

# 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, February 22, 2005 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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*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, Elsbernd, Ma, McGoldrick

**City and School District Select Committee**

Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Wynns, Delegate Wong

**City Operations and Neighborhood Services Committee**

Supervisors McGoldrick, Dufty, Ma

**Government Audit and Oversight Committee**

Supervisors Peskin, Elsbernd, Mirkarimi

**Land Use Committee**

Supervisors Maxwell, Sandoval, McGoldrick

**Rules Committee**

Supervisors Alioto-Pier, Mirkarimi, Peskin

#### Meeting Days

Thursday  
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

Wednesday  
10:00 AM

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

Volume 100 Number 8

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

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## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Alioto-Pier and Ammiano were noted absent.*

*Quorum present.*

*Supervisor Ammiano was noted present at 2:07 p.m.  
Supervisor Alioto-Pier was noted present at 2:10 p.m.*

## **APPROVAL OF MEETING MINUTES**

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to approve January 25, 2005 Meeting Minutes. The motion carried by the following vote:

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

## **AGENDA CHANGES**

## **COMMUNICATIONS**

## **CONSENT AGENDA**

## **Recommendation of the Budget and Finance Committee**

**050197 [Contract funds to evaluate the impact of a resource center for drug users, Year 2]  
Supervisor Ammiano**

Resolution authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (SFDPH, CBHS), to enter retroactively into Year 2 of an agreement with the University of California San Francisco (USCSF), the primary contractor, and expend funds in the amount of \$11,836 to provide evaluation services; for the period of July 1, 2004 to June 30, 2005.

**Resolution No.** 143-05

**ADOPTED**

**Recommendation of the City Operations and Neighborhood Services Committee**

**050096 [Accept-Expend Federal/State Pass Through Grant]**

Resolution authorizing the Department of Public Library to accept and expend an augmentation grant in the amount of \$5,405 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education. (Public Library)

**Resolution No.** 141-05

**ADOPTED**

**Recommendations of the Land Use Committee**

**050092 [Designating 351-9th Avenue, the Richmond/Senator Milton Marks Branch Library, as a Landmark under Planning Code Article 10]**

**Supervisors Ma, Peskin, Elsbernd, McGoldrick, Maxwell, Dufty, Mirkarimi, Ammiano, Sandoval**

Ordinance designating 351-9th Avenue, the Richmond/Senator Milton Marks Branch Library, as Landmark No. 247 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

**Ordinance No.** 41-05

**FINALLY PASSED**

**050187 [Changing Official Width of Sidewalk]**

**Supervisor Peskin**

Ordinance Amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1565 to change the official sidewalk widths on the easterly side of Waverly Place; making 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)

**Ordinance No.** 43-05

**FINALLY PASSED**

**Recommendation of the Rules Committee**

- 050134 [Requiring City offices to display signs, brochures, and forms for the San Francisco Working Families Credit Program]  
Mayor, Supervisors Maxwell, Dufty, Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Section 12S.2, to require City offices to display signs, brochures and forms for the San Francisco Working Families Credit Program.

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

**Ordinance No.** 42-05

**FINALLY PASSED**

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Absent: 1 - Alioto-Pier

## REGULAR AGENDA

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

*Supervisor Alioto-Pier was noted absent at 3:09 p.m.*

- 050045 [Sale of City Property]

Ordinance ordering the sale at public auction of City-owned property located at 1648 Pacific Avenue and 2350 19th Avenue; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance. (Real Estate Department)

(Supervisor Daly dissenting in Committee.)

