public comment*

*Brian Flynn; expressed concern with issues related to the performance of Supervisors*

*Miguel Homes; expressed concern with issues related to unemployment*

*Joe O'Donaghue; expressed congratulations to the various outgoing Supervisors*

*Lloyd Tebold; expressed concern with issues related to unemployment*

*Judy Irvine; expressed congratulations to various outgoing Supervisors*

*Ms. Crowley; expressed congratulations to various outgoing Supervisors*

*Mr. Holley; expressed congratulations to various outgoing Supervisors*

## 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.*

**081606 [Accept-Expend Federal Grant for Oil Spill Response Planning - \$30,965]  
Supervisor Chu**

Resolution authorizing the Department of Emergency Management (DEM) to accept and expend retroactively a grant in the amount of \$30,965 from the California Department of Fish and Game for oil spill response planning, for the period July 1, 2008 through June 30, 2009.

**Resolution No. 16-09**

**ADOPTED**

**081607 [Accept and Expend State Grant - Port of San Francisco - \$15,000]  
Supervisor Maxwell**

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$15,000 from the California Department of Boating and Waterways, Abandoned Watercraft Abatement Fund for removal and demolition of abandoned recreational watercraft on the Port's waterfront.

Resolution No. 14-09

ADOPTED

**081580 [Commending San Francisco State University President Robert A. Corrigan]  
Supervisors Peskin, Elsbernd**

Resolution commending Robert A. Corrigan for twenty years of remarkable service as President of San Francisco State University.

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

Resolution No. 2-09

ADOPTED

**081582 [Adopting findings related to San Francisco Public Utilities Commission Water Treatment Facility and Water Quality Improvements projects in San Joaquin County]  
Supervisor Elsbernd**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program and a statement of overriding considerations related to the funding of the San Joaquin Regional Water Quality Improvement Project at two sites in San Joaquin County, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

Resolution No. 4-09

ADOPTED

**081613 [City actions on expiration of Western Addition A-2 Redevelopment Plan]  
Supervisor Mirkarimi**

Resolution urging various City actions upon the expiration of the Western Addition A-2 Redevelopment Plan to insure a smooth transition from the Redevelopment Agency to the City's jurisdiction.

Resolution No. 7-09

ADOPTED

**081539 [Final Map - 1536 Pacific Avenue]**

Motion approving Final Map 4748, a 6 Unit Residential and 1 Unit Commercial Mixed-Use Condominium Project, located at 1536 Pacific Avenue being a subdivision of Lot 006 in Assessor's Block No. 0573 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,972; District 3.)

Motion No. M09-03

APPROVED

**081579 [Final Map - 77 Van Ness Avenue]**

Motion approving Final Map 4182, a subdivision of 4 Airspace Parcels, Parcel "A" being a one lot subdivision for residential condominium purposes (50 units), Parcel "B" being a common area airspace parcel, Parcel "C" being a one lot subdivision for commercial condominium purposes (14 units), and Parcel "D" being a one lot subdivision for parking condominium purposes (58 parking spaces) Project, located at 77 Van Ness Avenue being a subdivision of Lot 022 in Assessors Block No. 0834 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,969; District 6.)

**Motion No.** M09-02

**APPROVED**

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

**Severed from For Adoption Without Committee Reference**

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

**Supervisor Campos Excused From Voting**

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Campos from voting on this matter. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

Excused: 1 - Campos

**081608 [Appointment to San Francisco Local Agency Formation Commission - Supervisor David Campos]  
Supervisor Mirkarimi**

Motion appointing Supervisor Campos for the unexpired portion of a four-year term ending February 20, 2011, to the San Francisco Local Agency Formation Commission.

