

# 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, October 21, 2003 2:00 PM

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

### Regular Meeting

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*MATT GONZALEZ, PRESIDENT  
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,  
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,  
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL  
Gloria L. Young, Clerk of the Board*

## BOARD COMMITTEES

### Committee Membership

#### **Budget Committee**

Supervisors Daly, Maxwell, Peskin

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

Chair Maxwell, Supervisor Ammiano, Supervisor Ma, Commissioner Cruz, Commissioner Sanchez, Co

#### **City Services Committee**

Supervisors Dufty, Ma, Newsom

#### **Finance and Audits Committee**

Supervisors Peskin, Sandoval, McGoldrick

#### **Land Use Committee**

Supervisors McGoldrick, Maxwell, Ammiano

#### **Rules Committee**

Supervisors Hall, Dufty, Gonzalez

### Meeting Days

Thursday  
1:00 PM

2nd Monday, bi-monthly  
4:00 PM

Thursday  
9:30 AM

Wednesday  
12:30 PM

Monday  
1:00 p.m.

Wednesday  
9:30 AM

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

**Members Present:** Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:09 p.m. On the call of the roll, the following Supervisor was noted absent.*

*Supervisor Newsom - 1*

*Quorum present.*

*Supervisor Newsom was noted present at 2:16 p.m.*

## APPROVAL OF MEETING MINUTES

Supervisor McGoldrick, seconded by Supervisor Ma, moved to approve September 23, 2003 Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval  
Absent: 1 - Newsom

## CONSENT AGENDA

### Recommendations of the City Services Committee

031530 [Grant to improve traffic and pedestrian safety in San Francisco]  
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFPDH) to accept and expend retroactively a grant in the amount of \$439,455 from the California Business, Transportation & Housing Agency Office of Traffic Safety (CBTHAOTS) to prevent DUI and resultant traffic injuries and to enter into an agreement for the use of these funds; for the period of October 1, 2003 to December 31, 2005. (Public Health Department)

(No Public Benefit Recipient.)

**Resolution No.** 704-03  
**ADOPTED**

**031641 [Accept-Expend Federal Grant]  
Supervisor Dufty**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$51,500 from the Environmental Protection Agency to reduce levels of mercury entering the San Francisco Bay by limiting the wastes associated with mercury amalgam fillings generated by dental offices to minimum achievable levels through a Dental Mercury Reduction Program. (Environment)

(No Public Benefit Recipient.)

**Resolution No. 707-03**

**ADOPTED**

**Recommendation of the Finance and Audits Committee**

**031462 [Appropriate funding for the Day Laborer Program]  
Supervisors Ammiano, Daly**

Ordinance re-appropriating \$75,000 from FY 2002-2003 and \$90,000 FY 2003-2004 from the Mayor's Office to the Immigrant Rights Commission, Administrative Services Department, to fund the Day Laborer Program for fiscal year 2003-04.

**Ordinance No. 252-03**

**FINALLY PASSED**

**Recommendations of the Land Use Committee**

**030999 [Lot Line Selection for Vacant Lots Abutting Two or More Streets]  
Supervisor McGoldrick**

Ordinance amending Planning Code Section 130 to require that before a lot owner may elect which lot line is to be the front lot line of the lot for purposes of the yard and setback requirements the lot must not only abut on two or more streets, but must also be vacant, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

**Ordinance No. 248-03**

**FINALLY PASSED**

**031100 [Planning Code Amendment--Mining Exchange Building Setback]  
Mayor, Supervisor Hall**

Ordinance adopting findings; and amending Appendix B to Article 11 of the San Francisco Planning Code to allow an addition over the San Francisco Mining Exchange Building set back no less than thirty (30) feet from Bush Street.

(No fiscal impact; Planning Commission Resolution No. 16275, adopted November 8, 2001, recommending approval.)

**Ordinance No. 249-03**

**FINALLY PASSED**

**031368 [Zoning Map Amendment in connection with Seawall Lot 330]**

Ordinance amending Zoning Map Sheet 1H of the City and County of San Francisco for property located on a portion of Seawall Lot 330, Assessor's Block 3771 to change the height and bulk district classification from 105-F to 220-G; adopting findings pursuant to the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

(No Public Benefit Recipient; Companion measure to File 031369.)

**Ordinance No.** 250-03

**FINALLY PASSED**

**031369 [General Plan Amendment in connection with Seawall Lot 330]**

Ordinance amending the San Francisco General Plan in connection with approvals for the proposed Bryant Street Residential Tower on Seawall Lot 330; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the eight Priority Policies of Planning Code Section 101.1. (Planning Department)

(No Public Benefit Recipient.)

**Ordinance No.** 251-03

**FINALLY PASSED**

**031527 [Accept-Expend Regional Grant]**

Resolution authorizing the Director of Transportation or his designee to accept and expend \$157,000 in FY 03/04 Transportation Fund for Clean Air (TFCA) from the Bay Area Air Quality Management District (Air District) to stripe and sign bike lanes and purchase and install bicycle racks and to execute any and all associated documents. (Parking and Traffic Department)

(No Public Benefit Recipient.)

**Resolution No.** 702-03

**ADOPTED**

**Recommendation of the Rules Committee****031502 [Reduce Members of Lead Hazard Reduction Citizens Advisory Committee From 20 to 15]  
Supervisor Peskin**

Ordinance amending Section 1608 of the San Francisco Health Code to reduce the number of voting members in the Lead Hazard Reduction Citizen Advisory Committee from 20 to 15 members by eliminating seats for the affordable housing developers, financial expert, and child care representatives, reducing the number of paint contractor representatives from two to one and reducing the number of tenant representatives from three to two.

**Ordinance No.** 253-03

**FINALLY PASSED**

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 1 - Newsom

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Finance and Audits Committee

**031276 [Approving ballot and hearing procedures for renewal of the Union Square Business Improvement District]**

**Supervisors Peskin, Dufty, Newsom, Hall**

Resolution establishing ballot and hearing procedures governing ballots cast by property owners of property located within the boundaries of the Business Improvement District known as the "Union Square Business Improvement District" for the purpose of deciding whether to renew the assessment for the Union Square Business Improvement District for an additional five year term.

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

**Resolution No. 700-03**

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval  
Absent: 1 - Newsom

**031277 [Authorize renewal and modification of the Union Square Business Improvement District]**

**Supervisors Peskin, Dufty, Newsom, Hall**

Resolution declaring the intention of the Board of Supervisors to authorize renewal and modification of boundaries of a property-based business improvement district known as the "Union Square Business Improvement District," to order the levy and collection of a multi-year assessment, and setting a time and place for a public hearing thereon.