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

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Absent: 1 - Alioto-Pier

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

Ayes: 9 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 1 - Daly

Absent: 1 - Alioto-Pier

**041732 [Settlement of Grievance - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]**

Resolution approving the settlement of the grievance (ERD No. 40-03-1142) filed by United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38 ("Union") on behalf of Grievants, as identified in Exhibit A attached hereto, against the City and County of San Francisco for \$109,270.76. Other material term of said settlement is that Grievants and Union shall release all claims relating to the aforementioned grievance (ERD No. 40-03-1142). (City Attorney)

**Resolution No.** 138-05

**ADOPTED by the following vote:**

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

**050081 [Public Auction]**

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

**Resolution No.** 139-05

**ADOPTED by the following vote:**

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

**050082 [Exchange of real property within the Japan Center Garage (Lot 34, 35, Assessor's Block 700)]**

Resolution authorizing the exchange of certain City-owned real property generally known as a portion of Lot 35, Assessor's Block 700 for certain property owned by Dae Woong Kim, et al generally known as a portion of Lot 34, Assessor's Block 700; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the exchange is consistent with the City's general plan and eight priority policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents and take certain actions in furtherance of this resolution. (Real Estate Department)

**Resolution No.** 140-05

**ADOPTED by the following vote:**

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

**050097 [Extending Provisional Appointments]**

Resolution approving, retroactively, extension to June 30, 2005 of provisional appointments of employees in classifications H-30 Captain (Fire Department), 0922 Manager I, 0923 Manager II, 0931 Manager III, 0932 Manager IV, 0933 Manager V, 0941 Manager VI, 0943 Manager VIII, 1952 Purchaser, 5212 Principal Engineer, 7328 Operating Engineer, Universal, and 8216 Senior Parking Control Officer. (Human Resources Department)

**Resolution No.** 142-05

**ADOPTED by the following vote:**

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

**Recommendation of the City Operations and Neighborhood Services Committee**

**041611 [Authorization for a Local Disease Prevention Demonstration Project]  
Supervisors Dufty, Ammiano, Mirkarimi**

Ordinance amending the Health Code to add Section 31 authorizing the Department of Public Health to create and operate a Disease Prevention Demonstration Project to register pharmacies to sell or furnish hypodermic needles without a prescription as allowed under State law, such registration to consist of the department maintaining a list of participating pharmacies, providing such pharmacies with written information for customers on how to access drug treatment, HIV and Hepatitis C testing and treatment, and safe disposal of sharps waste.

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

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

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

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

### **Privilege of the Floor**

Supervisor Mirkarimi, seconded by Supervisor Sandoval, 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: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

*Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Mary Rogers and LeRoy King in recognition of Black History Month.*

*Supervisors Maxwell and Dufty offered their congratulations to Mary Rogers and LeRoy King.*

*Supervisor Sandoval introduced, welcomed and presented a Certificate of Honor to Cynthia Saavedra for her community involvement with Charter schools.*

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

**050037 [Public Hearing - Appeal of Categorical Exemption for 837-847 Montgomery Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated December 13, 2004, Case No. 2004.0924E, approving the proposed conversion of an existing office use in two adjoining three-story-over-basement masonry buildings to 13-residential units with basement parking for up to 9 cars; construction of two-additional floors and a stair penthouse, and removal of alterations made to the ground-floor façade and replacement with a new storefront design. The project site is a 6,800 sq. ft. parcel located at 837-847 Montgomery Street, Assessor's Block 176, Lots 3 and 3A, within the C-2 (Community Business) zoning district and a 65A height and bulk district.

The existing buildings are within the Jackson Square Historic District. (Appellant: San Francisco Architectural Heritage represented by their Attorney, Susan Brandt-Hawley, Brandt-Hawley Law Group.)

(Filed January 5, 2005; companion measure to Files 050038, 050039, 050040; District 3.)

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

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

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption 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.)****050038 [Affirming the categorical exemption issued for 837-847 Montgomery Street]**

Motion affirming the determination by the Planning Department that the 837-847 Montgomery Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

**050039 [Disapproving the categorical exemption issued for 837-847 Montgomery Street]**

Motion disapproving the determination by the Planning Department that the 837-847 Montgomery Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

**050040 [Preparation of findings related to the categorical exemption issued for 837-847 Montgomery Street]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 837-847 Montgomery Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

## ROLL CALL FOR INTRODUCTIONS

*Supervisor Peskin provided the Board an update of the Bay Conservation & Development Commission on which he represents the Board of Supervisors.*

*Supervisor Mirkarimi provided the Board updates of the Local Agency Formation (LAFCo) and on the Disaster Council on which he represents the Board of Supervisors.*

