

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, November 8, 2005 2:00 PM

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

Regular Meeting

*AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE MCGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board*

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Ammiano, Mirkarimi, Elsbernd

City and School District Select Committee

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

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Dufty, Ma

Government Audit and Oversight Committee

Supervisors Peskin, Elsbernd, Daly

Land Use Committee

Supervisors Maxwell, Sandoval, McGoldrick

Rules Committee

Supervisors Alioto-Pier, Mirkarimi, Peskin

Meeting Days

Thursday
1:00 PM

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

1st and 3rd Monday
1:00 PM

2nd and 4th Monday
1:00 PM

Wednesday
1:00 PM

Wednesday
10:00 AM

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

Volume 100 Number 39

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:06 p.m. On the call of the roll Supervisor Sandoval was noted absent .

There was a quorum.

Supervisor Sandoval was noted present at 2:07 p.m.

Members of the Board acknowledged the outstanding service of Deputy City Attorney Ted Lakey upon his retirement from the City and County of San Francisco.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to approve the October 11, 2005 Meeting Minutes. The motion carried by the following vote:

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

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

051460 [Subdivision Code fees]
Supervisor Dufty

Ordinance amending the Subdivision Code section 1315 to adopt new fees for air space maps, lot subdivisions, condominium conversions, parcel maps, lot merger and resubdivision maps, amended maps, lot line adjustments, lot mergers, certificates of compliance, certificates of correction, records of survey, and other mapping actions and to provide for an annual adjustment of such fees based on the relevant consumer price index; and making environmental findings.

Ordinance No. 251-05
FINALLY PASSED

**051461 [Survey Monument Preservation Fee and Fund]
Supervisor Dufty**

Ordinance amending the San Francisco Administrative Code by adding Section 8.24-6, to authorize the imposition of a \$10 grant deed recordation user fee and by adding Section 10.100-50, to create the County Surveyor's Survey Monument Preservation Fund for the deposit and collection of the fee for use by the County Surveyor for the retracement or remonument survey of major historical vertical or horizontal land division lines; amending the San Francisco Subdivision Code by adding Section 1340.1, to authorize the County Surveyor to use the proceeds collected from imposition of the fee to pay for the retracement or remonument survey of major historical vertical or horizontal land division lines; and making environmental findings.

**Ordinance No. 258-05
FINALLY PASSED**

Recommendations of the Land Use Committee

**051508 [Establishing a Visitacion Valley Community Facilities and Infrastructure Fee and Fund]
Supervisor Maxwell**

Ordinance adding Planning Code Sections 319 through 319.7 to impose a \$4.58 per square foot fee on new residential development in the Visitacion Valley area, to establish a Visitacion Valley Community Facilities and Infrastructure Fund to mitigate impacts from residential development on public infrastructure in Visitacion Valley including libraries, streets, playgrounds, recreational facilities, and community centers, and making findings including findings under the California Environmental Quality Act.

**Ordinance No. 264-05
FINALLY PASSED**

**051509 [General Plan Amendment in connection with the Executive Park -- Candlestick Cove Project]
Supervisor Maxwell**

Ordinance amending the San Francisco General Plan in connection with approvals for the proposed Executive Park -- Candlestick Cove Project; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the General Plan and the eight Priority Policies of Planning Code Section 101.1.

**Ordinance No. 263-05
FINALLY PASSED**

Recommendations of the Rules Committee

**051357 [Requiring the Office of Emergency Services to submit a written report following any declared emergency, activation of the City's Emergency Operations Center, or credible disaster warning]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Section 7.4-1, to require the Office of Emergency Services to submit a written report to the Disaster Council and the Board of Supervisors following any declared emergency, activation of the City's Emergency Operations Center, or credible disaster warning.

