

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, July 22, 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 Meeting Minutes for June 10, 2003.

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*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

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 4

Recommendations of the Rules Committee

Present: Supervisors Hall, Dufty, Gonzalez

1. 030955 [Settlement of Lawsuit - Armenta, et al., v. James Jones Co., et al.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the James Jones Company, Mueller Co., Tyco International and Watts industries, for a payment to the City in the amount of \$2,890,908; the lawsuit was filed on June 26, 1997 in Los Angeles County Superior Court, Case No. BC 173-487; entitled Los Angeles Department of Water and Power ex rel Armenta, et al., v. James Jones Co., et al. (City Attorney)

(No Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

2. 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.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

3. 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.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of Finance and Audits Committee

Present: Supervisors Peskin, Sandoval, McGoldrick

4. **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.) [No fiscal impact.]

Question: Shall this Resolution be ADOPTED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget Committee

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

5. **030787** **[Government Funding, Fiscal Year 2003-04]**
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)

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

7/15/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Supervisor Daly, seconded by Supervisor Peskin, moved an amendment of the whole.

7/15/2003, PASSED ON FIRST READING AS AMENDED. Combined with File No. 031183

Question: Shall this Ordinance be FINALLY PASSED?

6. **030788** **[Public Employment, Fiscal Year 2003-04]**
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)

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2003 nor later than August 1, 2003.)

7/15/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

7/15/2003, PASSED ON FIRST READING AS AMENDED. Combined with File No. 031184

Question: Shall this Ordinance be FINALLY PASSED?

7. **030991** **[Establishing Parking Meter and Permit Parking Areas --Recreation and Park Property]** **Mayor**

Ordinance amending the Traffic Code by adding Sec. 201.5 to establish Parking Meter Area Number Five; amending Sec. 201 to authorize the General Manager of the Recreation and Park Department to establish parking meter zones within Parking Meter Area Five subject to approval of the Recreation and Park Commission; amending Sec. 203.6 to set Parking Meter Rates in Parking Meter Area Number Five and to authorize the Recreation and Park Commission to reduce the meter rate not more than 50% lower than that set by the Board of Supervisors; amending Sec. 213 to provide that monies collected from meters located on park land be credited to an account for use by the Recreation and Park Department; adding Park Code Article 14 to establish permit parking on Park Property; and amending Park Code Sec. 6.10 to provide for penalties for violating Article 14. (Mayor)

7/8/2003, CONTINUED. Continued to July 15, 2003

7/15/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

7/15/2003, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

From the City Services Committee "Without Recommendation"

Present: Supervisors Dufty, Newsom, McGoldrick

8. **030737** **[Preservation of Emergency Nature of Shelter; Prevention of Displacement, Prioritization, or Set-Asides of Shelter Beds Based Solely on Income]** **Supervisors McGoldrick, Daly**

Ordinance adding Article II to Chapter 20 of the San Francisco Administrative Code to preserve the emergency nature of the City's shelter system; to prevent displacement of an individual from a shelter bed based solely on that individual's income, and to prohibit prioritization or set-asides of shelter beds based on income.

5/6/2003, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

7/8/2003, CONTINUED. Continued to July 15, 2003

7/15/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Finance and Audits Committee

Present: Supervisors Peskin, Sandoval, McGoldrick

9. **021948** **[Repealing Police Code Section 162 - Regulating Fortunetellers]** **Supervisor Peskin**

Ordinance repealing Section 162 of the San Francisco Police Code relating to advertising by fortunetellers; adding Sections 1300 to 1321 to the San Francisco Police Code requiring fortunetellers to obtain a permit, setting forth permit procedures, regulating business by prohibiting deceptive acts and requiring receipts, rate schedules, and identification cards, requiring permit number on advertisements, allowing license inspections, and setting forth the penalty for violations of these sections; and amending San Francisco Police Code Section 2.26 and 2.27 setting forth permit and licensing fees.

(Supervisor Sandoval dissenting in Committee.)

7/15/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 10. 030633 [Giving the Executive Director of the Department of Parking and Traffic Authority to Promulgate Regulations Regarding Parking Revenue Equipment] Supervisor Peskin**

Ordinance amending Section 4910 of the Police Code to vest authority to promulgate regulations regarding parking revenue equipment in the Executive Director of the Department of Parking and Traffic, instead of in the Tax Collector.

