

Board of Supervisors

City and County of San Francisco

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



AGENDA

**Tuesday, June 24, 2003
2:00 PM**

Regular Meeting

**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

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Motion to approve the May 13, 2003 Meeting Minutes

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 9

Recommendations of the City Services Committee

Present: Supervisors Dufty, Newsom

- 1. 030824 [Accept-Expend State Grant] Supervisors Dufty, Newsom**
Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the Governor's Office of Criminal Justice Planning for a project entitled "Suppression of Drug Abuse in Schools Program." (Police Department)
(No Public Benefit Recipient.)
Question: Shall this Resolution be ADOPTED?
- 2. 030901 [Accept-Expend State Grant] Supervisors Dufty, Newsom**
Resolution authorizing the Office of the District Attorney to contract for, accept and expend \$646,037 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Joint Powers Agreement with Victim and Witness Assistance Program for the period of July 1, 2003 through June 30, 2004. (District Attorney)
(No Public Benefit Recipient.)
Question: Shall this Resolution be ADOPTED?
- 3. 030902 [Accept-Expend State Grant] Supervisors Dufty, Newsom**
Resolution authorizing the Office of the District Attorney to contract for, accept and expend \$74,028 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2003 through June 30, 2004. (District Attorney)
(No Public Benefit Recipient.)
Question: Shall this Resolution be ADOPTED?
- 4. 030925 [Accept-Expend State Grant] Mayor, Supervisors Dufty, Newsom**
Resolution authorizing the Mayor's Office of Emergency Services to accept and expend a grant in the amount of \$251,674 from the California Governor's Office of Emergency

(Public Benefit Recipient.)

6/17/2003, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Hall, Gonzalez

9. 031013 [Settlement of Lawsuit - Dillingham Construction N.A. et al., v. City and County of San Francisco, et al.]

Ordinance authorizing settlement of the lawsuit filed by Dillingham Construction N.A. against the City and County of San Francisco for \$2,400,000.00; the lawsuit was filed on March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al; other material terms of said settlement are that the settlement amount is to be paid in part through the release of \$1,050,000.00 from an unpaid progress payment and the retention account held for SFIA Airport Contract No. 5500.J North Connector Package in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys fees. (City Attorney)

(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: _____

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

10. 031083 [Adopting findings related to the conditional use appeal on property located at 2690 Harrison Street (aka 3000 23rd Street)]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2000.1311EC (which allowed the construction of dwelling units in a C-M (Heavy Commercial) zoning district, by demolishing an existing, vacant industrial building and constructing a four-story, 54-unit, 40 foot high residential building) on a site within the Northeast Mission Industrial Zone for property located at 2690 Harrison Street (aka 3000 23rd Street) (Lot 004 in Assessor's Block 3639). (Clerk of the Board)

(Companion measure to Files 030654, 030655, 030656, 030657, 030658.)

6/16/2003, REFERRED to Board of Supervisors.

Question: Shall this Motion be ADOPTED?

Recommendations of the Budget Committee

Present: Supervisors Daly, Maxwell, Ma

11. **030622** **[Approving Discovery Fees]** **Mayor, Supervisor Daly**
Ordinance making environmental findings and approving a fee schedule for discovery costs charged by the San Francisco District Attorney's office. (Mayor)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Daly, Peskin, Maxwell

12. **030914** **[Re-appropriate existing funding for the over-expenditures in personnel costs, non-personal services, and workers compensation for DPH]** **Mayor**

Ordinance re-appropriating \$9,342,000 of existing departmental revenues to cover over-expenditures in personnel costs, non-personal services, and workers compensation for the San Francisco General and Laguna Honda Hospitals for the Department of Public Health for fiscal year 2002-03. (Mayor)

(Fiscal impact.)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

13. **030735** **[Appropriation, \$714,075 - Environmental evaluation of various city projects]** **Supervisor Duffy**

Ordinance appropriating \$714,075 of surplus City Planning Commission Fees for professional services for preparation of Environmental Impact Reports (EIRs) related to community planning for San Francisco's eastern neighborhoods (Mission, South of Market, Showplace Square/Potrero Hill, Visitation Valley and Bayview/Hunter's Point) and salary and fringe benefits for existing unfunded positions involved in Contract supervision of the EIRs and to address backlogs in environmental evaluation of various city projects for fiscal year 2002-03, placing \$400,000 in Controller's reserve and \$127,000 in a fiscal committee reserve. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Daly, Ma, Gonzalez