*Supervisor Ma also provided additional information relating to the Disaster Council.*

*Supervisor Ammiano provided the Board updates on the Golden Gate Bridge, Highway & Transportation District on which he represents the Board of Supervisors.*

*Supervisor Sandoval provided additional information relating to the Golden Gate Bridge, Highway & Transportation District. He also provided an update on the San Francisco Retirement System on which he represents the Board of Supervisors.*

*Supervisor McGoldrick provided the Board updates on the Bay Area Air Quality Management District and California State Association of Counties on which he represents the Board of Supervisors.*

*Supervisor Alioto-Pier provided additional information relating to the Disaster Council on which she represents the Board of Supervisors.*

*Supervisor Dufty provided the Board updates on the Golden Gate Bridge, Highway & Transportation District on which he represents the Board of Supervisors.*

*Supervisor Alioto-Pier was noted present at 3:14 p.m.*

## PUBLIC COMMENT

*Abduallah Megaheed; homeless issues*

*Francisco di Costa; SF Environment issues and property transfers*

*M. Jacobs, Survivors International; support of Item 20 to comply with international law regarding the use of torture*

*Male speaker; support of Item 20 to comply with international law regarding the use of torture*

*Espanola Jackson; Hunter's Point toxic issues*

*Bruce Ellison; Muni fares and housing issues*

*James Chaffee; Library issues*

*Sherry Zhang, Falun Gong; Chinese Parade issues*

*Female speaker; support of Item 20 to comply with international law regarding the use of torture*

*Father Vitale; support of Item 20 to comply with international law regarding the use of torture*

*Erin Callaghan, Amnesty International; support of Item 20 to comply with international law regarding the use of torture*

*Dane R. Johnsten; general issues*

*Katherine Howard; support of land marking Golden Gate Park Music Concourse*

*Female speaker; general issues and school 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.*

**050257 [Supporting California Health Care Coalition of California Works]  
Supervisors Ammiano, Mirkarimi**

Resolution supporting the California Health Care Coalition of the California Works Foundation and participating with other public and private purchasers determined to bring significantly greater performance accountability and transparency to the healthcare industry.

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

**Resolution No. 144-05**

**ADOPTED**

**050258 [Amending the terms of all Board of Supervisors' appointees to the Treasure Island/Yerba Buena Island Citizens Advisory Board]  
Supervisor Daly**

Resolution amending the terms of all Board of Supervisors' appointees to the Treasure Island/Yerba Buena Island Citizens Advisory Board (the "TICAB") to be consistent with the Bylaws of the TICAB.

**Resolution No. 145-05**

**ADOPTED**

**050259 [Urging the United States Government to comply with international law regarding the use of torture]  
Supervisors Daly, Mirkarimi, Peskin**

Resolution urging the United States Government to comply with international law regarding the use of torture.

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

**Resolution No. 146-05**

**ADOPTED**

**050261 [Accept-Expend Grant from National Endowment for the Arts for Arts Commission]  
Supervisors Dufty, Mirkarimi**

Resolution authorizing the San Francisco Arts Commission to accept and expend a grant in the amount of \$50,000 from the National Endowment for the Arts for the advancement of arts education in the San Francisco Unified School District through the efforts and administration of the Arts Education Program.

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

**Resolution No. 148-05**

**ADOPTED**

**050262 [Honoring and commending Community Housing Partnership]  
Supervisors Dufty, Daly**

Resolution honoring and commending Community Housing Partnership for fifteen years of providing an alternative approach to the crisis of homelessness in San Francisco.

**Resolution No.** 149-05

**ADOPTED**

**050263 [Commending International Women's Day]  
Supervisors Ma, Maxwell, Alioto-Pier, Peskin**

Resolution commending International Women's Day.

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

**Resolution No.** 158-05

**ADOPTED**

**050264 [Arts Education Month]  
Supervisor Ma**

Resolution declaring March 2005 to be "Arts Education Month" in the City and County of San Francisco.

**Resolution No.** 150-05

**ADOPTED**

**050265 [Bill Price Day]  
Supervisors Mirkarimi, Ma, Peskin**

Resolution declaring "Bill Price Day" in San Francisco on February 24th 2005 on the occasion of his 90th birthday.

