BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, April 8, 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

Meeting Days

Wednesday 1:00 PM
1.00 PM
1st and 3rd Thursday 3:30 PM
Ist 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

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 2:04 p.m.

On the call of the roll all members were present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the March 18, 2008 minutes. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

080238 [Appropriating \$261,757,569 of San Francisco Water Revenue Bonds for the San Francisco Public Utilities Commission Water System Improvement Program for Fiscal Year 2007-08] Mayor

Ordinance appropriating \$257,205,000 of San Francisco Water Revenue Bonds, 2006 Series A, and deappropriating \$4,552,569 of Sunol Valley Water System Improvement Projects to support various projects under the Water System Improvement Program (WSIP) in the Public Utilities Commission for FY 2007-08.

(Fiscal Impact.)

Ordinance No. 53-08 FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

City and County of San Francisco

080089 [Suspending Health Code Sections 34.4 and 34.6 of the Healthy Products, Healthy Children Ordinance] Supervisor Alioto-Pier

Ordinance amending the San Francisco Health Code by adding Section 34.10, to suspend Sections 34.4 and 34.6 of the Healthy Products, Healthy Children Ordinance.

Ordinance No. 61-08 FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

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

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

Ordinance No. 65-08 FINALLY PASSED

Recommendation of the Rules Committee

080135 [Settlement of Lawsuit - Mark Chambers]

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

Ordinance No. 62-08 FINALLY PASSED

The foregoing items were acted upon by the following vote:

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

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

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

(Supervisors Elsbernd and Chu dissented in committee.) (Fiscal Impact.)

Ordinance No. 63-08

FINALLY PASSED by the following vote: Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval Noes: 3 - Alioto-Pier, Chu, Elsbernd

Motion to override the Mayor's Veto passed, and approve file No. 080196 by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080299 [Airport Concession Lease with Pacific Gateway Concessions, LLC] Resolution approving the Boarding Area "E" Candy Kiosk Lease between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission) **Resolution No.** 169-08 ADOPTED by the following vote: Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval 080371 [Department of Human Resources contract for implementation of services] Resolution approving the award and execution of a \$13,563,250 29-month contract by the City and County of San Francisco, through its Department of Human Resources, to CIBER, Inc., for implementation services to integrate the City's human resources and payroll functions. (Human Resources Department) (Supervisors Daly and Mirkarimi dissented in committee.) **Resolution No.** 168-08 ADOPTED by the following vote: Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval Noes: 2 - Daly, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

Supervisor Dufty Excused From Voting

Supervisor Chu, seconded by Supervisor McGoldrick, moved to excuse Supervisor Dufty from voting on File Nos. 071001, 071002, and 080319. The motion carried by the following vote:

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

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)

04/08/08 - Amended on page 2, line 6, after the words "Quality Act Findings," by adding the following "and dated April 8, 2008"; further amended on page 2, line 7, by replacing "File 080211" with "File 071001".

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

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

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 Block 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)

PASSED ON FIRST READING AS AMENDED by the following vote:

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

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 Block 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)

PASSED ON FIRST READING by the following vote:

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

Supervisors Daly and Dufty Excused From Voting

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to excuse Supervisors Daly and Dufty from voting on File Nos. 071157 and 071159. The motion carried 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] Supervisors Mirkarimi, 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 fee on new residential development in the Plan Area in addition to the existing inclusionary housing requirements in a per square foot amount of \$8 in the Van Ness Market Special Use District, \$4 in the Neighborhood Commercial Transit (NCT) district, and \$0 in the Transit-Oriented Residential (RTO) district; 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) 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 providing that projects may further exceed FAR limits above a site FAR of 9:1 by paying \$15 per additional gross square foot into the Van Ness and Market Neighborhood Infrastructure Fund; Section 249.34 to establish the 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 \$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 uncodified Section 4 adopting procedures for treatment of historic resources in the Plan

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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 Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. 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 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 fee on new residential development in the Plan Area in addition to the existing inclusionary housing requirements in a per square foot amount of \$8 in the Van Ness Market Special Use District, \$4 in the Neighborhood Commercial Transit (NCT) district, and \$0 in the Transit-Oriented Residential (RTO) district; 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) 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 providing that projects may further exceed FAR limits above a site FAR of 9:1 by paying \$15 per additional gross square foot into the Van Ness and Market Neighborhood Infrastructure Fund; Section 249.34 to establish the 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 \$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 uncodified 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 Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote: Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval Excused: 2 - Daly, Dufty

