

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 4, 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, Sandoval

Land Use and Economic Development Committee

Supervisors Maxwell, Sandoval, Daly

Public Safety Committee

Supervisors Mirkarimi, Maxwell, Dufty

Rules Committee

Supervisors Daly, Dufty, Ammiano

Meeting Days

Wednesday
1:00 PM

1st and 3rd Thursday
3:30 PM

1st and 3rd Thursday
1:00 PM

1st and 3rd Monday
10:00 AM

Monday
1:00 PM

2nd and 4th Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

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

Volume 103 Number 7

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

- 071671 [De-appropriating \$50,000 Golden Gate Park Stables General Fund project and Re-appropriating \$50,000 for Golf Course Recreational Study at Recreation and Park for Fiscal Year 2007-2008]
Supervisor McGoldrick

Ordinance de-appropriating \$50,000 of General Fund from the Golden Gate Park Stables Project and re-appropriating \$50,000 of General Fund for a Recreational Opportunity Study at San Francisco Golf Courses in the Department of Recreation and Park for Fiscal Year 2007-2008.

Ordinance No. 28-08

FINALLY PASSED

- 080098 [Appropriating \$55,000,000 of Commercial Paper revenue for Terminal Improvements T2 Boarding Area D renovations at the San Francisco Airport for Fiscal Year 2007-2008]
Mayor

Ordinance appropriating \$55,000,000 of commercial paper revenues for Renovations to the terminal two boarding area D at the San Francisco Airport for Fiscal Year 2007-2008. (Mayor)

(Fiscal Impact.)

Ordinance No. 29-08

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

080189 [Landmark Designation of 451 Jersey Street (Carnegie Noe Valley/Sally Brunn Branch Library)]
Supervisor Dufty

Ordinance designating 451 Jersey Street, the Carnegie Noe Valley/Sally Brunn Branch Library, (Assessor's Block Number 6539, Lot Number 034), as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

Ordinance No. 30-08

FINALLY PASSED

Recommendations of the Rules Committee

071299 [Updating a statutory reference in provision regarding settlement of minors' claims]
Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by amending Section 10.22-1, to update a statutory reference in a Code provision regarding the settlement of claims made against the City by minors.

Ordinance No. 27-08

FINALLY PASSED

080136 [Approving Settlement with the California Independent System Operator and adopting the First Amended and Restated Operating Agreement]

Ordinance authorizing settlement of proceedings initiated by the California Independent System Operator before the Federal Energy Regulatory Commission in Docket No. ER06-227-000 to establish operational, scheduling and settlement requirements for certain City electrical transmission transactions and adopting the First Amended and Restated Operating Agreement. (City Attorney)

Ordinance No. 31-08

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

**071536 [Access to and retention of community safety camera recordings]
Supervisors Sandoval, Mirkarimi**

Ordinance amending the San Francisco Administrative Code by amending Section 19.3 to allow the Public Defender and other criminal defense attorneys, investigators and the District Attorney to obtain community safety camera recordings for particular purposes; and amending Section 19.6 to specify the procedures for the Public Defender and other criminal defense attorneys and investigators to request community safety camera recordings and to require that the Department of Telecommunications and Information Services retain the recordings for at least 30 days but not more than 30 days.

Ordinance No. 32-08

FINALLY PASSED by the following vote:

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

Noes: 3 - Alioto-Pier, Chu, Elsbernd

From the Board

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.

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

080257 [Approving Planning Commission's approval for Certificate of Appropriateness regarding the alterations of the Board of Supervisors' Legislative Chamber]

Motion approving the Planning Commission's approval of Motion No. 17529 (Case No. 2007.1332A), Certificate of Appropriateness, in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot 001 in Assessor's Block 0787 - 1 Dr. Carlton B. Goodlett Place.

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to continue this matter to March 18, 2009.

Motion to continue this matter to March 18, 2008 failed by the following vote:

Ayes: 5 - Daly, Maxwell, McGoldrick, Mirkarimi, Peskin

Noes: 6 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Sandoval

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to approve File No. 080257 (Item 7) and table File No. 080258 (Item 8).

Motion failed by the following vote:

Ayes: 5 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd

Noes: 6 - Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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

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

Noes: 5 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd

080258 [Disapproving Planning Commission's approval for Certificate of Appropriateness regarding the alterations of the Board of Supervisors' Legislative Chamber]

Motion disapproving the Planning Commission's approval of Motion No. 17529 (Case No. 2007.1332A), Certificate of Appropriateness, in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot 001 in Assessor's Block 0787 - 1 Dr. Carlton B. Goodlett Place.

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to continue this matter to March 18, 2009. Motion to continue this matter to March 18, 2008 failed by the following vote:

Ayes: 5 - Daly, Maxwell, McGoldrick, Mirkarimi, Peskin

Noes: 6 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Sandoval

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to approve File No. 080257 (Item 7) and table File No. 080258 (Item 8).

Motion failed by the following vote:

Ayes: 5 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd

Noes: 6 - Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Motion No. M08-43

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

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

Noes: 5 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd

From the Rules Committee Without Recommendation**071679 [Solar Energy Incentive Program]**

Ordinance amending the Environment Code by adding Chapter 18 creating a Solar Energy Incentive Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator. (Assessor-Recorder)

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

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

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

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

**080191 [Mortgage Revenue Bonds]
Supervisor Mirkarimi**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed \$12,000,000 for 850 Broderick Street (Zygmunt Arendt House); authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$60,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$12,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

Resolution No. 99-08

ADOPTED by the following vote:

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

**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.

PASSED ON FIRST READING by the following vote:

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

**080159 [Issuance and Sale of Tax-Exempt Bonds - Lycée Français Lapérouse]
Supervisor Chu**

Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$2,000,000 to finance the acquisition, construction, improvement and/or equipping of facilities owned by Lycée Français Lapérouse or an affiliate and certain other matters relating thereto.