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

**Resolution No.** 151-05

**ADOPTED**

**050267 [Proclaiming March 2005 as Social Worker Month in San Francisco]  
Supervisors Maxwell, Ma, Dufty**

Resolution proclaiming March 2005 as Social Worker Month in San Francisco.

**Resolution No.** 152-05

**ADOPTED**

**050268 [Commending Dale Hess]  
Supervisors Maxwell, Peskin**

Resolution commending Dale Hess for his years of contribution to the City and County of San Francisco and proclaiming March 2, 2005 as Dale Hess Day in San Francisco.

**Resolution No.** 153-05

**ADOPTED**

**050269 [Commending the San Francisco Independent Living Resource Center]  
Supervisors Maxwell, Mirkarimi**

Resolution commending the San Francisco Independent Living Resource Center and their partners of the "San Francisco Cross Agency Training on Health, Benefits, Work and Disability" for their efforts to provide workers and job seekers with disabilities accurate information and access to their rights at the workplace.

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

**Resolution No.** 154-05

**ADOPTED**

**050270 [Opposing President Bush's Proposed Cuts in Community Development Funding]  
Supervisors Sandoval, Peskin**

Resolution opposing President Bush's proposed cuts in community development funding.

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

**Resolution No.** 155-05

**ADOPTED**

**050271 [Urging State to adopt Ten Year Plan to End Chronic Homelessness]  
Mayor, Supervisors Daly, Mirkarimi**

Resolution urging the State of California to adopt a Ten Year Plan to End Chronic Homelessness by 2006.

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

**Resolution No.** 156-05

**ADOPTED**

**050272 [Urging Congress to approve funding for housing and supportive services for the chronically homeless]  
Mayor, Supervisor Dufty**

Resolution urging Congress to approve \$200 million for the Samaritan Initiative to implement housing and supportive services strategies to end chronic homelessness.

**Resolution No.** 157-05

**ADOPTED**

**050252 [Needle Exchange Emergency]  
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi**

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

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

**Motion No.** M05-28

**APPROVED**

**The foregoing items were acted upon by the following vote:**

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

## Severed From Without Reference to Committee Agenda

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

**050260 [Open Government: Reinstating CityWatch Telecasts]  
Supervisors Daly, Ammiano, Mirkarimi**

Resolution to protect open government by re-instating cable programming for the Police and Planning Commissions on San Francisco Government Television, CityWatch.

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

**Resolution No.** 147-05

**ADOPTED** by the following vote:

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

## OFF-AGENDA LEGISLATION

### Introduced by Supervisors or Mayor

#### Ordinances

**050297 [Zoning Map Amendment and Repeal of Planning Code Section 263.1]  
Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by repealing Section 263.1, which allows the Planning Commission to approve height up to 200 feet in the 65D-2 Height and Bulk District, and by amending the Zoning Map of the City and County of San Francisco, Sheet 1H, to change the height and bulk designation of Assessor's Block 0195, Lots 4, 5, 11, 12, 14, 15 and 16 from 65D-2 to 40-X and to change the height and bulk designation of the remaining assessor's blocks and lots within the 65D-2 Height and Bulk District from 65D-2 to 65-A; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

2/22/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/24/2005.

**050298 [Repealing Ordinance Number 72-04 Conditionally Designating 690 Market as a Landmark]  
Supervisor Peskin**

Ordinance Repealing Ordinance Number 72-04 Conditionally Designating 690 Market, the Chronicle Building, As Landmark No. 243 under Article 10 of the Planning Code.

2/22/05, RECEIVED AND ASSIGNED to Rules Committee.

**050299 [Zoning Map Amendment]  
Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco, Sheet 1H, to change the height and bulk designation of Assessor's Block 0139 from 84-E to 40-X and to change the height and bulk designation of Assessor's Blocks 0140 and 0141 from 84-E to 65-X; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

2/22/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/24/2005.