**Motion No.** M09-01

**APPROVED** by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin

Excused: 1 - Campos

**OFF-AGENDA LEGISLATION****Ordinances**

- 090009 [Modifying election procedures and deadlines for a June 2, 2009 election]**  
Emergency ordinance (1) finding that an emergency exists for purposes of Charter Section 2.107; (2) modifying various election procedures and deadlines for a June 2, 2009 special election; and (3) identifying the proposed revenue measures that would be submitted using the modified procedures.
- NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.  
The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor has until February 7, 2009 to veto this legislation.  
1/6/09, RECEIVED AND ASSIGNED to Rules Committee.
- 090013 [Amending the Fiscal Year 2008-2009 Annual Appropriation Ordinance]**  
Ordinance amending the FY 2008-2009 Annual Appropriation Ordinance and authorizing the Controller and the Director of Human Resources to amend the Annual Appropriation Ordinance and the Annual Salary Ordinance for Fiscal Year 2008-2009 to reflect the Mayor's Mid-Year Adjustment Plan, and to reduce other selected Department appropriations, including management positions.
- (Fiscal Impact.)  
1/6/09, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 081565 [Adopting a new Planning Code Article 10 and Article 11 and adding new Planning Code Section 176(f)]  
Supervisors Daly, Campos, Maxwell**
- Ordinance rescinding Planning Code Article 10 in its entirety, rescinding Planning Code Article 11 in its entirety, and adopting a new Article 10 and Article 11 to implement the provisions of new San Francisco Charter Section 4.135; and adding new Planning Code Section 176(f).  
12/9/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/8/2009.  
12/19/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation.  
12/24/08, RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060.  
1/6/09, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.  
1/6/09, ASSIGNED to Land Use and Economic Development Committee.

## Resolutions

- 090008 [Public, Education and Government Cable Access System]  
Supervisor Mirkarimi**
- Resolution requesting San Francisco's Congressional and State Legislative Delegations Reform Laws Governing use of Public, Education and Government Cable Access System Funds.  
1/6/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.
- 090010 [Calling a municipal special election for June 2, 2009]**  
Resolution calling for a municipal special election to be held June 2, 2009, for the purpose of submitting revenue and fiscal measures to the voters.
- (Fiscal Impact.)  
1/6/09, RECEIVED AND ASSIGNED to Rules Committee.

- 090011 [Landmark Status - Interior of St. Brigid Church]**  
Resolution initiating the interior designation of 2151 Van Ness Avenue, St. Brigid Church, Block 0575, Lot 015, appending City Landmark No. 252 to create an interior landmark pursuant to Section 1004.1 of the Planning Code.  
1/6/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.
- 090012 [Nominating Supervisor Mirkarimi for California Coastal Commission]**  
Resolution nominating Supervisor Ross Mirkarimi for the North Coast Central seat on the California Coastal Commission.  
1/6/09, RECEIVED AND ASSIGNED to Rules Committee.
- 090014 [Congratulating Mike Singletary on being named the 16th head coach in San Francisco 49ers franchise history and congratulating Jed York on being named Team President of San Francisco 49ers]  
Supervisors Dufty, Elsbernd**  
Resolution congratulating Mike Singletary on being named the 16th head coach in San Francisco 49ers franchise history and congratulating Jed York on being named Team President of San Francisco 49ers.  
1/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 090015 [Lee Mallory Day - January 10, 2009]**  
Resolution declaring January 10th, 2009, as Lee Mallory Day in San Francisco.  
1/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 090016 [Condemning recent acts of vandalism on Most Holy Redeemer Church]  
Supervisors Dufty, Campos, Elsbernd**  
Resolution condemning recent acts of vandalism on Most Holy Redeemer Church.  
1/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 090017 [Commending the success of the 2008 Emerald Bowl and the efforts of Gary Cavalli in directing this fantastic event]  
Supervisor Dufty**  
Resolution commending the success of the 2008 Emerald Bowl and the efforts of Gary Cavalli in directing this fantastic event.  
1/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**090018 [Urging Mayor Gavin Newsom and the San Francisco Public Utilities Commission to seek funds from President Elect Obama's economic stimulus and infrastructure package]  
Supervisors Dufty, Chu, Alioto-Pier, Campos**

Resolution urging Mayor Gavin Newsom and the San Francisco Public Utilities Commission to seek funds from President Elect Obama's economic stimulus and infrastructure package to continue San Francisco's utility undergrounding program.

1/6/09, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### Motions

**090001 [Appointment, Historical Preservation Commission - Courtney Damkroger]**  
Motion approving the Mayor's nomination for appointment of Courtney Damkroger to the Historical Preservation Commission, Seat No. 5, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090004. Transmittal date – December 24, 2008.)

12/24/08, RECEIVED AND ASSIGNED to Rules Committee.