Resolution No. 107-08

ADOPTED by the following vote:

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

From the Budget and Finance Committee Without Recommendation

- 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.

PASSED ON FIRST READING by the following vote:

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

Recommendation of the Government Audit and Oversight Committee

- 080234 [Directing the Budget Analyst to conduct a managerial audit of the First Offender Prostitution Program]**
Supervisor McGoldrick

Motion directing the Budget Analyst to conduct a managerial audit on the First Offender Prostitution Program (FOPP), a diversion program of Standing Against Global Exploitation (SAGE).

(Supervisor Elsbernd dissented in committee.)

Motion No. M08-41

APPROVED by the following vote:

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

Recommendations of the Land Use and Economic Development Committee

Supervisors Daly and Dufty Excused From Voting

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to excuse Supervisors Daly and Dufty at their request, because of possible conflict of interest, from voting. The motion carried by the following vote:

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

- 071156 [Planning Code Amendments to implement the Van Ness and Market Downtown Residential Special Use District]**
Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by adding Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

8/13/07 - Economic Impact.

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE to the Land Use and Economic Development Committee. The motion carried by the following vote:

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

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by adding Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD); including providing that projects in the VNMDR-SUD may exceed allowable Floor Area Ratio (FAR) up to a certain ratio by paying \$30 per gross square foot into the Citywide Affordable Housing Fund but not by acquiring Transferable Development Rights (TDRs); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Re-referred as amended to the Land Use and Economic Development Committee.

The amended legislation will be referred to the Planning Department as soon as it is available

RE-REFERRED to the Land Use and Economic Development Committee by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 2 - Daly, Dufty

**071157 [Planning Code Amendments to implement the Market and Octavia Area Plan]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by amending Section 102.5 (District); Section 121.1 (Development on Large Lots, Neighborhood Commercial Districts); Section 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts); Section 124 (Basic Floor Area Ratio); Section 132 (Front Setback); Section 134 (Rear Yards); Section 135 (Usable Open Space For Dwelling Units and Group Housing); Section 144 (Treatment of Ground Story On Street Frontages); Section 145.1 (Street Frontages, Neighborhood Commercial Districts); Section 145.4 (Street Frontages Downtown and Mixed-Use Districts); Section 151.1 (Schedule of Required Off-Street Parking Spaces); Section 152. (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market); Section 153 (Rules for Calculation of Required Spaces); Section 154 (Minimum dimensions for required off-street parking, freight loading and service vehicle spaces); Section 155 (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities); Section 156 (Parking Lots); Section 166 (Requirements for Provision of Car-Share Parking Spaces); Section 167 (Parking Costs Separated from Housing Costs in New Residential Buildings); Section 201 (Classes of Use Districts); Section 207.1. (Rules For Calculation Of Dwelling Unit Densities); Section 207.4 (Density of Dwelling Units in Neighborhood Commercial Districts); Section 208 (Density Limitations for Group Housing); Section 209.1-209.9 (Uses Permitted in RTO Districts); Section 234.2 (Requiring CU Authorization for specified uses in P Districts within the Market and Octavia Neighborhood Area); Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in R Districts); Section 270 (Bulk Limits: Measurement); Section 303 (Conditional Uses: Determination); Section 304 (Planned Unit Developments: Criteria and Limitations); Section 311 (Residential Permit Review Procedures for RH and RM Districts: Applicability); Section 315 (Inclusionary Housing requirements) including adding a \$10 per square foot fee on new residential development in the Plan Area in addition to the existing inclusionary housing requirements; Section 316 (Procedures for Conditional Use Authorization in Neighborhood Commercial and South of Market Districts and for Live/Work Units in RH, RM, and RTO Districts); Section 603 (Exempted Signs); Section 606 (Residential Districts); Section 702.1 (Neighborhood Commercial Use Districts); Section 720.1 (Hayes-Gough Neighborhood Commercial Transit District) to conform these sections with the new VNMDR-SUD, NCT and RTO district controls; and adding new zoning districts and a new special use district including Section 121.5 to establish controls for Development on Large Lots in Residential Districts; Section 121.6 to restrict lot mergers in residential districts and on pedestrian-oriented streets; Section 158.1 related to Non-accessory Parking Garages in NCT and RTO Districts and the Van Ness and Market Downtown Residential Special Use District; Section 206.4 to establish the Transit-Oriented Residential District (RTO); Section 207.6 related to Required Minimum Dwelling Unit Mix and Unit Subdivision Restrictions in RTO and NCT Districts; Section 207.7 relating to Restrictions on Demolition, Conversion, and Merger of Existing Dwelling Units in RTO and NCT Districts; Section 230 establishing Limited Corner Commercial Uses in RTO Districts; Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD); Section 249.34 to establish the Fulton Street Grocery Store Special Use District; Section 249.35 to establish the Duboce Triangle Flexible Density Special Use District; Section 261.1 related to Additional Height Limits for Narrow Streets and Alleys in RTO and NCT Districts; Section 263.18 creating a Special Height Exception: Additional Five Feet Height for Ground Floor uses in NCT 40-X and 50-X Height and Bulk Districts; Section 263.20 Special Height Exceptions: Fulton Street Grocery Store Special Use District 40-X/50-X Height District; Sections 326-326.8 establishing the Market and Octavia Community Improvements Fee and Fund including community improvement fees of \$10 per square foot for certain new residential and \$4 per square foot for certain new commercial developments, and a springing fee for transit and parking impacts with a maximum fee of \$9 per square foot for transit impacts from residential development and \$5 per square foot for impacts from new parking spaces; Sections 341-341.4 establishing a Better Neighborhoods Area Plan Monitoring Program; Sections 731 and 731.1 creating an NCT-3 Moderate-Scale Neighborhood Commercial Transit District; Sections 732 and 732.1 creating the Upper Market Street Neighborhood Commercial Transit District; adding an uncoded Section 4 adopting procedures for treatment of historic resources in the Plan Area; and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

(Economic Impact.)

