

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, August 12, 2008 2:00 PM

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

Regular Meeting

AARON PESKIN, PRESIDENT

**MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE MCGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL**

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors McGoldrick, Elsbernd, Mirkarimi

City and School District Select Committee

Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar

City Operations and Neighborhood Services Committee

Supervisors Chu, McGoldrick, Elsbernd

Government Audit and Oversight Committee

Supervisors Peskin, Ammiano, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Sandoval, Peskin

Public Safety Committee

Supervisors Mirkarimi, Maxwell, Dufty

Rules Committee

Supervisors Daly, Dufty, Ammiano

Meeting Days

Wednesday
1:00 PM

1st and 3rd Thursday
3:30 PM

1st and 3rd Thursday
1:00 PM

1st and 3rd Monday
10:00 AM

Monday
1:00 PM

2nd and 4th Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

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

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 2:08 p.m. On the call of the roll Supervisors Ammiano and Sandoval were noted absent.

There was a quorum present.

Supervisors Ammiano and Sandoval were noted present at 2:09 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes for July 8, 2008, July 15, 2008, July 16, 2008 and July 22, 2008. The motion carried by the following vote:

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

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

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

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

(Fiscal Impact.)

Ordinance No. 199-08
FINALLY PASSED

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

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

Ordinance No. 203-08**FINALLY PASSED****Recommendation of the Land Use and Economic Development Committee****080478 [Height Map Amendment - Rezoning Block 5323, Lots 13, 14, 14A, 15, 15A And 15B On Third Street And Mendell Street, From A 105-A Height And Bulk Limit To A 55-X Height And Bulk Limit]****Supervisor Maxwell**

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

Ordinance No. 204-08**FINALLY PASSED****The foregoing items were acted upon by the following vote:**

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

REGULAR AGENDA**UNFINISHED BUSINESS****Recommendation of the Budget and Finance Committee**

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

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

Ordinance No. 197-08

FINALLY PASSED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

080592 [Appropriating \$272,515,000 of COP Revenue for the San Francisco Public Utilities Commission Electrical Reliability Power Project for Fiscal Year 2007-2008]
Supervisors Maxwell, Peskin

Ordinance appropriating \$272,515,000 of San Francisco Certificates of Participation 2008 Series B and 2008 Series C to fund the San Francisco Electrical Reliability Project also referred to as the Combustion Turbine projects in the Public Utilities Commission for FY 2007-2008.

(Supervisor Alioto-Pier dissented in committee.)

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

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

080523 [Approving agreements for the development of the City Combustion Turbine Projects at San Francisco International Airport and at 25th and Maryland Streets]
Supervisors Maxwell, Duffy, McGoldrick, Peskin

Ordinance approving agreements necessary for the development of the City Combustion Turbine Projects to be located at North Access Road and Clearwater Drive, San Francisco International Airport, and at Property Adjacent to the MTA Metro East Facility at 25th and Maryland Streets in San Francisco including a turbine upgrade agreement and electric and gas interconnection agreements and granting specified exceptions to the Administrative Code, and making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section. 101.1.

(Supervisor Alioto-Pier dissented in Committee.)

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

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

**080577 [Approving agreements for the development of the City Combustion Turbine Projects at San Francisco International Airport and at 25th and Maryland Streets and adopting environmental findings]
Supervisors Maxwell, Dufty, McGoldrick, Peskin**

Resolution approving agreements necessary for the development of the City Combustion Turbine Projects to be located at North Access Road and Clearwater Drive, San Francisco International Airport, and at Property Adjacent to the MTA Metro East Facility at 25th and Maryland Streets in San Francisco, including a design-build agreement and a power purchase agreement; and approving property agreements, including a jurisdictional transfer of property to accommodate the proposed projects, subject to further agreements among the affected City departments; and making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Resolution be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

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

**080524 [Authorizing the execution and delivery of certificates of participation to finance the San Francisco Combustion Turbine Projects and approving property leases, project leases and a trust agreement in connection therewith]
Supervisors Maxwell, Dufty, McGoldrick, Peskin**

Resolution authorizing the execution and delivery of certificates of participation to finance the acquisition, construction, installation and equipping of natural gas-fired combustion turbine generation facilities on City-owned property located at 25th and Maryland Street in the Potrero neighborhood and at the San Francisco International Airport at the corner of North Access Road and Clearwater Drive; approving the form of a trust agreement between the City and County of San Francisco and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the forms of property leases between the City and the trustee relating to the Potrero site and to the San Francisco International Airport site; approving the forms of project leases between the trustee and the City (including certain indemnities contained therein) relating to each of the two Projects; approving the form of a Memorandum of Understanding between the San Francisco Public Utilities Commission and the City; approving the form of an official notice of sale and notice of intention to sell for the certificates of participation; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; and ratifying previous actions taken in connection therewith.

(Supervisor Alioto-Pier dissented in Committee.)

