

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, October 28, 2003 2:00 PM

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

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

BOARD COMMITTEES

Committee Membership

Budget Committee

Supervisors Daly, Maxwell, Peskin

City and School District Select Committee

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

City Services Committee

Supervisors Dufty, Ma, Newsom

Finance and Audits Committee

Supervisors Peskin, Sandoval, McGoldrick

Land Use Committee

Supervisors McGoldrick, Maxwell, Ammiano

Rules Committee

Supervisors Hall, Dufty, Gonzalez

Meeting Days

Thursday
1:00 PM

2nd Monday, bi-monthly
4:00 PM

Thursday
9:30 AM

Wednesday
12:30 PM

Monday
1:00 p.m.

Wednesday
9:30 AM

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll, the following Supervisors were noted absent.

Supervisors Ammiano, Newsom, Sandoval - 3

Quorum present.

Supervisor Sandoval was noted present at 2:12 p.m.

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

Supervisor Ammiano was noted present at 2:24 p.m.

CONSENT AGENDA

Recommendations of the Rules Committee

031736 [Appointment]

Resolution appointing Joe LaTorre, term ending December 22, 2003 to the Lead Hazard Reduction Citizens Advisory Committee. Residency requirement waived.

Joe LaTorre, residency requirement waived, succeeding Linda Salas, resigned, Seat No. 6, must be a representative involved in housing and community development issues from the Mayor's Office, for the unexpired portion of a four-year term ending December 22, 2003.

Resolution No. 718-03

ADOPTED

031642 [Settlement of Lawsuit - Marie Lavin]

Ordinance authorizing settlement of the lawsuit filed by Marie Lavin against the City and County of San Francisco for \$200,000; the lawsuit was filed on December 5, 2001, in the San Francisco Superior Court, Case No. 402019, entitled Marie Lavin v. City and County of San Francisco, Adult Probation Department. (City Attorney)

(Public Benefit Recipient.)

PASSED, ON FIRST READING

Recommendations of the Finance and Audits Committee

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

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

(Fiscal impact; No Public Benefit Recipient.)

Ordinance No. 257-03
FINALLY PASSED

- 031659 [Public Employment]

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

(Fiscal impact; No Public Benefit Recipient.)

Ordinance No. 258-03
FINALLY PASSED

Recommendation of the Land Use Committee

- 031608 [Taxicab Gate Fees]
Supervisor Hall

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

Ordinance No. 256-03
FINALLY PASSED

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

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

Ordinance No. 255-03
FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA**UNFINISHED BUSINESS****031762 [Adopting findings related to the appeal of the CEQA exemption determination by the Planning Department for 701 Lombard]**

Motion adopting findings related to the appeal of the determination by the Planning Department that the acquisition of 701 Lombard Street was exempt from the California Environmental Quality Act.

(Companion measure to Files 031686, 031687, 031688, 031689.)

Motion No. M03-191

APPROVED by the following vote:

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

Recommendation of the Finance and Audits Committee

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

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

Ordinance No. 254-03

FINALLY PASSED by the following vote:

Ayes: 8 - Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 1 - Hall

Absent: 2 - Ammiano, Newsom

NEW BUSINESS

Recommendations of the Finance and Audits Committee

Supervisor Bevan Dufty Excused From Voting

Supervisor Daly, seconded by Supervisor Peskin, moved to excuse Supervisor Dufty, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 9 - Daly, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Absent: 1 - Ammiano

Excused: 1 - Dufty

**031517 [Agreement to Sell 418-420 Jessie Street]
Supervisors Dufty, Daly, Hall**

Resolution approving and authorizing an agreement with Martin McNerney Development, Inc. dba Martin Building Company, Inc. for the sale of real property consisting of a former fire station on the first and second floors and vacant warehouse space on the upper six floors, for a purchase price of \$2,900,000; finding that competitive bidding is impractical or impossible; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance 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, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

(Public Benefit Recipient.)

Supervisor Daly requested to be added as cosponsor

Supervisor Hall requested to be added as cosponsor

Resolution No. 711-03

ADOPTED by the following vote:

Ayes: 9 - Daly, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Absent: 1 - Ammiano

Excused: 1 - Dufty

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

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

Resolution No. 712-03

ADOPTED by the following vote:

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

031538 [Contracting out Airport Employee Parking Services]

Resolution approving the Controller's certification that Employee Parking Management Services for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

(Fiscal impact; Public Benefit Recipient.)