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

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

*Re-referred as amended to the Land Use and Economic Development Committee.
The amended legislation will be referred to the Planning Department as soon as it is available.*
RE-REFERRED to the Land Use and Economic Development Committee.

**080255 [Planning Code Amendments to implement the Market and Octavia Area Plan]
Supervisor McGoldrick**

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by amending Section 102.5 (District); Section 121.1 (Development on Large Lots, Neighborhood Commercial Districts); Section 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts); Section 124 (Basic Floor Area Ratio); Section 132 (Front Setback); Section 134 (Rear Yards); Section 135 (Usable Open Space For Dwelling Units and Group Housing); Section 144 (Treatment of Ground Story On Street Frontages); Section 145.1 (Street Frontages, Neighborhood Commercial Districts); Section 145.4 (Street Frontages Downtown and Mixed-Use Districts); Section 151.1 (Schedule of Required Off-Street Parking Spaces); Section 152. (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market); Section 153 (Rules for Calculation of Required Spaces); Section 154 (Minimum dimensions for required off-street parking, freight loading and service vehicle spaces); Section 155 (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities); Section 156 (Parking Lots); Section 166 (Requirements for Provision of Car-Share Parking Spaces); Section 167 (Parking Costs Separated from Housing Costs in New Residential Buildings); Section 201 (Classes of Use Districts); Section 207.1. (Rules For Calculation Of Dwelling Unit Densities); Section 207.4 (Density of Dwelling Units in Neighborhood Commercial Districts); Section 208 (Density Limitations for Group Housing); Section 209.1-209.9 (Uses Permitted in RTO Districts); Section 234.2 (Requiring CU Authorization for specified uses in P Districts within the Market and Octavia Neighborhood Area); Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in R Districts); Section 270 (Bulk Limits: Measurement); Section 303 (Conditional Uses: Determination); Section 304 (Planned Unit Developments: Criteria and Limitations); Section 311 (Residential Permit Review Procedures for RH and RM Districts: Applicability); Section 315 (Inclusionary Housing requirements) including adding a \$10 per square foot fee on new residential development in the Plan Area in addition to the existing inclusionary housing requirements; Section 316 (Procedures for Conditional Use Authorization in Neighborhood Commercial and South of Market Districts and for Live/Work Units in RH, RM, and RTO Districts); Section 603 (Exempted Signs); Section 606 (Residential Districts); Section 702.1 (Neighborhood Commercial Use Districts); Section 720.1 (Hayes-Gough Neighborhood Commercial Transit District) to conform these sections with the new VNMDR-SUD, NCT and RTO district controls; and adding new zoning districts and a new special use district including Section 121.5 to establish controls for Development on Large Lots in Residential Districts; Section 121.6 to restrict lot mergers in residential districts and on pedestrian-oriented streets; Section 158.1 related to Non-accessory Parking Garages in NCT and RTO Districts and the Van Ness and Market Downtown Residential Special Use District; Section 206.4 to establish the Transit-Oriented Residential District (RTO); Section 207.6 related to Required Minimum Dwelling Unit Mix and Unit Subdivision Restrictions in RTO and NCT Districts; Section 207.7 relating to Restrictions on Demolition, Conversion, and Merger of Existing Dwelling Units in RTO and NCT Districts; Section 230 establishing Limited Corner Commercial Uses in RTO Districts; Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD); Section 249.34 Fulton Street Grocery Store Special Use District; Section 261.1 related to Additional Height Limits for Narrow Streets and Alleys in RTO and NCT Districts; Section 263.18 creating a Special Height Exception: Additional Five Feet Height for Ground Floor uses in NCT 40-X and 50-X Height and Bulk Districts; Section 263.20 Special Height Exceptions: Fulton Street Grocery Store Special Use District 40-X/50-X Height District; Sections 326-326.8 establishing the Market and Octavia Community Improvements Fee and Fund including community improvement fees of \$10 per square foot for certain new residential and \$4 per square foot for certain new commercial developments, and a springing fee for transit and parking impacts with a maximum fee of \$9 per square foot for transit impacts from residential development and \$4 per square foot for impacts from new parking spaces; Sections 341-341.4 establishing a Better Neighborhoods Area Plan Monitoring Program; Sections 731 and 731.1 creating an NCT-3 Moderate-Scale Neighborhood Commercial Transit District; Sections 732 and 732.1 creating the Upper Market Street Neighborhood Commercial Transit District; adding an uncoded Section 4 adopting procedures for treatment of historic resources in the Plan Area; and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be RE-REFERRED to the Lan

d Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 2 - Daly, Duffy

**071159 [Zoning Map Amendment in connection with the Market and Octavia Area Plan]
Supervisor Mirkarimi**

Ordinance amending Zoning Map Sheets 2, 2H, 2SU and 7, 7H, and 7SU of the City and County of San Francisco Planning Code to eliminate use districts and height and bulk districts within the Market and Octavia Plan Area; replacing them with revised use districts, height and bulk districts, and special use districts, consistent with those proposed in the Market and Octavia Area Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact)

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 2 - Daly, Duffy

**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.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 1 - Alioto-Pier

Recommendations of the Rules Committee

Supervisor Ammiano was noted absent at 5:54 p.m.