PASSED ON FIRST READING AS AMENDED by the following vote:

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

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 Elsbernd, 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, Dufty

PASSED ON FIRST READING AS AMENDED by the following vote:

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

071464 [Zoning - Ordinance creating the Excelsior Alcohol Restricted Use District] Supervisors Sandoval, Peskin

Ordinance amending the San Francisco Planning Code by adding Section 785 to create an Excelsior Alcohol Restricted Use District prohibiting new off-sale liquor establishments and providing for a five-year sunset provision; amending Sectional Maps SU 11 and SU 12 of the Zoning Map of the City and County of San Francisco to establish the boundaries of the Excelsior Alcohol Restricted Use District, which generally consist of the blocks and lots fronting both sides of Mission Street from Silver Avenue to the Daly City border; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:

080237 [Zoning -Urgency Ordinance imposing an interim zoning moratorium on enterprises that sell tobacco paraphernalia]

Supervisor Sandoval

Urgency Ordinance imposing an interim zoning moratorium to temporarily prohibit the establishment of new enterprises, subject to specified exceptions, that sell tobacco paraphernalia, as defined, in all Commercial, Mixed Use and Industrial districts for 45 days and making findings, including findings of consistency with the Priority Policies of Planning Code Section 101.1 and environmental findings.

Ordinance No. 64-08

FINALLY PASSED by the following vote:

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

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 857, Lot 1A from 40 feet to 50 feet and to reclassify the Height District for Block 870, Lots and 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.

PASSED ON FIRST READING by the following vote:

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

080210 [Stipulation of Conditional Use authorization or Mandatory Discretionary Review of any permit application to remove dwelling units, where the Planning Code does not already require Conditional Use authorization]

Ordinance amending the Planning Code by adding Section 317 to stipulate Conditional Use or Mandatory Discretionary Review of any Building Permit applications that would eliminate existing dwelling units through mergers, conversions, or demolitions of residential units, and requiring certain affordability and soundness findings, with certain administrative exceptions allowed; making findings as to the need to preserve affordable housing in San Francisco, environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Planning Department)

PASSED ON FIRST READING by the following vote:

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

Supervisor Peskin introduced, welcomed and presented Certificates of Honor to Jeff Gunderson, Stephen Cartright, John Conway, Thomas Hunt, and Alan Brooks in recognition of their efforts in saving the life of a homeless man.

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to the volunteers of Prisoners Literature Project.

Supervisors Elsbernd and Maxwell introduced, welcomed and presented Certificates of Honor to members of the Sacred Heart Cathedral Preparatory Girls Basketball Team and their coach for winning the California State Basketball Championship.

COMMITTEE REPORTS

080263 [Lease of Real Property at 1740 Cesar Chavez Street]

Resolution authorizing a new lease of approximately 7,680 square feet at 1740 Cesar Chavez Street for the Department of Human Resources (DHR) for a term of five years. (Real Estate Department)

(Fiscal Impact.)

Resolution No. 147-08

ADOPTED by the following vote:

PUBLIC COMMENT

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

Abdullah Megaheed; expressed concern with issues relating to the homeless James Chaffee; expressed concern with issues relating to the SF Public Library Male speaker; expressed concern with issues relating to human rights Douglas Holland; expressed concern with issues relating to the homeless Eugene Gordon Jr.; expressed concern with issues relating to human rights Male speaker; expressed concern with various issues Richard Capri, expressed concern with various issues Mr. Saford; expressed concern with issues relating to the homeless Espanola Jackson; expressed concern with issues relating to environmental pollution Mr. Ernest; expressed concern with various issues Male speaker; expressed concern with issues relating to fuel and pollution

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.

080448 [Accept-Expend Grant - Juvenile Probation Department - \$62,500] Supervisor Elsbernd

Resolution authorizing the Juvenile Probation Department to accept and expend a grant in the amount of \$62,500 from the Annie E. Casey Foundation to support juvenile justice reform activities at the Juvenile Probation Department.

Resolution No. 166-08 ADOPTED

080449 [Commending Marc Randall] Supervisor Chu

Resolution commending Marc Randall for his service and leadership in San Francisco through the Recreation and Park Department.