Resolution No. 713-03

ADOPTED by the following vote:

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

031539 [Contracting out Airport Public Parking Management Services]

Resolution approving the Controller's certification that Airport Public Parking Management Services for San Francisco International Airport can practically be performed by private contractor at a lower cost than if work were performed by city employees at budgeted levels. (Airport Commission)

(Fiscal impact; Public Benefit Recipient.)

Resolution No. 714-03

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

Supervisor Jake McGoldrick Excused From Voting

Supervisor Daly, seconded by Supervisor Dufty, moved to excuse Supervisor McGoldrick from voting on this matter. The motion carried by the following vote:

Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

- 031734 [Appointment - California State Association of Counties]
Resolution appointing Supervisor Jake McGoldrick, term ending November 28, 2004, to the California State Association of Counties Board of Directors.
- Resolution No. 716-03
ADOPTED by the following vote:
Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano
Excused: 1 - McGoldrick

Supervisor Gerardo Sandoval Excused From Voting

Supervisor Maxwell, seconded by Supervisor Dufty, moved to excuse Supervisor Sandoval from voting on this matter. The motion carried by the following vote:

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin
Absent: 2 - Ammiano, McGoldrick
Excused: 1 - Sandoval

- 031735 [Appointment - California State Association of Counties]
Resolution appointing Supervisor Gerardo Sandoval, term ending November 28, 2004, as an alternate member to the California State Association of Counties Board of Directors.
- Resolution No. 717-03
ADOPTED by the following vote:
Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin
Absent: 2 - Ammiano, McGoldrick
Excused: 1 - Sandoval

Recommendation of the Rules Committee "Do Submit"

- 031778 [Charter Amendment - Supplemental Compensation for Employees on Military Leave]
Supervisors Newsom, Hall

Charter amendment (First Draft) to amend Section A8.400 (h) to allow for employees called to active duty to receive supplemental compensation for a period to be specified by ordinance.

Continued to November 4, 2003.

CONTINUED by the following vote:

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

From the Rules Committee "Without Recommendation"

- 031405 [Charter Amendment - Establishing a Public Education Fund]
Supervisors Ammiano, Dufty, Daly

Charter amendment (Third Draft) to add Sections 16.123-1 through 16.123-10, to establish a Public Education Enrichment Fund.

(Fiscal impact.)

Supervisor Ammiano, seconded by Supervisor McGoldrick, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

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

Charter amendment (Fourth Draft) to add Sections 16.123-1 through 16.123-10, to establish a Public Education Enrichment Fund.

(Fiscal impact.)

Continued to November 4, 2003 with the Board Sitting as a Committee of the Whole.

CONTINUED by the following vote:

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

Recess

The Board recessed at the hour of 3:16 p.m.

Reconvening of the Board

The Board at the hour of 4:04 p.m. reconvened.

Calling the Roll

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

Quorum present.

Supervisor Sandoval was noted present at 4:05 p.m.

Supervisor Ammiano was noted present at 4:06 p.m.

SPECIAL ORDER 4:00 P.M.

031636 [Public Hearing - Appeal, Conditional Use - 5630-38 Mission Street]

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

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

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

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

Absent: 1 - Newsom

From the Clerk

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

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

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

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

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

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

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

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

031639 [Findings - 5630-38 Mission Street]

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

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

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

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

COMMITTEE REPORTS

Recommendation of the City Services Committee

031711 [Supporting European Union Efforts to Regulate Hazardous Chemicals]
Supervisors McGoldrick, Ma

Resolution supporting efforts in the European Union to institute an effective new policy for regulating hazardous chemicals.

Amendment of the whole bearing same title.