**080155 [Extending the term of service for the Power Plant Task Force]
Supervisor Maxwell**

Resolution to extend the expiration date of the Power Plant Task Force from June 1, 2007 to December 31, 2009.

Resolution No. 100-08

ADOPTED by the following vote:

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

Absent: 1 - Ammiano

**080239 [Appointment, Planning Commission - Christina Olague]
Supervisor Peskin**

Motion approving the Board of Supervisors President Peskin's nomination of Christina Olague to the Planning Commission term ending July 1, 2012.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Companion measure to File 080240.) Transmittal date - February 12, 2008.

Motion No. M08-42

APPROVED by the following vote:

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

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

Privilege of the Floor

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

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

Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Madeline Behrens-Brighams in recognition of Women Making History.

Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honors to Mary Flynn in recognition of Women Making History.

Supervisor Chu introduced, welcomed and presented a Certificate of Honor to San Police Officer Mary Burns in recognition of Women Making History.

Supervisor Maxwell introduced, welcomed and presented a Certificate of Honor to Pat Coleman in recognition of Women Making History.

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honors to Jennifer Friedenbach in recognition of Women Making History.

Supervisor Sandoval introduced, welcomed and presented a Certificate of Honor to Aurora Grajeda in recognition of Women Making History.

Supervisor Alioto-Pier introduced, welcomed and presented Certificate of Honor to Gabriel Jackson Renstrom in recognition of Women Making History.

Supervisor Daly introduced, welcomed and presented a Certificate of Honor to Christine Morrison in recognition of Women Making History.

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Rebecca Prozan in recognition of Women Making History.

Supervisor McGoldrick introduced, welcomed and presented a Certificate of Honor to Debra Walker in recognition of Women Making History.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Judy Irving in recognition of Women Making History.

SPECIAL ORDER 4:00 P.M.

Supervisor McGoldrick was noted absent at 5:22 p.m.

Supervisor McGoldrick was noted present at 5:37 p.m.

Supervisor Dufty Excused From Voting

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Dufty, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

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

080211 [Public Hearing - Appeal, Final Environmental Impact Report for 55 Laguna Street Mixed Use Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's January 17, 2008, certification of a Final Environmental Impact Report identified as Case No. 2004.0773E, through its Motion No. M-17532, for the proposed 55 Laguna Street Mixed Use Project, Lots 001, 002, and 003 in Assessor's Block 0870 and Lots 001, and 01A in Assessor's Block 0857. (Appellant: Cynthia Servetnick, Director, Save the Laguna Street Campus.)

(Filed February 6, 2008; companion measure to Files 080212, 080213, 080214; District 8.)

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

*Tomar Colby, Appellant Representative
Steve Setzler; support of the appellant
Richard McCreer; support of the appellant
Mark Paez; support of the appellant
Jack Gold; support of the appellant
Allen Martinez; support of the appellant
Vincent Marsh; support of the appellant*

Bill Wycko; Representative of the Planning Department reviewed the Planning Department's recommendation.

*Steve Vittel, Representative of the project sponsor
Elaine Alverson; support of the project sponsor
Male speaker; support of the project sponsor
Leslier Riser; support of the project sponsor
Male speaker; support of the project sponsor
Male speaker; support of the project sponsor
Ray Rudolph; support of the project sponsor
Rebuttal Period:
Cynthia Servetnick, Save the Laguna Street Campus, Appellant*

President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report 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.)

080212 [Affirming certification of 55 Laguna Street Mixed Use Project FEIR]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 55 Laguna Street Mixed Use Project.

Motion No. M08-40

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

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

080213 [Disapproving certification of 55 Laguna Street Mixed Use Project FEIR]

Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for 55 Laguna Street Mixed Use Project.

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

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

080214 [Preparation of findings to disapprove certification of 55 Laguna Street Mixed Use Project FEIR]

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 55 Laguna Street Mixed Use Project.

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

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

COMMITTEE REPORTS

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.

PASSED ON FIRST READING by the following vote:

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

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.)

PASSED ON FIRST READING by the following vote:

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

**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.

PASSED ON FIRST READING by the following vote:

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

**080192 [Lease Disposition and Development Agreement and Lease for Property Located at 850 Broderick Street]
Supervisor Mirkarimi**

Resolution approving and authorizing the Mayor's Office of Housing to enter into a lease disposition and development agreement for a long term ground lease with Arendt House, L.P., a California Limited Partnership, for the development and operation of affordable housing and associated uses on certain real property located at 850 Broderick Street and authorizing the Director of Property to enter into the lease.

Resolution No. 109-08

ADOPTED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

Supervisor Ammiano was noted present at 5:59 p.m.

Supervisor Alioto-Pier was noted absent at 6:19 p.m.

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 appreciation to Supervisor Peskin's staff and issues relating to the Presidential election

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

Richard McCree; expressed concern with issues relating to his patent for the Sigmund Stern Grove

Walter; expressed concern with issues relating to budget cuts in the SF Health Department

Female speaker; expressed concern with issues relating to the human rights abuse in China

Male speaker; expressed concern with issues relating to the human rights abuse in China

Male speaker; expressed concern with issues relating to the human rights abuse in China

Cecille Mills; expressed concern with issues relating to the environment and the use of gasoline

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.