**Ordinance No. 253-05
FINALLY PASSED**

051354 [Settlement of Lawsuit - George Q. Chen]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against George Q. Chen, for a payment to the Airport in the amount of \$113,800.00, and on certain other terms; the lawsuit was filed on December 1, 2003, in United States Bankruptcy Court for the Northern District of California, Adversary Case No. 03-3713 DM and entitled City and County of San Francisco v. George Q. Chen. (City Attorney)

Ordinance No. 260-05

FINALLY PASSED

051583 [Settlement of Lawsuit - Frederick Meiswinkel, Inc. v. Hunt Construction Group, et. al]

Ordinance authorizing settlement of the lawsuit filed by Frederick Meiswinkel, Inc. for \$1,800,000 against the Hunt Construction Group, Inc. and Hunt cross-complaint against the City and County of San Francisco seeking indemnity from the claims brought by Meiswinkel; the lawsuit was filed on March 2, 2004 in San Francisco Superior Court, Case No. CGC -04-429249; entitled, Frederick Meiswinkel, Inc. v. Hunt Construction Group, et. al; other material terms of said settlement are nonmaterial terms. (City Attorney)

Ordinance No. 257-05

FINALLY PASSED

051584 [Settlement of Lawsuit - Kaiser Foundation Hospitals]

Ordinance authorizing settlement of the lawsuit filed by Kaiser Foundation Hospitals against the City and County of San Francisco for \$67,500.00; the lawsuit was filed on May 4, 2005 in San Francisco Superior Court, Case No. 429-909; entitled Kaiser Foundation Hospitals v. City and County of San Francisco. (City Attorney)

Ordinance No. 256-05

FINALLY PASSED

051598 [Settlement of Lawsuit - King C. Electric, Inc.]

Ordinance authorizing settlement of the lawsuit filed by King C. Electric, Inc. against the City and County of San Francisco according to the following terms: a) King C. Electric, Inc. ("KCE") pays one hundred nine thousand one hundred eighty-five dollars and ninety-three cents (\$109,185.93) to the City; b) the City pays seventy-eight thousand nine hundred eighty-three dollars and twenty-one cents (\$78,983.21) to KCE; and c) KCE is debarred from performing construction contracts on City-owned projects for two and a half years. The lawsuit was filed on April 14, 2004 in the Superior Court of the City and County of San Francisco, Case No. CGC-o4-430671; entitled King C. Electric, Inc. v. City and County of San Francisco et al. and related cross-action. (City Attorney)

Ordinance No. 255-05

FINALLY PASSED

051654 [Settlement of Lawsuit - Deaf Counseling Advocacy and Referral Agency, et al.]

Ordinance authorizing settlement of the lawsuit filed by Deaf Counseling Advocacy and Referral Agency, et al., against the City and County of San Francisco, et al. for an agreement to make certain disability access improvements at the San Francisco International Airport, and by the payment of \$40,000 in damages, \$235,000 in attorney's fees, and \$14,500 in costs; the lawsuit was filed on April 17, 2002, in US District Court (Case No C02-1844 MEJ). (City Attorney)

Ordinance No. 254-05

FINALLY PASSED

051661 [Settlement of Lawsuit - Walter Reed]

Ordinance authorizing the settlement of a lawsuit filed by Walter Reed against the City and County of San Francisco for \$36,000.00; the lawsuit was filed on December 15, 2003, in San Francisco Superior Court, Case No. 414322, entitled Walter Reed v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 252-05
FINALLY PASSED

**051716 [Settlement of Unlitigated Claim - The Hertz Corporation]
Supervisor Ammiano**

Resolution authorizing settlement of an unlitigated claim with The Hertz Corporation, for a payment to the City in the amount of \$250,000.00, and on certain other terms.

Resolution No. 803-05
ADOPTED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

051744 [Adopting findings related to affirming the categorical exemption for 1070 Sanchez Street]

Motion adopting findings affirming the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Motion No. M05-135

APPROVED by the following vote:

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

From the Board

Appointment of President Pro Tempore

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

The President resumed the Chair shortly thereafter.

(Only one of the following two motions should be adopted.)**051446 [Affirm certification of 491 Bayshore Boulevard (Home Depot) FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project. (Clerk of the Board)

Motion No. M05-134

APPROVED by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

051447 [Disapprove certification of 491 Bayshore Boulevard (Home Depot) FEIR]

Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

051448 [Preparation of findings to disapprove certification of 491 Bayshore Boulevard (Home Depot) FEIR]

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

Recommendation of the Government Audit and Oversight Committee**051414 [Board review required for annual or otherwise recurring grant applications of \$5,000,000 or more]
Supervisor Maxwell**

Ordinance amending Section 10.170 of the Administrative Code to require Board review of proposed annual or otherwise recurring grant applications of \$5,000,000 or more prior to their submission.

