

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, January 17, 2006 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, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Daly, Dufty, Peskin

City and School District Select Committee

Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Dufty, Ma

Government Audit and Oversight Committee

Supervisors Ammiano, Alioto-Pier, Peskin

Land Use Committee

Supervisors Maxwell, Sandoval, McGoldrick

Rules Committee

Supervisors Mirkarimi, Elsbernd, Ammiano

Select Committee on Ending Gun and Gang Violence

Supervisors Maxwell, Mirkarimi, Ammiano, Alioto-Pier, Dufty

Meeting Days

Wednesday
1:00 PM

2nd Monday (Bi-monthly)
4:00 PM

1st and 3rd Monday
1:00 PM

2nd and 4th Monday
1:00 PM

Wednesday
1:00 PM

Thursday
10:00 AM

1st and 3rd Monday
10:00 AM

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

Volume 101 Number 2

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll Supervisor Ammiano was noted absent.

There was a quorum.

Supervisor Ammiano was previously excused from attending the meeting. (See Infra)

Supervisor Ammiano Excused from Attendance

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

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

AGENDA CHANGES

Supervisor Alioto-Pier, seconded by Supervisor Daly, moved to take Public Comment out of order in order to accommodate physically challenged individuals. The President indicated that Public Comment will be allowed for other members of the public at the scheduled Public Comment portion of the Board Agenda.

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

- 051559 [An ordinance conforming state law, provisions of the Administrative Code, which permit any person who is liable for tax on property that has been damaged or destroyed by misfortune or calamity, to apply to the Assessor for reassessment]
Supervisor Elsbernd

Ordinance amending Section 10.2-5 of the San Francisco Administrative Code to conform to Section 170 of Chapter 2.5, Part 1, Division 1 of the California Revenue and Taxation Code providing that every assessee of any taxable property, or any person liable for the taxes thereon, whose property was damaged or destroyed, without his or her fault, by a misfortune or calamity, may apply for reassessment of that property; specifying the nature of the damage or destruction required to be eligible for reassessment; and also specifying that the Assessor-Recorder may initiate the reassessment where the Assessor-Recorder determines that within the preceding 12 months taxable property located in the County was damaged or destroyed, for the purpose of providing property tax relief to residents of the City and County of San Francisco.

Ordinance No. 4-06
FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

- 051720 [Limousines operating as unlicensed taxicabs; inspection of limousine waybills; criminal and administrative penalties]
Supervisor Elsbernd

Ordinance amending the San Francisco Police Code by: (1) repealing current Section 1165, dealing with local licensing of limousines; (2) amending Section 1078, to re-state the prohibition on limousines acting as unlicensed taxicabs within San Francisco; (3) adding a new Section 1165, pursuant to California Public Utilities Code Section 5371.4(i), to authorize police officers and the Taxi Commission Executive Director to inspect limousine waybills and make violation an infraction; (4) amending Section 1185, to correct certain misdemeanor penalties and increase infraction penalties for violation of Sections 1078 and 1165; and (5) adding Section 1187.1, to authorize imposition of administrative penalties against persons operating a motor vehicle as a taxicab without a permit.

Ordinance No. 15-06
FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

- 052006 [Appropriation of Assessments Levied for Business Improvement Districts]
Supervisor Peskin

Ordinance amending the Fiscal Year 2005-2006 Annual Appropriation Ordinance to appropriate revenues collected from special assessments for disbursement to the respective nonprofit Owners' Associations for administration of the property-based business improvement districts in San Francisco for authorized purposes.

Ordinance No. 14-06
FINALLY PASSED

Recommendations of the Rules Committee

**051439 [Campaign Finance Reform Amendments of 2005]
Supervisor Mirkarimi**

Ordinance amending the Campaign and Governmental Conduct Code by adding a new Section 1.103, amending Sections 1.100, 1.104, 1.112, 1.114, 1.120, 1.128, 1.130, 1.134, 1.144, 1.152, 1.168, and 1.170, repealing Section 1.118, and repealing Chapter 3 of Article 1, Sections 1.300, 1.305, 1.310, 1.312, 1.315 and 1.320 to: (1) make technical changes including the correction of grammatical or reference errors and the reordering of Sections; (2) conform the Campaign Finance Reform Ordinance to the adoption of Ranked Choice Voting; (3) move the Electronic Filing Ordinance from Chapter 3 of Article 1 of the Campaign and Governmental Conduct Code to the Campaign Finance Reform Ordinance; and (4) expressly set forth a statute of limitations for criminal, civil, administrative and collection actions brought under the Campaign Finance Reform Ordinance. (Ethics Commission)