**080285 [Noe Valley/Sally Brunn Branch Library re-opening]
Supervisor Dufty**

Resolution recognizing the grand re-opening of the Noe Valley/Sally Brunn Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

Resolution No. 102-08

ADOPTED

**080286 [Support of bill designating safety enhancement-double fine zones]
Supervisors Chu, Elsbernd, McGoldrick, Mirkarimi**

Resolution supporting SB 1419, a bill to designate safety enhancement-double fine zones along State Highway Route 1 from Junipero Serra Boulevard to Lake Street and urging the California Legislature to pass the bill.

Resolution No. 103-08

ADOPTED

**080287 [Adopting the U.S. Cool Counties Climate Stabilization Declaration]
Supervisor Daly**

Resolution adopting the U.S. Cool Counties Climate Stabilization Declaration

Resolution No. 106-08

ADOPTED

**080289 [Mountain Lake Park - Toxic Issues]
Supervisors Alioto-Pier, McGoldrick**

Resolution urging the Presidio Trust and Caltrans to immediately resolve the toxicity issue at Mountain Lake through further testing, clean up and diversion measures; and urging the Recreation and Park Department to immediately post signs warning residents that Mountain Lake has been designated a toxic clean up site.

Supervisor McGoldrick requested to be added as a co-sponsor.

Resolution No. 110-08

ADOPTED

080296 [Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 3, 2008 Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 3, 2008 Election.

Motion No. M08-44

APPROVED

**080292 [Grant funds to support HIV vaccine trials]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to enter retroactively into an agreement and to accept and expend funds in the amount of \$78,943, with the Fred Hutchinson Cancer Research Center (FHCRC), the primary contractor, to support the San Francisco HIV Vaccine Trials Network (VTN) Scholars Group/Public Health Foundation Enterprises (PHFE); for the period of June 1, 2007 through May 31, 2008.

Resolution No. 104-08

ADOPTED

**080293 [Accept-Expend Private Foundation Grant - Department of the District Attorney]
Supervisor Alioto-Pier**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to accept and expend a grant in the amount of \$64,500 from the Kaiser Permanente Northern California Community Grants Program for a program entitled "Back on Track" for fiscal year 2007/2008.

Resolution No. 105-08

ADOPTED

The foregoing items were acted upon by the following vote:

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

Severed from the Without Reference to Committee Agenda

*Supervisor Elsbernd requested that this matter be severed so that it might be considered.
Supervisor Elsbernd, seconded by Supervisor Ammiano, moved to waive Board Rule 3.11.*

Motion to waive Board Rule 3.11 passed without objection.

**080246 [Lifting time limits in rental subsidy program for low income families]
Supervisors Daly, Ammiano, Mirkarimi**

Resolution calling on the Human Services Agency (HSA) to remove the arbitrary time limit in its local housing subsidy for homeless families and to make the timeline for this subsidy need-based.

Resolution No. 108-08

ADOPTED by the following vote:

Ayes: 6 - Ammiano, Daly, Dufty, Mirkarimi, Peskin, Sandoval
Noes: 4 - Chu, Elsbernd, Maxwell, McGoldrick
Absent: 1 - Alioto-Pier

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

**080288 [Commending the American Academy of Orthopedic Surgeons, the Friends of Balboa Park Playground, KaBOOM! and the Neighborhood Parks Council]
Supervisor Sandoval**

Resolution commending the American Academy of Orthopedic Surgeons, the Friends of Balboa Park Playground, KaBOOM! and the Neighborhood Parks Council for their efforts to replace the Balboa Park Playground.

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

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

Resolution No. 101-08

ADOPTED AS AMENDED by the following vote:

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

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

**080291 [Amending the FY 2007-2008 schedule of audits to be conducted of programs of City and County departments by the Budget Analyst]
Supervisor Mirkarimi**

Motion amending the FY 2007-2008 schedule of audits to be conducted of programs of City and County departments by the Budget Analyst to include a survey of City Departments and analysis of the number and cost of positions performing public relations – public information including the justification for such positions.

Supervisor Mirkarimi, seconded by Supervisor Sandoval, moved that this Motion be REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

- 080319** [General Plan Amendments for Assessors Block 857 and portions of Assessors Block 870 bound by Laguna, Haight, Buchanan and Hermann Streets]
Supervisors Mirkarimi, Ammiano

Ordinance amending the Market and Octavia Area Plan of the San Francisco General Plan to (1) reclassify the Use District on Block 857 from Public to Moderate Density Residential and reclassify the Use District on Block 870, Lots 1, 2 and the northern portion of Lot 3 from Public to Moderate Density Neighborhood Commercial; (2) amending the Market and Octavia Area Plan of the San Francisco General Plan to reclassify the Height District for Block 857, Lot 1A from 40 feet to 50 feet and to reclassify the Height District for Block 870, Lots 1 and 2 from 80 feet to 85 feet and Block 870, Lot 3 from 40 feet to 50 feet; (3) amending the Generalized Residential Land Use Plan of the 1990 Residence Element, the 2004 Housing Element, and of the Land Use Index to reclassify the generalized land use of Block 857 from Public/Open Space to Residential and of Block 870 from Public/Open Space to Mixed Use, predominantly Commercial/Industrial; (4) amending the Residential Density Plan of the 1990 Residence Element, the 2004 Housing Element, and of the Land Use Index to reclassify the residential density of Blocks 857 and 870 from Public and Heavy Industrial Areas to Moderately High Density; (5) adopting findings pursuant to the California Environmental Quality Act; and (6) adopting findings that the General Plan amendments are consistent with the eight priority policies of Planning Code Section 101.1.