**050300 [Neighborhood Sanitation and Housing Habitability Ordinance]  
Supervisor Mirkarimi**

Ordinance amending Article 11 of the San Francisco Health Code to change the title from "Nuisance" to "Neighborhood Sanitation and Housing Habitability," amending the definition of nuisance in Section 581 of the San Francisco Health Code to include asbestos hazards and violations of Section 583, adding Section 583 to the San Francisco Health Code to prevent vermin and insect disease vector harborage and infestation in residential units and to improve the health, safety and general welfare of occupants, adding potential attorneys' fees recovery for those cases in which the City elects to recover attorneys' fees to Sections 596 and 609, adding lien recovery for attorneys' fees for Section 599 and 609, adding civil penalties to Section 600, authorizing recovery of all costs and fees, including attorneys' fees, incurred in enforcement under Section 609, extending the notice and hearing provisions for lien collections under Sections 609.1 and 609.2 to include the additional costs and fees that may be recovered under the amended Section 609, and increasing reinspection fees to \$75 per half-hour under Section 609.

2/22/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee.

02/25/05 - Referred to Small Business Commission and the the Department of Public Health.

03/02/05 - Referred to Planning Department for determination as to whether the proposed fee increase will impact the environment.

**041071 [Amending Planning Code Section 703.3 to prohibit formula retail uses in the North Beach  
Neighborhood Commercial District]  
Supervisor Peskin**

Ordinance to amend the Planning Code by amending section 703.3 to prohibit formula retail uses in the North Beach Neighborhood Commercial District and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

7/27/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 8/26/2004.

7/30/04, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment.  
Referred to the Planning Dept. Environmental Review Section.

1/27/05, FILED. Filed pursuant to Rule 5.37.

2/22/05, REACTIVATED PURSUANT TO RULE 5.23. Supervisor Peskin requested this matter be reactivated.

2/22/05, ASSIGNED to Land Use Committee.

## Resolutions

**050301 [Elimination of San Francisco LAFCO]  
Supervisor Elsbernd**

Resolution urging the California Legislature to eliminate the San Francisco Local Agency Formation Commission ("SFLAFCO").

2/22/05, RECEIVED AND ASSIGNED to Rules Committee.

**050240 [Endorsing Community Choice Aggregation Bill of Rights]  
Supervisors Ammiano, Mirkarimi**

Resolution endorsing Local Power's Community Choice Aggregation Bill of Rights, to clarify and expand the authorities of Cities and Counties such as San Francisco with respect to large scale solar energy, efficiency and other conservation technologies and further urging California Senator Migden and California Assembly member Mark Leno to jointly file aforementioned Community Choice Aggregation Bill of Rights by the legislative deadline.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050241 [Congratulating The 15 Association on its twenty-fifth anniversary]  
Supervisors Dufty, Ammiano**

Resolution congratulating The 15 Association on its twenty-fifth anniversary.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050242 [Substance Abuse and Mental Health Services Administration (SAMHSA)]  
Supervisors Dufty, Ammiano, Mirkarimi**

Resolution repudiating the Substance Abuse and Mental Health Services Administration (SAMHSA), a division of the Department of Health and Human Services, for deleting the words "gay," "lesbian," "bisexual" and transgender" from the title of an upcoming suicide prevention workshop.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050243 [School Breakfast Week]  
Supervisor Ma**

Resolution declaring March 7 – 11, 2005 as "School Breakfast Week" in the City and County of San Francisco.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050278 [National Black Family Technology Awareness Week]  
Supervisor Maxwell**

Resolution recognizing February 13-19, 2005 as National Black Family Technology Awareness Week and commending IBM, the Career Communications Group and its local partners at the San Francisco Unified School District in hosting a Family Technology Night to highlight this issue.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050279 [Landmarking of the Grid of Pollarded in the Music Concourse Bowl, Golden Gate Park]  
Supervisor Mirkarimi**

Resolution urging the Planning Commission, the Planning Department and the Landmarks Preservation Advisory Board to landmark the Music Concourse and to include in the landmarking ordinance language protecting the historic grid of pollarded trees, and urging the Recreation and Park Commission, the Department of Recreation and Park, the Golden Gate Park Concourse Authority and Music Concourse Community Partnership to protect the integrity of existing trees during construction.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050280 [Punch Gallery Day]  
Supervisor Mirkarimi**