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Resolution be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

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

Recommendations of the Land Use and Economic Development Committee

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

Ordinance amending the San Francisco Planning Code by adding Section 263.20 to establish special exceptions for heights within the Hunters View Special Use District and the 40/65-X Height and Bulk District, allowing residential buildings with conditional use authorization pursuant to Planning Code Sections 303 and 304 to have a maximum height of 65 feet; adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Ordinance No. 200-08

FINALLY PASSED by the following vote:

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

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

Ordinance amending the San Francisco Planning Code by adding Section 249.39 to establish the Hunters View Special Use District, allowing the subdivision or portions of the site as individual lots to exceed the density of the underlying zoning district and allowing uses that are either principally or conditionally permitted within NC-1 districts to be principally permitted within the special use district; adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Ordinance No. 201-08

FINALLY PASSED by the following vote:

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

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

Ordinance amending the Zoning Maps of the City and County of San Francisco, Sheet HT10, to change the Height and Bulk Designation of Assessor's Block 4624, Lots 3, 4 and 9 and Block 4720, Lot 27 from 40-X to 40/65-X, Sheet ZN10, to change the Zoning Use Districts of Block 4720, Lot 27 from RH-2, NC-2 and M-1 to RM-1, and Sheet SU10, to designate Assessor's Block 4624, Lots 3, 4 and 9 and Block 4720, Lot 27 with the Hunters View Special Use District; adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Ordinance No. 202-08

FINALLY PASSED by the following vote:

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

From the Land Use and Economic Development Committee Without Recommendation

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

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

Ordinance No. 198-08

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080656 [Public Employment and Accept-Expend Federal Grant - Amendment to the Annual Salary Ordinance, FY 2008-2009. Mayor's Summer Food Service Program and After School Snack Program - 2008 - \$950,710]

Supervisor Maxwell

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of one position (0.40 FTE) 9774 Sr. Community Development Specialist, one position (0.40 FTE) 1840 Jr. Management Assistant, and thirteen positions (1.04 FTE) 9910 Public Service Trainee in the Department of Children, Youth and Families (CHF), and authorizing the department to accept and expend a grant in the amount of \$950,710, currently and retroactively, if necessary, from the United States Department of Agriculture to sponsor the 2008 Mayor's Summer Food Program and the After School Snack Program.

PASSED ON FIRST READING by the following vote:

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

080957 [WSIP Agreement No. CS-913, Bay Tunnel Project Construction Management Services]

Resolution authorizing the General Manager of the Public Utilities Commission to execute a professional services agreement with Jacobs Engineering for an amount not to exceed \$18,000,000 to provide construction management services for the Bay Tunnel Project. (Public Utilities Commission)

(Fiscal Impact.)

Resolution No. 368-08

ADOPTED by the following vote:

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

- 081023 [Board Review and Approval of 2008 U.S. Department of Housing and Urban Development Continuum of Care Programs Application]**
Resolution approving the City and County of San Francisco 2008 grant Application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors review and approval process for all annual or otherwise recurring grants of \$5,000,000 or more. (Human Services Department)
- (Fiscal Impact.)
- Resolution No. 373-08**
ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
- 081017 [Supporting full funding of Proposition 42 in the FY 2008-09 California State Budget]**
Mayor
- Resolution urging the California State Legislature to fully fund Proposition 42 as proposed by the Governor in the Fiscal Year 2008-09 California State Budget and supported by the Budget Conference Committee.
- Resolution No. 370-08**
ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
- 081003 [Approval of Agreement between the City and County of San Francisco and Cubic Transportation Systems, Inc. for Farebox System Rehabilitation and Upgrades, for a contract term of twenty-six (26) months and an amount not-to-exceed \$19,000,000]**
Supervisor Dufty
- Resolution approving the Agreement between the City and County of San Francisco, through the San Francisco Municipal Transportation Agency, and Cubic Transportation Systems, Inc. for Fare System Rehabilitation and Upgrades Project.
- (Fiscal Impact.)
- Resolution No. 366-08**
ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
- 081035 [Agreement with Cypress Security LLC. for Armed and Unarmed Security Guard Services]**
Supervisor Dufty
- Resolution authorizing a three year agreement, with option to renew for up to an additional three years, with Cypress Security LLC. for an amount not to exceed \$15.8 million.
- (Fiscal Impact.)
- Resolution No. 372-08**
ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081037 [Multifamily Housing Revenue Bonds - Zygmunt Arendt House]
Supervisor Mirkarimi**

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds (as defined herein) in an aggregate principal amount not to exceed \$10,500,000 for the purpose of providing financing for a multifamily rental housing project to be known as Zygmunt Arendt House; approving the form of and authorizing the execution of a trust indenture providing the terms and conditions of the Bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; ratifying and approving any action heretofore taken in connection with the Bonds and the project; and granting general authority to City officials to take actions necessary to implement this Resolution.

Resolution No. 374-08

ADOPTED by the following vote:

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

**081059 [Acceptance of State Grant Funds, Department of Public Works - \$450,000]
Supervisor McGoldrick**

Resolution authorizing the Department of Public Works to accept and expend state Transportation Development Act (TDA) Article 3 funds totaling \$450,000 for FY 2008-09 for various pedestrian projects in the City and County of San Francisco.

Resolution No. 375-08

ADOPTED by the following vote:

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

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

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

Resolution No. 376-08

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

**080731 [Revocation of Permit for U.N. Plaza Collectible/Antiques Market]
Mayor**

Resolution revoking the permit for a collectible/antiques market at U.N. Plaza.