**Ordinance No. 3-06
FINALLY PASSED**

051745 [Settlement of Lawsuit - Dazell Mallory]

Ordinance authorizing settlement of the lawsuit filed by plaintiff Dazell Mallory against the City and County of San Francisco for payment of \$53,150, including all damages, attorneys' fees and costs; the lawsuit was filed on February 24, 2005, in San Francisco Superior Court, Case No. 438-930, entitled Dazell Mallory v. San Francisco Public Library, the City and County of San Francisco, and Does 1-100. (City Attorney)

**Ordinance No. 6-06
FINALLY PASSED**

051812 [Settlement of Lawsuit - Theresa Koenig]

Ordinance authorizing settlement of the lawsuit filed by Theresa Koenig against the City and County of San Francisco for \$190,000; the lawsuit was filed on November 16, 2001 in San Francisco Superior Court, Case No. 401-374; entitled Theresa Koenig, et al., v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No. 7-06
FINALLY PASSED**

051813 [Settlement of Lawsuit - Tania Tavasieff Foley]

Ordinance authorizing settlement of the lawsuit filed by Tania Tavasieff Foley against the City and County of San Francisco for \$75,000; the lawsuit was filed on September 7, 2004 in San Francisco Superior Court, Case No. 434-496; entitled Tania Tavasieff Foley v. City and County of San Francisco, Mortimer John Joyce, Jr., and Stephen Waichi Wong. (City Attorney)

**Ordinance No. 8-06
FINALLY PASSED**

051814 [Settlement of Lawsuit - Aircraft Service International, DHL Express (USA) as successor in interest to Airborne Express ("Airborne"), Atlantic Richfield Co., ChevronTexaco, Shell, Signature Flight Support, and Unocal]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against Aircraft Service International, DHL Express (USA) as successor in interest to Airborne Express ("Airborne"), Atlantic Richfield Co., ChevronTexaco, Shell, Signature Flight Support, and Unocal, for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

**Ordinance No. 9-06
FINALLY PASSED**

- 051820 [Settlement of proceeding before the California Public Utilities Commission regarding the December 2003 fire at PG&E's Mission Substation and the subsequent outage]
Supervisors McGoldrick, Maxwell

Ordinance authorizing settlement of the proceeding before the California Public Utilities Commission, Investigation 05-03-011, to determine whether PG&E should be found in violation of state law and fined in connection with the December 2003 fire at the Mission Substation and the subsequent outage affecting 100,000 customers in San Francisco.

Ordinance No. 16-06
FINALLY PASSED

- 051877 [Settlement of Lawsuit - Carol Renault v. CCSF, et al.]
Ordinance authorizing settlement of the lawsuit filed by Carol Renault against the City and County of San Francisco for \$900,000; the lawsuit was filed on July 20, 2004 in San Francisco Superior Court, Case No. 433-157; entitled Carol Renault v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 10-06
FINALLY PASSED

- 051878 [Settlement of Lawsuit - 1750 Connecticut Street, et al., v. CCSF, et al.]
Ordinance authorizing settlement of the lawsuit filed by 1750 Connecticut Street against the City and County of San Francisco for \$75,000; the lawsuit was filed on August 20, 2004 in San Francisco Superior Court, Case No. 433-992; entitled 1750 Connecticut Street, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 11-06
FINALLY PASSED

- 051896 [Settlement of Lawsuit - National Center for International Schools, et al., v. CCSF, et al.]
Ordinance authorizing settlement of the lawsuit filed by National Center for International Schools against the City and County of San Francisco for \$178,667.42; the lawsuit was filed on October 28, 2004 in San Francisco Superior Court, Case No. 435-875; entitled National Center for International Schools, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 12-06
FINALLY PASSED

- 051899 [Settlement of Lawsuit - Evan Weiss Arkush, et al., v. CCSF, et al.]
Ordinance authorizing settlement of the lawsuit filed by Evan Weiss Arkush against the City and County of San Francisco for \$125,000; the lawsuit was filed on July 26, 2004 in San Francisco Superior Court, Case No. 432-947; entitled Evan Weiss Arkush, et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 13-06
FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