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

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

From the Land Use Committee Without Recommendation

051398 [Mission Bay South – Ordering Street Vacation of portions of Fourth Street]

Ordinance ordering the vacation of two (2) portions of Fourth Street from Third Street north to Channel Street; authorizing a grant in fee title of the City and County of San Francisco's rights and interest in the vacated areas to FOCIL; authorizing reservations of certain utility easements in the vacated areas; adopting findings that such vacation of Fourth Street is consistent with the City General Plan and eight policies of City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan; adopting findings pursuant to the California Environmental Quality Act (CEQA); accepting Department of Public Works Order No. 175,536; and authorizing official acts in connection with this Ordinance. (Public Works Department)

Ordinance No. 259-05

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendation of the Land Use Committee

051581 [Street Artist Winter Holiday Spaces]

Resolution approving 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, 2005, beginning on November 15, 2005 and ending on January 15, 2006. (Arts Commission)

Resolution No. 804-05

ADOPTED by the following vote:

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

From the Land Use Committee Without Recommendation

Supervisor Mirkarimi Excused from Voting

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

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

051462 [Condominium conversion lottery based on seniority of participation]

Supervisors Dufty, Ma, Alioto-Pier

Ordinance amending Subdivision Code Section 1396.1 to prioritize the condominium conversion lottery based on seniority of participation in prior lotteries and making environmental findings.

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to continue this matter to November 22, 2005.

Supervisor Peskin, seconded by Supervisor Daly, moved to amend to re-refer this matter to Committee.

Motion to amend failed by the following vote:

Ayes: 3 - Daly, Peskin, Sandoval

Noes: 7 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell

Excused: 1 - Mirkarimi

CONTINUED by the following vote:

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

Noes: 1 - Daly

Excused: 1 - Mirkarimi

Continued to November 22, 2005

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

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

Supervisor Daly was noted absent at 3:26 p.m.

Privilege of the Floor

Supervisor Ma, seconded by Supervisor Dufty, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

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

Supervisor Ma introduced, welcomed and presented a Certificate of Honor to J.T. The Bigger Figure.

Recess

The Board recessed at the hour of 3:47 p.m.

Reconvening of the Board

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

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin - 6

Supervisor Ma noted present at 4:06 p.m.

Supervisor Mirkarimi noted present at 4:08 p.m.

SPECIAL ORDER 4:00 P.M.

051755 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 733-27th Avenue]
Hearing of persons interested in or objecting to the decision of the Planning Department dated August 24, 2005, exempting from environmental review under Categorical Exemption [State CEQA Guidelines, Section 15301 (Class 1)] the proposed interior renovations, façade alteration and horizontal and vertical extensions of the existing two-family residence. The existing two-story building is approximately 1,848 feet in size and has one off-street parking space. Upon completion of the proposed project, the building would have two residential units in a three-story, approximately 4,700 square-foot building with two off-street parking spaces in the ground floor garage. The proposed project would result in a horizontal addition that would extend the existing building about six feet to the north property line and 18 feet west into the rear yard and a vertical addition that would add a third floor to the existing building. The project would also include interior renovations and alteration of the façade.

The approximately 3,710 square-foot project site is located at 733-27th Avenue (Assessor's Block 1617, Lot 3), The project is within RH-2 (House, Two-Family) zoning district and within a 40X height and bulk district. (Appellant: Stephen M. Williams representing the neighbors of the above-referenced project.)

(Filed 10/13/05; companion measure to Files 051756, 051758, 051758; District 1.)

The President inquired as to whether or not any member of the public wished to address the Board members. Stephen M. Williams, Attorney for the appellant reviewed with the Board a request for a continuance. David Cincotta, Attorney for the project sponsor reviewed with the Board the reasons not to continue this matter to January 10, 2006.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to continue to January 10, 2006.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier, moved to amend the continuance date to December 13, 2005.

Motion to amend the continuance date to December 13, 2005 failed by the following vote:

Ayes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma

Noes: 4 - Maxwell, McGoldrick, Mirkarimi, Peskin

Absent: 3 - Ammiano, Daly, Sandoval

Continued to January 10, 2006

Supervisor Ammiano was noted present at 4:24 p.m.