Resolution No. 363-08

ADOPTED by the following vote:

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

Recommendations of the Land Use and Economic Development Committee

080856 [Mission Bay South-Acceptance of Land and Improvements on Third Street for Blocks 17, 20 and 23]
Ordinance accepting the Mission Bay Blocks 17, 20, 23 Public Improvements-Phase 1; approving the dedication of the strip of land 5.00 feet in width, along the west side of Third Street for right-of-way purposes; designating street grades and sidewalk widths; accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 177,603; and authorizing official acts in connection with this ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:

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

080857 [Mission Bay South-Acceptance of Land and Improvements for the 7th and 16th Street Intersection]
Ordinance accepting the dedication for public street and roadway purposes of the two (2) portions of properties adjacent to 16th Street and accepting the irrevocable offer for the 7th and 16th Street Intersection Infrastructure Improvements; designating street grades and accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 177,604; and authorizing official acts in connection with this ordinance. (Public Works Department)

PASSED ON FIRST READING by the following vote:

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

Recess

The Board recessed at the hour of 2:56 p.m.

Reconvening of the Board

The Board, at the hour of 3:33 p.m. reconvened.

Calling the Roll

On call of the roll, the following Supervisors were noted present: Supervisors Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval - 11

Quorum present.

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

Privilege of the Floor

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

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

Supervisor Peskin welcomed, introduced, and presented Certificates of Honor to dignitaries visiting from Azerbaijan.

Supervisor Peskin welcomed, introduced, and presented Certificates of Honor to members of the Ballot Simplification Committee.

Supervisor Peskin welcomed friends of Nate Ratner in the dedication of a bench to be named in honor of Nate Ratner. Judge Quentin L. Kopp, Steve Cornell and Caroline Marks spoke in appreciation of this honor for Nate Ratner. Supervisor Peskin presented a Certificate of Honor to the friends of Nate Ratner.

SPECIAL ORDER 3:30 P.M

Supervisor Ammiano was noted absent at 4:05 p.m.

Supervisor Sandoval was noted absent at 4:20 p.m.

Supervisor Sandoval was noted present at 4:33 p.m.

080888 [Public Hearing - Appeal of Tentative Final Map for 1420 Turk/1535 Eddy Streets]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated June 5, 2008, disapproving a proposed Tentative Final Map for a 325 unit residential condominium located at 1420 Turk Street and 1535 Eddy Street, Lot 019 in Assessor's Block 0750. (Appellant: Timothy A. Tosta)

(Filed June 16, 2008; companion measure to Files 080889, 080890, 080891; District 5.)

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

Tim Tosta, Attorney for the appellant

Bruce Storrs, Department of Public Works Representative, AnMarie Rodgers, Planning Department Representative and Jim Morales, Attorney for the Redevelopment Agency, reviewed with the Board their recommendations.

Rebuttal Period: Tim Tosta, Attorney for the appellant

The President declared the public hearing closed.

FILED.

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

- 080889 [Approving the decision of the Director of Public Works and disapproving the Tentative Final Map for 1420 Turk Street and 1535 Eddy Street]**
Motion approving the decision of the Director of Public Works and disapproving the Tentative Final Map for a 325-unit condominium subdivision located at 1420 Turk Street and 1535 Eddy Street, Assessor's Block 0750, Lot 019. (Clerk of the Board)
- Motion No.** M08-129
Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:
Ayes: 7 - Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 2 - Ammiano, Sandoval
- 080890 [Disapproving the decision of the Director of Public Works and approving the Tentative Final Map for 1420 Turk Street and 1535 Eddy Street]**
Motion disapproving the decision of the Director of Public Works and approving the Tentative Final Map for a 325-unit condominium subdivision located at 1420 Turk Street and 1535 Eddy Street, Assessor's Block 0750, Lot 019. (Clerk of the Board)
- Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:**
Ayes: 7 - Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 2 - Ammiano, Sandoval
- 080891 [Findings - 1420 Turk Street and 1535 Eddy Street]**
Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Final Map for a 325-unit condominium subdivision located at 1420 Turk Street and 1535 Eddy Street, Assessor's Block 0750, Lot 019. (Clerk of the Board)
- Motion No.** M08-130
Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:
Ayes: 7 - Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 2 - Ammiano, Sandoval

SPECIAL ORDER 3:30 P.M.

- 080892 [Public Hearing - Appeal of Tentative Final Map for 1345 Fillmore Street]**
Hearing of persons interested in or objecting to the decision of the Department of Public Works dated June 5, 2008, disapproving a proposed Tentative Final Map for a 330 unit residential condominium located at 1345 Fillmore Street, Lots 018, 20 through 67, in Assessor's Block 0731. (Appellant: Timothy A. Tosta)
- (Filed June 16, 2008; Companion measure to Files 080893, 080894, 080895; District 5.)
- The President inquired as to whether any member of the public wished to address the Board members.*
Appellant
Bruce Storrs, Department of Public Works Representative and AnMarie Rodgers, Planning Department Representative, reviewed with the Board members their recommendations.
- The President declared the public hearing closed.*
FILED.

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

080893 [Approving the decision of the Director of Public Works and disapproving the Tentative Final Map for 1345 Fillmore Street]

Motion approving the decision of the Director of Public Works and disapproving the Tentative Final Map for a 330-unit condominium subdivision located at 1345 Fillmore Street, Assessor's Block 0731, Lots 018 and 20 through 67. (Clerk of the Board)

Motion No. M08-131

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

Ayes: 7 - Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 2 - Ammiano, Sandoval

080894 [Disapproving the decision of the Director of Public Works and approving the Tentative Final Map for 1345 Fillmore Street]

Motion disapproving the decision of the Director of Public Works and approving the Tentative Final Map for a 330-unit condominium subdivision located at 1345 Fillmore Street, Assessor's Block 0731, Lots 018 and 20 through 67. (Clerk of the Board)

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

Ayes: 7 - Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 2 - Ammiano, Sandoval

080895 [Findings - 1345 Fillmore Street Tentative Final Map]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Final Map for a 330-unit condominium subdivision located at 1345 Fillmore Street, Assessor's Block 0731, Lots 018 and 20 through 67. (Clerk of the Board)

Motion No. M08-132

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

Ayes: 7 - Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Alioto-Pier, Elsbernd
Absent: 2 - Ammiano, Sandoval

SPECIAL ORDER 3:30 P.M.