*Supervisor Peskin, seconded by Supervisor Daly, moved to amend on page 3, line 21, by replacing "December 9, 2003 at 3 p.m." with "December 16, 2003 at 4 p.m."*

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

**Supervisor Peskin, seconded by Supervisor Daly, moved that this Resolution be AMENDED. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval  
Absent: 1 - Newsom

**Resolution No. 697-03**

**ADOPTED AS AMENDED by the following vote:**

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval  
Absent: 1 - Newsom

### Recommendation of the Rules Committee

*Supervisor Newsom noted present at 2:16 p.m.*

**031545 [Agreement to Exchange of Property and Settlement of Lawsuit - William F. Spiers dba Spiers Construction Company]  
Supervisors Hall, Dufty**

Ordinance authorizing an agreement to exchange vacant land uphill from Edgehill Park for the City's property on Portola Drive; adopting findings that the exchange agreement is categorically exempt from environmental review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of the exchange agreement; and authorizing settlement of the lawsuit entitled City and County of San Francisco v. William F. Spiers dba Spiers Construction Company, filed on November 29, 2001 in San Francisco Superior Court, Case No. 401-800, for an injunction requiring removal of Spiers' fence blocking access to Edgehill Park, for dismissal of Spiers' cross-complaint for quiet title, and for the exchange agreement.

(Public Benefit Recipient.)

*Continued to November 18, 2003*

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

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

Noes: 5 - Dufty, Gonzalez, Hall, Ma, Newsom

## NEW BUSINESS

### Recommendation of the Budget Committee

**030983 [2004 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. 11 (Series 2004A Bonds) between the City and the 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 \$10,395,000; 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. (Mayor)

**Resolution No.** 699-03

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin  
Noes: 1 - Sandoval

### Recommendations of the City Services Committee

**030771 [Liquor License, 1765 California Street]**

Resolution determining that issuance of a Type 42 on-sale beer and wine public premises license to Jeff Campbell dba "Whole Foods Market", in addition to its existing Type 20 off-sale beer and wine alcoholic beverage control license at 1765 California Street (District 2), will serve the convenience of the people of the City and County of San Francisco; in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

**Resolution No.** 698-03

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031519 [Refugee County Plan]**

Resolution approving the San Francisco Federal Fiscal Year 2003 Refugee County Plan. (Private Industry Council)

(No Public Benefit Recipient.)

**Resolution No.** 701-03

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031602 [Substance Abuse and Crime Prevention Act of 2000 - Implementation Plan]  
Supervisors Newsom, Daly**

Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 for Fiscal Year 2003-2004. (Public Health Department)

(Public Benefit Recipient.)

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

**Resolution No.** 706-03

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**Recommendations of the Finance and Audits Committee**

**030869 [Tobacco Sales Permit]  
Supervisors Maxwell, Ammiano, Daly, Dufty, McGoldrick, Sandoval**

Ordinance amending the San Francisco Health Code by adding Article 19H to require a permit for tobacco sales and amending the San Francisco Business and Tax Regulations Code by adding section 249.16 to set the fee for the tobacco sales permit.

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

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

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Noes: 1 - Hall

**031658 [Appropriate State and Federal funding for the CalWORKs, Medi-Cal, IHSS and Foster Care programs]  
Mayor**

Ordinance appropriating \$2,399,795 of CalWORKs, Medi-Cal, IHSS and Foster Care funding to fill 28.67 vacant FTEs including deletion of 9.38 FTEs and creation of 9.38 FTEs, purchase one-time materials and supplies, and provide stipends to emancipated foster youth for the Department of Human Services and amending Annual Salary Ordinance for Fiscal Year 2003-04. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031659 [Public Employment]**

Ordinance amending Ordinance No. 171-01 (Annual Salary Ordinance 2003/04) reflecting the abolishment of 14 positions (9.38 FTEs) and the creation of 14 positions (9.38 FTEs) at the Department of Human Services. (Human Resources Department)

(Fiscal impact; No Public Benefit Recipient.)

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval



**031601 [Authorizing the Teeter Tax Losses Reserve Fund to be governed by Revenue and Taxation Code Section 4703.2 for fiscal year 2002-2003 and thereafter]**

Resolution authorizing the Teeter Tax Losses Reserve Fund to be governed by Revenue and Taxation Code Section 4703.2 for fiscal year ending June 30, 2003 and thereafter. (Controller)

(Fiscal impact; No Public Benefit Recipient.)

**Resolution No.** 705-03

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**Recommendations of the Land Use Committee****031608 [Taxicab Gate Fees]  
Supervisor Hall**

Ordinance amending Section 1135.1 of the Police Code to provide for extending to March 1, 2004 the time for sunseting the higher cap on taxicab gate fees if the City fails to enact an ordinance prescribing a long-term lease fee cap covering long-term lease drivers and an ordinance establishing a program of health insurance/health benefits for taxi drivers; and to authorize the Board of Supervisors by resolution to extend the times provided for in Section 1135.1 for sunseting the higher gate fee cap.

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031528 [Street Artist Hyde Street Spaces]**

Resolution re-designating seven (7) permanent selling spaces on Hyde Street, west side, Beach to Jefferson Streets; deleting seven (7) permanent selling spaces on Hyde Street, east side, Beach to Jefferson Streets; re-designating fourteen (14) selling spaces on Hyde Street, east side, Beach to Jefferson Streets; designating two (2) additional selling spaces on Hyde Street, east side, Beach to Jefferson Streets, for street artists certified by the Arts Commission, City and County of San Francisco; and exempting said seven spaces on Hyde Street, west side, Beach to Jefferson Streets, from Police Code Section 2405(c)(16) requiring street artists to maintain a minimum of eight feet of passageway for pedestrians. (Arts Commission)

(No Public Benefit Recipient.)

**Resolution No.** 703-03

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**Recommendation of the Rules Committee****031457 [Introducing General Obligation Bond proposals 168 days before election]  
Supervisor Gonzalez**

Ordinance amending Section 2.31 of the Administrative Code to require that resolutions of necessity for proposed general obligation bonds must be introduced at the Board of Supervisors not less than 168 days before the election at which the voters could consider the proposed bond measure, rather than 169 days before the election.

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

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

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

### **Privilege of the Floor**

Supervisor Ma, seconded by Supervisor Dufty, moved to suspend Rule 4.28 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: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 1 - Daly

*Supervisor Ma introduced, welcomed and presented a Certificate of Honor to Ms. Noel Neill aka "Lois Lane".*

#### *Recess*

*The Board recessed at the hour of 3:17 p.m.*

#### *Reconvening of the Board*

*The Board at the hour of 4:09 p.m. reconvened.*

#### *Calling the Roll*

*On call of the roll, the following Supervisors were noted present:  
Supervisors Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin - 7*

*Quorum present.*

*Supervisors Ammiano, McGoldrick and Sandoval were noted present at  
4:12 p.m.*

**SPECIAL ORDER 4:00 P.M.****031686 [Public Hearing - Appeal, Categorical Exemption, 701 Lombard Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 5, 2003, approving a categorical exemption for the proposed Acquisition by Eminent Domain at 701 Lombard Street. (Appellant: James A. Reuben, attorney for Brian O'Flynn and Martin Coyne).