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

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

Absent: 2 - Daly, Sandoval

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

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

051756 [Affirming the categorical exemption issued for 733-27th Avenue]

Motion affirming the determination by the Planning Department that the 733-27th Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 10, 2005

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

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

051757 [Disapproving the categorical exemption issued for 733-27th Avenue]

Motion disapproving the determination by the Planning Department that the 733-27th Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 10, 2005

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

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

051758 [Preparation of findings related to the categorical exemption issued for 733-27th Avenue]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 733-27th Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 10, 2005

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

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

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

Abdullah Megaheed; expressed concern with homeless issues
James Chafee; expressed concern with SF Library issues and public comment
Eugene Gordon, Jr.; showed interest in human interest issues
Walter, shared with the Board stories about his mother

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

Supervisor Ammiano was noted absent at 3:40 p.m.

- 051829** [Emergency Disadvantaged Business Enterprise Program - November 15, 2005 - 4 p.m. Committee of the Whole]
Supervisor Ma

Motion for the Board of Supervisors to convene as a committee of the whole on November 15, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

Motion No. M05-133

APPROVED

- 051828** [Extension of Arts Task Force through January 31, 2006]
Supervisor Ammiano

Resolution extending the operations of the Arts Task Force through January 31, 2006.

Resolution No. 802-05

ADOPTED

- 051830** [International Education Week]
Supervisor Ma

Resolution declaring the week of November 14-18, 2005 as "International Education Week" in the City and County of San Francisco.

Resolution No. 801-05

ADOPTED

- 051831** [Accept and Expend Grant - Sheriff's Department program providing employment and education services for young offenders in the county jail and after their release]
Supervisor Ma

Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of \$311,603 from the Substance Abuse & Mental Health Services Administration for providing jail diversion opportunities involving integrated mental health and substance abuse treatment for incarcerated women.

Resolution No. 800-05

ADOPTED

**051832 [Designating November 13, 2005 as Sisters of the Presentation Day]
Supervisors McGoldrick, Elsbernd**

Resolution designating November 13, 2005 as Sisters of the Presentation Day.

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

Resolution No. 799-05

ADOPTED

**051833 [Commending Hayes Valley Community Partners]
Supervisor Mirkarimi**

Resolution commending the Hayes Valley Community Partners for organizing four neighborhood Halloween celebrations.

Resolution No. 798-05

ADOPTED

**051835 [Accept-expend State Grant Funds available under the California Clean Water, Clean Air, Safe
Neighborhood Parks, and Coastal Protection Act of 2002]
Mayor, Supervisor Daly**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a local assistance grant in the amount of \$1,049,000 available under the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for the development of the South of Market Area Park.

(Fiscal impact.)

Resolution No. 795-05

ADOPTED

**051817 [Needle Exchange Emergency]
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi**

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

Motion No. M05-132

APPROVED

The foregoing items were acted upon by the following vote:

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

Absent: 2 - Ammiano, Daly

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

**051834 [Urging Governor Schwarzenegger to grant Stanley Tookie Williams' request for clemency]
Supervisor Mirkarimi**

Resolution urging Governor Schwarzenegger to grant Stanley Tookie Williams' request for clemency and to support AB-1121, the "California Moratorium on Executions Act."

Resolution No. 816-05

ADOPTED by the following vote:

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

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). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]

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

Supervisor Maxwell, seconded by Supervisor McGoldrick, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:

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

[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.

Supervisor Maxwell, seconded by Supervisor McGoldrick, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:

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

051838 [Congratulating the National Gay and Lesbian Task Force on the 18th Annual Creating Change Conference]**Supervisors Dufty, Ammiano**

Resolution to congratulate the National Gay and Lesbian Task Force on the 18th Annual Creating Change Conference.

Resolution No. 797-05**ADOPTED by the following vote:**

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

051842 [Commending Deputy City Attorney Sarah Ellen Owsowitz]**Supervisors Peskin, Elsbernd**

Resolution commending Sarah Ellen Owsowitz for six years of exemplary public service to San Francisco as a Deputy City Attorney and wishing her well in her future endeavors.