14. **030736** **[Appropriation, \$3,974,184 - Police Department]**
Ordinance appropriating a total of \$3,974,184 from the General Reserve for the Police Department to cover over-expenditures in overtime, fringe benefits, workers compensation and non-personal services for fiscal year 2002-03. (Mayor)

(Fiscal impact; No Public Benefit Recipient.)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

15. 030966 [MOU - Teamsters, Local 853] Mayor, Supervisor Daly
Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 853, to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/17/2003, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
16. 030967 [MOU - Automotive Mechanics Union Lodge No. 1414] Mayor, Supervisor Daly
Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Automotive Mechanics Union Lodge No. 1414, to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/17/2003, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
17. 030968 [MOU - Deputy Probation Officers' Association] Mayor, Supervisor Daly
Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Deputy Probation Officers' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/17/2003, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
18. 030969 [MOU - District Attorney Investigators' Association] Mayor, Supervisor Daly
Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the District Attorney Investigators' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/17/2003, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
19. 030970 [MOU - Union of American Physicians and Dentists (Unit 8CC)] Mayor, Supervisor Daly
Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 8CC), to be effective July 1, 2003 through June 30, 2005. (Mayor)
6/17/2003, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
20. 030972 [MOU - San Francisco Institutional Police Officers' Association] Mayor, Supervisor Daly

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 21. 030974 [MOU - Service Employees International Union Joint Council, Locals 250, 535 and 790, AFL-CIO] Mayor, Supervisor Daly**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union Joint Council, Locals 250, 535 and 790, AFL-CIO, to be effective July 1, 2003 through June 30, 2005. (Mayor)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 22. 030975 [MOU - San Francisco Interns and Residents Association] Mayor, Supervisor Daly**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Interns and Residents Association, to be effective July 1, 2003 through June 30, 2005. (Mayor)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 23. 030976 [MOU - Union of American Physicians and Dentists (Unit 11-AA)] Mayor, Supervisor Daly**

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Union of American Physicians and Dentists (Unit 11-AA), to be effective July 1, 2003 through June 30, 2005. (Mayor)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 24. 030977 [MOU - Staff and Per Diem Nurses, SEIU Local 790] Mayor, Supervisor Daly**

Ordinance adopting and implementing Amendment No. 2 to the Memorandum of Understanding between the City and County of San Francisco and the Staff and Per Diem Nurses, SEIU Local 790, to be effective July 1, 2003 through June 30, 2005. (Mayor)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 25. 030978 [MOU - Teamsters, Local 856 (Supervising Nurses)] Mayor, Supervisors Daly, Newsom**

Ordinance adopting and implementing Amendment No. 2 to the Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856

(Supervising Nurses), to be effective July 1, 2003 through June 30, 2005. (Mayor)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

26. 030979 [MOU - Laborers International Union, Local 261] Mayor, Supervisor Daly

Ordinance adopting and implementing an arbitration award establishing the Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local 261, to be effective July 1, 2003 through June 30, 2005. (Mayor)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

27. 030973 [MOU - Municipal Attorneys' Association] Mayor

Ordinance adopting and implementing the mediated agreement establishing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys' Association to be effective July 1, 2003 through June 30, 2005. (Mayor)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

28. 030784 [Interim Government Funding, Fiscal Year 2003-04] Mayor

Interim Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2004. (Mayor)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

29. 030785 [Interim Public Employment, Fiscal Year 2003-04] Supervisor Daly

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2004, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor. (Human Resources Department)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use Committee

Present: Supervisors McGoldrick, Ammiano

30. 021726 [Regulation of mobile storage containers on the public right-of-way] Supervisors Sandoval, Maxwell

Ordinance adding Sections 726 et seq. of the Public Works Code to regulate placement of mobile storage containers on the public right-of-way.