7/15/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 11. 031229 [Appropriating Funds for Brannan Street Wharf and Cruise Terminal Project at Piers 30-32]**

Ordinance appropriating \$9,324,000 in sales proceeds from the Seawall Lot 330 and \$20,376,000 from the condo sales proceeds for a total of \$29,700,000 for the development of the Brannan Street Wharf and the Pier 30-32 Cruise Terminal Project, for Port for fiscal year 2003-2004, placing \$29,700,000 on reserve by the Finance and Audits Committee. (Port)

7/15/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

7/15/2003, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use Committee

Present: Supervisors McGoldrick, Maxwell, Ammiano

- 12. 030040 [Planning Code Section 249.24 - Jackson Square Special Use District] Supervisor Peskin**

Ordinance amending the Planning Code to add section 249.24 to establish the Jackson Square Special Use District, amending the Zoning Map Sectional Map No. 1 SU to show the boundaries of this District, requiring that within this District ground floor office use be subject to conditional use authorization as specified, requiring that within this District adult entertainment enterprises be prohibited, modifying the abandonment period for permitted conditional uses in this District, and making findings of consistency with the General Plan and priority policies of Planning Code section 101.1.

(Planning Commission Resolution Nos. 16577 and 16578 recommending approval of proposed legislation with modifications, dated May 8, 2003.)

7/15/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors McGoldrick, Maxwell

- 13. 030909 [Street Artist Space Regulations]**

Ordinance amending the San Francisco Police Code by amending Section 2405 to modify the street artist space regulations. (Arts Commission)

7/15/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

14. 031019 [Mission Bay 16th/7th Street Jack and Bore Casing Improvements]

Ordinance accepting the irrevocable offer for the 16th/7th Street Jack and Bore Casing Improvements; designating said facilities for public use and maintenance purposes; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,027; and authorizing official acts in connection with this ordinance. (Public Utilities Commission)

(No Public Benefit Recipient; Findings of DPW Order No. 174027 dated June 9, 2003.)

7/15/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Hall, Dufty, Gonzalez

15. 030866 [Charter Amendment - Establishing an Elected Rent Board] Supervisor Daly

Charter amendment (Second Draft) to add a new Article VIA to establish an elected San Francisco Residential Rent Stabilization and Arbitration Board that would replace the existing appointed Rent Board.

7/8/2003, CONTINUED. Continued to July 15, 2003

7/15/2003, CONTINUED. Continued to July 22, 2003

Question: Shall this Charter Amendment be SUBMITTED?

16. 030740 [Amending Rule 4.29 at Board of Supervisors meetings] Supervisor Gonzalez

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries may occur at anytime, and the recognition of commendations shall occur at 3:30 p.m.

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

6/17/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Amendment of the Whole bearing new title.

6/17/2003, CONTINUED AS AMENDED. Continued to July 15, 2003

7/15/2003, CONTINUED. Continued to July 22, 2003

Question: Shall this Motion be ADOPTED?

NEW BUSINESS

Recommendations of the Finance and Audits Committee

Present: Supervisors Peskin, Sandoval, McGoldrick

- 17. 031102 [Memorandum of Understanding re PERS Contract Amendment] Mayor, Supervisors Dufty, Ma, Sandoval, McGoldrick**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Deputy Sheriffs' Association regarding the amendment of the contract with the Public Employees' Retirement System to provide the County's Sheriffs with the retirement benefits known as 3% @ 55.

(Fiscal impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 18. 031115 [PERS Contract Amendment] Mayor, Supervisors Dufty, Ma, Sandoval, McGoldrick**

Ordinance authorizing an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System, and the Board of Supervisors, City and County of San Francisco.

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 19. 030505 [Outreach Advertising]**
Resolution designating the Asian Week, the China Press, the World Journal and the Chinese Times to be outreach newspapers of the City and County of San Francisco for the Chinese community; El Reportero, El Latino and El Mensajero to be outreach newspapers of the City and County of San Francisco for the Hispanic community; the Bay Area Reporter to be the outreach newspaper of the City and County of San Francisco for the Lesbian/Gay/Bisexual/Transgender community; and the San Francisco Bay View to be outreach newspaper of the City and County of San Francisco for the African American community, for outreach advertising for the fiscal year commencing July 1, 2003 and ending June 30, 2004. (Purchaser)

(Fiscal impact; No Public Benefit Recipient.)