**051458 [Public Works Code - landmark trees, significant trees, and penalties for violations]
Supervisor McGoldrick**

Ordinance amending the Public Works Code by amending Section 801 to add to the purposes; by amending Section 802 to modify various definitions; amending Sections 802, 806, and 809 to redefine nuisance trees as hazard trees; amending Sections 802 and 803 authorizing the Urban Forestry Council to succeed to the powers and duties of the Tree Advisory Board and to assume new duties; amending Section 806 to allow for appeals of decisions concerning removal of street trees that are the responsibility of City departments and to extend the notice period to 30 days for removal of street trees that are the responsibility of private property owners; amending Sections 806 and 807 to require imposition of in lieu fees under specified circumstances; adding Section 810A to define significant trees and establish a regulatory program governing their removal; amending Sections 804, 807, and 808 to make conforming changes regarding significant trees; amending Sections 804, 807, 808, and 810 concerning landmark trees and procedures to designate, nominate, and remove landmark trees; amending Section 811 to create civil penalties and fines and to modify provisions on administrative penalties; requiring the Office of the Legislative Analyst to prepare a report concerning financial incentives related to landmark trees; and making environmental findings.

Supervisor Ma dissented in committee.

Ordinance No. 17-06

FINALLY PASSED by the following vote:

- Ayes: 7 - Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
- Noes: 3 - Alioto-Pier, Elsbernd, Ma
- Excused: 1 - Ammiano

Appointment of President Pro Tempore

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

The President resumed the Chair shortly thereafter.

Recommendations of the Land Use Committee

**050601 [Better Neighborhoods Plus Planning and Implementation Process]
Supervisors McGoldrick, Maxwell**

Ordinance amending the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Planning and Implementation Process"); amending Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plan budget documents; amending Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plan areas; and Section 312B to establish permit review procedures for certain projects within Better Neighborhoods Plan areas; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

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

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

*Supervisor Peskin, seconded by Supervisor Dufty, moved to further amend.
Motion to adopt the amendment carried without objection.*

Rereferred to Committee as amended.

Supervisor Peskin, seconded by Supervisor Dufty, moved that this Ordinance be RE-REFERRED to the Land Use Committee. The motion carried by the following vote:

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

**051637 [Subdivision Code – Planning Commission hearings on condominium conversions]
Supervisor Daly**

Ordinance amending Subdivision Code Sections 1332 and 1359 to require Planning Commission hearings to address General Plan consistency for all condominium conversion applications subject to Subdivision Code Sections 1396 et seq., the condominium conversion lottery; and making environmental findings.

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

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on February 3, 2006. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before March 3, 2006.

Supervisor Mirkarimi previously excused from voting on this matter.

Continued to January 24, 2006

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

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

**051822 [Residential Housing Purchaser Protection Ordinance]
Supervisor Daly**

Ordinance amending Administrative Code Section 37.10A to require property owners to disclose to prospective buyers of residential property consisting of two or more units, the legal ground(s) for the termination of a tenancy and whether any units were occupied by elderly and or disabled tenants at the time of termination of tenancy.

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

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on January 20, 2006. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before February 19, 2006.)

FINALLY PASSED by the following vote:

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

Recommendations of the Rules Committee

**051652 [Office of Labor Standards Enforcement]
Supervisors Ammiano, Mirkarimi**

Ordinance adding Section 2A.23 to Chapter 2 of the San Francisco Administrative Code to establish the Office of Labor Standards Enforcement within the Department of Administrative Services to enforce the Minimum Wage Ordinance, Minimum Compensation Ordinance, Health Care Accountability Ordinance, Prevailing Wage Ordinances and carry out additional duties as established by Charter or ordinance; and amending Section 6.24 of the Administrative Code to delete language duplicative of Section 2A.23.

Ordinance No. 5-06

FINALLY PASSED by the following vote:

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

051871 [Settlement of Lawsuit - Kristen Odlaug v. City and County of San Francisco and Robert Palu]

Ordinance authorizing settlement of the lawsuit filed by plaintiff Kristen Odlaug against the City and County of San Francisco for payment of \$400,000, including all damages, attorneys' fees and costs; the lawsuit was filed on April 13, 2004, in San Francisco Superior Court, Case No. 430-509, entitled Kristen Odlaug v. City and County of San Francisco and Robert Palu.