Resolution proclaiming February 25, 2005 as Punch Gallery Day.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050281 [Commending the Korean-American Community Center]  
Supervisors Mirkarimi, Ma**

Resolution commending Korean-American Community Center for its efforts in relief of tsunami victims.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050282 [Dr. Anita Friedman Day]  
Supervisors Peskin, Ma**

Resolution declaring March 19, 2005 Dr. Anita Friedman Day.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050283 [City Policy Regarding Contract Approval]  
Supervisors Peskin, Elsbernd**

Resolution making it the policy of the City and County that the Board of Supervisors not approve the exercise of options to renew contracts and leases under Charter Section 9.118 where the initial term together with the extension would exceed ten years, if the original agreement was not brought to the Board for its information and review before the agreement was executed.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050284 [Assembly Bill 232]  
Supervisors Sandoval, Ma**

Resolution urging the California State Legislature to pass AB 232 which will increase state funding to community college nursing programs.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050285 [Assembly Bill 41]  
Supervisors Sandoval, Ma**

Resolution urging the California State Legislature to approve AB 41: Human Trafficking Act, which establishes the crime of trafficking of a person for forced labor or services and the crime of trafficking of a minor for sexual servitude, providing various sentencing enhancements for these offenses. The bill would also impose state-mandated programs and require restitution to trafficking victims.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050286 [Urging Congress to retain funding for housing programs in the 2006 Department of Housing and Urban Development budget]  
Mayor, Supervisor Peskin**

Resolution expressing grave concern about President George W. Bush's proposed budget for the Department of Housing and Urban Development for fiscal year 2006 and urging Congress to retain funding for programs related to the development and preservation of affordable housing.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **Requests for Hearing**

**050302 [Hearing - Proposed motion amending the Rules of the Board of Supervisors by amending Rule 5.1]**  
Hearing to discuss the proposed motion amending the Rules of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee. (Clerk of the Board)  
2/22/05, ASSIGNED to Board of Supervisors. Pursuant to File 050303, Board to sit as a Committee of the Whole on March 1, 2005, at 3:00 p.m.

**050304 [SFUSDC's "Dream Schools" Initiative]  
Supervisor Alioto-Pier**

Hearing on the progress of the San Francisco Unified School District's "Dream Schools" initiative.

2/22/05, RECEIVED AND ASSIGNED to City and School District Select Committee. 02/28/05 - Referred to Youth Commission for comment.

**050305 [Mayor's Budget Instructions]  
Supervisor Ammiano**

Hearing on the Mayor's Budget Instructions to the Departments.

2/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050306 [City's Three-year Budget Projection]  
Supervisor Ammiano**

Hearing regarding the City's three-year budget projection and respectfully requests the Controller and the Mayor's Budget Director to brief the Budget Committee on this projection.

2/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.



**050307 [Budget Updates]  
Supervisor Ammiano**

Hearing to consider budget updates from the Mayor, Controller, Budget Analyst, Office of Legislative Analyst and City Departments.

2/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050308 [State of California and Federal Budget Cuts Impact on CCSF's Budget]  
Supervisor Ammiano**

Hearing on the Mayor's Budget Director's report on current information on the State of California and Federal budget cuts and their impact on the San Francisco City and County's budget.

2/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050309 [Discrimination against practitioners of Falun Gong]  
Supervisor Daly**

Hearing on discrimination against practitioners of Falun Gong by the Chinese Chamber of Commerce in San Francisco.

2/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**050310 [311 Customer Service Call Center]  
Supervisor Dufty**

Hearing to review the City's efforts to improve customer service and establish a 311 Customer Service Call Center, a single-toll-free number for citizens, businesses and visitors wishing to contact the City. This hearing will also review the City's progress toward implementing a Customer Relationship Management Initiative to connect department services to customers using technology and improved processes.

2/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 02/28/05 - Referred to Small Business Commission for comment.