6/10/2003, RE-REFERRED to Finance and Audits Committee.

Question: Shall this Resolution be ADOPTED?

- 20. 031124 [Laundry Services At San Francisco General Hospital]**
Resolution concurring with the Controller's certification that the laundry services can be performed for the Department of Public Health, San Francisco General Hospital by private contractor for a lower cost than similar work performed by City and County employees.

(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Peskin, Sandoval

- 21. 030851 [Contract - Department of the Environment and PG&E] Mayor, Supervisor Gonzalez**

Resolution pursuant to Charter section 9.118(a) authorizing the Department of the Environment to enter into a contract for up to \$1,560,000 with Pacific, Gas and Electric

Company ("PG&E") to implement a Demand Reduction Through Energy Efficiency Pilot Program in the City and County of San Francisco.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use Committee

Present: Supervisors McGoldrick, Ammiano

- 22. 030351 [Planning Code Section 312 - Retail coffee store or pharmaceutical and personal toiletries use] Supervisor Gonzalez**

Ordinance amending Planning Code Section 312 to require that a change in use to a retail coffee store, as defined in Planning Code Section 790.102(n), or to a pharmaceutical and personal toiletries use, as defined in Planning Code Section 790.102(c), or the addition of a prescription drug service where none previously existed within 3 years of an application for an addition, be subject to the notification and review procedures of Section 312, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

(Certificate of Determination of Exemption/Exclusion from Environmental Review dated 5/23/03; Planning Commission Resolution No. 16594, adopted June 5, 2003, recommending approval.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 23. 030998 [Sunsetting of higher cap on taxicab gate fees if City fails to enact long-term lease fee cap] Supervisor Hall**

Ordinance amending Section 1135.1 of the Police Code to provide for extending from August 1, 2003 to November 1, 2003 the time for sunsetting the higher cap on taxicab gate fees if the City fails to enact an ordinance prescribing a specific long-term lease fee cap covering all long-term lease drivers.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Hall, Dufty, Gonzalez

- 24. 031153 [Establishing a Construction Risk Management Committee] Supervisor Dufty**

Ordinance establishing a Construction Risk Management Committee to authorize and monitor the performance of City's OCIPs.

[No fiscal impact.]

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 25. 031114 [Amending Rule 4.29 of the Rules of Order] Supervisor Gonzalez**

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that public hearings on appeals shall be scheduled at 4 p.m. rather than 3 p.m., and providing a system for scheduling these appeals when more than one appears on a Board calendar.

(No fiscal impact.)

Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

- 26. 030681 [Charter Amendment-Ethics provisions to move various provisions into ordinances, to enact new provisions, to make technical changes, and to clarify ambiguities in existing provisions] Supervisor Ammiano**

Charter amendment (Sixth Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.

5/13/2003, SUBSTITUTED. Supervisor Ammiano submitted a substitute bearing new title.

7/8/2003, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

7/8/2003, CONTINUED AS AMENDED. Continued to July 15, 2003 with the Board Sitting as a Committee of the Whole.

7/15/2003, AMENDED.

7/15/2003, CONTINUED AS AMENDED. Continue to July 22, 2003 with the Board Sitting as a Committee of the Whole.

COMMITTEE OF THE WHOLE RISE AND REPORT WITHOUT RECOMMENDATION

Question: Shall this Charter Amendment be SUBMITTED?

SPECIAL ORDER 3:00 P.M.

- 27. 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.)

6/24/2003, CONTINUED. Continued to July 22, 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.

From the Clerk

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

- 28. 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)
6/24/2003, CONTINUED. Continued to July 22, 2003
Question: Shall this Motion be ADOPTED?
- 29. 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)
6/24/2003, CONTINUED. Continued to July 22, 2003
Question: Shall this Motion be ADOPTED?
- 30. 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)
6/24/2003, CONTINUED. Continued to July 22, 2003
Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 3:00 P.M.

- 31. 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.