081042 [Public Hearing - Appeal of Tentative Parcel Map for 628-632 Steiner Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated July 14, 2008, disapproving a Tentative Parcel Map for a 3-unit condominium conversion project located at 628-632 Steiner Street, Assessor's Block 0822, Lot 024. (Appellant: Alain Calefas)

(Filed July 22, 2008; companion measure to Files 081043, 081044, 081045; District 5.)

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

Bruce Storrs, Department of Public Works Representative and AnMarie Rodgers, Planning Department Representative, reviewed with the Board members their recommendations.

The President declared the public hearing closed.

FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Parcel Map 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.)

081043 [Approving the decision of the Director of Public Works and disapproving the Tentative Parcel Map for 628-632 Steiner Street]

Motion approving the decision of the Director of Public Works and disapproving the Tentative Parcel Map for a 3-unit condominium conversion subdivision located at 628-632 Steiner Street, Assessor's Block 0822, Lot 024.

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

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

081044 [Disapproving the decision of the Director of Public Works and approving the Tentative Parcel Map for 628-632 Steiner Street]

Motion disapproving the decision of the Director of Public Works and approving the Tentative Parcel Map for a 3-unit condominium conversion subdivision located at 628-632 Steiner Street, Assessor's Block 0822, Lot 024.

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

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

Motion No. M08-133

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

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

081045 [Findings - 628-632 Steiner Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Parcel Map for a 3-unit condominium conversion subdivision located at 628-632 Steiner Street, Assessor's Block 0822, Lot 024.

Motion No. M08-134

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

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

SPECIAL ORDER 4:00 P.M.**080927 [Public Hearing - Appeal of Mitigated Negative Declaration - 300 Grant Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department adopted and issued on June 12, 2008, approving a Mitigated Negative Declaration (File Number 2004.1245E) for the proposed development at 300 Grant Avenue. The proposal would demolish two commercial buildings, construct a new, 111,000 gross square-foot, 10-story, mixed-use building containing approximately 45 dwelling units, below-grade parking and ground floor and second floor retail on two lots (Lots 13 and 14, Assessor's Block 0287) in the C-3-R (Downtown Retail) district within the Kearny-Market-Mason-Sutter Conservation District. (Appellant: Sue C. Hestor on behalf of Alan and Paola Habegger, David Anders and Kenneth and Anna Zankel, residents of The Landmark at 333 Grant Avenue)

(Filed 7/2/08; companion measure to 080928, 080929, 080930; District 3.)

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

Sue Hestor, Attorney for the appellant

Nannie Turrell and Adam Light, Planning Department Representatives, reviewed with the Board members their recommendation.

Al Habegger; Appellant

Female speaker; support of the appellant

Shelba Campbell, Project sponsor manager

Vincent Marsh; support of the project sponsor

Kenneth Coleman; support of the project sponsor

Rebuttal Period: Sue Hestor, Attorney for the appellant

President declared the public hearing closed.

FILED.

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

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

- 080928 [Affirm adoption of the mitigated negative declaration for the 300 Grant Avenue project]**
Motion affirming Planning Commission adoption of the final mitigated negative declaration for the 300 Grant Avenue project. (Clerk of the Board)
Motion No. M08-135
Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:
Ayes: 8 - Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Absent: 2 - Ammiano, Maxwell
- 080929 [Reversing adoption of the mitigated negative declaration for the 300 Grant Avenue project]**
Motion reversing the Planning Commission adoption of the final mitigated negative declaration for the 300 Grant Avenue project. (Clerk of the Board)
Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 8 - Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Absent: 2 - Ammiano, Maxwell
- 080930 [Preparation of findings to reverse adoption of the mitigated negative declaration for the 300 Grant Avenue project]**
Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for the 300 Grant Avenue project. (Clerk of the Board)
Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 8 - Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Absent: 2 - Ammiano, Maxwell

COMMITTEE REPORTS

- 080936 [Reappointment, Planning Commission - Michael Antonini]**
Motion approving the Mayor's reappointment of Michael Antonini to the Planning Commission term ending July 1, 2012. (Mayor)
- (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 080937. Transmittal date – July 8, 2008.)
- Motion No.** M08-136
APPROVED by the following vote:
Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Ammiano, Daly

080937 [Reappointment, Planning Commission - Michael Antonini]

Motion rejecting the Mayor's reappointment of Michael Antonini to the Planning Commission term ending July 1, 2012. (Mayor)

(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 080936. Transmittal date – July 8, 2008.)

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

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

080938 [Reappointment, Planning Commission - Ron Miguel]

Motion approving the Mayor's reappointment of Ron Miguel to the Planning Commission term ending July 1, 2012. (Mayor)

(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 080939. Transmittal date – July 8, 2008.)

Motion No. M08-137

APPROVED by the following vote:

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

080886 [Changing the name of the Department of Telecommunications and Information Services to the Department of Technology]

Mayor

Ordinance changing the name of the Department of Telecommunications and Information Services to the Department of Technology, and amending San Francisco Administrative Code Sections 11.84, 11.85, 11.86, and 11.88, to implement the name change.