3/4/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/3/2008. 3/10/08 - President Peskin waived 30-Day Rule.

3/10/08 - Received MMRP, Exhibits C and D.

3/11/08 - Received MMRP, Exhibit C; Motion 17533, CEQA Findings; Motion 17537, Conditional Use Authorization; Conditions of Approval for Motion 17537.

3/12/08 - Received Final CEQA Findings; Final MMRP, Exhibits C and D.

- 080320** [Enacting a fee on fast food businesses, convenience markets and gasoline station markets to defray the cost of litter and trash clean-up resulting from their operation]
Supervisor Sandoval

Draft Ordinance amending the San Francisco Business and Taxation Code by adding Sections 2300 to 2310 to enact a fee on fast food businesses, convenience markets and gasoline station markets to defray the cost of litter and trash clean-up resulting from their operation.

3/4/08, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee. 3/14/08 - Referred to the City Attorney for approval as to form. Referred to Planning for determination of environmental impact. Referred to the Small Business Commission.

**080321 [Promoter permits]
Mayor, Supervisor Maxwell**

Ordinance adding Article 15.7 to the San Francisco Police Code, requiring promoters to obtain promoter permits in order to promote events within the City and County of San Francisco.
3/4/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 4/7/2008.

**080322 [Prohibition on loitering outside nightclubs]
Mayor, Supervisor Maxwell**

Ordinance amending the San Francisco Police Code by adding Section 121, to prohibit loitering outside nightclubs.
3/4/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 4/7/2008.

**080323 [Entertainment Commission - Place of Entertainment Permits]
Mayor, Supervisor Maxwell**

Ordinance amending the San Francisco Police Code Sections 1060, 1060.1, 1060.2, 1060.3, 1060.5, 1060.20, 1060.23, 1060.24, 1060.25 and 1060.29; repealing Section 1060.22; adding Sections 1060.23-1, 1060.30 and 1060.31, relating to the application, approval, amendment, suspension, revocation, and transfer of Place of Entertainment Permits and One Night Event Permits, including changes in penalties for violations of law, and amending the San Francisco Business and Tax Regulations Code by amending Section 8 to provide an additional category of permit suspension and revocation actions that are not suspended pending a decision by the Board of Appeal.
3/4/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 4/7/2008.

**080324 [Entertainment Commission - Extended-Hours Premises Permits]
Mayor, Supervisor Maxwell**

Ordinance amending the San Francisco Police Code Sections 1070, 1070.1, 1070.2, 1070.3, 1070.5, 1070.7, 1070.8, 1070.13, 1070.15, 1070.16, 1070.17, 1070.19, 1070.20, 1070.22, 1070.23, 1070.24, and 1070.27; amending Section 1070.20-1 and renumbering it as Section 1070.20-2; repealing Sections 1070.12, 1070.21, and 1070.26; and adding a new Section 1070.20-1 and Sections 1070.28 and 1070.29, relating to the application, approval, amendment, suspension, revocation, and transfer of Extended-Hours Premises Permits, including changes in penalties for violations of law.
3/4/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 4/7/2008.

071001 [Zoning Map Amendments Associated with the Laguna, Haight, Buchanan and Hermann Streets Special Use District]**Supervisor Ammiano**

Ordinance amending Section Maps 7, 7H and 7SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Blocks 857 and portions of Assessor's Block 870, bounded by Laguna, Buchanan, Haight and Hermann Streets, from P (Public) to either NC-3 (Moderate-Scale Neighborhood Commercial District) or RM-3 (Residential, Mixed Districts, Medium Density) and mapping the Laguna, Haight, Buchanan and Hermann Streets Special Use District; adopting findings, including findings under the California Environmental Quality Act.

(No Economic Impact)

7/10/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/9/2007.

7/13/07, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment.

10/2/07, Board adopted six month extension for Planning Commission review; see File 071380.

2/13/08, RESPONSE RECEIVED. Planning Department Executive Summary; Planning Commission Resolution 17536.

3/4/08, SUBSTITUTED. Supervisor Ammiano submitted a substitute ordinance bearing the same title.

3/4/08, ASSIGNED to Land Use and Economic Development Committee.

071002 [Laguna, Haight, Buchanan and Hermann Streets Special Use District]**Supervisors Mirkarimi, Ammiano**

Ordinance approving the Laguna, Haight, Buchanan, and Hermann Streets Special Use District (SUD) by amending the San Francisco Planning Code by adding Section 249.32 to create a new SUD bounded by Laguna, Haight, Buchanan and Hermann Streets (Assessor's Blocks 857 and portions of Assessor's Block 870) to permit a mixed-use project at the former UC Berkeley Extension property; and adopting findings, including findings under the California Environmental Quality Act.

(No Economic Impact)

7/10/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/9/2007.

7/13/07, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment.

10/2/07, Board adopted six month extension for review by Planning Commission; see File 071380.

2/13/08, RESPONSE RECEIVED. Planning Department Executive Summary; Planning Commission Resolution 17535.

3/4/08, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing the same title.

3/4/08, ASSIGNED to Land Use and Economic Development Committee.

Resolutions

080313 [Grant to support the National HIV Behavioral Surveillance project - \$418,225]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a new grant from the Centers for Disease Control (CDC) in the amount of \$418,225 to support the "National HIV Behavioral Surveillance" project, and to enter into a subcontract with the Public Health Foundation Enterprises (PHFE) in the amount of \$53,723; for the period of January 1, 2008 through December 31, 2008.