(Appeal filed June 2, 2003; Determined by the Planning Department to not have a significant effect on the environment pursuant to the Negative Declaration adopted and issued on April 22, 2003, and prepared pursuant to the Guidelines of the State Secretary of Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative Declaration); companion measure to Files 031038, 031039, 031040, 031090; District 6.)

6/24/2003, CONTINUED. Continued to July 22, 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.

From the Clerk

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

- 32. 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)
6/24/2003, CONTINUED. Continued to July 22, 2003
Question: Shall this Motion be ADOPTED?
- 33. 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)
6/24/2003, CONTINUED. Continued to July 22, 2003
Question: Shall this Motion be ADOPTED?
- 34. 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)
6/24/2003, CONTINUED. Continued to July 22, 2003

Question: Shall this Motion be ADOPTED?

35. 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)

6/24/2003, CONTINUED. Continued to July 22, 2003

Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 3:00 P.M.

36. 030553 [Public Hearing - Appeal, Conditional Use - 19th Street PG&E Transformer Station]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16534 dated February 27, 2003 approving a conditional use authorization, Case No. 2002.0575C, to install six panel antennas and related back-up equipment on the PG&E Transformer Station, pursuant to Planning Code Section 209.6(b), within an RH-3 (Residential, House, Three-Family) District and a 50-X Height and Bulk District, located at South side of the 3400 Block of 19th Street; Lot 104, in Assessor's Block 3596.

(Appeal filed March 31, 2003; categorically exempt from environmental review process pursuant to Class 1 exemptions of Title 14 of the California Administrative Code; companion measure to File 030554, 030555, 030556; District 9.)

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.

From the Clerk

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

37. 030554 [Appeal, Conditional Use - 19th Street PG&E Transformer Station]

Motion approving decision of the Planning Commission by its Motion No. 16534, approving Conditional Use Application No. 2002.0575C, on the PG&E Transformer Station located at the south side of the 3400 Block of 19th Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

38. 030555 [Appeal, Conditional Use - 19th Street PG&E Transformer Station]

Motion disapproving decision of the Planning Commission by its Motion No. 16534,

approving Conditional Use Application No. 2002.0575C, on the PG&E Transformer Station located at the south side of the 3400 Block of 19th Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

39. 030556 [Findings - 19th Street PG&E Transformer Station]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0575C, on the PG&E Transformer Station located at the south side of the 3400 Block of 19th Street, for action by the Board at its next meeting. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

40. 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.

41. 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

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.

42. 031154 [Legislative Analyst Request - CITYSTAT Technology Systems] Supervisors Newsom, Dufty, Hall

Motion directing the Office of the Legislative Analyst to conduct research on CITYSTAT technology systems, including an analysis of how the other major cities, including New York, Chicago, Phoenix and Baltimore, have implemented a CITYSTAT program.

[No fiscal impact.]

7/8/2003, CONTINUED. Continued to July 22, 2003

Question: Shall this Motion be ADOPTED?

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.

Items 43 through 46

- 43. 031161 [Urge Real Estate Companies to Reward the Hard Work of Janitors] Supervisors Sandoval, Daly, Peskin**
- Resolution urging real estate companies in San Francisco to employ cleaning companies that provide decent and fair wages, adequate health benefits, full-time work and union involvement without fear of retribution.
- [No fiscal impact.]
- 6/24/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 7/8/2003, CONTINUED. Continued to July 15, 2003
- 7/15/2003, CONTINUED. Continued to July 22, 2003
- Question: Shall this Resolution be ADOPTED?**
- 44. 031251 [Commending Holt A. Cheng, MD] Supervisor Ma**
- Resolution commending Holt A. Cheng, MD for his lifelong dedication and commitment to medical education and for his related work in the medical field.
- 7/15/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 45. 031252 [San Francisco Liberation Radio 97.3 FM and diversity in media ownership] Supervisors Gonzalez, Daly, Dufty, Ammiano**
- Resolution supporting San Francisco Liberation Radio 97.3 FM and urging Federal, State, and Local officials to support policies and practices that encourage diverse local non-commercial media.
- 7/15/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 46. 031191 [Needle Exchange Emergency] Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty**
- Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
- 7/15/2003, 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: _____*

47. **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 July 8, 2003 through July 14, 2003, for reference by President to appropriate committee on July 22, 2003.