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors McGoldrick, Maxwell

31. 030422 [Environment Code and Precautionary Principle Policy] Mayor, Supervisors McGoldrick, Gonzalez, Maxwell, Daly

Ordinance enacting a new Environment Code by repealing Chapters 12I (Tropical Hardwood and Virgin Redwood Ban); 12S (Ban on Purchase of Motor Vehicle Fuel Containing MTBE); 12T (Transportation of Aggregate Materials); 21A (Resource Conservation); 21F (Environmentally Preferable Purchasing); 21G (Arsenic-Treated Wood); 39 (Integrated Pest Management Ordinance); 82 (Resource Efficiency Requirements); 85 (Healthy Air and Smog Prevention); and 5 (Article XXIII) (Urban Forestry Council) of the San Francisco Administrative Code and by re-adopting these provisions with minor changes, including dissolving the inactive Clean Air Advisory Committee, and adding a Precautionary Principal Policy Statement as Chapter 1 of the Environment Code; and requesting the Planning Commission to initiate amendments to the General Plan to incorporate the Precautionary Principle. (Mayor)

6/3/2003, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing same title.

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors McGoldrick, Ammiano

32. 030779 [Speed Limit - Fulton Street between Masonic Avenue and Stanyan Street]

Ordinance adding Section 174.05 and amending Section 175.22 of the San Francisco Traffic Code to reduce the speed limit from 30-MPH to 25-MPH on Fulton Street between Masonic Avenue and Stanyan Street. (Parking and Traffic Department)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

33. 030862 [Restricted Traffic Streets] Supervisor Hall

Ordinance adding Traffic Code Sections 28.1.107, 28.1.108, and 28.1.109 to restrict any person from operating a vehicle with gross weight in excess of 6,000 pounds on Claremont Boulevard between Portola Drive and Taraval Street, Dewey Boulevard between Laguna Honda Boulevard and Taraval Street, and Taraval Street between 14th Avenue and Dewey Boulevard.

(5/16/03: 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.)

6/17/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the City Services Committee

Present: Supervisors Dufty, Newsom

34. **030648** **[Liquor License Transfer, 682-684 Commercial Street]**
Resolution determining that the transfer of a Type 48 on-sale general public premises license from #1 Embarcadero Center to 682-684 Commercial Street (District 3), to Chun Mie and Kam Leung Li dba "EC5" 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.

Question: Shall this Resolution be ADOPTED?
35. **030749** **[Liquor License, 111 Minna Street Gallery]**
Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Eiming Jung for 111 Minna Street Gallery, located at 111 Minna Street (District 6), to include the increased area and additional bar constructed by the licensee as part of Minna Gallery's expansion project, will serve the convenience and necessity 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.

Question: Shall this Resolution be ADOPTED?
36. **030903** **[IHSS Provider Benefits Contract Approval San Francisco IHSS Public Authority]** **Supervisors Dufty, Newsom**
Resolution approving the contract between the City and County of San Francisco and San Francisco In-Home Supportive Services (IHSS) Public Authority for the provision of health and dental benefits to IHSS Independent Providers for the period of July 1, 2003 to June 30, 2006, in the amount of \$56,318,103. (District Attorney)

(Fiscal impact; No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?
37. **030904** **[Child Care Services Contract Approval - Children's Council of San Francisco]** **Supervisors Dufty, Newsom**
Resolution approving the contract between the City and County of San Francisco and the Children's Council of San Francisco to provide child care services, for the period from July 1, 2003 to June 30, 2006, in the amount of \$104,579,925.

(Fiscal impact; No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?
38. **030900** **[Evaluating the non-name HIV reporting system in California]** **Supervisors Dufty, Newsom**
Resolution authorizing the San Francisco Department of Public Health, AIDS Office, (SFDPH, AIDS) to enter retroactively into an agreement with the Regents of the University

of California San Francisco (UCSF), the primary contractor, to accept and expend funds in the amount of \$11,500 to evaluate the acceptability of California's HIV Surveillance Program by non-name code, for the period of July 1, 2002 to June 30, 2003. (Public Health Department)

(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Finance and Audits Committee

Present: Supervisors Peskin, Sandoval

- 39. 030870 [Repealing Airport Commission authority to approve counsel assigned to the Airport] Supervisor Daly**

Ordinance repealing Administrative Code Section 2A.172 to eliminate the Airport Commission's authority to approve counsel assigned to the Airport by the City Attorney.

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 40. 030582 [Sale of City Real Property] Supervisor Peskin**

Ordinance amending Section 23.3 of the Administrative Code to provide that the sale of City real property shall be at a sales price of at least 100 percent of the Director of Property's appraised value of the real property, rather than the current 90 percent requirement, except for sales resulting from public auctions or competitive bidding.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Hall, Gonzalez, Ammiano

(Pursuant to the provisions of Rule 2.28.7 of the Board's Rules of Order, at least six days must intervene between the first appearance of a proposed Charter amendment before the Board as a referral from committee and any Board order of submission to the electorate. in accordance therewith consideration of the proposed Charter amendment appropriately may be continued at least one week.)