*Alice Barkley, Attorney for Appellant requested clarification regarding the issue relating to the categorical exemption.*

*Paul Maltzer, Department of Planning informed the Board that the Planning Department acted on the categorical exemption.*

*Elizabeth Goldstein, General Manager, Recreation and Park Department, informed the Board the matter regarding the Recreation and Park Department is the acquisition of the property.*

*The President inquired if there was anyone else who wished to address the Board. There being no response, the President declared the Public Hearing Closed.*

**HEARD AT PUBLIC HEARING.**

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)****031687 [Affirming the exemption issued for 701 Lombard Street]**

Motion affirming the determination by the Planning Department that the acquisition of 701 Lombard Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

**Motion No.** M03-187

**APPROVED by the following vote:**

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval  
Absent: 1 - Newsom

**031688 [Disapproving the exemption issued for 701 Lombard Street]**

Motion disapproving the determination by the Planning Department that the acquisition of 701 Lombard Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

**TABLED by the following vote:**

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval  
Absent: 1 - Newsom

**031689 [Preparation of findings related to the exemption appeal for 701 Lombard Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the acquisition of 701 Lombard Street is exempt from the California Environmental Quality Act. (Clerk of the Board)

**Motion No.** M03-188

**APPROVED** by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval  
Absent: 1 - Newsom

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

**031552 [Hearing - Acquisition of Property by Eminent Domain - 701 Lombard Street]**

Hearing of persons interested in or objecting to proposed resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1. (Clerk of the Board)

(Companion measure to Files 031550, 031551, 031552.)

*Elizabeth Goldstein, General Manager, Recreation and Park Department and Susan Hildreth, City Librarian reviewed with the Board reports and recommendations of their Departments.*

**Speakers:**

*Paul Scott, Pres. Telegraph Hill Dwellers; support of acquisition*

*Young girl; support of acquisition*

*Young girl; support of acquisition*

*Mr. and Mrs. Mikel Auuland; support of acquisition*

*Tom McDonagh; opposed to acquisition*

*Marc Bruno; support of acquisition*

*Rev. Norman Fong; support of acquisition*

*Hillary Kwong, Youth Commissioner; support of acquisition*

*Michael Ornstein; support of acquisition*

*Female Speaker; support of acquisition*

*Tom Noyes, Upper Noe Neighborhood; support of acquisition*

*Female Speaker; support of acquisition*

*Female Speaker; support of acquisition*

*Female Speaker; support of acquisition*

*Female Speaker; support of acquisition*

*Starchild, Libertarian Party; opposed to acquisition*

*David Lupo; support of acquisition*

*Davey Jones; opposed to acquisition*

*Male Speaker; support of acquisition*

*Jay Bradshaw; support of acquisition*

*Mathew Sheridan; opposed to acquisition*

*Michelle Justice; support of acquisition*

*Female Speaker; opposed to acquisition*

*Female Speaker; support of acquisition*

*Liz Napasindava; support of acquisition*

*Male Speaker; opposed of acquisition*

*Isabel Wade; PROSAC member, request to continue this matter*

*Nancy Wuerfel; support of acquisition*

*Andrew Resignato; support of acquisition*

*Nan Maguire; support of acquisition*

*Martha Woollomes; support of acquisition*

*Judy Mong; support of acquisition*

*Mike R.; support of acquisition*

*Greg O'Flynn; support of acquisition*

*Judy Irving; support of acquisition*

*Joe Olson, Coleman Advocates; support of acquisition*

*Sal Busalacchi; opposed to acquisition*

*Rosemary Benes; support of acquisition*

*Female Speaker; opposed to acquisition*

*Carolyn Blair; support of acquisition*

*Keith Wilson; opposed to acquisition*

*Stephen A. Worsley; opposed to acquisition*

*Female Speaker; opposed to acquisition*

*Mary Wallace; support of acquisition*

*George Douglas; support of acquisition*

*Margaret; support of acquisition*

James Lew; opposed to acquisition  
Joe Butler; support of acquisition  
Mr. Shen; opposed to acquisition  
Jason Bassel; support of acquisition  
Donna Crowley; opposed to acquisition, speaking on behalf of herself  
Male Speaker; support of acquisition  
Lynn Jefferson; opposed to acquisition  
Abdullah Megaheed; opposed to acquisition  
Melanie Clark; support of acquisition  
Linda; opposed to acquisition  
Dan Magnireno; support of acquisition  
Mike Roddy; opposed of acquisition  
Zach Stewart; support of acquisition  
Moirra SMith; opposed to acquisition  
Elizabeth Diaz; support of acquisition  
Nancy Barsichini; opposed to acquisition  
Male Speaker; support of acquisition  
Joe O'Donoughue; opposed to acquisition  
Jill Fox, District 10, PROSAC member; request to continue this matter until PROSAC considers this matter  
Liz Moore; opposed to acquisition  
Ronald Sawyer; support of acquisition  
Rita O'Hara; opposed to acquisition  
Rebecca Peters; support of acquisition  
Male Speaker; opposed to acquisition  
Mark Schwartz; support of acquisition  
Mike Morley; opposed to acquisition  
Jean Milligan; support of acquisition  
Rick Carroll; opposed to acquisition  
Jennifer Dejournal; support of acquisition  
Male Speaker; opposed to acquisition  
Nicholas Carlin; support of acquisition  
Grace Shanahan; opposed to acquisition  
Christine Kupplar; support of acquisition  
Richard Harty; opposed to acquisition  
John Dowling; support of acquisition  
James Gallagher; opposed to acquisition  
Mr. and Mrs. Bobby Glennon; support of acquisition  
Jim Keith; opposed to acquisition  
Dennis Carlin; opposed to acquisition  
Thomas Egan; opposed to acquisition  
Steve Cooney; opposed to acquisition  
Lou Urbano; opposed to acquisition  
Tom Weiss; support of acquisition  
Angus McCarthy; opposed to acquisition  
Dawn Bernhardt; support of acquisition  
Kieran Buckley; opposed to acquisition  
Jerry Augusta; opposed to acquisition  
Mrs. O'Flynn; opposed to acquisition  
Rick Hills; opposed to acquisition  
Mark Brennan; opposed to acquisition  
Ann Brennan; opposed to acquisition  
Mr. O'Keefe; opposed to acquisition  
Andrew Smith; opposed to acquisition  
Male Speaker; opposed to acquisition  
Redman Lyons; opposed to acquisition  
Mary Lipian; support of acquisition