PASSED ON FIRST READING by the following vote:

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

NEW BUSINESS

Recommendations of the Land Use Committee**051983 [Changing the official sidewalk width - Turk Street]
Supervisor Daly**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1568 to change the official sidewalk width on the southerly side of Turk Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

Supervisor Daly requested to be added as sponsor.

PASSED ON FIRST READING by the following vote:

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

**051984 [Changing the official sidewalk width - Market, Main, and Spear Streets]
Supervisor Daly**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1567 to change the official sidewalk widths on the southerly side of Market Street, easterly side of Main Street, and the westerly side of Spear Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk widths changes. (Public Works Department)

Supervisor Daly requested to be added as sponsor.

PASSED ON FIRST READING by the following vote:

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

From the Land Use Committee Without Recommendation**051948 [Street Encroachment at 365 Main Street]**

Resolution granting revocable permission to Harrison 160, LLC, for a street encroachment comprised of two (2) existing previously installed vaults that encroach into the public sidewalk right-of-way, located at 365 Main Street (Block 3745, Lot 008) and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

(Supervisor McGoldrick dissenting in committee)

Resolution No. 26-06

ADOPTED by the following vote:

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

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

SPECIAL ORDER 4:00 P.M.

- 051852 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 730 Great Highway]**
Hearing of persons interested in or objecting to the decision of the Planning Department dated July 19, 2004, (Case No. 031009E), exempting from environmental review under General Rule (State CEQA Guidelines, Section 15061 (b)(3)), the proposed construction project at 730 Great Highway. The project would construct a three-story, four-unit dwelling structures, 31.5 feet high with 6,540 square feet living area, 840 square feet garage which accommodate 4 off-street parking spaces. The proposed site is a 3,360 square feet vacant lot at east Great Highway and about 141 feet south from Balboa Street, zoned RM1, 40-X Height and Bulk District, within coastal Special Use District (SUD) and Special Sign District (SSD). (Appellant: Stephen M. Williams representing the Ocean Parc Village Homeowners Association.)

*The President inquired as to whether or not any member of the public wished to address the Board members.
Continued to January 24, 2006*

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

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

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

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

- 051853 [Affirming the categorical exemption issued for 730 Great Highway]**
Motion affirming the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 24, 2006

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

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

- 051854 [Disapproving the categorical exemption issued for 730 Great Highway]**
Motion disapproving the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 24, 2006

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

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

- 051855 [Preparation of findings related to the categorical exemption issued for 730 Great Highway]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 730 Great Highway project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 24, 2006

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

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

SPECIAL ORDER 4:00 P.M.

- 052035 [Hearing - Appeal of Categorical Exemption from Environmental Review for 1043-1045 Francisco Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department granting a Categorical Exemption from environmental review as part of a variance application (Case No. 2005.0032DV, Building Permit Application No. 2004.02.10.6005S), the proposed project at 1043-1045 Francisco Street, Lot 020 in Assessor's Block 0477. The proposal is to add a one-story horizontal addition over the existing one-story extension at the rear of the existing building. The site contains a two-story (with one-story section at the rear where the addition is proposed) over basement, two-family building at the front of the lot and a one-story, two-car garage at the rear of the lot. The project originally proposed to expand the garage, but that part of the project has been eliminated.

The lot size is 4,726 square feet, within RH-2 (Residential House, Two-Family) District and 40X Height and Bulk District. (Appellant: Stephen M. Williams).

(Filed 12/9/05; companion measure to Files 052036, 052037, 052038; District 2.)

The President inquired as to whether or not any member of the public wished to address the Board.

Continued to January 31, 2006.

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Hearing be CONTINUED. The motion carried by the following vote:

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

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

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

- 052036 [Affirming the categorical exemption issued for 1043-1045 Francisco Street]**
Motion affirming the determination by the Planning Department that the 1043-1045 Francisco Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
Continued to January 31, 2006
Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano
- 052037 [Disapproving the categorical exemption issued for 1043-1045 Francisco Street]**
Motion disapproving the determination by the Planning Department that the 1043-1045 Francisco Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
Continued to January 31, 2006
Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano
- 052038 [Preparation of findings related to the appeal of the CEQA exemption determination issued for 1043-1045 Francisco Street]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that a project at 1043-1045 Francisco Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
Continued to January 31, 2006
Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor Ma provided the Board with an update on the Disaster Council on which she represents the Board of Supervisors.

