

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, May 17, 2005 2:00 PM

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

Regular

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, Daly, Elsbernd, Ma, McGoldrick

Budget and Finance Subcommittee

Supervisors Ammiano, Daly, Elsbernd

City and School District Select Committee

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

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Dufty, Ma

Government Audit and Oversight Committee

Supervisors Peskin, Elsbernd, Mirkarimi

Land Use Committee

Supervisors Maxwell, Sandoval, McGoldrick

Rules Committee

Supervisors Alioto-Pier, Mirkarimi, Peskin

Meeting Days

Thursday

1:00 PM

Thursday

11:00 AM

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 19

Members Present: Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Duffy, 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 2:04 p.m. On the call of the roll all Supervisors were noted present.

Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Duffy, seconded by Supervisor Maxwell, moved to approve the April 19, 2005 Meeting Minutes. The motion carried by the following vote:

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

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the Rules Committee

**041570 [Conflict of Interest Code Amendments]
Supervisor Daly**

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.1-109, 3.1-110, 3.1-120, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-170, 3.1-175, 3.1-195, 3.1-205, 3.1-218, 3.1-230, 3.1-245, 3.1-265, 3.1-270, 3.1-275, 3.1-280, 3.1-285, 3.1-310, 3.1-315, 3.1-325, 3.1-335, 3.1-340, 3.1-345, 3.1-350, 3.1-365, 3.1-375, 3.1-390, 3.1-395, 3.1-410, 3.1-420, 3.1-430, 3.1-435, and 3.1-440; deleting sections 3.1-255 and 3.1-268; and adding section 3.1-222 to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure categories.

4/27/05 Amendment of the Whole bearing same title.

**Ordinance No. 99-05
FINALLY PASSED**

**050434 [Establishing Graffiti Violation Rewards and Clarifying Uses of Littering and Nuisance Reward Fund Monies]
Supervisor Ma**

Ordinance amending the San Francisco Administrative Code by amending Section 10.100-234, the Public Works Littering and Nuisance Violation Reward Fund, to reward persons who have provided information leading to the arrest and conviction of persons under California Penal Code Sec. 594 for graffiti vandalism and to clarify uses of fund where a reward is inapplicable or unclaimed.

**Ordinance No. 90-05
FINALLY PASSED**

**050643 [Extension of San Francisco Museum and Historical Society Advisory Committee's operations for one year]
Supervisor Peskin**

Ordinance amending Section 2A.166 of the San Francisco Administrative Code in order to extend the operations of the San Francisco Museum and Historical Society Advisory Committee for one year, until June 1, 2006.

**Ordinance No. 96-05
FINALLY PASSED**

050548 [Settlement of Lawsuit - ARCO et al.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against The Hertz Corporation and BP/Atlantic Richfield, for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal).

**Ordinance No. 91-05
FINALLY PASSED**

050567 [Settlement of Lawsuit - Tamyra D'Ippolito]

Ordinance authorizing settlement of the lawsuit filed by Tamyra D'Ippolito against the City and County of San Francisco for \$35,000; the lawsuit was filed on July 23, 2001 in San Francisco Superior Court, Case No. 323-130; entitled Tamyra D'Ippolito, et al., v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No. 92-05
FINALLY PASSED**

050568 [Settlement of Lawsuit - Bryan Ketron]

Ordinance authorizing settlement of the lawsuit filed by Bryan Ketron against the City and County of San Francisco for \$57,500 and the lawsuit filed by Alisa Vincent against the City and County of San Francisco for \$25,000; the cases have been consolidated under Bryan Ketron v. City and County of San Francisco, et al., Superior Court, Case No. 414-357. The Ketron lawsuit was filed on November 4, 2002 in Superior Court, Case No. 414-357 the Vincent lawsuit was filed on March 21, 2003 in Superior Court, Case No. 418-577. (City Attorney)

Ordinance No. 93-05
FINALLY PASSED

050571 [Settlement of Lawsuit - Teri Smith]

Ordinance authorizing settlement of the lawsuit filed by Teri Smith against the City and County of San Francisco for an agreement to spend an amount not to exceed \$1,100,000.00 to make certain disability access improvements at the San Francisco Zoo; the lawsuit was filed on June 19, 2002 in US District Court (Case No C02-2936 PJH).

Ordinance No. 94-05
FINALLY PASSED

050582 [Settlement of Lawsuit - Pacific Gas and Electric Company]

Ordinance approving settlement of litigation by Pacific Gas and Electric Company against City and County of San Francisco for \$3,000.