Resolution No. 167-08 ADOPTED 1

080450 [Commending the San Francisco Planning and Urban Research Association on the groundbreaking of SPUR's new Urban Center] Supervisor Sandoval

Resolution commending the San Francisco Planning and Urban Research Association on the groundbreaking of SPUR's new Urban Center.

Resolution No. 170-08 ADOPTED

080426 [Final Map - 4121 Cesar Chavez Street]

Motion approving Final Map 4812, a 6 Unit Residential Condominium Project, located at 4121 Cesar Chavez Street being a subdivision of Lot 052 in Assessors Block No. 6581 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,474; District 8.)

Motion No. M08-64 APPROVED

080427 [Final Map - 2545 Judah Street]

Motion approving Final Map 4628, a Fifteen Unit Residential and Six Unit Commercial Condominium Project, located at 2545 Judah Street being a subdivision of Lot 051 in Assessors Block No. 1823 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,473; District 4.)

Motion No. M08-65 APPROVED

080428 [Final Map - 1798 19th Avenue]

Motion approving Final Map 1747, a Three Residential Unit and Two Commercial Unit Mixed-Use Condominium Project, located at 1798 19th Avenue being a subdivision of Lot 015 in Assessors Block No. 2031 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,472; District 7.)

Motion No. M08-66 APPROVED

The foregoing items were acted upon by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

080477 [Waiver of temporary street space occupancy fee on May 17, 2008 for Small Business Week Sidewalk Sale]

Supervisor Dufty

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 17, 2008 as part of Small Business Week. 4/8/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

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

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

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

080479 [Creating a Public Services Advisory Board] Supervisor Mirkarimi

Ordinance creating a Public Services Advisory Board, comprised of eleven voting members appointed by the Board of Supervisors; requiring the advisory board within eighteen months of its initial meeting to submit a report to the Board of Supervisors on matters pertaining to the performance of public services by private entities; authorizing the advisory board to submit other reports or recommendations to the Board of Supervisors and to communicate with the Board of Supervisors, other government entities, and the public on matters pertaining to public services; and providing for the sunsetting of the advisory board in two years. 4/8/08, RECEIVED AND ASSIGNED to Rules Committee.

080480 [Regulation of Newsracks: Amendment of Space Allocation Provisions of Fixed Pedestal Newsrack Program]

Supervisor Peskin

Ordinance amending Section 184.12 of the San Francisco Public Works Code to provide that priority in allocation of space in fixed pedestal newsracks shall be given to publications that were historically distributed from freestanding newsracks at the locations of the fixed pedestal newsracks and that are published one or more times per week.

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4/8/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/8/2008.

City and County of San Francisco

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

Ordinance authorizing settlement of two lawsuits filed by M-J SF Investments, LLC, against the City and County of San Francisco for \$5,163 in costs to the City and County of San Francisco; the first lawsuit was filed on April 6, 2006, in San Francisco Superior Court, Case No. CGC-06-451001; entitled M-J SF Investments, LLC, et al., v. City and County of San Francisco, et al; the second lawsuit was filed on September 21, 2007, in San Francisco Superior Court, Case No. CPF-07-507496; entitled M-J SF Investments, LLC, et al., v. City and County of San Francisco, et al; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 080481. 4/8/08, RECEIVED AND ASSIGNED to Rules Committee.

080482 [Public Employment - Various City Departments] Supervisor Peskin

Draft ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) to reflect the deletion of various positions with annual salaries exceeding \$150,000 in the City Attorney's Office, the District Attorney's Office, the Department of Public Works, the Department of Telecommunications and Information Services, and the Public Defender's Office.

4/8/08, RECEIVED AND ASSIGNED to Budget and Finance Committee. 04/15/08 - Referred to the City Attorney for approval as to form.

080483 [Preference in Inclusionary Housing for Certificate of Preference Holders] Mayor

Ordinance amending Planning Code Sections 315.4 and 315.5 to provide that individuals who hold certificates of preference from the San Francisco Redevelopment Agency shall receive preference for thirty percent (30%) of the on- and off-site units generated by the Residential Inclusionary Affordable Housing Program; and making findings including findings under the California Environmental Quality Act. 4/8/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/8/2008.

Resolutions

080475 [Presidio Neighborhood Representative Work Group] Supervisor Alioto-Pier

Resolution re-establishing the Presidio Neighborhood Representative Work Group to be comprised of representatives from affected neighborhoods and City Departments. 4/8/08, RECEIVED AND ASSIGNED to Rules Committee.