Supervisor Sandoval provided the Board with an update on the San Francisco Employees Retirement System on which he represents the Board of Supervisors.

PUBLIC COMMENT

Nick Feldman; showed interest in an alternate attendant care call for service for disabled individuals
Peter Mendoza; showed interest in an alternate attendant care call for service for disabled individuals
Female speaker; showed interest in an alternate attendant care call for service for disabled individuals
Male speaker; showed interest in an alternate attendant care call for service for disabled individuals
Mayor's Office on Disability representative Mr. Stein; showed interest for a an alternate attendant care call for service for disabled individuals
Francisco di Costa; showed interest in an alternate attendant care call for inservice for disabled individuals
Abdullah Megaheed; expressed gratitude to the Board and expressed concernwith the Iraq War
James Chafee; showed interest in the Bond issue for the San Francisco Library
Rubin; expressed concern with issues relating to eviction notices
Walter; showed interest in general issues
Eugene Gordon Jr.; expressed concern with issues relating to human rights
John DiDonna; showed interest in the celebration of Martin Luther King Day
Omar; expressed concern with the closing of schools in San Francisco
Parent and staff member of the SFUSD; expressed concern with the closing of schools in San Francisco
Mr. Estes; expressed concern with the closing of schools in San Francisco
Mrs. Zeigler; expressed concern with the persecution of the Falun Gong practitioners
Jenny Chang; expressed concern with the persecution of the Falun Gong practitioners
Ben Duncan; expressed concern with the persecution of the Falun Gong practitioners
Katrina Marlow; expressed concern with issues relating to her reputation
Joan Livingston; expressed concern with the closing of the schools in San Francisco
Rose Chung; expressed concern with the persecution of the Falun Gong practitioners
Ace Washington; expressed concern with issues relating to the Press Room in in City Hall and issues regarding Chanel 29
George Hickley; expressed concern with the closing of San Francisco schools
Vicky Lydner; expressed concern with the closing of San Francisco schools

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

060037 [Commending Christine Quinn]
 Supervisors Ammiano, Dufty

Resolution commending New York City Council member Christine Quinn for being selected as the new Speaker of the New York City Council and for being the first woman, openly gay and Irish Speaker of the City Council of New York City.

Resolution No. 27-06
ADOPTED

**060038 [Extension of SRO Hotel Safety and Stabilization Task Force]
Supervisors Ammiano, Daly**

Resolution extending the operations of the Single Room Occupancy (SRO) Hotel Safety and Stabilization Task Force through December 31, 2006.

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

Resolution No. 28-06

ADOPTED

**060039 [Accept-expend State Grant Funds available under the Land and Water Conservation Fund Program to fund the 24th Street York Mini Park Project]
Supervisor Ammiano**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the amount of \$81,190 available under the Federal Land and Water Conservation Fund Program administered by the National Park Service under the provisions of the Land and Water Conservation Fund Act of 1965 for the development of the 24th Street York Mini Park.

Resolution No. 25-06

ADOPTED

**060040 [Accept-expend State Grant Funds available under the Youth Soccer and Recreation Development Program to fund the South of Market Area (SOMA) Park]
Supervisor Daly**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the amount of \$630,000 for the development of the South of Market Area (SOMA) Park, under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 administered by the California Department of Parks and Recreation, Office of Grants and Local Services.

Resolution No. 23-06

ADOPTED

**060041 [75th Anniversary of the San Francisco Golden Gloves]
Supervisor Ma**

Resolution commending the 75th anniversary of the San Francisco Golden Gloves.

Resolution No. 29-06

ADOPTED

**060042 [Accept-expend State Grant Funds available under the State Urban Parks and Healthy Communities Program to fund the Argonne Playground Project]
Supervisor McGoldrick**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the amount of \$664,428 for the development of the Argonne Playground Project, under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 administered by the California Department of Parks and Recreation, Office of Grants and Local Services.