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

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

Resolution No. 715-03

ADOPTED AS AMENDED by the following vote:

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

PUBLIC COMMENT

Abdullah Megaheed; various comments regarding the homeless

Richard Robinson; concerns regarding shelter issues

Fredrick Hobson; concerns regarding human needs

Jack Dodson; housing issues

Dave; quality of life issues

Vernon Jenkins; general comments regarding past politicians

Natalie Naylor, Local 3; support item #35, shelter workers

Jeff Kiefer; support shelter workers

Darryl Cornelius; residential facility for homeless workers need increase in salary

Connie Ford, Local 3; support for item #35

Stephanie Champion, Youth Commission; mock election at schools in City

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

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

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

APPROVED by the following vote:

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

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

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

APPROVED by the following vote:

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

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

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

Supervisors Daly and Hall requested to be added as cosponsors.

APPROVED by the following vote:

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

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.

**031752 [Congratulating the Judah L. Magnes Museum]
Supervisor Sandoval**

Resolution congratulating the Judah L. Magnes Museum on their 40th Anniversary.

Resolution No. 719-03

ADOPTED

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

Resolution authorizing San Francisco to apply to host United Nations' World Environment Day celebrations in 2005 and, if selected, designating SF Environment to work with other City departments to coordinate a host committee that will ensure the programmatic, financial, and educational success of the event.

Resolution No. 720-03

ADOPTED

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

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the Planning Code to require that all retail uses in C-2, C-M, M-1, M-2, RSD, SLR, SLI, SSO, and SPD zoning districts which are 50,000 square feet or larger may only be permitted as conditional uses.

Resolution No. 721-03

ADOPTED

031755 [Humanities West Day]
Supervisor Ma

Resolution declaring November 21, 2003 to be "Humanities West Day" in the City and County of San Francisco.

Resolution No. 722-03

ADOPTED

031756 [Robert Louis Stevenson Elementary School Day]
Supervisor Ma

Resolution declaring November 13, 2003 to be "Robert Louis Stevenson Elementary School Day" in the City and County of San Francisco.

Resolution No. 723-03

ADOPTED

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

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

Resolution No. 724-03

ADOPTED

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

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

Resolution No. 725-03

ADOPTED

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

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

Supervisor Daly requested to be added as a cosponsor.

Resolution No. 726-03

ADOPTED

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

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

Supervisor Daly requested to be added as a cosponsor.

Resolution No. 727-03

ADOPTED

031732 [Final Map for a 6 Unit Residential Condominium Project]

Motion approving Final Map of 850 Corbett Avenue, a Residential Condominium Project, being a subdivision of Lot 7, Assessor's Block No. 2779, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,451; District 8.)

Motion No. M03-190

APPROVED

The foregoing items were acted upon by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

- 031791 [Special Use District to eliminate certain zoning requirements for residential uses in the Downtown consistent with a proposed ordinance to facilitate housing in the Downtown]
Supervisors Peskin, Daly**

Ordinance amending the San Francisco Planning Code by adding Section 249.25 to create the Downtown Housing Demonstration Special Use District encompassing the property zoned Downtown Office District (C-3-O) at the corner of Market Street, Kearny Street and Geary Avenue (690 Market Street, Assessor's Block 0311, Lot 006). The proposed Special Use District would eliminate floor area restrictions and maximum dwelling unit densities and would allow exceptions to the open space requirement and dwelling unit exposure requirements for new residential uses be granted through the process outlined in Planning Code Section 309. The proposed Special Use District would also increase the maximum height and bulk allowed in the district to 285-S, would require that residential projects be subject to the Inclusionary Housing Requirements found in Section 315(a)(2).

10/28/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 11/27/2003.

- 031792 [Residential rent ordinance: limit permissible rent increases under a landlord's Operating and Maintenance petitions to a total of 7% for any unit in any five-year period]
Supervisors Peskin, Daly**

Ordinance amending the Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) by amending Section 37.8(b)(1) to limit permissible rent increases based upon a landlord's Operating and Maintenance petitions, so that the same landlord may not be granted more than a total seven percent (7%) rent increase for any unit in any five (5) year period due to increases in operating and maintenance costs.

10/28/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 11/27/2003.

- 031793 [Financial Privacy]
Supervisor Peskin**

Ordinance amending Section 2000 of Article 20 of the Business and Tax Regulation Code, the "San Francisco Financial Information Privacy Ordinance," to postpone the date upon which Article 20 is set to become operative from January 1, 2004 to July 1, 2004.