031211 [Changing Official Width of Sidewalk]

Ordinance Amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1560 to change the official sidewalk width on the west side of Illinois Street between 18th and 19th Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and addressing relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

7/11/2003, RECEIVED AND ASSIGNED to Land Use Committee.

031213 [Amending Residential Rent Stabilization and Arbitration Ordinance]

Ordinance amending Administrative Code Chapter 37 (Residential Rent Stabilization and

Arbitration Ordinance) by amending Section 37.4 to provide that if one of the two regular landlord members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other landlord alternate shall (if available) be seated and vote as a substitute alternate; if one of the two regular tenant members is unavailable to vote, that member's specific alternate shall be seated and vote, but if that member's specific alternate is also unavailable to vote, the other tenant alternate shall (if available) be seated and vote as a substitute alternate; this would modify the current Code that provides each of the two regular landlord members with a specific alternate, but no mechanism for the two landlord alternates to substitute for one another; likewise, this would modify the current Code that provides each of the two regular tenant members with a specific alternate, but no mechanism for the two tenant alternates to substitute for one another. (Rent Stabilization and Arbitration Board)

7/14/2003, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from July 8, 2003 through July 14, 2003, for reference by President to appropriate committee on July 22, 2003.

031210 [Contract approval - Municipal Transportation Quality Review]

Resolution approving the award and execution of San Francisco Municipal Railway Contract Number CCO 02-866, Municipal Transportation Quality Review, to Nelson\Nygaard Consulting Associates, to conduct the Quality Review required under Charter Section 8A.107, for a total contract amount not to exceed \$49,489, and for a term not to exceed one year with an option to extend up to an additional two years to cover the next review period. (Municipal Transportation Agency)

7/10/2003, RECEIVED AND ASSIGNED to City Services Committee.

031212 [Agreement - Informatix, Inc. and CCSF]

Resolution approving the Agreement between Informatix, Inc. and City of County of San Francisco for computer consulting services necessary to implement the Computer Assisted Support Enforcement System (CASES) Consortium for forty one California counties, including San Francisco. (Child Support Services)

(No Public Benefit Recipient.)

7/14/2003, RECEIVED AND ASSIGNED to City Services Committee.

031272 [Petitions and Communications]

Petitions and Communications received from July 8, 2003 through July 15, 2003, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on July 22, 2003.

From Department of Human Resources, submitting Sole Source Contracts, Human Resources, FY 2002-03. (1)

From Public Utilities Commission, requesting U.S. Filter Wastewater Group be granted a one-time waiver for the provision of a pressure filter to the Water Pollution Control Department.(2)

From Department of Human Services, submitting a list of contract activities for the Department of Human Services during the Fiscal Year 2002-2003. (3)

From Ethics Commission, submitting Ethics Commission resolution regarding instant run-off voting.(4)

From San Francisco Department of Public Health, submitting Quarterly AIDS Surveillance report.(5)

From San Francisco Department of Environment, regarding urban forest council information request.(6)

From Office of the Controller, reporting on the first review of the agreement the San Francisco Public Utilities Commission has with the Water Infrastructure Partners to procure program management and construction management services in support of the PUC's water, power and sewer capital improvement program.(7)

From Office of the Clerk of the Board of Supervisors, reporting that the department did not receive gifts in Fiscal Year 2002-03.(8)

From Clifford Waldeck, submitting support of Supervisor Peskin's legislation to establish a Special Use District for the Jackson Square area. File 030040(9)

From concerned citizen, submitting Mission Statement for the Sanctuary.(10)

From San Francisco Fire Department, reporting that the Mayor's Office of Emergency Services is coordinating the City's efforts on the application of the 2003 Homeland Security Grant. (Reference No. 20030408-003) Copy: Supervisors Newsom, Sandoval(11)

From Bilingual Community Advocate Group, submitting documents regarding discrimination claim #154887 filed on July 1, 2003. Copy: Each Supervisor(12)

From Office of the Controller, submitting Twice-Yearly Overtime Report. Copy: Each Supervisor(13)

From San Francisco Drug Abuse Advisory Board and City-Wide Alcoholism Advisory Board, submitting transcription of Town Hall Meeting on May 16, 2003. (14)

From Planning Department, regarding Transbay Terminal/Caltrain Extension/Redevelopment Plan Environment Process. File 030379(15)