Resolution No. 24-06

ADOPTED

**060043 [Adopting policies on the reimbursement of expenses and ethics training]
Supervisor Peskin**

Resolution adopting policies and procedures for the reimbursement of officers and employees for authorized expenses incurred in the performance of official duties and designating certain employees to receive ethics training specified in State law.

Resolution No. 30-06

ADOPTED

**060044 [Lee Mallory Day]
Supervisor Peskin**

Resolution declaring January 10th, 2006, Lee Mallory Day in San Francisco.

Resolution No. 31-06

ADOPTED

The foregoing items were acted upon by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**060061 [To appropriate funding for San Francisco General operations and capital projects and Laguna Honda Hospital operations]
Mayor**

Ordinance appropriating \$7,401,000 in surplus revenues for salaries, fringe benefits, and capital projects at San Francisco General Hospital and \$2,858,000 in surplus revenues for salaries and fringe benefits for Laguna Honda Hospital for a total of \$10,259,000, appropriating \$1,800,000 from PUC's Mayor's Energy Conservation Account for the SFGH Chiller and Generator project, and de-appropriating \$740,000 in General Fund dollars from the SFGH Chiller and Generator capital project and re-appropriating \$740,000 to the Service Building Seismic Retrofit capital project for the Public Health Department for fiscal year 2005-06.

(Fiscal impact.)

1/17/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 060063 [To appropriate \$5,259,000 from General Fund Reserve in FY2005-06 to provide an advance of \$5,259,000 to the SFUSD to assist in keeping public elementary schools open for FY2006-07]
Supervisors Mirkarimi, Ammiano, Maxwell, Sandoval**

Ordinance appropriating \$5,259,000 from the General Fund Reserve in Fiscal Year 2005-2006 to provide an advance of \$5,259,000 million to the San Francisco Unified School District from the City's future funding obligations to the Public Education Enrichment Fund.

(Fiscal impact.)

1/17/06, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee. Sponsor requests this item be scheduled at the January 23, 2006 meeting.

- 060065 [Establishing the Film Rebate Program]
Supervisor Alioto-Pier**

Ordinance amending section 57.1 to make technical amendments; section 57.4 to designate the Executive Director of the San Francisco Film Commission as the sole liaison between film companies and City departments; section 57.7 to clarify the application of Chapter 57 to certain City departments; and adding section 57.8 to establish a Film Rebate Program to rebate qualified production costs for qualified film productions.

(Fiscal impact.)

1/17/06, ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 2/16/2006.

Resolutions

- 060062 [Establishing Monthly Contribution Amount]
Supervisor Elsbernd**

Resolution establishing monthly contribution amount to Health Service Trust Fund.

(Fiscal impact.)

1/17/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 060064 [2006 Finance Corporation Equipment Program]
Mayor**

Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an equipment lease Supplement No. 13 (Series 2006A Bonds) between the City and County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to the equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed \$10,750,000; approving the form of the official statement in preliminary and final form; providing for reimbursement to the City and County of San Francisco of certain city expenditures incurred prior to the issuance of lease revenue bonds; and providing for the execution of documents in connection therewith.

(Fiscal impact.)

1/17/06, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 060067** [Affirming the San Francisco's City of Refuge Ordinance and condemning the "Border Protection, Anti-Terrorism, and Illegal Immigration Control Act", HR 4437]
Supervisors Daly, Sandoval, Mirkarimi

Resolution affirming the City and County of San Francisco's City of Refuge Ordinance and its commitment to providing a safe, healthy and dignified place to live for its immigrant communities, regardless of immigration status and condemning the "Border Protection, Anti-Terrorism, and Illegal Immigration Control Act" – HR 4437.

1/17/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 060068** [National Blood Donor Month]
Supervisor Ma

Resolution recognizing January 2006 as "National Blood Donor Month".

1/17/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 060069** [19th Avenue & Park Presidio Blvd. - Signal Upgrades]
Supervisors Ma, Elsbernd, Mirkarimi

Resolution urging the California Department of Transportation (CalTrans) to promptly upgrade the traffic signals on 19th Avenue.

1/17/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 060070** [Commending the Martin Luther King-Marcus Garvey Cooperative Square Apartments]
Supervisor Mirkarimi

Resolution commending the Martin Luther King-Marcus Garvey Cooperative Square Apartments.