*Eileen Long; opposed of acquisition*  
*Sean Gorman; opposed to acquisition*  
*Ella Simpson, Libertarian Party, opposed to acquisition*  
*Brian Magee; opposed to acquisition*  
*Ann; opposed to acquisition*  
*Declan White; opposed to acquisition*  
*Leo Cassidy; opposed to acquisition*  
*Mya Arneau; support to acquisition*  
*Male Speaker; opposed to acquisition*  
*Male Speaker; support of acquisition*  
*Keith Sangus; support of acquisition*  
*Brian O'Flynn, owner of 701 Lombard Street; opposed to acquisition*  
*Brad Willmore; support of acquisition*  
*Arthur Chang; Member of PROSAC*  
*Gerry Crowley; Past President, Telegraph Hill Association, support of acquisition*  
*Male speaker; support of acquisition*  
*Daniel Cuneo; support of acquisition*  
*MaryJoEllen; support of acquisition*  
*Sandra Tak; support of acquisition*  
*Julie Christiansen; support of acquisition*  
*Tom Coyne; opposed to acquisition*  
*Joe Cassidy; opposed to acquisition*  
*Susan Whiteman; support of acquisition*  
*Martin Coyne, owner of 701 Lombard Street; opposed to acquisition*  
*Sean Keighran; opposed to acquisition*  
*Alice Barkley; attorney for appellant; opposed to acquisition*

*Supervisors Ammiano, Daly, McGoldrick, and Sandoval were noted absent at 6:15 p.m.*

*Supervisor Daly noted present at 6:20 p.m.*  
*Supervisor Daly noted absent at 6:45 p.m.*  
*Supervisor Gonzalez noted absent at 7:01 p.m.*  
*Supervisor Daly noted present at 7:10 p.m.*  
*Supervisor Ma noted absent at 7:10 p.m.*  
*Supervisor Sandoval noted present at 7:14 p.m.*  
*Supervisor Ma noted present at 7:23 p.m.*  
*Supervisor Newsom noted absent at 7:45 p.m.*  
*Supervisor Ammiano noted present at 8:29 p.m.*  
*Supervisor Peskin noted absent at 8:28 p.m.*  
*Supervisor Peskin noted present at 8:40 p.m.*  
*Supervisor McGoldrick noted present at 8:45 p.m.*  
*Supervisor Gonzalez noted present at 9:00 p.m.*  
*Supervisor Newsom noted present at 9:10 p.m.*

*The President inquired if there was anyone else who wished to address the Board. There being no response, the President declared the Public Hearing Closed.*

**HEARD AT PUBLIC HEARING.**

## 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.*

### 031551 [Eminent Domain - Resolution of Necessity - 701 Lombard Street]

Resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1. (Real Estate Department)

*Continued to November 25, 2003*

Supervisor Peskin, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval  
Noes: 4 - Dufty, Hall, Ma, Newsom

## SPECIAL ORDER 5:30 P.M.

### (This matter may be continued.)

### 031631 [Public Hearing - Appeal, Final EIR for the 300 Spear Street Project]

Hearing of persons interested in or objecting to the Planning Commission certification of the Final Environmental Impact Report Case No. 2000.1090E, dated September 4, 2003, for the proposed project at 300 Spear Street. (Appellant: Sue C. Hestor, attorney for the Rincon Hill Residents Association and the BayCrest Towers Residential Association).

(Filed 9/24/03; companion measure to Files 031632, 031633, 031634.)

*Continued to November 18, 2003*

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

Ayes: 7 - Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin  
Absent: 4 - Ammiano, Daly, McGoldrick, Sandoval

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

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



- 031632 **[Affirm certification of final environmental impact report for the 300 Spear Street Project]**  
Motion affirming the Planning Commission certification of the final environmental impact report for the 300 Spear Street Project. (Clerk of the Board)  
*Continued to November 18, 2003*  
Supervisor Peskin, seconded by Supervisor Newsom, moved that this Motion be CONTINUED. The motion carried by the following vote:  
Ayes: 7 - Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin  
Absent: 4 - Ammiano, Daly, McGoldrick, Sandoval
- 031633 **[Reverse certification of final environmental impact report for the 300 Spear Street Project]**  
Motion reversing the Planning Commission certification of the final environmental impact report for the 300 Spear Street Project. (Clerk of the Board)  
*Continued to November 18, 2003*  
Supervisor Peskin, seconded by Supervisor Newsom, moved that this Motion be CONTINUED. The motion carried by the following vote:  
Ayes: 7 - Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin  
Absent: 4 - Ammiano, Daly, McGoldrick, Sandoval
- 031634 **[Preparation of findings to reverse certification of the of final environmental impact report for the 300 Spear Street Project]**  
Motion directing the Clerk of the Board to prepare findings specifying the basis for the Board of Supervisors' reversal of the Planning Commission certification of the final environmental impact report for the 300 Spear Street Project. (Clerk of the Board)  
*Continued to November 18, 2003*  
Supervisor Peskin, seconded by Supervisor Newsom, moved that this Motion be CONTINUED. The motion carried by the following vote:  
Ayes: 7 - Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin  
Absent: 4 - Ammiano, Daly, McGoldrick, Sandoval

## **SPECIAL ORDER 7:00 P.M.**

### **(This matter may be continued.)**

- 031627 **[Public Hearing - Appeal, Final EIR for the 201 Folsom Street Project]**  
Hearing of persons interested in or objecting to the Planning Commission certification of the Final Environmental Impact Report Case No. 2002.1073E, dated September 4, 2003, for the proposed project at 201 Folsom Street. (Appellant: Sue C. Hestor, attorney for the Rincon Hill Residents Association and BayCrest Towers Residential Association).  
  
(Filed 9/24/03; companion measure to Files 031628, 031629, 031630.)  
*Continued to November 18, 2003*  
Supervisor Maxwell, seconded by Supervisor Peskin, moved that this Hearing be CONTINUED. The motion carried by the following vote:  
Ayes: 6 - Dufty, Hall, Ma, Maxwell, Newsom, Peskin  
Absent: 5 - Ammiano, Daly, Gonzalez, McGoldrick, Sandoval

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

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

**031628 [Affirm certification of final environmental impact report for the 201 Folsom Street Project]**

Motion affirming the Planning Commission certification of the final environmental impact report for the 201 Folsom Street Project. (Clerk of the Board)

*Continued to November 18, 2003*

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

Ayes: 6 - Dufty, Hall, Ma, Maxwell, Newsom, Peskin  
Absent: 5 - Ammiano, Daly, Gonzalez, McGoldrick, Sandoval

**031629 [Reverse certification of final environmental impact report for the 201 Folsom Street Project.]**

Motion reversing the Planning Commission certification of the final environmental impact report for the 201 Folsom Street Project. (Clerk of the Board)

*Continued to November 18, 2003*

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

Ayes: 6 - Dufty, Hall, Ma, Maxwell, Newsom, Peskin  
Absent: 5 - Ammiano, Daly, Gonzalez, McGoldrick, Sandoval

**031630 [Preparation of findings to reverse certification of the of final environmental impact report for the 201 Folsom Street Project.]**

Motion directing the Clerk of the Board to prepare findings specifying the basis for the Board of Supervisors' reversal of the Planning Commission certification of the final environmental impact report for the 201 Folsom Street Project. (Clerk of the Board)