10/28/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Resolutions

- 031319 [Approving ground lease to Music Concourse Community Partnership in connection with the construction and operation of an underground parking facility and amending the designation of the jurisdiction of the Golden Gate Park Concourse Authority]**
Supervisors Peskin, Dufty, Sandoval

Resolution approving and authorizing the execution and delivery of a ground lease between the City and Music Concourse Community Partnership relating to the Golden Gate Park Music Concourse underground parking facility project; amending the designation of the jurisdiction of the Golden Gate Park Concourse Authority; and requiring Music Concourse Community Partnership to provide or cause the provision of a guarantee of the remaining uncollected pledges.

(Fiscal impact.)

7/29/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

10/28/03, SUBSTITUTED. Supervisor Peskin submitted a substitute resolution bearing new title.

10/28/03, ASSIGNED to Finance and Audits Committee.

- 031802 [Commending S.F. Youth Commission and the Youth Vote Coalition]**
Supervisors Newsom, Dufty, Daly, Ma

Resolution commending the San Francisco Youth Commission and the Youth Vote Coalition for successfully creating a forum via the 2003 Youth VOTE for students to voice their concerns and to educate their peers about current issues with a particular focus on those concerning the City's children and youth.

10/28/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 031803 [2003 Native American Indian Heritage Month]**
Supervisors Newsom, Dufty

Resolution declaring the month of November as "Native American Indian Heritage Month" in the City and County of San Francisco.

10/28/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 031804 [Earned Income Tax Credit Program Pre-Certification Requirements]**
Supervisors Newsom, Dufty, Hall

Resolution urging our federal representatives to ensure that eligibility requirements and application procedures for the federal Earned Income Tax Credit remain as streamlined as possible, and supporting efforts to study the feasibility of implementing a local credit for low- and moderate-income working families.

10/28/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 031805 [Supporting House Joint Resolution 45]**
Supervisors Newsom, Ma, Peskin, Dufty

Resolution supporting House Joint Resolution 45, introduced by Congressman Mike Honda, which posthumously proclaims soldiers of Asian descent who fought in the Civil War to be honorary citizens of the United States.

10/28/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031806 [Extension of Planning Commission Review Period]
Supervisor Peskin**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by repealing Section 207.2 [Second Units] in its entirety, adding a new Section 207.2, and amending Section 209.1 to authorize one additional secondary unit limited to 750 square feet of gross floor area within an existing structure on a lot within 1250 feet of a Primary Transit Street or Transit center and also within 1250 feet of a Neighborhood Commercial or Commercial zoning district, on a lot containing a qualified historical building or where the unit is specifically designed and constructed for the elderly or persons with physical disabilities, to prohibit the owner from legalizing an illegal unit pursuant to the provisions of this ordinance, and providing that the secondary unit shall not be subject to the Rent Ordinance but requiring that a secondary unit in a multi-family building shall be subject to affordability requirements; by amending Sections 135(d), Table 151 of Section 151 and 307(g) to establish the amount of open space and parking required for these secondary units; by amending the San Francisco Traffic Code by adding Section 308.5.1 to prohibit issuance of a residential parking permit to the occupant of a secondary unit; by adding new Section 106.4.1.3 to the San Francisco Building Code to require site inspection prior to issuance of a building permit for the secondary unit to verify that no unpermitted unit exists on the property and prohibiting the issuance of a building permit or certification of occupancy for the second unit if an unpermitted unit has operated on the property within the previous ten years, unless that unit was legally demolished prior to January 1, 2003; and by amending Section 37.9 of the San Francisco Administrative Code to require relocation assistance for persons required to vacate illegal units; and adopting findings.

10/28/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**031794 [City Contracting Task Force]
Supervisor Maxwell**

Hearing to review the recommendations of the City Contracting Task Force.
10/28/03, RECEIVED AND ASSIGNED to City Services Committee.

**031795 [Ethics Commission]
Supervisor Peskin**

Hearing on the Ethics Commission to determine the extent of influence, if any, of the regulated industry over the Commission management and to study ways in which the conduct of the Ethics Commission may be subjected to ongoing public scrutiny and peer review.
10/28/03, RECEIVED AND ASSIGNED to Rules Committee.