1/17/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 060071** [Endorsing Old Mint Grant Application]
Supervisor Peskin

Resolution endorsing the application to the California Cultural and Historical Endowment (CCHE) by the San Francisco Museum and Historical Society for CCHE Grant Funds to assist in the seismic retrofit of the historic Old Mint as a central part of the effort to rehabilitate and restore the historic building and create therein a San Francisco History Museum and supporting continued site control by the San Francisco Museum and Historical Society of the Old Mint for such purposes.

1/17/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 060072 [Recommending that the City and County of San Francisco adopt the Seattle Seahawks as its official football team for the duration of the 2006 playoff season]
Supervisor Sandoval

Resolution recommending that the City and County of San Francisco adopt the Seattle Seahawks as its official football team for the duration of the 2006 playoff season.

1/17/06, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 051580 [Urging SFUSD Superintendent Arlene Ackerman to forego the provision in her current contract for a \$375,000 severance package]
Supervisors Sandoval, Daly

Resolution urging San Francisco Unified School District Superintendent Arlene Ackerman to forego the provision in her current contract for a \$375,000 severance package.

9/13/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

9/20/05, REFERRED to City and School District Select Committee. Supervisor Maxwell requested that this matter be referred to Committee.

10/3/05, RESPONSE RECEIVED.

10/6/05, RESPONSE RECEIVED. Sent copy of memorandum from the Youth Commission to Esther Casco, Executive Assistant, Board Education

1/17/06, CALLED FROM COMMITTEE. Pursuant to Rule 5.31, Supervisor Sandoval called this measure from City and School District Select Committee for Board consideration January 24, 2006

1/18/06 - Copy of Notice of Matter Called Out Of Committee and Resolution sent to San Francisco Board of Education. Notice posted at Library and at Board of Supervisors kiosk.

Requests for Hearing

- 060066 [Seismic safety standards of new residential constructions]
Supervisor Maxwell

Hearing to discuss the seismic safety standards of new residential constructions.

1/17/06, RECEIVED AND ASSIGNED to Land Use Committee.

- 060073 [Hearing - S.F. Unified School District Superintendent Severance Package]
Hearing to consider a proposed resolution urging San Francisco Unified School District Superintendent Arlene Ackerman to forego the provision in her current contract for a \$375,000 severance package. (Clerk of the Board)
1/17/06, ASSIGNED to Board of Supervisors.

PROPOSED ORDINANCES

- 060006 [Settlement of Claims - Pacific Gas & Electric Company]**
Ordinance authorizing settlement of a claim filed by Pacific Gas & Electric Company (PG&E) against the City and County of San Francisco (City) and a complaint filed by the City against PG&E. PG&E's claim was filed on April 9, 2004, in the United States Bankruptcy Court and amended on June 1 and June 11, 2004, Case No. 01-30923-DM, Adversary Proceeding No. 04-3071. The City's complaint against PG&E was filed on June 29, 2005 at the Federal Energy Regulatory Commission, Docket No. EL05-133-000.
1/9/06, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

- 060004 [Interdepartmental jurisdictional transfer of property near Islais Creek]**
Resolution transferring jurisdiction of the real property identified as portions of Assessor's Parcel Nos. 4352/001 and 4382/005 from the Public Utilities Commission to the Municipal Transportation Agency as part of the new Islais Creek Motor Coach Operations and Maintenance Facility; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the transfer of jurisdiction is consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1. (Real Estate Department)
1/5/06, RECEIVED AND ASSIGNED to Land Use Committee.
- 060005 [Contract funds to support research on HIV/AIDS in under-researched populations]**
Resolution authorizing the San Francisco Department of Public Health (SFDPH), to enter into an agreement with the San Mateo Medical Center (SMMC), the primary contractor, and expend funds in the amount of up to \$74,920 in order to support research on HIV/AIDS in under-researched populations in California, and to add one 0.5 position funded under this agreement; for the period of January 1, 2006, to December 31, 2006. (Public Health Department)
1/4/06, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the process of the installation of the pedestrian pass at the median of Lincoln and 9th Avenue.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the procedures of permitting of trees and planter boxes in front of a residential establishment and the annual assessment of the planter box.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of graffiti removal of:

- Green box at the southeast corner of Oak Street and Steiner Street*
- Mailbox at the southeast corner of Oak Street and Fillmore Street*
- Green box at the northeast corner of Oak Street and Webster Street*
- Light pole at the northeast corner of Oak Street and Webster Street*
- Green box at the northeast corner of Fell Street and Buchanan Street*
- Telephone pole at the northeast corner of Fell Street and Buchanan Street*
- Green box at the northeast corner of Buchanan Street and Linden Street*

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of the condition of the trees on 800 block of Haight Street.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of graffiti removal at the address of 750 Oak Street and 776 Oak Street.