Resolution No. 796-05**ADOPTED by the following vote:**

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

051841 [Haight Street Alcohol Restricted Use Subdistrict – Permissible bar use in movie theaters]**Supervisor Mirkarimi**

Ordinance amending Planning Code Section 781.9 to allow a bar use in a movie theater under specified circumstances in the Haight Street Alcohol Restricted Use Subdistrict; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

11/8/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/8/2005.

051844 [Amending Planning Code Section 610]**Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by amending Section 610 to provide for neutral administrative law judges to conduct reconsideration hearings concerning the Planning Director's assessment of administrative penalties for the unlawful operation of general advertising signs; to make additional procedural clarifications; to establish a fee for requesting a reconsideration hearing; and to make environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

11/8/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/8/2005.

Resolutions

**051839 [Grant to improve child passenger safety in San Francisco - Department of Public Health]
Supervisor Ma**

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept and expend a new grant in the amount of \$563,195 from the California Office of Traffic Safety (COTS) to improve child passenger safety in San Francisco, to enter into an agreement for the use of these funds, and to add one (1.0) position funded through this grant agreement; for the period of October 1, 2005, to December 31, 2007.
11/8/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. Sponsor requests this item be considered for the next available City Operations and Neighborhood Services Committee meeting.
11/14/05 - Referred to Youth Commission.

**051845 [Confirmation: City Hall Preservation Advisory Commission]
Mayor**

Resolution confirming the appointment of Jim Haas, GeeGee Platt and Anne Cervantes for a two year term to the City Hall Preservation Advisory Commission.
11/8/05, RECEIVED AND ASSIGNED to Rules Committee.

**051846 [Confirmation: City Hall Preservation Advisory Commission]
Mayor**

Resolution confirming the appointment of Ellen Schumer and Mae Woo for a four year term to the City Hall Preservation Advisory Commission.
11/8/05, RECEIVED AND ASSIGNED to Rules Committee.

**051847 [Parking Regulations]
Supervisor Sandoval**

Resolution enacting and rescinding parking regulations at various locations.

NO PARKING ANYTIME - ESTABLISH
Alemany Boulevard, westside, from 34 feet to 70 feet north of Ocean Avenue.

(11/8/05: 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.)

11/8/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 11/15/05 - Parking and Traffic notified to post required notices and placed in the 11/19/05 edition of the SF Chronicle.

**051848 [Traffic Regulation]
Supervisor Mirkarimi**

Resolution rescinding traffic regulation on Oak Street.

TOW-AWAY NO PARKING ANYTIME - RESCIND

North side of Oak Street, from Divisadero Street to Buchanan Street.

11/8/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 11/14/05 - Referred to Parking and Traffic for determination of environmental impact.

11/15/05 - Parking and Traffic notified to post required notices and placed in the 11/19/05 edition of the SF Chronicle.

**051849 [STOP Intersections]
Supervisor Mirkarimi**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

Pierce and Fulton: stopping northbound and southbound at Pierce Street, and eastbound and westbound at Fulton Street, making this intersection an All-Way STOP;

4th Ave. at Hugo: stopping northbound and southbound 4th Ave. and eastbound and westbound Hugo, making this intersection an All-Way STOP;

Octavia at Fulton: stopping eastbound and westbound at Octavia Street;

Stanyan at Alma: stopping northbound and southbound traffic at Stanyan at Alma St.

11/8/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 11/14/05 - Referred to Parking and Traffic for determination of environmental impact.

11/15/05 - Parking and Traffic notified to post required notices and placed in the 11/19/05 edition of the SF Chronicle.

11/18/05 - Response received from Parking and Traffic, exempt from environmental review.

**051850 [Traffic Regulations]
Supervisor Sandoval**

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES - ESTABLISH

Alemany Boulevard, northbound, from 200 feet west of San Jose Avenue to Niagara Avenue, and from Geneva Avenue to Rousseau Street; and,

Alemany Boulevard, southbound, from Rousseau Street to Seneca Avenue, and from Geneva Avenue to San Jose Avenue.

LEFT LANE MUST TURN LEFT - ESTABLISH

Alemany Boulevard, southbound, at Geneva Avenue; and,

Alemany Boulevard, northbound, at Geneva Avenue.

RIGHT LANE MUST TURN RIGHT - ESTABLISH

Alemany Boulevard, northbound, at San Jose Avenue/Regent Street; and

Alemany Boulevard, southbound, at Rousseau Street.