PASSED ON FIRST READING by the following vote:

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

**080019 [Implementing the Controller's Whistleblower Program]
Supervisors Mirkarimi, Dufty**

Ordinance amending the Campaign and Governmental Conduct Code by amending Sections 4.100 and 4.115 and adding Sections 4.107 and 4.123 to implement the provisions of Charter Appendix F1.107 for the operation of the Controller's Whistleblower Program, to protect the confidentiality of whistleblowers and the investigation of complaints, and to provide protection from retaliation, and repealing Section 4.125 and adding a new Section 4.125 to prohibit the furnishing of false information in, and require cooperation with, whistleblower investigations conducted by the Controller or any other officer or department. (Controller)

PASSED ON FIRST READING by the following vote:

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

**080272 [Requiring registered lobbyists to wear identification badges when making lobbying contacts]
Supervisor Daly**

Ordinance amending Chapter 1 of Article II of the Campaign and Governmental Conduct Code by adding section 2.113 to require registered lobbyists to wear identification badges distributed by the Ethics Commission when making lobbying contacts.

(8/7/08, Supervisor Dufty dissenting in committee).

NOT PASSED ON FIRST READING by the following vote:

Ayes: 4 - Ammiano, Daly, Mirkarimi, Peskin

Noes: 7 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Sandoval

**080564 [Establishing a Reentry Council]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Sections 5.1-1 through 5.1-6 to: establish a Reentry Council; set forth the Council's purpose, powers and duties; and establish membership criteria.

PASSED ON FIRST READING by the following vote:

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

080985 [Appointment, Public Utilities Commission - Francesca Vietor]

Motion confirming the Mayor's appointment of Francesca Vietor to the Public Utilities Commission, Seat 1, for the term ending August 1, 2012. (Mayor)

Motion No. M08-138

APPROVED by the following vote:

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

**081053 [Accept-expend gift - \$100,000]
Supervisor Chu**

Resolution authorizing the Department of Public Works (DPW) to accept a gift in the amount of \$100,000 from American Express to plant approximately 1,000 trees on Sunset Boulevard allowing the use of the City's corporate seal under certain conditions, and allowing the Director of Public Works to sign an agreement that includes provisions for alternative dispute resolution.

(Supervisor McGoldrick dissented in Committee.)

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

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

Resolution No. 371-08

ADOPTED AS AMENDED by the following vote:

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

081026 [Approval of the 12-month cost extension application for HIV prevention projects for 2008 - \$8,800,000]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to submit a 12-month cost extension application in order to continue to receive funding for the HIV prevention projects grant from the Centers for Disease Control and Prevention (CDC); in the amount of approximately \$8,800,000 in HIV prevention funding for San Francisco, extending the project period from December 31, 2008 to December 31, 2009. (Public Health Department)

Resolution No. 377-08

ADOPTED by the following vote:

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

081054 [Grant to support the Peer Provider Project - \$225,000]

Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively funds from the California Wellness Foundation in the amount of \$225,000 to support the Peer Provider Project, including a contract with Huckleberry Youth Programs in the total amount of \$59,400; for the period of July 1, 2008 through June 30, 2011.

Resolution No. 378-08

ADOPTED by the following vote:

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

081063 [Accept-expend state grant, Mayor's Office of Criminal Justice (MOCJ) - \$2,294,774]

Supervisor Elsbernd

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend funds in the amount of \$2,294,774 from the State Corrections Standards Authority (CSA), from funds made available under Senate Bill 736 – known as the Juvenile Justice Crime Prevention Act (JJCPA) – for programs and approaches that have been demonstrated to be effective in reducing delinquency, for the period of July 1, 2008 to June 30, 2009.

Resolution No. 379-08

ADOPTED by the following vote:

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

081064 [Accept-expend state grant, Mayor's Office of Criminal Justice (MOCJ) - \$100,583]

Supervisor Elsbernd

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend a grant in the amount of \$100,583 from the State Corrections Standards Authority for the purposes of implementing local juvenile justice accountability measures through the Juvenile Accountability Block Grant (JABG).

Resolution No. 380-08

ADOPTED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

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

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

Daniel; expressed concern with issues relating to the Police Commission and the Office Citizen Complaints and the SF Police Department

Peter Warfield; expressed concern with issues relating to the SF Public Library and the Library fees

SF State student; support of new power source

Lisa Gomes; expressed concern with issues relating to the Tenderloin area and the violence which occurs and the need to redevelop this area

Brent Turner; expressed support of the mock elections currently conducted in San Francisco

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.

**081104 [Urging the Recreation and Park Department to re-install park benches in Civic Center Plaza]
Supervisor Maxwell**

Resolution urging the prioritization of resources to re-install park benches in Civic Center Plaza.

Resolution No. 365-08

ADOPTED

**081105 [Opposing fiscally irresponsible State budget decisions]
Supervisor Maxwell**

Resolution opposing fiscally irresponsible State budget decisions that would "borrow" local government, redevelopment and transportation funds.

Resolution No. 367-08

ADOPTED

- 081106 [Urging the Recreation and Park Commission to beautify, landscape, and improve the neglected lot on the southwest end of McLaren Park]
Supervisor Maxwell

Resolution urging the prioritization of resources to beautify and improve the neglected and blighted southwest corner of McLaren Park, opposite the Sunnydale Public Housing Complex.