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring:

The Golden Gate National Recreation Area (GGNRA) is proposing to restrict recreation by people and pets on 60% of all parklands in the City. Can the City pressure the GGNRA to institute the current Court mandated 1979 Pet Policy as the Section Seven Special Regulation requires?

Instead of instituting the 1979 Pet Policy, the GGNRA has proposed "Negotiated Rulemaking", and the City is not participating in the process. Can you describe the rules that govern "Negotiated Rulemaking", and what rights the City and GGNRA have in relation to it?

The deeds, which transferred property to the GGNRA, contain reversion clauses for these properties. If the GGNRA violates the mandate in the property deed that requires that recreation be the primary use for GGNRA properties, can the City reclaim the deeds?

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation creating a San Francisco Public School Citizens Blue Ribbon Task Force - to specifically develop a master plan to address declining enrollment and the concomitant issue of school closures, mergers, and relocation, as well as methods to improve the closure process. The Joint Task Force would be appointed by the Mayor, Board of Supervisors and the Board of Education, with appointment composition including, but not limited to: parents, union labor/teachers, civic/civil rights leaders, business community, youth, public safety, Planning Department, and City Controller. Staff support would be required.

From: Supervisor Maxwell

To: Director, Planning Department

Requesting/Inquiring: Supervisor Maxwell directs the Planning Department to provide a report with the following information no later than Friday, February 3, 2006. The Plan Areas are defined as Mission, East SOMA, Potrero/Showplace Square, Central Waterfront.

- 1. For each Plan Area, provide a list of the housing projects that have submitted applications to the Planning Department and are awaiting review/approval.
 - For each project, provide the date on which the application was filed with the Planning Department.*
 - For each project, provide the proposed unit mix.*
 - For each project, provide the proposed number of market rate units and the proposed number of affordable units.*
 - For those projects that filed applications prior to January 1, 2006 and therefore would be exempt from restrictions on the demolition of PDR buildings, for each project provide the number of square feet of existing building space proposed to be demolished and the square feet of proposed PDR space to be rebuilt.*
 - Provide an overlay for the department's maps for each Plan Area that shows the locations of each proposed housing project.**
- 2. Using the most recent data available (such as the Dun & Bradstreet business database), provide the number of businesses and jobs that currently exist in areas that are designated under the Department's proposal for new housing development, those areas designated as either Neighborhood Commercial or Urban Mixed Use zones. Provide this information for each Plan Area, and provide by business category, such as SIC code.*
- 3. For each Plan Area, provide the average parcel size.*
- 4. Provide the Planning Department's definition of bioscience and digital media. Based upon these definitions, would the Planning Department allow these uses to locate into the Employment & Business Development and Urban Mixed Use zones under the Department's current interim controls proposal?*
- 5. Describe how the Planning Department is implementing the recommendations of the Bioscience Task Force.*
- 6. From 1995 to present, provide the amount of land in the industrially zoned areas of San Francisco that has been converted to either housing or live/work office uses.*

From: Supervisor Elsbernd

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to investigate the possibility of installing a stop sign at Miraloma Way and Yerba Buena Boulevard.

In Memoriams

Sean O'Flaherty Fahey - Supervisors Ma, Dufty, and Daly

Col. Guillermo "Willy" Boayes - Supervisor Daly

David Mantel - Supervisor Dufty

Gloria M. Root - Supervisor Dufty

Charlie Goodman - Supervisor Sandoval

ADJOURNMENT

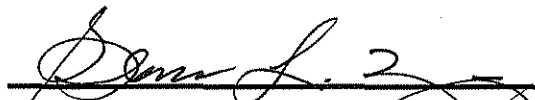
There being no further business the Board adjourned at the hour of 4:09 p.m.

Gloria L. Young, Clerk of the Board

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

Approved by the Board of Supervisors on February 7, 2006.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.


Gloria L. Young
Clerk of the Board