*Continued to November 18, 2003*

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

Ayes: 6 - Dufty, Hall, Ma, Maxwell, Newsom, Peskin  
Absent: 5 - Ammiano, Daly, Gonzalez, McGoldrick, Sandoval

**SPECIAL ORDER 8:30 P.M.****031636 [Public Hearing - Appeal, Conditional Use - 5630-38 Mission Street]**

Hearing of persons interested in or objecting to the decision of Planning Commission by its Motion No. 16639 dated August 28, 2003, approving Conditional Use Application No. 2003.0376C pursuant to Section 711.83 of the Planning Code, and subject to certain conditions, to allow the installation of six (6) panel antennas and one (1) GPS antenna on the rooftop and associated equipment cabinets within the storage room of the Mission Inn Motel, as part of a wireless telecommunications network operated by Verizon Wireless in a NC-2 (Small-Scale Neighborhood Commercial District), and a 40-X-Height and Bulk District, on property located at 5630-38 Mission Street, between Naglee and Whipple Avenues; Lot 012, in Assessor's Block 7098.

(Appeal filed September 25, 2003; categorically exempt from the environmental review process pursuant to Class 1 exemptions of Title 14 of the California Administrative Code; companion measure to Files 031637, 031638, 031639; District 11.)

*Continued to October 28, 2003*

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

Ayes: 7 - Ammiano, Dufty, Hall, Ma, Maxwell, Peskin, Sandoval  
Absent: 4 - Daly, Gonzalez, McGoldrick, Newsom

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)****031637 [Appeal, Conditional Use, 5630-38 Mission Street]**

Motion approving decision of the Planning Commission by its Motion No. 16639 approving Conditional Use Application No. 2003.0376C, on property located at 5630-38 Mission Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Continued to October 28, 2003*

**Supervisor Sandoval, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 7 - Ammiano, Dufty, Hall, Ma, Maxwell, Peskin, Sandoval  
Absent: 4 - Daly, Gonzalez, McGoldrick, Newsom

**031638 [Appeal, Conditional Use, 5630-38 Mission Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16639 approving Conditional Use Application No. 2003.0376C, on property located at 5630-38 Mission Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Continued to October 28, 2003*

**Supervisor Sandoval, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 7 - Ammiano, Dufty, Hall, Ma, Maxwell, Peskin, Sandoval  
Absent: 4 - Daly, Gonzalez, McGoldrick, Newsom

**031639 [Findings - 5630-38 Mission Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2003.0376C, on property located at 5630-38 Mission Street, for action by the Board at its next meeting.  
(Clerk of the Board)

*Continued to October 28, 2003*

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

Ayes: 7 - Ammiano, Dufty, Hall, Ma, Maxwell, Peskin, Sandoval  
Absent: 4 - Daly, Gonzalez, McGoldrick, Newsom

**ROLL CALL FOR INTRODUCTIONS****PUBLIC COMMENT**

*Bob Planthold; motorcycle parking legislation  
Edward Evans; motorcycle parking legislation  
Roger Brandwin; hotel on Mission Street issues  
Robert; general issues  
Vernon Jenkins; general issues*

**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.*

*Supervisor Daly noted absent at 3:00 p.m.*

**031719 [Commending the Mission Council]**

**Supervisor Daly**

Resolution commending the Mission Council for 25 years of delivering culturally competent, community-based services to the people of San Francisco.

**Resolution No.** 709-03

**ADOPTED**

**031720 [Proclaiming October 2003 Potrero Hill Month]**

**Supervisor Maxwell**

Resolution proclaiming October 2003 "Potrero Hill Month" in the City and County of San Francisco.

**Resolution No.** 710-03

**ADOPTED**

031722 [Needle Exchange Emergency]  
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M03-189  
APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 1 - Daly

**Severed from Without Reference to Committee Agenda**

*Supervisors Hall and Sandoval requested that this matter be severed so that it could be considered separately.*

031673 [Urging Governor Davis to sign Senate Bill 2]  
Supervisor Sandoval

Resolution urging Governor Davis to sign Health Insurance Act of 2003, also known as SB 2, which would expand the current employer-based health care system to provide health coverage to over one million uninsured Californians.

*Supervisor Sandoval, seconded by Supervisor Maxwell, moved an amendment of the whole.*

AMENDED by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Daly, Hall

Resolution commending Governor Davis for signing the Health Insurance Act of 2003, also known as SB 2, which would expand the current employer-based health care system to provide health coverage to over one million uninsured Californians.

Resolution No. 708-03

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval  
Absent: 2 - Daly, Hall

*Supervisor Gonzalez requested that this matter be severed so that it could be considered separately.*

031718 [Supporting Immigrant Pride Day 2003 in the City & County of San Francisco]  
Supervisor Gonzalez

Resolution waiving the fees associated with Immigrant Pride Day for the San Francisco Police Department and the San Francisco Fire Departments and urging the Municipal Transportation Agency to join with the City and waive their fees in support of Immigrant Pride Day.

*Supervisor Gonzalez requested that this matter be referred to Committee.*

REFERRED to the City Services Committee.

## OFF-AGENDA LEGISLATION

### Introduced by Supervisors or Mayor

#### Ordinances

- 031739 [Prohibition on Demolition of Residential Buildings With 20 or More Dwelling Units Unless the Residential Building Proposed for Demolition Requires Substantial Rehabilitation]**  
**Supervisors Daly, Maxwell, Ammiano**

Ordinance to amend the Planning Code by adding Section 317 and by amending Sections 710.39, 711.39, 712.39, 713.39, 714.39, 715.39, 716.39, 717.39, 718.39, 719.39, 720.39, 721.39, 722.39, 723.39, 724.39, 725.39, 726.39, 727.39, 728.39, 729.39, 730.39, 813.13, 814.13, 815.13, 816.13, 817.13, 818.13, 212, 242, 243, 249.5, and 249.21 to make findings as to the need to preserve affordable housing in San Francisco and to prohibit the demolition of residential buildings with 20 or more dwelling units unless the applicant for the proposed demolition provides documentation that the residential building requires substantial rehabilitation, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

10/21/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 11/20/2003.

- 031747 [Revising permit fee and planning review surcharges applicable to permits and review activities subject to review by the Board of Appeals]**  
**Supervisor Peskin**

Ordinance amending the Administrative Code by amending Section 10G.1 to correct erroneous Planning and Building Code citations, revising permit surcharges on permits issued by the Department of Building Inspection, the Taxi Commission, the Police Department and the Department of Public Works permits where such permits are subject to appeal before the Board of Appeals, revising the surcharge on fees imposed by the Planning Department for review of permits where such permits are subject to appeal before the Board of Appeals, and making environmental findings.