**050311 [Impacts in San Francisco of the drug-resistant HIV strain found in New York]  
Supervisors Dufty, Ammiano**

Hearing to examine the impacts in San Francisco of the drug-resistant HIV strain found in New York, and to determine what steps the Board of Supervisors, the Department of Public Health, and local AIDS organizations can take to increase awareness of prevention efforts. This hearing will also focus on the link between crystal methamphetamine usage and HIV prevention efforts.

2/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**050312 [Community Needs Assessment Developed by DCYF]  
Supervisor Ma**

Hearing to review the draft Community Needs Assessment developed by the Department of Children, Youth and their Families (DCYF). This document, which is required by the Charter to be published by DCYF every three years, sets a framework for children's services in San Francisco for the coming three-year period. The hearing will review preliminary findings and recommendations contained in the current draft of the report and allow Supervisors to comment.

2/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. Sponsor requests this item be scheduled for consideration at the March 7, 2005 meeting.

02/25/05 - Referred to Youth Commission for comment.

**050313 [Hetch Hetchy Water System]  
Supervisor McGoldrick**

Hearing to review the San Francisco Public Utilities Commission's revised plan to fix the Hetch Hetchy water system, to look into the costs associated with the revised plan, and to determine how such revisions impact San Francisco water customers.

2/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**050314 [Cannabis Club Regulation]  
Supervisor Mirkarimi**

Hearing to discuss City issues and policies related to the distribution of medical cannabis as it relates to Proposition S, including the consideration of establishing licensing fees, the implementation of zoning requirements, regulating safe access guidelines, and the creation of consumer protection principles by the Department of Consumer Assurance.

2/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**050315 [Implementation of Senate Bill 1818]  
Supervisor Mirkarimi**

Hearing with the Planning Department and Mayor's Office of Housing on how the City intends to comply with the requirements of Senate Bill 1818, and what the Housing Element of the General Plan says about meeting the requirements of state law regarding density bonuses for affordable housing.

2/22/05, RECEIVED AND ASSIGNED to Land Use Committee.

## Motions

**050303 [Creating a Subcommittee of the Budget and Finance Committee]**

Motion amending the Rules of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.

2/22/05, RECEIVED AND ASSIGNED to Board of Supervisors. Board to sit as a Committee of the Whole on March 1, 2005, at 3:00 p.m.

**050316 [Appointment - Board of Appeals]  
Mayor**

Motion approving the Mayor's appointment of Michael Garcia to the Board of Appeals for the term ending July 1, 2006.

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 050317.)

Transmittal date - February 18, 2005.

2/22/05, RECEIVED AND ASSIGNED to Rules Committee. 3/3/05 - Notified Board of Appeals and mailed notice to applicant.

**050317 [Appointment - Board of Appeals]  
Mayor**

Motion rejecting the Mayor's appointment of Michael Garcia to the Board of Appeals.

2/22/05, RECEIVED AND ASSIGNED to Rules Committee.

**050318 [Appointment, Public Utilities Commission - Ann Moller Caen]  
Mayor**

Motion approving the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, for the term ending January 15, 2009.

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 - February 18, 2005.

2/22/05, RECEIVED AND ASSIGNED to Rules Committee. The Clerk of the Board requests this item be scheduled for consideration at the March 9, 2005 meeting.

3/3/05 - Notified SFPUC and mailed notice to applicant.

**050319 [Appointment, Public Utilities Commission - Ann Moller Caen]  
Mayor**

Motion rejecting the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission.

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 - February 18, 2005.

2/22/05, RECEIVED AND ASSIGNED to Rules Committee. The Clerk of the Board requests this item be scheduled for consideration at the March 9, 2005 meeting.

**050320 [Appointment, Public Utilities Commission - Ann Moller Caen]  
Mayor**

Motion taking no position concerning the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, for term ending January 15, 2009.

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 – February 18, 2005.

2/22/05, RECEIVED AND ASSIGNED to Rules Committee. The Clerk of the Board requests this item be scheduled for consideration at the March 9, 2005 meeting.