(11/8/05: 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.)

11/8/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 11/15/05 - Parking and Traffic notified to post required notices and placed in the 11/19/05 edition of the SF Chronicle.

**051862 [Averting SFUSD Strike]
Supervisor Ammiano**

Resolution urging the San Francisco Unified School District and SEIU to come to an agreement that averts a potential strike that would be harmful to the children and youth of San Francisco and rely on information provided by the City Controller where this can be helpful.

11/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051863 [American Indian Heritage Month]
Supervisor Ma**

Resolution declaring November 2005 as "American Indian Heritage Month" in the City and County of San Francisco.

11/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051864 [Extending the term of service for the Power Plant Task Force]
Supervisor Maxwell**

Resolution to extend the expiration date of the Power Plant Task Force from November 1, 2005 to November 1, 2006.

11/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051865 [Issuance and Sale of Revenue Bonds - Jewish Home of San Francisco]
Supervisor Sandoval**

Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$38,000,000 for the financing of the remodeling of and construction of additions to a residential and care facility owned by the Jewish Home of San Francisco. 11/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051866 [Commending Rabbi Kenneth R. Leitner]
Supervisors Sandoval, Dufty, Peskin**

Resolution commending Rabbi Kenneth R. Leitner for his exceptional qualities as a religious leader and congratulating him on his installation as the new senior rabbi at the Congregation Beth Sholom. 11/8/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion

**051843 [Rules of Order – Public Testimony Provisions]
Supervisor Peskin**

Motion amending the Rules of Order of the Board of Supervisors to add Rule 1.1.1, which will adopt public testimony procedures for the Board and its Committees. 11/8/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

Requests Granted

From: Supervisor McGoldrick

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation to prevent the eviction of families with school aged children during the school year in order to prohibit the occurrence of disruption in children's education and development caused by relocating.

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft interim controls to impose a Conditional Use requirement for commercial development on Bayshore Boulevard over 40,000 square feet.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repaving the 1900 block of Laguna Street.

cc: Mark Tangard

1905 Laguna Street, Unit 106

San Francisco, CA 94115

From: Supervisor Mirkarimi

To: Director, Department of Recreation and Parks

Requesting/Inquiring: Requesting that a thorough explanation as to the justification of how the Recreation and Parks Department repetitively refuses to take care of park operations (denying full-time and part-time gardeners and other maintenance staff) within District 5, but at a moments notice, will dispatch sizable crews (on a Sunday for overtime pay) to perform maintenance and gardening functions for visiting dignitaries whereas otherwise, these parks needs have remained unattended for much of the last year. A reply is expected in writing prior to our meeting - a meeting has been called with Recreation and Park Department Director and senior staff for November.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the status of repairing a hole in the sidewalk near 913 Cole Street and the PG&E grate.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the status of removing gang graffiti from the street signs along the northside of Oak Street between Fillmore and Webster Streets.

From: Supervisor Elsbernd

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting a letter of inquiry to the Department of Parking and Traffic; to inspect whether or not DPT can install a flashing crosswalk light or some other traffic calming measure at the intersection of Lake Merced Boulevard and Lake Merced Hill.

Text as follows:

Can DPT inspect and assess the need to install a flashing crosswalk light or some other traffic calming measure at the intersection of Lake Merced Boulevard and Lake Merced Hill? This intersection represents a safety concern to neighbors in the area. There have been recent accidents involving pedestrians being struck by automobiles.

In Memoriams

In Memoriams

Cheryl Towns - Supervisors Maxwell and Dufty

E. Lucille Ramstetter - Supervisor Ma

Charlie Passanisi - Supervisor Elsbernd

ADJOURNMENT

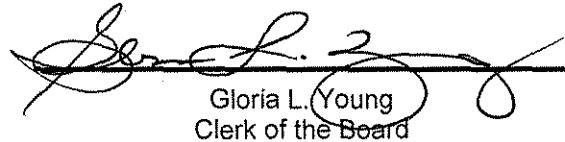
There being no further business the Board adjourned at the hour of 4:26 p.m.

Gloria L. Young, Clerk of the Board

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

Approved by the Board of Supervisors on December 6, 2005.

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


Gloria L. Young
Clerk of the Board