10/21/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

- 031655 [Post-Employment Restrictions for Former City Employees]**

Ordinance adding Chapter 8, Activities of Former Officers and Employees, to Article III of the Campaign and Governmental Conduct Code; moving section 3.545 of the Campaign and Governmental Conduct Code to section 3.800; and adding prohibitions to prevent former City employees, for a period of two years, from communicating on behalf of any other person or entity, other than the City and County of San Francisco, with an elected public official who was the former employee's appointing authority or City employees who are current appointees of that appointing authority.

9/30/03, RECEIVED AND ASSIGNED to Rules Committee.

10/21/03, SUBSTITUTED. Supervisor Newsom presented a substitute ordinance approved as to form, replacing a draft previously submitted.

10/21/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/20/2003.

**031656 [Campaign Consultants Lobbying Current and Former Clients]  
Supervisor Newsom**

Ordinance amending Article II, Chapter 1, Section 2.100, adding section 2.117 to Article II, Chapter 1, and adding section 1.545 to Article I, Chapter 5 of the Campaign and Governmental Conduct Code to prohibit campaign consultants and employees of campaign consultants from lobbying current and former clients.

9/30/02, RECEIVED AND ASSIGNED to Rules Committee.

10/21/03, SUBSTITUTED. Supervisor Newsom presented a substitute ordinance approved as to form, replacing a draft previously submitted.

10/21/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/20/2003.

**020585 [Establishing a Library Citizens Advisory Committee]  
Supervisor McGoldrick**

Ordinance amending Chapter 5 of the San Francisco Administrative Code by adding Article 24, Section 5.240, to establish the Library Citizens Advisory Committee as an advisory committee to the Board of Supervisors.

4/8/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

12/10/02, FILED PURSUANT TO RULE 5.37.

10/21/03, REACTIVATED PURSUANT TO RULE 5.23. Supervisor McGoldrick requested this matter be reactivated and be named as sponsor.

10/21/03, ASSIGNED to Rules Committee.

## Resolutions

**031738 [Contracting out Budget Analyst Services]**

Resolution concurring with the controller's certification that the budget analyst services can be practically performed by private contractor for lower cost than similar work services performed by city and county employees. (Clerk of the Board)

10/21/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031746 [Accept-Expend State Grant]**

**Mayor, Supervisors McGoldrick, Maxwell, Sandoval, Newsom**

Resolution authorizing the Department of Parking and Traffic to accept and expend a grant in the amount of \$199,204 from the California Office of Traffic Safety for improving school area traffic safety.

(No Public Benefit Recipient.)

10/21/03, RECEIVED AND ASSIGNED to Land Use Committee.

- 031748 [Installing City-owned broadband facilities in conjunction with the City's planned rebuild its sewer system]  
Supervisor Ammiano**

Resolution urging the Department of Telecommunications and Information Services, the Public Utilities Commission, the Department of Public Works, and the Mayor's Office of Public Finance to evaluate the costs, benefits, and technical issues associated with installing broadband facilities when the City and County of San Francisco conducts its planned rebuild of its sewer system, to enable the City and County of San Francisco to increase the availability of bandwidth for telecommunications, cable, and information services.  
10/21/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

- 031753 [Authorize the City and County of San Francisco's application to host the United Nations' World Environment Day 2005]  
Supervisor Dufty**

Resolution authorizing San Francisco to apply to host United Nations' World Environment Day celebrations in 2005 and, if selected, designating SF Environment to work with other City departments to coordinate a host committee that will ensure the programmatic, financial, and educational success of the event.  
10/21/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 031754 [Zoning - Extension of Planning Commission Review Period]  
Supervisor Gonzalez**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Planning Code to require that all retail uses in C-2, C-M, M-1, M-2, RSD, SLR, SLI, SSO, and SPD zoning districts which are 50,000 square feet or larger may only be permitted as conditional uses.  
10/21/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 031755 [Humanities West Day]  
Supervisor Ma**

Resolution declaring November 21, 2003 to be "Humanities West Day" in the City and County of San Francisco.  
10/21/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 031756 [Robert Louis Stevenson Elementary School Day]  
Supervisor Ma**

Resolution declaring November 13, 2003 to be "Robert Louis Stevenson Elementary School Day" in the City and County of San Francisco.  
10/21/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.



**031757 [Exemption from Requirement that Ambulances Carry Spare Tire and Jack]  
Supervisor Ma**

Resolution authorizing the San Francisco Fire Department to be exempt from California Code of Regulations Title 13, Division 2, Chapter 5, Article 1, Section 1103(e) and (f), requiring ambulances to carry spare tire and jack.

10/21/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031758 [Commending Kathleen Vasquez]  
Supervisor Maxwell**

Resolution commending Kathleen Vasquez for winning the Milken National Educator's Award.

10/21/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031759 [Urging U.S. Senators Dianne Feinstein and Barbara Boxer to fully fund Section 8]  
Supervisors Ammiano, Daly**

Resolution urging U.S. Senators Dianne Feinstein and Barbara Boxer to fully fund the Section 8 voucher program, so that all current recipients may preserve their housing and those on the waiting list may receive new vouchers in the coming fiscal year.

10/21/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031760 [Shelter Workers]  
Supervisors Ammiano, Daly**

Resolution urging the Mayor's Budget Office, in consultation with the Controller, the Director of Public Health, the Director of Human Services and the Mayor's Office of Homelessness, to identify cost-savings necessary to develop funding for employee compensation negotiations between City-funded non-profit agencies and employee bargaining units representing shelter workers.

10/21/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031514 [Authorizing transfer of funds and management oversight from DPW to MOCD]  
Supervisor Gonzalez**

Resolution authorizing transfer of \$475,000 and management oversight of two City accessibility projects from the Department of Public Works to the Mayor's Office of Community Development for inclusion in City's CDBG Program in order to satisfy HUD's demand for City reimbursement relating to the improper use by the Third Street Economic Development Corporation of \$51,706 in grant funds at 5048 Third Street.

8/26/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

9/16/03, ASSIGNED to Finance and Audits Committee.

9/16/03, REFERRED to Finance and Audits Committee.

10/21/03, SUBSTITUTED. Supervisor Gonzalez submitted a substitute resolution bearing new title.

10/21/03, ASSIGNED to Finance and Audits Committee.

**Requests for Hearings****031740 [Current Status of Instant Runoff Voting in San Francisco]  
Supervisor Gonzalez**

Hearing to discuss the current status of Instant Runoff Voting in San Francisco on Election Systems and Software's compliance with their contract and their efforts to gain certification with state and federal authorities. 10/21/03, RECEIVED AND ASSIGNED to Rules Committee. October 15, 2003 Memo from Department of Elections received.

**031741 [Transbay Redevelopment Draft Plan]  
Supervisor McGoldrick**

Hearing on the Transbay Redevelopment Draft Plan.  
10/21/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031742 [Rincon Hill Draft Plan]  
Supervisor McGoldrick**

Hearing on the Rincon Hill Draft Plan.  
10/21/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031744 [Use of Federal EPSDT funding]  
Supervisor Dufty**

Hearing on the use of Federal EPSDT funding (Early Prevention, Screening, Detection, and Treatment) to expand adolescent substance abuse treatment and services. This hearing will consider the potential use of these EPSDT funds to leverage needed expansion of services to adolescents.  
10/21/03, RECEIVED AND ASSIGNED to City Services Committee.