Resolution No. 364-08

ADOPTED

The foregoing items were acted upon by the following vote:

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

IMPERATIVE AGENDA

- 081113 [Celebrating twelve-and-a-half years of Trannyshack at Stud Bar]
Supervisor Dufty

Resolution celebrating twelve-and-a-half years of Trannyshack at Stud Bar.

Resolution No. 369-08

ADOPTED by the following vote:

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

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved ADOPTION of the purely Commendatory finding. The motion carried by the following vote:

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

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

OFF-AGENDA LEGISLATION

Ordinances

**081117 [Zoning - Interim Moratorium on Conversion of Residential Rental Units to Student Housing]
Supervisor Daly**

Urgency Ordinance imposing an interim zoning moratorium on the conversion of residential rental units to student housing for 45 days and making required findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1.

8/12/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**081118 [Anti-Blight Ordinance]
Supervisor Sandoval**

Draft ordinance amending the San Francisco Administrative Code by adding Chapter 81, Sections 81.1 through 81.10, to establish a uniform procedure for enforcement of blight-related provisions of existing municipal code sections and to provide for: additional definition of blight conditions subject to enforcement, administrative penalties for failure to abate blight, summary abatement for certain blighted conditions, an administrative process for contesting the Director's declaration of blight, and civil penalties and injunctive remedies for continuing violations; and making environmental findings.

8/12/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/11/2008.

**081119 [Noise Control Ordinance]
Supervisor Ammiano**

Ordinance amending the San Francisco Police Code by amending Sections 2901, 2902, 2904, 2907, 2908, 2909, 2910, 2916, and 2917, repealing Sections 2903, 2906, 2911, 2912, 2913, 2914, 2915, and 2918, and adding new Sections 2912, 2918, 2920, 2922, 2924, and 2926, to revise the City's noise control regulations, add administrative penalties, and create a noise task force.

8/12/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 9/11/2008.

**081120 [Ordering vacation of the Ingleside Path]
Supervisor Elsbernd**

Ordinance ordering the vacation of the Ingleside Path right-of-way between Ocean Avenue and Corona Street and Urbano and Head Streets subject to reservations of certain utility easements in the vacated area; authorizing the quit claim of the City's interest in the vacated right-of-way pursuant to the terms of the conveyancing documents; declaring such paths abandoned; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the priority policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance.

8/12/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**081121 [Accept-expend state grant and amend Annual Salary Ordinance, FY 2008-09 - \$400,000]
Supervisors Elsbernd, Dufty**

Ordinance authorizing the Mayor's Office of Criminal Justice to retroactively accept and expend a grant in the amount of \$400,000 from the California Governor's Office of Emergency Services (OES) for gang violence reduction activities, and amending the Annual Salary Ordinance (ASO) to provide for the creation of certain grant funded positions.

8/12/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**081124 [Prohibiting advertisements for alcoholic beverages on City property]
Supervisor Mirkarimi**

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

8/12/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 9/11/2008.

**081125 [Promoting and Sustaining Music and Culture in San Francisco]
Supervisor Mirkarimi**

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

8/12/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/11/2008.

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

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

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

08/12/08 - Referred to Planning for determination of environmental impact. 08/18/08 - Response received from Planning, exempt from CEQA.

8/12/08, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

8/12/08, ASSIGNED to Budget and Finance Committee.

**080438 [Prohibiting smoking in enclosed areas, certain unenclosed areas, and sports stadiums]
Supervisor Daly**

Ordinance updating findings based on recent studies; amending San Francisco Health Code Sections 1009.20, 1009.21, 1009.22, 1009.23, 1009.25, and 1009.81, and adding Sections 1009.26, 1009.27, 1009.28, and 1009.29, to prohibit smoking in 1) business establishments and bars regardless of whether owner-operated, 2) common areas of multi-unit housing complexes, 3) tourist lodging facilities, 4) tobacco shops, 5) charity bingo games, 6) taxicabs and other motor vehicles for hire, 7) unenclosed dining areas of restaurants, 8) service waiting areas, 9) areas within twenty feet of entrances to private, nonresidential buildings, 10) farmers markets, and 11) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas, defining secondhand smoke from a business establishment located in a mixed-use residential and commercial building as a nuisance; adding administrative procedures and penalties; deleting criminal penalties; adding provisions for cost recovery and liens; adding provisions for private enforcement of the ordinance, and making conforming changes in the Police Code by repealing Sections 53, 53.1, and 1098, and in the Health Code by repealing Section 1009.24.

4/1/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 5/1/2008.

4/9/08, REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation.

6/19/08, RESPONSE RECEIVED. The Small Business Commission transmitted a list of its recommended amendments to the proposed ordinance.

8/12/08, CALLED FROM COMMITTEE.