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

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a threeyear grant in the amount of \$343,000 from the Vitamin Cases Consumer Settlement Fund to support the "Women's Nutritional Awareness Project," for the period of July 1, 2008 through June 30, 2011. 4/8/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

080484 [Sublease of Real Property at 555 Polk Street]

Mayor

Resolution authorizing the sublease of 9,000 square feet of office space in the building located at 555 Polk Street for the Community Justice Center through the Department of Public Health.

(Fiscal Impact.) 4/8/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

080485 [General Obligation Refunding Bonds] Mayor

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

4/8/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

080486 [Recognizing San Jose State University for bringing awareness to the United States Food and Drug Administration's discriminatory policy on blood donations which singles out gay men] Supervisors Sandoval, Ammiano, Dufty

Resolution recognizing San Jose State University for bringing awareness to the United States Food and Drug Administration's discriminatory policy on blood donations which singles out gay men. 4/8/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080487 [Urging the United States Congress to save the Commodity Supplemental Food Program (CSFP), restore the thousands of people cut from the program since 2003, and expand the program to meet the increasing need] Supervisor Dufty

Resolution urging the United States Congress to save the Commodity Supplemental Food Program (CSFP), restore the thousands of people cut from CSFP since 2003, and expand the program to meet the increasing need. 4/8/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080489 [Grant funds to support HIV prevention activities] Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to enter retroactively into an agreement in the amount of \$44,408 with the Public Health Foundation Enterprises (PHFE), the primary contractor, to fund a project entitled "Reducing Sexual Risk among Episodic Substance Using MSM;" for the period of September 30, 2007 through September 29, 2008.

4/8/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080490 [Urging the California Legislature to pass Senate Bill 1066] Supervisors Ammiano, Dufty

Resolution urging the California Legislature to pass Senate Bill 1066 and instructing the City's lobbyist to work toward this goal. This Bill eliminates discrimination based on age and sexual orientation, increases access to employer-provided health insurance for opposite-sex couples, and brings uniformity to domestic partner laws in California.

4/8/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080491 [Supporting an independent analysis of the SFPUC's proposed "Combustion Turbine Peaker Project"] Supervisor Alioto-Pier

Resolution supporting a request for an independent analysis of the SFPUC's proposed "Combustion Turbine Peaker Project" to update the Cal-ISO/SFPUC 2004 Action Plan for San Francisco to a 2008 Action Plan that will include the 400 Megawatts provided by Transbay Cable, improvements in renewable energy technologies, municipal solar projects, transmission and reconductering upgrades and demand response. 4/8/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080492 [Accept-Expend State Grant - Chief of Police - \$65,000] Supervisor Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$65,000.00 (Sixty-Five Thousand dollars) from the California Department of Boating and Waterways to purchase miscellaneous boating equipment for use in boating safety and law enforcement activities.

4/8/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080493 [National Crime Victims' Rights Week - April 13-19, 2008] Supervisor Maxwell

Resolution proclaiming the week of April 13-19, 2008, as National Crime Victims' Rights Week. 4/8/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080494 [1858 Black Exodus to Victoria, British Columbia] Supervisor Maxwell

Resolution expressing profound regret for the 1858 exodus of hundreds of Black residents of San Francisco to Victoria, British Columbia because of the legalized brutality and injustices that were visited upon them based upon such legislation as the 1850 Civil Practices Act, that disqualified Blacks from testifying against whites, the Fugitive Slave Act of 1852 and the proposed Assembly Bill 339 in 1858 that was "An Act to restrict and prevent the immigration to and residence in the State of Negroes and mulattos."

4/8/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080495 [Extending the Asthma Task Force Membership to June 30, 2011] Supervisor Maxwell

Resolution extending the Asthma Task Force Membership to June 30, 2011. 4/8/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

080496 [Supporting a fiscal feasibility study of the SFPUC's proposed "Combustion Turbine Peaker Project"] Supervisor Alioto-Pier

Resolution supporting a fiscal feasibility study of the SFPUC's proposed "Combustion Turbine Peaker Project" as required under Section 29.1(c)(4) of the Administrative Code. 4/8/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

<u>Hearings</u>

080469 [Presidio Fire Station] Supervisor Alioto-Pier

Hearing on the Presidio Fire Station. The hearing will examine the impact of current staffing levels at the Presidio Fire Station on the San Francisco Fire Department. 4/8/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

080470 [Cristo Rey Network] Supervisor Alioto-Pier

Hearing on the Cristo Rey Network. The Cristo Rey Network is a national association of high schools that provide quality, Catholic, college preparatory education to urban young people who live in communities with limited educational options. The hearing would explore the benefits of the Cristo Rey Program with the goal of increasing its presence in San Francisco.