**031745 [Compensation and contract for MTA Director Michael Burns.]  
Supervisor Gonzalez**

Hearing to discuss decisions made by the Municipal Transportation Agency (MTA) related to the compensation and contract for MTA Director Michael Burns.  
10/21/03, RECEIVED AND ASSIGNED to Rules Committee.

**Motions****031749 [Legislative Analyst Request - Practices and policies for processing invoices and payments on City contracts]  
Supervisors Ma, Maxwell**

Motion requesting the Office of the Legislative Analyst (OLA) to compare and contrast San Francisco's current practices and policies for processing invoices and payments on City contracts to model municipalities (cities and/or counties), the State of California, and the San Francisco International Airport. In addition, the OLA should review and consider the feasibility of implementing a successful system in San Francisco.  
10/21/03, ASSIGNED to Board of Supervisors. Scheduled for Board consideration October 28, 2003.

**031750 [Legislative Analyst Request - Cable Franchises]  
Supervisor Sandoval**

Motion requesting the Legislative Analyst to survey other major cities such as Berkeley and Santa Cruz to find out whether they have used outside contractors or consultants to negotiate cable franchises. Also requesting the Legislative Analyst to consult with the Department of Telecommunication and Information Services, Zane Blaney of AccessSF, and Office of Supervisor Sandoval for the report and to deliver this report by November 14, 2003.

10/21/03, ASSIGNED to Board of Supervisors. Scheduled for Board consideration October 28, 2003.

**031751 [Legislative Analyst Request - Homebuyer assistance]  
Supervisors Sandoval, Daly, Hall**

Motion requesting the Legislative Analyst to survey other jurisdictions regarding down payment assistance programs for first time homebuyers and to consult with the City Attorney's Office and the Mayor's Office of Housing regarding the feasibility and effectiveness of a down payment assistance program. Also requesting the Legislative Analyst to evaluate current homebuyer assistance programs and deliver report by November 14, 2003.

10/21/03, ASSIGNED to Board of Supervisors. Scheduled for Board consideration October 28, 2003.

**031723 [Appointment, Public Utilities Commission]**

Motion approving the Mayor's appointment of Andrew Lee to the Public Utilities Commission, for the term ending January 15, 2004. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.

Transmittal date – October 16, 2003.

10/21/03, RECEIVED AND ASSIGNED to Rules Committee. 10/29/03 - Received communication from Mayor Willie L. Brown, Jr. withdrawing his nomination of Andrew Lee to the Public Utilities Commission.

**031724 [Appointment, Public Utilities Commission]**

Motion rejecting the Mayor's appointment of Andrew Lee to the Public Utilities Commission.

10/21/03, RECEIVED AND ASSIGNED to Rules Committee. 10/29/03 - Received communication from Mayor Willie L. Brown, Jr. withdrawing his nomination of appointment of Andrew Lee to the Public Utilities Commission.

**031725 [Appointment, Public Utilities Commission]**

Motion taking no position concerning the Mayor's appointment of Andrew Lee to the Public Utilities Commission, for term ending January 15, 2004.

10/21/03, RECEIVED AND ASSIGNED to Rules Committee. 10/29/03 - Received communication from Mayor Willie L. Brown, Jr. withdrawing his nomination of appointment of Andrew Lee to the Public Utilities Commission.

## **PROPOSED ORDINANCES**

- 031694 [Traffic Code - Amending Section 32.1.1 to update location of Main Public Library]**  
Ordinance amending Section 32.1.1 of the San Francisco Traffic Code. (Parking and Traffic Department)
- (No Public Benefit Recipient.)  
10/1/03, RECEIVED AND ASSIGNED to Land Use Committee.  
10/15/03, ASSIGNED to Land Use Committee.  
10/15/03, SUBSTITUTED. City Attorney submitted a substitute ordinance bearing new title.
- 031695 [Changing Official Width of Sidewalk]**  
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1561 to change the official sidewalk width on the south side of Market Street west of Third Street; making findings pursuant to the General Plan; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)
- (No Public Benefit Recipient.)  
9/30/03, RECEIVED AND ASSIGNED to Land Use Committee.
- 031697 [Settlement of Lawsuit]**  
Ordinance authorizing settlement of the lawsuit filed by Lynn Andrews against the City and County of San Francisco for \$75,000; the lawsuit was filed on July 18, 2002 in San Francisco Superior Court, Case No. 410-430; entitled Lynn Andrews v. City and County of San Francisco, et al. (City Attorney)
- (Public Benefit Recipient.)  
10/9/03, RECEIVED AND ASSIGNED to Rules Committee.
- 031690 [Settlement Of Lawsuit]  
Supervisor Gonzalez**
- Ordinance authorizing settlement of the lawsuit filed by Restore Hetch Hetchy against the City and County of San Francisco for \$1,700.00; the lawsuit was filed on July 24, 2003 in San Francisco Superior Court, Case No. 503-306; entitled Restore Hetch Hetchy v. San Francisco Board of Supervisors et al.; other material terms of said settlement are that the City and County of San Francisco and San Francisco Public Utilities Commission agree to remain neutral on Petitioner's efforts to seek funding for preparation of a study assessing the feasibility of restoring the Hetch Hetchy Valley. The San Francisco Public Utilities Commission reserves the right to comment on any restrictions, requirements or regulations that would be imposed on the Department by a funding source as a prerequisite to the appropriation of those funds. (City Attorney)
- 10/10/03, RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

- 031662 [Settlement of Claim]**  
Resolution approving the settlement of the unlitigated claim filed by Fireman's Fund Insurance Company and Richard Dennes against the City and County of San Francisco.
- (Public Benefit Recipient.)  
10/3/03, RECEIVED AND ASSIGNED to Rules Committee.

**031691 [STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

**STOP SIGNS - ESTABLISH**

Le Conte and Meade Avenues, stopping both streets, making this intersection an All-Way STOP;

Teddy Avenue and Alpha Street, stopping Teddy Avenue at Alpha Street, making this intersection an All-Way STOP;

Leland Avenue and Peabody Street, stopping Leland Avenue and Peabody Street, making this uncontrolled T-intersection an All-Way STOP;

Broadway and Jones Street, stopping Jones Street, making this intersection an All-Way STOP;

Benton Avenue and Genebern Way, stopping westbound Benton Avenue at Genebern Way;

26th Avenue and Moraga Street, stopping 26th Avenue, making this intersection an All-Way STOP;

25th and Mississippi Streets, stopping both streets, making this uncontrolled T-intersection an All-Way STOP;

20th Avenue and Quintara Street, stopping Quintara Street traffic at 20th Avenue, making this intersection an All-Way STOP; and

Harney Way at Alana Way and Thomas Mellon Drive, stopping eastbound Harney Way Left Turn onto Alana Way. (Parking and Traffic Department)

9/25/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2692; No Public Benefit Recipient.)