3/4/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

080314 [Grant funds to support HIV vaccine trials - \$156,895]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to enter retroactively into an agreement and to accept and expend funds in the amount of \$156,895, with the Fred Hutchinson Cancer Research Center (FHCRC), the primary contractor, to support the San Francisco HIV Vaccine Trials Network (VTN) Leadership Group/Public Health Foundation Enterprises (PHFE); for the period of June 1, 2007 through May 31, 2008.

3/4/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

080315 [Grant funds to support HIV vaccine trials - \$126,989]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to enter retroactively into an agreement and to accept and expend funds in the amount of \$126,989, with the Fred Hutchinson Cancer Research Center (FHCRC), the primary contractor, to support the San Francisco HIV Vaccine Trial Network 40% Transition Costs; for the period of June 1, 2007 through December 31, 2007.

3/4/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

080316 [Accept and Expend Regional Grant - Department of the Environment - \$157,500]
Supervisor Chu

Resolution authorizing the Department of the Environment (SF Environment) to accept and expend grant funds, in the amount of \$157,500 from the Bay Area Air Quality Management District (BAAQMD) to assist taxi companies with grant funding to help them offset the incremental costs associated with the purchase of 75 light-duty clean air vehicle taxis.

3/4/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

080317 [Accept and Expend CEC PIER Grant Funds - \$995,791]
Supervisor Chu

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a California Energy Commission (CEC) Public Interest Energy Research (PIER) Grant in the amount of \$995,791.

3/4/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**080318 [Mortgage Revenue Bonds - Geary Boulevard Senior Living and Health Center]
Supervisor McGoldrick**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed \$38,000,000 for Geary Boulevard Senior Living and Health Center; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$190,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$38,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

3/4/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**080325 [Contract between the Department of Health and the California Department of Health Care Services for the Health Care Coverage Initiative in the amount of \$73.1 million over a three-year period in support of the Healthy San Francisco program]
Mayor**

Resolution authorizing the Director of Health to enter into a contract with the California Department of Health Care Services to provide reimbursement for health services costs incurred in providing services to specified Healthy San Francisco participants under the Health Care Coverage Initiative in the amount of \$73.1 million.

3/4/08, RECEIVED AND ASSIGNED to Government Audit and Oversight 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.

3/4/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**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.

3/4/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

Resolution declaring the results of the February 5, 2008 Consolidated Presidential Primary Election.
3/4/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**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.

3/4/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**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.

3/4/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**080305 [San Francisco's Declining African American Population]
Supervisor Daly**

Hearing to address San Francisco's declining African American population.
3/4/08, RECEIVED AND ASSIGNED to Rules Committee. Sponsor requests that the item be heard in Rules Committee.

**080306 [Controller's Six month Budget Status Report for Fiscal Year 2007/08]
Supervisor McGoldrick**

Hearing on the Controller's Six month Budget Status Report for Fiscal Year 2007/08.
3/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**080307 [Controller's Fiscal Year 2007/08 Biannual Overtime Report]
Supervisor McGoldrick**

Hearing on the Controller's Fiscal Year 2007/08 Biannual Overtime Report.
3/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**080308 [Status of city fees and charges]
Supervisor McGoldrick**

Hearing on the status of city fees and charges.
3/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**080309 [Fiscal Year 2007/08 Mid-Year Budget Cuts]
Supervisor McGoldrick**

Hearing on the Fiscal Year 2007/08 Mid-Year Budget Cuts Announced by the Mayor.
3/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**080310 [Budget requests and performance measures for various City Departments]
Supervisor McGoldrick**

Hearing(s) on the current status of Fiscal Year 2007/08 expenditures, Fiscal Year 2008/09 budget requests and performance measures for the following departments: Municipal Transportation Agency, Police Department, Department of Public Works, Fire Department, Sheriff Department, San Francisco International Airport, Department of Public Health, Department of Telecommunications and Information Services, Human Services Agency, Public Utilities Commission, and Recreation and Park Department.
3/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**080311 [Eradicate the invasive light brown apple moth]
Supervisor Sandoval**

Hearing to discuss the California Department of Food and Agriculture's plan to spray San Francisco with pesticides to eradicate the invasive light brown apple moth.
3/4/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**080312 [Presence of limousines in Hotel taxi stands and other white zones]
Supervisor Sandoval**

Hearing with the Police Department, Department of Parking and Traffic, Taxi Commission and the California Public Utilities Commission to discuss the presence of limousines in Hotel taxi stands and other white zones.
3/4/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Motion

080326 [Confirmation of Controller - Ben Rosenfield]
Mayor

Motion confirming appointment of Ben Rosenfield as Controller.
3/4/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

PROPOSED ORDINANCES

Requests Granted

From: Supervisor Mirkarimi

To: Director, Municipal Transportation Agency

Requesting/Inquiring: Requesting that the Municipal Transportation Agency report on the feasibility of installing MUNI bush shelters with seats at the Sutter Street and Buchanan Street bus stops. There are a large number of senior residential buildings in this area and they have expressed a need for the shelters.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting that the Department of Parking and Traffic report on the feasibility of the traffic light at Masonic and Anza Vista changed such that it allows an extra 2 or 3 seconds for cars turning East off of Masonic on to Anza Vista.