- 41. 030858 [Charter Amendment - Rainy Day Reserve] Supervisors Ammiano, McGoldrick, Newsom**

Charter Amendment (Second Draft) to add Section 9.113.5 and amend Section 9.113, to create a Rainy Day (Economic Stabilization) Reserve and clarify general rules for fiscal operations.

6/3/2003, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment (Second Draft) bearing new title.

Question: Shall this Charter Amendment be SUBMITTED?

Present: Supervisors Hall, Dufty, Gonzalez

- 42. 030741 [Charter Amendment - Commission on the Environment] Supervisors Maxwell, Gonzalez**

Charter Amendment (First Draft) to amend Section 4.118 to clarify the jurisdiction of the San

Question: Shall this Charter Amendment be SUBMITTED?

SPECIAL ORDER 3:00 P.M.

43. **030886** **[Appeal, Mitigated Negative Declaration - O'Shaughnessy Dam at the Yosemite National Park]**
Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16573 adopted May 1, 2003, approving a mitigated negative declaration for the proposed development at O'Shaughnessy Dam at the Yosemite National Park, Tuolumne County. (Restore Hetch Hetchy and Sierra Club Appellants)

(Appeal filed May 9, 2003 and May 15, 2003 by Restore Hetch Hetchy and Sierra Club SF Chapter respectively.

6/10/2003, CONTINUED. Continued to June 17, 2003

6/17/2003, CONTINUED. Continued to June 24, 2003

Action: _____

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.)

44. **030887** **[Affirming adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]**
Motion affirming the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

6/10/2003, CONTINUED. Continued to June 17, 2003

6/17/2003, CONTINUED. Continued to June 24, 2003

Question: Shall this Motion be ADOPTED?

45. **030888** **[Reversing adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]**
Motion reversing the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

6/10/2003, CONTINUED. Continued to June 17, 2003

6/17/2003, CONTINUED. Continued to June 24, 2003

Question: Shall this Motion be ADOPTED?

46. **030889** **[Preparation of findings to reverse adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project. (Clerk of the Board)

6/10/2003, CONTINUED. Continued to June 17, 2003

6/17/2003, CONTINUED. Continued to June 24, 2003

Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 3:00 P.M.

47. 030956 [Public Hearing - Appeal, Conditional Use, 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16571 dated May 1, 2003 approving a conditional use authorization, Case No. 2002.0657C, to mount a total of eight panel antennas and related equipment on the roof of an existing building as part of Verizon's wireless telecommunications network within an NC-2 (Small Scale Neighborhood Commercial) Zoning District, Scenic SSD (Special Sign District) and a 40-X Height and Bulk District on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets; Lot 004, in Assessor's Block 0445A.

(Appeal filed May 29, 2003; Categorically exempt from the environmental review process (CEQA) pursuant to exemption Classes 1, 3 and 11 of Title 14 of the California Administrative Code; companion measure to Files 030957, 030958; 030959; District 2.)

Action: _____

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.)

48. 030957 [Appeal, Conditional Use - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]

Motion approving decision of the Planning Commission by its Motion No. 16571, approving Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

49. 030958 [Appeal, Conditional Use - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]

Motion disapproving decision of the Planning Commission by its Motion No. 16571, approving Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

50. **030959** **[Findings - 3725 Buchanan Street (a.k.a. 3727 Buchanan Street)]**
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), for action by the Board at its next meeting. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 3:00 P.M.

51. **031037** **[Public Hearing - Appeal, Conditional Use, 40-50 Lansing Street (a.k.a. 35 Guy Place)]**
Hearing of persons interested in or subject to the decision of the Planning Commission by its Motion No. 16572 dated May 1, 2003, approving Conditional Use Application No. 2002.0446CEV, subject to certain conditions, allowing the construction of an 84-foot tall residential building within an R (Residential) District pursuant to Planning Code Section 152; and allowing the construction of a building with full lot coverage in the Rincon Hill Special Use District pursuant to Planning Code Section 249.1(b)(1)(C) in an RC-4 District, a 84-R Height and Bulk District and the Rincon Hill Special Use District/Residential Subdistrict located at 40-50 Lansing Street (a.k.a. 35 Guy Place), Lot 11, in Assessor's Block 3749.