From Office of the Treasurer, submitting correspondence and report on the investment activity of the portfolios under management.(16)

From International Federation of Professional and Technical Engineers, regarding conflict of interest charter measure. Copy: Each Supervisor(17)

From Ethics Commission, submitting Second Quarter 2003 Summary Report of Campaign Consultant Activity.(18)

From San Francisco Redevelopment Agency, reporting on how the Third Street Walgreens was permitted to remove the landscaping provided in the concept plan agreed to by the Bayview Hunters Point Project Area Committee. (Reference No. 20030513-005) Copy: Supervisor Maxwell(19)

From Comcast to Ms. Denise Brady, regarding Hispanic programming adjustment.(20)

From Daniel Stone, urging the Board of Supervisors to pass the resolution in support of San Francisco Liberation Radio. Copy: Each Supervisor (21)

From Department of Parking and Traffic, reporting on Supervisor Newsom's inquiry regarding various traffic and pedestrian safety improvement requests for the neighborhood adjacent to the 15th Avenue Presidio Gate entrance. (Reference No. 20030506-004) Copy: Supervisor Newsom(22)

From Department of Human Services, suggesting to the Board of Supervisors to contact the Department of Human Resources regarding the definition of dependents for the purpose of health benefits and any other inquiries regarding city employee benefits.(Reference No. 20030520-004) Copy: Supervisor Hall(23)

From Office of the Mayor, submitting technical adjustments to the Mayor's Proposed 2003-2004 Budget Submission. Copy: Each Supervisor(24)

From Department of Public Works, regarding 2031-2035 Larkin Street - Minor Sidewalk Encroachment Permit. (25)

From Department of Parking and Traffic, regarding sole source contracts.(26)

From Department of Human Resources, reporting on the services and benefits available to city employees when they need time off to take care of elderly parents. (Reference No. 20030506-005) Copy: Supervisor Hall(27)

From Visitacion Valley Community Center, urging the Board of Supervisors to reject the proposal to cut 6.0 FTE medical interpreter staff positions at San Francisco General Hospital. Copy: Each Supervisor(28)

From Department of Human Resources, submitting a waiver request form.(29)

From Verizon Wireless, regarding notification letter for Portola Drive of GTE Mobilnet of California Limited Partnership.(30)

From Clement Chen, commenting on the proposed Jackson Square Special Use District Ordinance. File 030040 Copy: Each Supervisor(31)

From Martin T. Lyon, regarding traffic lights in various tunnels.(32)

From Peter Warfield, expressing his appreciation to the Board of Supervisors for rejecting Library's Fines and Fees Ordinance. Copy: Each Supervisor (File 030990)(33)

From San Francisco Public Library Commission, concerning the Board's recommendation in the final budget that \$500,000 from the San Francisco Public Library budget be allocated for use in SFUSD libraries. Copy: Supervisor Gonzalez (34)

From concerned citizens, commenting on the appropriating funds for Brannan Street Wharf and Cruise Terminal Project at Piers 30-32. File 031229(35)

From Allen Siegel, commenting on Officer Jerry Lankford with the San Francisco Police Department. (36)

From concerned citizens, submitting support for the Care not Cash program. File 030848 (37)

From Alan Chelnick, regarding police officers carrying guns in the legislative chamber.
Copy: Supervisor Daly(38)

From Miriam H. Morrill, regarding the Final Recovery Plan for Coastal Plants of the Northern San Francisco Peninsula.(39)

From Peter Man, requesting a letter of public convenience and necessity from the Board of Supervisors to let the State of California Department of Alcoholic Beverage Control issue a Type 48 liquor license to the Shawman Group, LLC to operate a bar and lounge located at 662 Mission Street, San Francisco.(40)

From John Jenkel, submitting articles regarding al-Qaida attack and how the September 11th event effected the United States.(41)

From Eric Whitaker, regarding PC&N Determination for One Tillman Place, San Francisco. (42)

From James Miller, regarding city employees' usage of MUNI.(43)

From Tom Piazza, commenting on the streets of San Francisco.(44)

From Martin T. Lyon, regarding various overhead street signs in the city.(45)

From Gary W. Moody, regarding prosperity of San Francisco.(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