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 at the following locations:

Light Boxes

- Southeast corner of Funston and Lincoln*
- Southwest corner of 6th Avenue and Lincoln*

Phone Switch Boxes

- Northeast corner of 12th Avenue and Judah*
- Southwest corner of 14th Avenue and Lincoln*
- Northeast corner of Cole and Alma*
- Northeast corner of Octavia and Page*

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Advertiser

- Northwest corner 9th Avenue and Kirkham*
- Southeast corner of Lincoln and 9th Avenue*

San Francisco Bay Guardian:

- Southeast corner of Lincoln and 9th Avenue*

San Francisco Chronicle:

- Southeast corner of Lincoln and 9th Avenue*

Examiner:

- Southeast corner of Lincoln and 9th Avenue*

Common Ground:

- Northwest corner of Hayes and Gough*

Onion:

- Southeast corner of Lincoln and 9th Avenue*

SF Weekly:

- Southeast corner of Lincoln and 9th Avenue*

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:

- 500 Kirham*
- 1408 8th Avenue*
- 1200 15th Avenue*
- 1205 15th Avenue*

- 653 Irving
- 701 Irving
- 814 Irving
- 910 Irving
- 1033 Irving
- 715 Lincoln
- 723 Lincoln

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:

Metal

- Numerous Poles on Judah between 12th Avenue and 19th Avenue
- Southeast corner of 19th Avenue and Lincoln plus Metal box on pole
- Northwest corner of 6th Avenue and Lincoln
- Southwest corner of 8th Avenue and Irving
- Southeast corner of 14th Avenue and Irving
- 300 Irving
- 238 Carl
- 300 Carl

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing the graffiti from mailboxes and garbage cans at the following locations:

Mailboxes

- Southwest corner of 16th Avenue and Lincoln
- Southeast corner of 8th Avenue and Judah
- Northeast corner of 11th Avenue and Judah
- Southeast corner of 11th Avenue and Lincoln
- Southeast corner of 10th Avenue and Lincoln
- Northwest corner of Octavia and Haight
- Northwest corner of Octavia and Page
- Northwest corner of Hayes and Octavia

Garbage Cans:

- Southwest corner of Funston and Lincoln

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 located at the following locations:

Emergency Call Boxes:

- Southeast corner of Cole and 17th Avenue
- Southeast corner of Funston and Lincoln
- Southeast corner of 5th Avenue and Lincoln

Clear Channel Billboards:

- Northwest corner of 7th Avenue and Irving (no permit number listed)
- Southeast corner of 11th Avenue and Irving (#03740)

Phone Booth:

- Southeast corner of 8th Avenue and Judah
Across from 1145 Hayes Street on the Alamo Park side of the street

From: Supervisor Sandoval

To: City Attorney

Requesting/Inquiring: Requesting that the City Attorney issue an opinion on steps the City may take to prevent the California Department of Food and Agriculture from spraying pesticides to eradicate the light brown

apple moth in San Francisco.

From: Supervisor Ammiano

To: Director, Department of Building Inspections

Requesting/Inquiring:

To Isam Hasenin,

Back in January, my office inquired about some complaints being made by neighbors of 3224-3226 26th Street (at Horace Alley) in the Mission District. The City Attorney's Office had also been receiving emails and letters, complaining of an absurdly overcrowded building that was supposed to be 2 units, but was housing upwards of 40 people. The City Attorney had conducted a Code Enforcement Task Force Inspection on February 22, 2007 and observed people living in illegally built attic units, people living in subdivided apartments, and people living in the basement rooms which were not fit for human habitation. Also observed was an enormous amount of garbage and piles of debris.

Months and months passed after inspection, and we continued to get the complaints from the public, wondering why after the City's inspection, things hadn't improved. And indeed, according to DBI records, things were not improving. Notices of violation were issued April 2, 2007 (work without permits in attic and basement, standing water, refuse accumulation, bars obstructing emergency egress, no smoke detectors, no heat, sanitation, variety of housing code violations) November 27, 2007 (no heat and no hot water), December 19, 2007 (rodents, leaking ceiling, sanitation), an Emergency Order (signed by the Director) was issued December 20, 2007 (lack of gas and water service due to nonpayment), and another NOV on January 31, 2008 (for illegal construction).

As I understand it, the City is now paying the water and gas bills to keep those services on for the tenants because the owners have refused or failed to restore those services. In addition, it is rumored that the property may be headed for foreclosure, and the owners may walk away from it, leaving a building full of tenants, and the City with the utility bills.

Code enforcement between DBI and CAO has historically worked extremely well in cases like this. The City Attorney's Office typically gets court orders requiring immediate abatement, and an award of civil penalties and attorneys fees to ensure the City is properly compensated and the owner deterred from doing this again in the future. It is incomprehensible that this case was not referred to the City Attorney's Office ages ago for litigation to address these issues. If it had, the City might have been able to get court orders against the owners. Now, even if the case is referred to the City Attorney's Office, it is unclear how much they would be able to accomplish in the short run because so much time has passed. Furthermore, by not referring the case sooner, DBI's inexplicable delay only undermines the City's legal case by implying that the conditions aren't as bad as they seem.

Why is DBI not working with the City Attorney on this case, and why has DBI stopped referring cases to the City Attorney for code enforcement violations?

In Memoriams

Maria Martinez - Supervisors Chu, Sandoval, McGoldrick, Mirkarimi

Tommy Toy - Supervisor Chu

Maria Lisa Pizzoli Gilvin - Supervisor Dufty

Enid Ng Lim - Supervisor Peskin

Michael Weller - Supervisor Peskin

Barbara Suzeck - Supervisor Peskin

Linda Bien - Supervisor Peskin

Sister Bernadette Giles - Supervisor McGoldrick

Elmer Johnson - Supervisor Alioto-Pier

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:46 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.

A handwritten signature in black ink, appearing to read "Angela Calvillo", is written over a horizontal line.

Angela Calvillo
Clerk of the Board