Action: _____

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.)

52. **031038** **[Appeal, Conditional Use - 40-50 Lansing Street (a.k.a. 35 Guy Place)]**
Motion approving decision of the Planning Commission by its Motion No. 16572, approving Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

53. **031039** **[Appeal, Conditional Use - 40-50 Lansing Street (a.k.a. 35 Guy Place)]**
Motion disapproving decision of the Planning Commission by its Motion No. 16572, approving Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

54. **031040** **[Findings - 40-50 Lansing Street (a.k.a. 35 Guy Place)]**
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), for action by the Board at its next meeting. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

55. **031090** **[Environmental Review - 40-50 Lansing Street (a.k.a. 35 Guy Place)]**
Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property at 40-50 Lansing Street (a.k.a. 35 Guy Place). (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

56. **ROLL CALL FOR INTRODUCTIONS**

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

57. **PUBLIC COMMENT**

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

58. **031113** **[Closed Session - Existing Litigation]**
Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following bankruptcy matter (Chapter 11) in which the City and County of San Francisco is an active participant:

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending lawsuit listed below.

In Re: PACIFIC GAS AND ELECTRIC COMPANY, Debtor

Question: Shall this Resolution be ADOPTED?

- 61. 031109 [Tobacco Tax Revenue] Supervisor Maxwell**
Resolution to support earmarking Tobacco Tax Revenues for Tobacco Prevention and Cessation.

6/17/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 62. 031110 [Commend SF Juneteenth Organizing Committee] Supervisor Newsom**
Resolution commending the San Francisco Juneteenth Organizing Committee for another successful Juneteenth Festival and Parade honoring the independence of African American slaves in Texas and the African American community in the City and County of San Francisco.

6/17/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 63. 031112 [Commend Chinese Chamber of Commerce] Supervisor Peskin**
Resolution commending the work of the Chinese Chamber of Commerce revitalizing the economy of Chinatown.

6/17/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 64. 031087 [Final Map for a 6 Unit Residential Condominium Project]**
Motion approving Final Map of 223 - 231 Dolores Street, A Residential Condominium Project, being a subdivision of Lot 237 in Assessor's Block No. 3556, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)
(No Public Benefit Recipient; DPW Order No. 174,183; District 8.)

6/13/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

- 65. 031088 [Final Map for a 54 Unit Live/Work Condominium Project]**
Motion approving Final Map of One Bluxome Street, A Live/Work Condominium Project, being a subdivision of Lot 103 in Assessor's Block No. 3786, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)
(No Public Benefit Recipient; DPW Order No. 174,191; District 6.)

6/13/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

66. 031089 [Final Map for a 10 Unit Live/Work Condominium Project]

Motion approving Final Map of 2221 - 26th Street, A Live/Work Condominium Project, being a subdivision of Lot 17 in Assessor's Block No. 4329, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,190; District 10.)

6/13/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

Questions on the For Adoption Without Committee Reference Agenda:_____

67. **IMPERATIVE AGENDA**

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

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

[Brown Act Finding]

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

[Imperative Resolutions, if any]

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from June 10, 2003 through June 16, 2003, for reference by President to appropriate committee on June 24, 2003.

031078 [Settlement of Lawsuit - John Darmanin]

Ordinance authorizing settlement of the lawsuits filed by John Darmanin against the City and County of San Francisco for \$80,000; the lawsuits were filed on February 19, 1999 (H-19 Reinstatement) and February 5, 2003 (Enforcement of Judgment), in the San Francisco Superior Court, Case Nos. 301-118 and 502-410; entitled John Darmanin, et al. v. City and County of San Francisco, et al., and San Francisco Fire Fighters Local 798, et al. v. Demmons, et al. (City Attorney)

(Public Benefit Recipient.)

6/12/2003, RECEIVED AND ASSIGNED to Rules Committee.

031079 [Settlement of Lawsuit - John Darmanin]

Ordinance authorizing settlement of the lawsuit filed by John Darmanin against the City and County of San Francisco for \$105,000; the lawsuit was filed on December 29, 1997, in the United States District Court, Northern District of California, Case No. C 97-4703; entitled John Darmanin, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

6/12/2003, RECEIVED AND ASSIGNED to Rules Committee.