Ordinance No. 95-05
FINALLY PASSED

050657 [Settlement of Lawsuit - Nicholas Holley]

Ordinance authorizing settlement of the lawsuit filed by Nicholas Holley against the City and County of San Francisco for the payment of \$50,000; the lawsuit was filed on January 23, 2004, in San Francisco Superior Court, Case No. 428-216; entitled Nicholas Holley v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 97-05
FINALLY PASSED

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**

050764 [Adopting findings related to affirming the categorical exemption for 1 La Avanzada Avenue (aka 250 Palo Alto Avenue)]

Motion adopting findings affirming the determination by the Planning Department that the 1 La Avanzada Street (aka 250 Palo Alto Avenue) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

(Companion measure to Files 050380, 050381, 050382, 050383.)

Motion No. M05-75

APPROVED by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

**050350 [Appropriate funds to pay for litigation fees associated with the Residential Hotel Unit Conversion/Demolition Ordinance for FY2004-05]
Supervisors Peskin, Sandoval, Ammiano**

Ordinance appropriating \$300,000 from the Residential Preservation Fund Account, within the Building Inspection Fund's Repair & Demolition subfund, to pay for litigation fees associated with the defense of the Residential Hotel Unit Conversion and Demolition Ordinance for Fiscal Year 2004-2005.

(Fiscal impact.)

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

PASSED ON FIRST READING by the following vote:

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

**050681 [Bond Sale of Branch Library General Obligation Bonds]
Supervisors Elsbernd, Sandoval**

Resolution authorizing and directing the sale of not to exceed \$34,000,000 City and County of San Francisco General Obligation Bonds (Branch Library Facilities Improvement Bonds, 2000), Series 2005G; prescribing the form and terms of said bonds; authorizing the execution, authentication and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form and execution of the official statement relating thereto; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

(Fiscal impact.)

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

Resolution No. 357-05

ADOPTED by the following vote:

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

**050735 [Appropriate bond sale proceeds from the sale of 2000 Branch Library Improvement Program Bond - 3rd Series to fund the improvement and construction of San Francisco Public Library facilities]
Mayor, Supervisors Sandoval, Ammiano**

Ordinance appropriating, and placing on reserve, \$35,801,823 of bond sale proceeds from the 2000 Branch Library Improvement Program Bond – 3rd Series to fund the improvement and construction of San Francisco Public Library facilities for current fiscal year 2004-05.

(Fiscal impact.)

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

PASSED ON FIRST READING by the following vote:

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

**050680 [Bond Sale of Zoo Facilities Bonds]
Supervisors Elsbernd, Sandoval**

Resolution authorizing and directing the sale of not to exceed \$7,505,000 City and County of San Francisco General Obligation Bonds (Zoo Facilities Bonds, 1997), Series 2005H; prescribing the form and terms of said bonds; authorizing the execution, authentication and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form and execution of the official statement relating thereto; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

(Fiscal impact.)

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

Resolution No. 356-05

ADOPTED by the following vote:

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

**050736 [Appropriate General Obligation Bond sale proceeds to fund the acquisition, construction and/or reconstruction of San Francisco Zoo facilities and properties]
Mayor, Supervisors Elsbernd, Sandoval, Ammiano**

Ordinance appropriating, and placing on reserve, \$7,505,000 in General Obligation Bond sale proceeds to fund the acquisition, construction and/or reconstruction of San Francisco Zoo facilities, properties and all other works (as part of 1997 Proposition C) for current fiscal year 2004-05.

(Fiscal impact.)

Supervisors Elsbernd and Sandoval requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

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

050619 [Accept and Expend Federal Grant Funds Under the Airport Improvement Program (AIP)]

Resolution authorizing the Airport Commission to accept and expend grant funds in a total amount of \$20,066,423 from the Federal Aviation Administration: \$6,066,423 (A.I.P 28, Project No. 3-06-0221-28); \$8,250,000 (A.I.P 31, Project No. 3-06-0221-31), and \$5,750,000 (A.I.P 32, Project No. 3-06-0221-32) for Airport standard and security improvements. (Airport Commission)

Resolution No. 354-05

ADOPTED by the following vote:

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

**050676 [Accept - Expend State Grant - S.F. Library]
Supervisors McGoldrick, Sandoval**

Resolution authorizing the San Francisco Public Library to accept and expend funds in the amount of \$5,958,841 from the state Office of Library Construction from funds made available under the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 for the renovation and expansion of the Richmond/ Senator Milton Marks Branch Library.

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

Resolution No. 355-05

ADOPTED by the following vote:

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

**050694 [Accept - Expend State Grant - S.F. Library]
Supervisors Sandoval, Elsbernd**

Resolution authorizing the San Francisco Public Library to accept and expend funds in the amount of \$3,751,943 from the state Office of Library Construction from funds made available under the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 for the construction of the new Ingleside Branch Library.