4/8/08, RECEIVED AND ASSIGNED to City and School District Select Committee.

080471 [Protests on the Golden Gate Bridge] Supervisor Alioto-Pier

Hearing on the protests on the Golden Gate Bridge. The hearing will examine how the protesters got on and climbed the cables on the Golden Gate Bridge on Monday, April 7, 2008. 4/8/08, RECEIVED AND ASSIGNED to Rules Committee.

080472 [San Francisco County Transportation Authority] Supervisors Elsbernd, Chu

Hearing on the San Francisco County Transportation Authority's 19th Avenue/Park Presidio Boulevard Transportation Plan Final Report.

4/8/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

080473 [Status Report on the HopeSF Program] Supervisor Maxwell

Hearing to consider an update on the progress and implementation of the HopeSF Program, established to rebuild distressed public housing sites in San Francisco. 4/8/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

080332 [Security Services Contract Approval - Guardsmark LLC- \$21,100,370]

Resolution approving the contract between the City and County of San Francisco and the Guardsmark LLC to provide security services to the Human Services Agency for the period from May 1, 2008 to April 30, 2013, in the amount of \$21,100,370. (Human Services Department)

3/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

3/25/08, ASSIGNED to Budget and Finance Committee.

3/25/08, SUBSTITUTED. Department of Human Services submitted a substitute resolution bearing new title.

Requests Granted

From: Supervisor McGoldrick

To: Controller

Requesting/Inquiring: Submitting a request that the Controller's office surveys the salaries of non-profit organizations executive director salaries, in cases where more than fifty percent of the organization's budget is funded through city funds.

From: Supervisor Elsbernd To: Director, Municipal Transportation Agency Descusting (Insuring Plages study the Semilality of us during the speed lim

Requesting/Inquiring: Please study the feasibility of reducing the speed limit on Lake Merced Blvd. between Winston Avenue and Higuera Street from 45 mph to 35 mph.

From: Supervisor Elsbernd To: Director, Municipal Transportation Agency Requesting/Inquiring: Please study the feasibility of making 16th Avenue a one way street between Funston and Noriega Streets.

From: Supervisor Mirkarimi To: Director, Department of Public Works Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti at the following private property locations: 333 Haight 406-408 Buchanan 536 Fell 406 Buchanan 400 Haight Haight and Scott (the Vangard Real Estate Business) 546 Haight 799 Haight 498 Haight 428 Haight 226 Haight 104 Haight 696 Haight 839 Haight 425-431 Buchanan 383 Grove 385 Grove 432 Grove 200 Octavia 626 Fell Geary and Steiner (the wall on the southwest corner of the walking bride) 451 Hayes 525 Gough 355 Laguna 425-427 Laguna 600 Fell 636 Laguna 363-365 Grove

From: Supervisor Mirkarimi To: Director, Department of Public Works Requesting/Inquiring: Requesting that the Department of Public Works report on the status of repairing potholes at the following locations: Crosswalk collapsing on Fillmore and Waller (south side of Fillmore Street)

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti from the public property located at the following locations: Emergency Boxes:

Northeast corner of Page and Buchanan Southeast corner of Page and Fillmore Southeast corner of Page and Steiner Southwest corner of Steiner and Hayes Southwest corner of Divisadero and Oak

From: Supervisor Alioto-Pier

To: Chief of Fire Department

Requesting/Inquiring: The jurisdiction of the fire station in the Presidio, Ft. Mason and Ft. Baker. The Presidio Fire Station is currently understaffed. As a result the SFFD is often called on to assist the Presidio Fire Department in those locations.

I respectfully request the SFFD provide information on the frequency and cost of providing such assistance since the creation of the Presidio Trust.

<u>In Memoriam</u>

Kathleen Bolton - Supervisors Dufty, Ammiano, Chu Ken Emery - Supervisor Dufty Luis "Al" Solari - Entire Board

ADJOURNMENT

There being no further business the Board adjourned at the hour of 3:40 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 May 13, 2008.

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Angela Calvillo Clerk of the Board