**050321 [Board waiver of committee reference requirement and convening as a Committee of the Whole for purposes of considering an amendment to Board Rule 5.1, which would create a subcommittee of the Budget and Finance Committee]**

**Supervisors Ammiano, Daly, Elsbernd, Ma**

Motion suspending Rule 4.38 of the Rules of Order of the San Francisco Board of Supervisors to consider, without reference to committee, an amendment to Board Rule 5.1 which would create a subcommittee of the Budget and Finance Committee of the San Francisco Board of Supervisors; motion that the Board sit as a Committee of the Whole on March 1, 2005, for the purpose of considering the proposed amendment to Rule 5.1.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050239 [Canceling March 8, 2005, Board of Supervisors meeting]  
Supervisor Peskin**

Motion canceling March 8, 2005, meeting of the Board of Supervisors.

2/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## **PROPOSED ORDINANCES**

## **PROPOSED RESOLUTIONS**

**050237 [Accept-Expend Grant]**

Resolution authorizing the Public Library to retroactively accept and expend a grant in the amount of \$23,400 from the Friends of the San Francisco Public Library for a part-time, as needed, editor for the publication, At the Public Library. (Public Library)

2/11/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**Requests Granted**

*From: Supervisor Mirkarimi*

*To: Director, Department of Parking and Traffic*

*Requesting/Inquiring: To report on the status of repairing the traffic light on the corner of Divisadero Street and Golden Gate Avenue on the Northeast corner.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

*Requesting/Inquiring: To report on the status of clearing the gutter of debris and asphalt at 1800 Laguna Street.*

*Please send copy to: William Snider, 1802 Laguna Street, San Francisco, CA 94115*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

*Requesting/Inquiring: To report on the status of replacing three empty sidewalk squares in front of Gateway school at 1350 7th Avenue.*

*Please send copy to: Valvelin Valledor, 1374 7th Avenue, San Francisco, CA 94122*

*From: Supervisor Ma*

*To: Director, Department of Administrative Services*

*To: Director, Airport Commission*

*To: Director, Art Commission*

*To: Assessor*

*To: Clerk, Board of Supervisors*

*To: Director, Child Support Services*

*To: City Attorney*

*To: Director, Planning Department*

*To: Director, Community Mental Health Services*

*To: Director, Department of Building Inspection*

*To: Director, Department of Human Services*

*To: Director, Department of Environment*

*To: Director, Department of Emergency Services*

*To: Chief, Fire Department*

*To: Chief, Police Department*

*To: Director, Department of Human Resources*

*To: Director, Municipal Transportation Authority*

*To: Director, Public Utilities Commission*

*To: Director, Department of Public Works*

*To: General Manager, Recreation and Park Department*

*To: Director, Retirement System*

*To: Treasurer/Tax Collector*

*To: Clerk, Superior Court*

*Requesting/Inquiring: To report on the following:*

*1) How much does your department spend on postage annually?*

*2) How many printers are in your department?*

*a) List manufacturer, model, monthly volume, and number of employees sharing each networking printer.*

*b) List manufacturer, model, monthly volume, classification of employee who is assigned a local/personal printer.*

*3) How much does your department spend on overnight/courier/messenger services annually?*

*4) How much does your department spend on off-site document storage (through contracted services or rental of spaces) annually?*

*5) How could your department reduce its spending on overnight/courier/messenger, postage and off-site document storage by 50%?*

**In Memoriams**

*Thelma Shelley (Entire Board)  
John "Sean" Philpott (Supervisor Elsbernd)  
Ellis Cheney (Supervisor Ma)  
Hunter S. Thompson (Supervisors Mirkarimi, McGoldrick)  
Nelly Bagdasorva (Supervisor Mirkarimi)  
Charles Rhodes (Supervisor Peskin)  
Agostina Giuliana Zucconi Chang (Supervisor Peskin)*

**ADJOURNMENT**

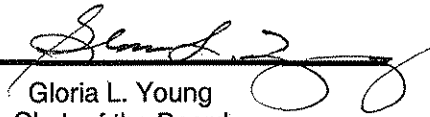
*There being no further business the Board adjourned at the hour of 4:04 p.m.*

*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 March 22, 2005.*

*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.*



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Gloria L. Young  
Clerk of the Board