10/1/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031692 [Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

**LEFT LANE MUST TURN LEFT - ESTABLISH**

Paul Avenue, eastbound, at Bayshore Boulevard.

**CROSSWALK - RESCIND**

Bayshore Boulevard and Oakdale Avenue, crossing Bayshore Boulevard, south side, at Oakdale Avenue.

**CROSSWALK - ESTABLISH**

Bayshore Boulevard and Oakdale Avenue, crossing Bayshore Boulevard, north side.

**NO RIGHT TURN AFTER BALLPARK EVENTS EXCEPT TAXIS - RESCIND****NO RIGHT TURN AFTER BALLPARK EVENTS - ESTABLISH**

3rd Street, northbound, at Townsend Street.

**NO LEFT TURN - ESTABLISH**

Woodside Avenue, eastbound, onto Youth Guidance Center/Laguna Honda Hospital access road.

**NO LEFT TURN - ESTABLISH**

Woodside Avenue, westbound, onto Idora Avenue.

**CROSSWALK - RESCIND**

Crossing Woodside Avenue, west side, at Idora Avenue.

**CROSSWALK - RESCIND**

Crossing Woodside Avenue, east side, at the Youth Guidance Center/Laguna Honda access road.

**NO LEFT TURN, 7:00 AM to 9:00 AM AND 4:00 PM TO 6:00 PM, EXCEPT SATURDAY AND SUNDAY - RESCIND****NO LEFT TURN - ESTABLISH**

Judah Street, westbound at 17th Avenue. (Parking and Traffic Department)

Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2692; No Public Benefit Recipient.)

10/1/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031693 [Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

Funston Avenue, west side, between California and Clement Streets (200 block).

RESIDENTIAL PERMIT PARKING AREA "H" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH

Sloat Boulevard, south side, from 20th Avenue to 100 feet easterly (300 block); and 20th Avenue, both sides, between Sloat Boulevard and Ocean Avenue (2900 block).

UNMETERED MOTORCYCLE PARKING - ESTABLISH

Fulton Street, south side, at 6th Avenue (accommodates 3 unmetered parking spaces).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

States Street, north side, from Corona Heights Playground to a point 26 feet westerly.

(9/25/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPW Order No. 2692; No Public Benefit Recipient.)

10/1/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031696 [Lease of Property]**

Resolution authorizing a 25-year Lease of San Francisco Public Utilities Land between the City and County of San Francisco and Sunol Valley Golf & Recreation Co., in Alameda County. (Public Utilities Commission)

(Fiscal impact; Public Benefit Recipient.)

10/1/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031698 [Approval of the Amended Ground Lease for the Rincon Park Restaurants Project]  
Supervisor McGoldrick**

Resolution approving the Amended Ground Lease between the Port Commission and JMA Waterfront Properties, LLC, a Delaware limited liability company, for the Rincon Park Restaurants Project, located on The Embarcadero between Howard and Folsom Streets, for a total term, including renewal options, of sixty years. (Port)

(Public Benefit Recipient.)

10/3/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031716 [Airport Lease Disposition and Development Agreement and Lease]  
Supervisor Hall**

Resolution approving the Lease Disposition and Development Agreement and Lease of Plot 9 between Airis SFO, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(Fiscal impact; No Public Benefit Recipient.)

10/10/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**Requests Granted**

*From: Supervisor Maxwell*

*To: Planning Department*

*Requesting/Inquiring: Inquiring if the Department, in the development of its plans for lower Potrero/Showplace Square and the Mission, is working with the Department of Public Health for an economic and social analysis of the impacts of the various zoning proposals and the San Francisco County Transportation Authority to develop a plan for transit and overall transportation focused on the 16th Street corridor.*

*From: Supervisors McGoldrick, Ma*

*To: City Attorney*

*Requesting/Inquiring: To write an Ordinance that creates a one-year moratorium on all Recreation and Park Department acquisitions except those in "high need areas" as identified by the General Plan, until a proper policy and framework for making open space decisions is prepared and approved by the Commission and the Board of Supervisors.*

*From: Supervisor Sandoval*

*To: Department of Parking and Traffic*

*Requesting/Inquiring: Inquiring about the feasibility of installing a "No U-Turn" sign on Alemany Blvd (heading southbound) at Santa Rosa Street in front of Corpus Christi school to improve pedestrian safety and decrease vehicular accidents.*

*From: Supervisor Sandoval*

*To: Director of Recreation and Park Department*

*Requesting/Inquiring: Requesting an update on capital developments for Brooks Park. The department should state the amount of money designated for capital developments at Brooks Park and provide a detailed timeline of construction at the park.*

*Also requesting clerk to send a copy of this letter and its response to:*

*Isabel Wade*

*Neighborhood Parks Council*

*783 Buena Vista West*

*San Francisco, CA 94117*

*From: Supervisor Sandoval*

*To: Director of Recreation and Park Department*

*Requesting/Inquiring: Requesting information about the status of the Geneva Avenue Community Garden located at the corner of Geneva Avenue and Delano Street. The department should detail the history of garden, previous and current resources designated for the maintenance of the garden, and future plans for development of the garden. The department should also gather community input about the future development of this parcel*

*Also requesting clerk to send a copy of this letter and its response to:*

*Isabel Wade*

*Chair, PROSAC*

*Neighborhood Parks Council*

*783 Buena Vista West*

*San Francisco, CA 94117*



*From: Supervisor Sandoval*

*To: Director of Recreation and Park Department*

*Requesting/Inquiring: Requesting information about the status of acquiring property on the north side of Brotherhood Way at Chester Street for the Chester Street Mini Park. The department should include the estimated cost of acquisition and a comparison of the cost of similar undeveloped parcels in the area in its response.*

*Also requesting clerk to send a copy of this letter and its response to:*

*Isabel Wade  
Chair, PROSAC  
Neighborhood Parks Council  
783 Buena Vista West  
San Francisco, CA 94117*

### **In Memoriams**

*Robert Landis (Supervisors Dufty, Ma, Sandoval)  
Michael Driscoll (Supervisor Hall)  
Hugh Smith (Supervisor Hall)  
Chester H. Yee (Supervisor Ma)  
Faith Fancher (Supervisor Maxwell)*

## ADJOURNMENT

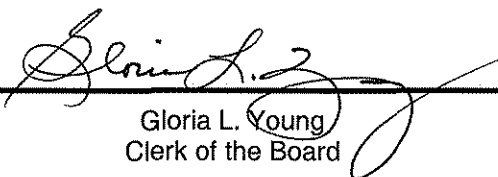
*There being no further business, the Board at the hour of 10:37 p.m. adjourned.*

*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 November 18, 2003.*

*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

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