031080 [Settlement of Lawsuit - S.F. Baykeeper, et al. v. CCSF. et al.]

Ordinance authorizing settlement of attorney's fees and costs in the lawsuit filed by Waterkeepers Northern California dba San Francisco Baykeeper, Arc Ecology, and the San Francisco League of Conservation Voters against the City and County of San Francisco, and John L. Martin, Paul Maltzer and Kandace Bender in their official capacities, for \$145,000.00 in attorney's fees and \$4,298.13 in costs; the lawsuit was filed on August 8, 2002 in San Francisco Superior Court, Case No. 501511; entitled Waterkeepers Northern California, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

6/10/2003, RECEIVED AND ASSIGNED to Rules Committee.

031081 [Settlement of Lawsuit - Mesha Irizarry]

Ordinance authorizing settlement of the lawsuit filed by Mesha Irizarry against the City and County of San Francisco for \$500,000; the lawsuit was filed on January 30, 2002 in the United States District Court, Case No. C02-0534 SBA; entitled Mesha Irizarry, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

6/11/2003, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from June 10, 2003 through June 16, 2003, for reference by President to appropriate committee on June 24, 2003.

031082 [Accept-Expend State Grant]

Resolution authorizing the San Francisco Police Department to retroactively accept and expend a grant in the amount of \$167,908 from the California Office of Traffic Safety (OTS) for an Occupant Protection Program. (Police Department)

(No Public Benefit Recipient.)

6/13/2003, RECEIVED AND ASSIGNED to City Services Committee.

031095 [Contract Prop J: Facility Security Services]

Resolution concurring with the Controller's certification that facility security services for Municipal Transportation Agency can be practically performed by a private contractor at a lower cost than by City and County employees.

(Public Benefit Recipient.)

6/16/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031146 [Petitions & Communications]

Petitions and Communications received from June 10, 2003 through June 16, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on June 24, 2003.

From concerned citizens, submitting opposition to Planning Commission decision that the "Secondary Unit Ordinance" is exempt/excluded from the California Environmental Quality Act. File 030896(1)

From Law Office of J. William Yeates, submitting comments on behalf of appellant organization, "Preserve Our Neighborhood" opposing Planning Commission decision that the "Secondary Unit Ordinance" is exempt/excluded from the California Environmental Quality Act. File 030896 (2)

From Verizon Wireless, submitting support for Planning Commission decision for proposed wireless telecommunications facility at 1017 Ocean Avenue. File 030704, Copy: Each Supervisor(3)

From Verizon Wireless, regarding proposed Verizon Wireless Telecommunications Facility at 3727 Buchanan Street. Copy: Each Supervisor(4)

From Ethics Commission, regarding the Ethics Commission's recommendations on Charter amendments to establish City Controller as the City Services Auditor. File Nos. 030854, 030812(5)

From Office of the Mayor, submitting technical adjustments to the Mayor's proposed 2003-04 Budget submission for consideration of the Budget Committee. Copy: Supervisor Daly(6)

From Civil Service Commission, responding to information requested in the Key Budget Questions document. Copy: Supervisor Daly(7)

From SF Redevelopment Agency, responding to information requested in the Key Budget Questions document. Copy: Supervisor Daly(8)

From Office of the Controller, regarding status of General Obligation Bonds, outstanding

from 1986 to date. Copy: Budget Committee(9)

From Office of the Controller, submitting technical adjustments to the Mayor's proposed 2003-04 Budget submission for consideration of the Budget Committee. Copy: Each Supervisor(10)

From James Chaffee, regarding the Branch Library Improvement Program Committee. Copy: Each Supervisor(11)

From District Attorney, regarding risk management procedures practiced at the District Attorney's Office. (Reference Nos. 20030325-087, 20030325-152) Copy: Supervisor McGoldrick(12)

From Department of Human Resources, regarding risk management procedures practiced at the Department of Human Resources. (Reference No. 20030325-084) Copy: Supervisor McGoldrick(13)

From Office of the Sheriff, pursuant to Administrative Code Section 1.56, the Office of the Sheriff will create and file an Annual Report on a calendar year basis, to be filed by January 31 of each year, such report to detail activities of the preceding calendar year.(14)

From Department of Parking and Traffic, regarding the feasibility of installing metered traffic lights on San Bruno Avenue, at Stiliman and Silver Streets. (Reference No. 20030513-002) Copy: Supervisor Maxwell(15)