**080696 [Zoning - New Controls for the North Beach Neighborhood Commercial District, to Limit the Establishment of New Bars and Restaurants and Preserve Basic Neighborhood Services]
Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by adding new Section 780.3, to create the North Beach Special Use District; amending Section 781.6, to include Limited Financial Services and Business or Professional Services in the North Beach Financial Subdistrict; amending Section 722.1 and the Zoning Control Table in Section 722 to reflect the new controls for the North Beach Neighborhood Commercial District, including limiting the establishment of new bars and restaurants in the North Beach Neighborhood Commercial District in locations occupied by basic neighborhood sales or services, allowing restaurants to obtain liquor licenses if they operate as bona-fide eating places, and prohibiting the establishment of new automated bank teller machines; adding new Section 790.93, to create the new zoning category of Specialty Food, Self-Service; adding new Section 790.142, to create a new definition of Bona Fide Eating Place; amending Section 790.102 to allow general grocery stores to occupy less than 5,000 gross square feet, to modify the definition of specialty grocery stores, and to clarify that off-sale beer, wine and liquor sales are allowed within accessory limits in general and specialty grocery stores; amending Sections 790.34, 790.55, 790.90, 790.91, 780.1, 312, 303, 218.2, 703.2, 803.2, 803.3, 121.2, and 186.1, to reflect the changes created by the new Sections 790.93, 790.102, and 790.142, and to make conforming amendments; amending Sections 710.1, 711.1, 712.1, 713.1, 714.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 722.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 730.1, 731.1, 732.1, 733.1, to refer to new Section 790.93; amending the Special Use District Map SU1 of the Zoning Map of the City and County of San Francisco, to refer to the new North Beach Special Use District and to reflect the amendments and new boundaries of the North Beach Financial Service, Limited Financial Service, And Business Or Professional Service Subdistrict; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

5/20/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/19/2008.

5/30/08, REFERRED TO DEPARTMENT. Referred to City Attorney to approve as to form.

6/17/08, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

6/17/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/19/2008.

6/27/08, REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation.

Referred to Planning Department for environmental review and Planning Commission for review and comment.

8/6/08, RESPONSE RECEIVED. Planning Department - Not a project pursuant to Section 15060(c)(3) of the CEQA Guidelines.

8/12/08, SUBSTITUTED. Supervisor Peskin submitted substitute ordinance bearing new title.

8/12/08, ASSIGNED to Land Use and Economic Development Committee.

Resolutions

**081122 [Vacation of the Ingleside Path]
Supervisor Elsbernd**

Resolution declaring the intention of the Board of Supervisors to vacate the Ingleside Path right-of-way between Ocean Avenue and Corona Street and Urbano and Head Streets; setting the hearing date for all persons interested in the proposed vacation of the street area; and adopting environmental findings and findings that the vacation is consistent with the City's General Plan and the eight priority policies of Planning Code Section 101.1.

8/12/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**081127 [PG&E rate increases]
Supervisors Peskin, Dufty**

Resolution establishing the City's support for affordable rates for PG&E customers and directing the City Attorney and the Public Utilities Commission to participate in PG&E rate proceedings to advocate for reasonable rates.

8/12/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**081128 [FY 2008-2009 California Constitution Appropriations Limit]
Supervisor Peskin**

Resolution establishing the appropriations limit for Fiscal Year 2008-09 pursuant to California Constitution Article XIII B.

8/12/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**081129 [90 day extension for Planning Commission review - Mission/Bernal Formula Retail Restricted Use Subdistrict]
Supervisor Ammiano**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance amending the San Francisco Planning Code by adding Section 785 to establish the Mission/Bernal Formula Retail Restricted Use Subdistrict and to amend Section 703.3 to prohibit formula retail uses in the Mission/Bernal Formula Retail Restricted Use Subdistrict; amending Sectional Maps SU 07 and SU 11 of the Zoning Map of the City and County of San Francisco to establish the boundaries of the Mission/Bernal Formula Retail Restricted Use Subdistrict; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

8/12/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**081130 [Accept-Expend Federal/State Pass Through Grant - \$11,828]
Supervisors Chu, Dufty**

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of \$11,828 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education.

8/12/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**081131 [Commending Breakthrough Collaborative]
Supervisor Daly**

Resolution commending Breakthrough Collaborative for their work to increase educational opportunities for high-potential, disadvantaged middle school students and inspired gifted college and high school students to pursue careers in education.

8/12/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**081132 [Accept-Expend State grants for food and agricultural projects - \$6,808.90]
Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend three grants totaling \$6,808.90, two from the California Department of Food and Agriculture (CDFA) and one from the California Department of Pesticide Regulation (CDPR); for the period of July 1, 2008 through June 30, 2009.

8/12/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Hearings

**081114 [Hearing - Homicides in the Excelsior]
Supervisor Sandoval**

Hearing to discuss the Police Department's response to the recent homicides in the Excelsior and address additional Police Department resources being deployed.

8/12/08, RECEIVED AND ASSIGNED to Public Safety Committee. Sponsor requests hearing to be scheduled within 30 days from August, 12, 2008.

**081115 [Hearing - Communities of Opportunity (COO) Program]
Supervisor Maxwell**

Hearing on the Communities of Opportunity (COO) program. The hearing would inform and educate the Board regarding the successes and challenges of the work and overall strategy.

8/12/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee. Sponsor requests hearing to be scheduled in City Operations & Neighborhood Services Committee for its first session in September.

**081116 [Hearing - Presidio Neighborhood Representative Work Group Report]
Supervisor Alioto-Pier**

Hearing on the Presidio Neighborhood Work Group. Per Resolution 258-08, the Presidio Neighborhood Work Group was established to develop comments on the Presidio Trust Management Plan and Supplemental Environmental Impact Report and to develop a report on the planning actions by the Presidio Trust.