**031796 [Management audit of San Francisco International Airport's Airfield Development Bureau]
Supervisor Peskin**

Hearing regarding findings and recommendations included in the Budget Analyst management audit of San Francisco International Airport's Airfield Development Bureau.
10/28/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031797 [Recreation and Park Department]
Supervisor McGoldrick**

Hearing on plans by the Recreation and Park Department to enter into partnerships with nonprofits to run programs in the City's Recreation Centers. This hearing will explore the Department's vision on how such partnerships would operate and be structured.

10/28/03, RECEIVED AND ASSIGNED to City Services Committee.

**031798 [Fire Station 33]
Supervisor Sandoval**

Hearing on the Fire Department's provision of emergency medical and fire suppression services to the Fire Station 33 district for the duration of the closure of Fire Station 33 for seismic retrofitting.

10/28/03, RECEIVED AND ASSIGNED to City Services Committee.

Charter Amendment

**031405 [Charter Amendment - Establishing a Public Education Fund]
Supervisors Ammiano, Dufty, Daly, Ma, Sandoval**

Charter amendment (Fourth Draft) to add Sections 16.123-1 through 16.123-10, to establish a Public Education Enrichment Fund.

(Fiscal impact.)

8/12/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/11/2003.

9/30/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing new title.

9/30/03, ASSIGNED to Rules Committee. Referred to the Youth Commission on October 7, 2003.

10/7/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing same title.

10/7/03, ASSIGNED to Rules Committee.

10/28/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

10/28/03, CONTINUED. Continued to November 4, 2003 with the Board Sitting as a Committee of the Whole.

Motions

**031800 [Legislative Assistants]
Supervisor Daly**

Motion directing the Clerk of the Board of Supervisors to authorize filling vacancies in Board of Supervisors Legislative Offices immediately when a legislative assistant exercises her/his family leave rights and when legislative assistants depart with accrued vacation balances and directing the Clerk of the Board to introduce such appropriation measures as may be required to cover the costs of such temporary and/or permanent replacements.

10/28/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 031801 [Directing Budget Analyst to Undertake Analysis of Information related to Proposition N and/or "Real Housing, Real Care" Implementation Plans]**
Supervisor Daly

Motion directing the Office of Budget Analyst of the Board of Supervisors to analyze information submitted by the Director of Human Services and/or the Mayor's Office related to plans for implementation of Proposition N and/or "Real Housing, Real Care."

10/28/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCE

- 031694 [Traffic Code - Amending Section 32.1.1 to update location of Main Public Library]**
Ordinance amending Section 32.1.1 of the San Francisco Traffic Code to update the location of parking restrictions on the blocks adjacent to the San Francisco Main Library. (Parking and Traffic Department)

(No Public Benefit Recipient.)

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

10/15/03, SUBSTITUTED. City Attorney submitted a substitute ordinance bearing new title.

10/15/03, ASSIGNED to Land Use Committee.

PROPOSED RESOLUTIONS

- 031721 [Research on club-drug networks among high-risk men]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPHAIDS) to accept retroactively and expend a supplemental grant award in the amount of \$37,011 from the National Institute on Drug Abuse (NIDA) for research on club-drug networks among high-risk men and to enter into an agreement for the use of these funds; for the period of March 1, 2003 to February 29, 2004. (Public Health Department)

(No Public Benefit Recipient.)

10/17/03, RECEIVED AND ASSIGNED to City Services Committee.

- 031730 [Public Hearing]**

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

10/20/03, SCHEDULED FOR PUBLIC HEARING. Scheduled for November 25, 2003, at 4:00 p.m.

031731 [Report of Assessment costs for sidewalk and curb repairs - DPW Order No. 174,392]

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,392; Location: 690 Folsom Street.)

9/24/03, SCHEDULED FOR PUBLIC HEARING. Scheduled for November 25, 2003, at 4:00 p.m.

031726 [Amendment to Paratransit Broker Contract]

Resolution approving Contract Amendment No. 3 to Paratransit Broker Agreement with ATC/Vancom, Inc., the City's Paratransit Broker, to increase the total amount of the Agreement to a sum not to exceed \$92,641,933, in order to meet the increased demand and costs for paratransit service during the contract period. (Municipal Transportation Agency)

(Fiscal impact; Public Benefit Recipient.)