1/6/09, APPROVED.

**090004 [Appointment, Historical Preservation Commission - Courtney Damkroger]**  
Motion rejecting the Mayor's nomination for appointment of Courtney Damkroger to the Historical Preservation Commission, Seat No. 5, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 090001. Transmittal date – December 24, 2008.)

12/24/08, RECEIVED AND ASSIGNED to Rules Committee.

### Charter Amendments

**090007 [Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors]  
Supervisors Elsbernd, Chu**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.120 to require that one-time revenues be spent only for one-time uses, unless the Board of Supervisors appropriates the revenues for another purpose by a two-thirds' vote.

1/6/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/5/2009.

1/26/09, received legislative digest, 30-day Rule ends February 25, 2009.

## PROPOSED ORDINANCES

**081618 [Settlement Of Lawsuit - Xiaomei Ma v. CCSF - \$115,000]**

Ordinance authorizing settlement of Xiaomei Ma's claims in the lawsuit filed by Xiaomei Ma against the City and County of San Francisco for \$115,000.00; the lawsuit was filed on April 6, 2007, in the San Francisco Superior Court, Case No. 07-462106, entitled Ma v. City and County of San Francisco. (City Attorney) 12/29/08, RECEIVED AND ASSIGNED to Rules Committee.

**081620 [Zoning - Ordinance relating to the repair of inadvertent errors and omissions discovered in 2008]**

Ordinance amending the Planning Code to correct errors including: 1) amend Section 140(a) to properly reference Sections 504 and 503 of the Housing Code instead of 501.4 and 501.1, respectively; 2) amend 151 to specify the number of required parking spaces per beds in hospital uses; 3) amend Section 209.8 to link exceptions to "if permitted in the nearest NC District" instead of C-1 and C-2; 4) amend Section 263.9 to properly reference Chart C instead of Chart B and to reference Section 271 instead of Section 270(4) which does not exist; 5) amend Sections 816.67 (SLR District), 817.67 (SLI District), and 818.67 (SSO District) to properly reference Section 225 Wholesaling, Storage, Distribution and Open-Air Handling of Materials and Equipment instead of Section 255 which does not exist; 6) amend Appendix A to Article 10, List of Designated Landmarks to correct the number for certain Landmarks; and 7) amend each neighborhood commercial district and neighborhood commercial transit district to explicitly prohibit Amusement Enterprises as currently defined by Section 790.04, except NC-3 and NCT-3 where Amusement Enterprises would be reviewed as Conditional Use authorization per Section 303; making environmental findings; and findings of consistency with the City's General Plan and Planning Code Section 101.1. (Planning Department)

12/19/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

## PROPOSED RESOLUTIONS

**081581 [Approval of Port Lease to Pilara Family Foundation Lease No. L-14144 at Pier 24 Annex]**

Resolution approving Port Commission Lease No. L-14144 with the Pilara Family Foundation, a Nevada Non-Profit Corporation ("Pilara") for certain real property located at Pier 24 Annex in the City and County of San Francisco. (Port)

12/17/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**081586 [Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP)-funded Project No. CUW39101, Baden and San Pedro Valve Lots Improvements Project]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Baden and San Pedro Valve Lots Improvements Project, CUW39101 and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

12/24/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.



- 081587 [Adopting findings related to San Francisco Public Utilities Commission Water System Improvement Program (WSIP) Pulgas Balancing - Discharge Channel Modifications Project]**  
Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Pulgas Balancing – Discharge Channel Modifications Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)  
12/24/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.
- 081617 [Adopting findings related to San Francisco Public Utilities Commission Bay Division Pipelines Crossover Facilities Project in San Mateo and Santa Clara Counties]**  
Resolution adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, including the adoption of mitigation monitoring and reporting program related to the funding of the Bay Division Pipelines 3 and 4 Crossover Facilities Project - CUW38001 at three sites in San Mateo and Santa Clara Counties, and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)  
12/24/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.
- 081619 [Airport Lease and Operating Agreement]**  
Resolution approving the exercise of the third of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement No. 01-0343. (Airport Commission)  
  
(Fiscal Impact.)  
12/24/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.