8/12/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

PROPOSED ORDINANCES

081074 [Changing the official sidewalk width - Harrison Street]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1581 to change the official sidewalk width on the north side of Harrison Street east of Fourth 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. (Public Works Department)

7/31/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

081078 [Personal Wireless Service Facilities Site Permits]

Ordinance amending the San Francisco Administrative Code by amending section 11.9 to: (1) establish new standards for review by the Planning Department and the Recreation and Park Department of applications for personal wireless service facilities site permits; (2) establish the right to protest the grant or denial of applications for personal wireless service facilities site permits; (3) authorize the Department of Public Works to establish certain requirements for all applications for personal wireless service facilities site permits; (4) change certain fees applicable to personal wireless service facilities site permits; (5) extend the term of personal wireless service facilities site permits; and (6) make specified technical changes to the application process and requirements for personal wireless service facilities site permits. (Public Works Department) 8/4/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/11/2008. 9/11/08 - Submitted fee ad for publication on 9/13 and 9/20/08.

PROPOSED RESOLUTIONS**081071 [Approval of CPMC Lease Termination Agreement at One South Van Ness Avenue]**

Resolution approving a Lease Termination Agreement between the City, as landlord, and CPMC, as tenant, for approximately 127,638 square feet of office space on the 4th and 8th floors of One South Van Ness Avenue, and the subsequent occupancy of the 4th floor space by the Department of Human Resources and the 8th floor space by the Municipal Transportation Agency. (Real Estate Department)

(Fiscal Impact.)

7/28/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081072 [Authorizing the Sheriff to execute contracts with the State and accept and expend funds associated with a Secure Reentry Program Facility]

Resolution authorizing the Sheriff's Department to execute contracts with the California Department of Corrections and Rehabilitation (CDCR) and accept and expend funds associated with the contracts. The purpose of the contract is to establish a pilot San Francisco County Secure Reentry Program Facility (SRPF) that will provide up to 12 months of intensive, in-custody evidence based reentry programming which will address the offender's underlying employment, mental health and substance abuse issues. This will be followed by 12 months of accountability based out-of-custody reentry programming. (Sheriff)

7/30/08, RECEIVED AND ASSIGNED to Public Safety Committee.

081073 [Approving Modification to the Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy]

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Modification to the Cooperative Agreement with the U.S. Navy to extend the Cooperative Agreement from October 1, 2008 to September 30, 2009. (Treasure Island Development Authority)

(Fiscal Impact.)

7/31/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081075 [Airport Concession Lease]

Resolution approving the Boarding Area "F" Pharmacy, Health and Beauty Store Lease between Harmony Pharmacy and Health Center, Inc. and the City and County of San Francisco, acting by and through its Airport Commission.

8/1/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081077 [Approval of Mental Health Services Act (MHSA) FY08-09 Annual Community Services and Supports Plan Update]

Resolution authorizing adoption of the Mental Health Services Act Fiscal Year 2008-2009 Annual Community Services and Supports (CSS) Plan Update and modification of Contract No. 07-77338-000 to include this Annual Update in the agreement. (Public Health Department)

8/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081079 [Amendment to leases of Real Property at 3120 Mission and 3425 Cesar Chavez Streets]

Resolution authorizing the Amendment to leases at 3120 Mission and 3425 Cesar Chavez Streets for the Department of Human Services. (Real Estate Department)

(Fiscal Impact.)

8/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor McGoldrick

To: City Attorney

Requesting/Inquiring: Requesting that the City Attorney draft a Charter Amendment to prohibit the use of MUNI's funds for staff positions in the Mayor's Office.

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:

299 Webster

1801 Fulton

237 Scott

1052 Oak

501 Fell

480 Fell

214 Pierce

510 Steiner

1351 Fulton

485 Scott

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Phone Switch Boxes

Southwest corner of Fell near Divisadero

Southeast corner of Broderick and McAllister

Northeast corner of Oak and Broderick

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

Wood

1680 Fulton

Fire Box

Southeast corner of Fulton and Scott

Metal Poles

Northwest corner of Divisadero and Golden Gate

Northwest corner of Golden Gate and McAllister

Concrete Poles

Southwest corner of Pierce and Oak

Southeast corner of Pierce and Oak

Garbage Cans

Northwest corner of Polk and Webster

North side of Clayton and Fulton

From: Supervisor Mirkarimi

To: Director, Department of Public Works

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

*San Francisco Bay Guardian
Southeast corner of Fillmore and Post
Southwest corner of Divisadero and Sutter
9th Avenue and Judah (near bus stops)
7th Avenue and Irving (near bus stops)
Northwest corner of Hayes and Fillmore
Southeast corner of Fillmore and Haight
San Francisco Chronicle
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
Irving and 9th Avenue
Irving and 7th Avenue
Southwest corner of Haight and Clayton
Southeast corner of Haight and Masonic
Examiner
Northwest corner of Fillmore and Hayes
Southeast corner of Haight and Fillmore
SF Daily
Northwest corner of Hayes and Gough
City Star
Northwest corner of Hayes and Gough
Southeast corner of Fillmore and Haight
SF Weekly
Southeast corner of Masonic and Haight
Southeast corner of Haight and Fillmore*

In Memoriams

*Martin "Marty" Bonney - Entire Board
Harriet Elaine Brooks - Supervisor Mirkarimi
William Bass - Supervisors Mirkarimi and Maxwell
Maryann LaMere - Supervisor McGoldrick
Ellen L. Wolfe - Supervisor Alioto-Pier
Martha Haywood - Supervisor Elsbernd
Kathleen M. Eimil - Supervisor Elsbernd*

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:27 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on September 23, 2008.



Angela Calvillo
Clerk of the Board