From Recreation and Park Department, responding to information requested in the Key Budget Questions document. Copy: Budget Committee(16)

From Taxicab Commission, submitting resolution regarding issuance of taxi driver permits under San Francisco Police Code Section 1089.(17)

From Fire Department, regarding settlement of lawsuit filed by Young Shao Ma and Pui Kay Chan against the City and County of San Francisco for \$750000. File 030775, Copy: Rules Committee(18)

From Southeast Asian Community Center, submitting support for the Tenderloin Sidewalk Improvement Project. Copy: Supervisor Daly(19)

From Police Department, submitting opposition to any decrease in funding for the Neighborhood Safety Partnership program. Copy: Budget Committee(20)

From SF Tenants Union, submitting opposition to the proposed elimination of paid ballot arguments. Copy: Budget Committee(21)

From concerned citizens, submitting opposition to proposal to install parking meters in Golden Gate Park. File 030991(22)

From concerned citizens, submitting opposition to proposed budget cuts put forth by the Fire Department for the reduction of paramedic response to medical emergencies.(23)

From concerned citizens, regarding Planning Commission appeal approving a mitigated negative declaration for the proposed development at O'Shaughnessy Dam at the Yosemite National Park. File 030886(24)

From concerned citizens, submitting opposition to Planning Commission approval for installation of a wireless telecommunications facility at 1017 Ocean Avenue. Copy: Each Supervisor(25)

From War Memorial and Performing Arts Center, regarding proposed budget for fiscal year 2003-04.(26)

From James Fitzgerald, submitting support for proposal to build an additional airport runway at the San Francisco International Airport. File 030804(27)

From concerned citizens, regarding appeal of statutory exemption from the California Environmental Quality Act (CEQA) for Wharf J-10. File 030838(28)

From David Ortega, filing notice of appeal for property located at 270-284 Valencia Street/17 Brosnan Street, District 6, from action of Planning Commission. File 031134, Scheduled for Public Hearing on July 8, 2003(29)

From Office of the City Attorney, submitting monthly report of total hours of services to the Office of the Board of Supervisors.(30)

From Jack Barry, commenting that the City and County of San Francisco should either privatize and sell the Medallions for what they are worth, or re-construct the "fee setting methodology" that Prop K spelled out 25 years ago.(31)

From Keith Beattie, submitting opposition to decreased funding for mental health services for AIDS support groups.(32)

From Jack Schoop, suggesting SF International Airport fix its sewage disposal problem as soon as possible.(33)

From Leroy Ives, regarding staffing costs of public swimming pools in San Francisco.(34)

From Steve Tyson, submitting opposition to proposal to close Market Street to cars.(35)

From concerned citizens, submitting opposition to any decrease in funding for programs for seniors and persons with disabilities.(36)

From Office of the Controller, submitting report concerning the concession audit of Delta Air Lines, Inc.(37)

From Planning Department, submitting notification of environmental review for Third Street Interim Land Use Controls. Copy: Each Supervisor(38)

From Ingleside Terrace Homes Association, urging the Planning Department to prepare an Environmental Impact Report for the proposed Secondary Units Legislation. Copy: Each Supervisor(39)

From Airport, submitting request for waiver of the requirements of Chapters 12B and 12C of the Administrative Code for Equifax Credit Information Services, for fiscal year 2003/04.(40)

From Public Library, regarding the Joint Use Cooperative Agreement between the SF Public Library and SF Unified School District.(41)

From Patrick Monette-shaw, submitting request for immediate disclosure of any analyst done on City employees earning over \$90,000 a year. Copy: Each Supervisor(42)

From Joseph & Elizabeth Eppel, requesting the Port Authority to delay any actions regarding Wharf J-10 until an Environmental Impact Report has been made to insure that any disturbance to Wharf J-10 would not release pollutants into the ground water. File 030838(43)

From Cleophas Eloby, submitting correspondence with the Department of Parking and Traffic, outlining complaint and protest of said Agency. (44)

From Office on the Aging, submitting copy of letter sent to member on the Advisory Council on Aging regarding his absences from meetings. Copy: Each Supervisor(45)

From Metropolitan Transportation Commission, submitting annual report for 2002.(46)

ADJOURNMENT

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting.

Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



Disability access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War

Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting.

This advance notice will help ensure availability.

ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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