10/17/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031727 [Street Encroachment at 151 24th Avenue]

Resolution granting revocable permission to Edgar N. Bogas and Desiree Goyette-Bogas to occupy a portion of the public right-of-way to construct, install and maintain a portion of a new two car garage, including new concrete retaining walls, concrete stairs, concrete terrace, grading and landscaping, within the existing landscaped portion of the 24th Avenue public right-of-way, to access and provide off-street parking for the property at 151 24th Avenue (Block 1334, Lot 004) and making findings of consistency with the priority policies of Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient.)

10/17/03, RECEIVED AND ASSIGNED to Land Use Committee.

031729 [Street Artist Winter Holiday Spaces]

Resolution designating temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2003, beginning on November 15, 2003 and ending on January 15, 2004. (Arts Commission)

(No Public Benefit Recipient.)

10/16/03, RECEIVED AND ASSIGNED to Land Use Committee.

Requests Granted

From: Supervisor Newsom

To: City Attorney

Requesting/Inquiring: To confirm that, as in Denver, Colorado, San Francisco can enact a local Earned Income Tax Credit absent a local income tax, and that San Francisco can use local revenue to provide once-a-year, lump sum payments to city residents meeting income, residency and family structure requirements.

From: Supervisor Daly

To: City Attorney

- 1. Require that the Mayor inform the Board of Supervisors prior to leaving the state about the length of the trip, location and purpose.*
- 2. Require the Mayor designate the Acting Mayor in writing and provide this information to the Clerk of the Board of Supervisors, who shall promptly publish it on the Internet and inform all the City's emergency responders.*
- 3. Require all members of the Board of Supervisors who could serve as Acting Mayor to receive appropriate and adequate disaster preparedness training.*
- 4. Require the Acting Mayor to provide a written report of any actions taken to the Mayor upon his or her return.*
- 5. Provide that any appointments made by an Acting Mayor be scheduled for public hearing before the Board of Supervisors for consideration.*

From: Supervisor Hall

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To study the feasibility of instituting 2 hour parking along the Judah Street corridor between 10th Avenue and 19th Avenue, as well as any other suggested parking suggestions that will benefit residents rather than commuters riding the N Judah. Please report back by December 10, 2003 on your findings.

From: Supervisor Hall

To: Director, Office of Emergency Services

Requesting/Inquiring: To analyze the Secondary Unit Legislation (File 021598) and determine what potential effect the legislation will have on your Department's ability to protect the City's public health, safety and welfare.

From: Supervisor Hall

To: Director, Fire Department

Requesting/Inquiring: To analyze the Secondary Unit Legislation (File 021598) and determine what potential effect the legislation will have on your Department's ability to protect the City's public health, safety and welfare.

From: Supervisor Hall

To: Director, Department of Parking and Traffic

Requesting/Inquiring: To analyze the Secondary Unit Legislation (File 021598) and determine what potential effect the legislation will have on the City's overall traffic flow, as well as the traffic flow in individual neighborhoods.

From: Supervisor Hall

To: Chief, Police Department

Requesting/Inquiring: To analyze the Secondary Unit Legislation (File 021598) and determine what potential effect the legislation will have on your Department's ability to protect the City's public health, safety and welfare.

From: Supervisor Hall

To: General Manager, Public Utilities Commission

Requesting/Inquiring: To analyze the Secondary Unit Legislation (File 021598) and determine what potential effect the legislation will have on the City's water and sewer services, both on an overall basis, as well as on a neighborhood basis.

In Memoriam

Roger Montgomery (Supervisor Sandoval)

ADJOURNMENT

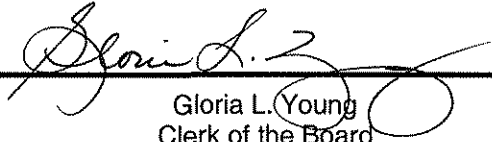
There being no further business, the Board at the hour of 4:09 p.m. adjourned.

Gloria L. Young, Clerk of the Board

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

Approved by the Board of Supervisors on November 25, 2003.

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



Gloria L. Young
Clerk of the Board

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