**Requests Granted**

*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:*

*99 Webster*

*295 Buchanan*

*55 Laguna, Haight Street side*

*841 Scott*

*399 Grove*

*502 Haight*

*597 Haight*

*1432 Haight*

*1501 Haight*

*546 Haight*

*542 Haight*

*588 Haight*

*630 Haight*

*799 Haight*

*839 Haight*

*507 Divisadero*

*901 Haight*

*930 Haight*

*959 Haight*

*1220 Haight*

*1317 Haight*

*1380 Haight*

*1432 Haight*

*1529 Haight*

*1540 Haight*

*1599 Haight*

*1636 Haight*

*250 Scott*

*216 Scott*

*523 Waller*

*201 Steiner (on the Waller side)*

*430 Fillmore*

*501 Fillmore*

*Sacred Heart Church on the 500 block of Fillmore*

*648 Fillmore*

*899 Fulton*

*910 Hayes*

*1310 Hayes*

*1379 Hayes*

*600 Irving (on the 7th Avenue side)*

*1330 9th Avenue*

*1310 9th Avenue*

*1312 9th Avenue*

*1307 9th Avenue*

*378 Fillmore*

*424 Haight*

*600 Page*

*448 Scott*

261 Pierce

*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:*

*Garbage Cans*

*Northwest corner of O'Farrell and Webster*

*Northwest corner of O'Farrell and Scott*

*Northeast corner of Buchanan and Haight*

*Northwest and Northeast corners of Fillmore and Haight*

*Northwest corner of Hayes and Scott*

*Northwest corner of Hayes and Broderick*

*Northeast corner of Hayes and Baker*

*Northeast corner of Hayes and Lyon*

*Northwest corner of Hayes and Central*

*Mailboxes*

*Linden, Haight, and Belvedere*

*Northwest and Northeast corners of Haight and Fillmore*

*Northwest corner of Divisadero and Oak*

*Northeast corner of Buchanan and Fell*

*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:*

*Pot Holes:*

*On Haight and Belvedere*

*1321 Fulton*

*Metal Poles:*

*Northeast corner of Waller and Pierce*

*Near 1534 Fulton*

*Southwest corner of Fulton and Webster*

*Northeast corner of Hayes and Steiner*

*Northeast corner of Hayes and Divisadero*

*Northwest corner of Fillmore and Haight (near Fillmore garbage can)*

*Northwest corner of Waller 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 repairing potholes and removing graffiti from the following locations:*

*Potholes:*

*Sinkhole on Waller and Fillmore (on the westside of Waller street near crosswalk) This has been fixed two times and the problem is getting worse*

*484 Waller*

*Garbage Cans:*

*Northeast corner of Grove and Buchanan*

*Northeast corner of Scott and Waller*

*Northeast corner of Haight and Fillmore*

*Northeast corner of Haight 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 from the public property at the following locations:*

*Utility Boxes:*

*Southwest corner of Golden Gate and Pierce*

*Near 1635 Fulton*

*Northwest corner of Pierce and Webster*

*Northeast corner of Fulton and Oak*

*Southeast corner of Fell and Buchanan*

*Northwest corner of Webster and Golden Gate*

*Northwest corner of Webster and Fulton*

*Northwest corner of Webster and Grove*

*South side of Fell and Schrader*

*Bus Shelters:*

*Southeast corner of Haight and Buchanan*

*500 block of Fillmore*

*All bus shelters on Haight and Fillmore need power washing and graffiti removal*

*Southwest corner of Hayes and Baker*

*Emergency Boxes:*

*Northeast corner of Golden Gate and Scott*

*Southwest corner of Fillmore and Grove*

*Northwest corner of Fillmore and Fell*

*Northwest corner of Central and Page*

*Southeast corner of Steiner and Page*

*Fire Hydrant:*

*Northeast corner of Broderick and Haight*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

*Requesting/Inquiring: Requesting 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*

*San Francisco 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**

*Victor Keyak - Supervisor Chu*  
*John Farnham - Supervisor Chu*  
*Shirley Jane Aguerre - Supervisor Dufty*  
*Evelyn Ellen Lynch - Supervisor Elsbernd*  
*Kheak Ying Taing - Supervisor Peskin*

## ADJOURNMENT

*There being no further business the Board adjourned at the hour of 4:48 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 February 17, 2009.*



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Angela Calvillo  
Clerk of the Board