Resolution No. 360-05

ADOPTED by the following vote:

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

Recommendation of the Government Audit and Oversight Committee

**050745 [Water Rates]
Mayor, Supervisor Ammiano**

Ordinance approving revised schedule of rates to be charged by the San Francisco Public Utilities Commission for water service to its retail customers inside and outside the City and County of San Francisco.

(Fiscal impact.)

(Supervisor Mirkarimi dissenting in committee.)

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Land Use Committee

050724 [Zoning Map Amendment in connection with the Alabama and 18th Streets Affordable Housing Special Use District]

Ordinance amending the Sectional Zoning Map No. 7SU of the San Francisco Planning Code to incorporate the Alabama and 18th Streets Affordable Housing Special Use District as being applicable to the block bounded by 18th, 19th, Alabama, and Florida Streets (Assessor's Block 4021, Lot 001); adopting findings. (Planning Department)

Supervisor Daly, seconded by Supervisor Maxwell, moved that this Ordinance be **RE-REFERRED**. The motion carried by the following vote:

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

050725 [Alabama and 18th Streets Affordable Housing Special Use District]

Ordinance amending the San Francisco Planning Code by adding Section 249.27 to create the Alabama and 18th Streets Affordable Housing Special Use District applicable to the block bounded by 18th, 19th, Alabama, and Florida Streets (Assessor's Block 4021, Lot 001); adopting findings. (Planning Department)

Supervisor Daly, seconded by Supervisor Maxwell, moved that this Ordinance be **RE-REFERRED**. The motion carried by the following vote:

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

041741 [Castro Street and Upper Market Neighborhood Commercial Districts – Exemption of certain entertainment permits from the conditional use process]

Supervisor Dufty

Ordinance amending the San Francisco Planning Code by amending Section 715.48 and Section 721.48 to provide that existing bars in the Castro Street and Upper Market Neighborhood Commercial Districts will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been in regular operation as an entertainment use prior to January 1, 2004; adopting findings.

PASSED ON FIRST READING by the following vote:

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

050352 [Supporting State Legislation AB 781]

Supervisors Peskin, Ammiano, Daly, McGoldrick

Resolution urging the California State Legislature to approve Assembly Bill 781, introduced by Assemblyman Mark Leno.

Resolution No. 377-05

ADOPTED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Elsbernd, Ma

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

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor McGoldrick, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

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

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to members of the Department of Public Works in recognition of Department of Public Works Week in San Francisco.

Supervisor McGoldrick introduced, welcomed and presented a Certificate of Honor to Angela Hinckle in honor of her 100th Birthday.

SPECIAL ORDER 4:00 P.M.**Board of Supervisors Sitting as a Committee of the Whole****050776 [Hearing - 6 Month Extension of Interim Moratorium on Medical Cannabis Dispensaries]**

Hearing to consider the possible adoption of an urgency ordinance approving a 6 month extension of the interim zoning moratorium throughout the City on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings. (Clerk of the Board)

Arthur Evans; opposed to the proposed legislation

Dan Liberonsen, Miraloma Park; expressed concern over legislation

Reverend Randelyn Webster, Patients Cooperative; support of legislation

Jonathan Beaver; opposed to legislation

Robert Pender, Vice President, Park Merced Apartments; support of legislation

Brent Saupe; expressed concern regarding guidelines

Tony Boles, President of California Marijuana Party, opposed to moratorium

Shawna, SF America Safe Access; opposed to moratorium

Marilyn Amini; expressed concern regarding reports and amended legislation

Micki Norris; support of legislation

Sylvia; support of legislation

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

**050773 [Zoning - 6 Month Extension of Interim Moratorium on Medical Cannabis Dispensaries]
Supervisor Mirkarimi**

Urgency ordinance approving a 6-month extension of the interim zoning moratorium throughout the City on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

Ordinance No. 98-05

FINALLY PASSED by the following vote:

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

SPECIAL ORDER 4:00 P.M.

Supervisor Mirkarimi noted absent at 4:40 p.m.

Supervisor Daly noted absent at 5:15 p.m.

050664 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 2506 Union Street]
 Hearing of persons interested in or objecting to the decision of the Planning Department dated March 14, 2005 (Case No. 2004.1201E), exempting from environmental review under CEQA Guidelines Section 15301(e) and 15331, the proposal to demolish the one-story garage located in the front setback area and add an approximately 1,953-square foot horizontal addition in the rear of the single-family building. The proposed addition would result in an approximately 5,876-square foot, two-story over garage single-family residential structure. The height of the structure would not change. The proposed alteration would include major interior alterations and a new two-car tandem-parking garage in the basement of the existing structure. The project would provide the required 45% rear yard requirement, which is approximately 34'-9". The existing building on the project site was constructed around 1898 and is listed in HERE TODAY, and as such, is considered an historical resource under the California Environmental Quality Act (CEQA). The existing building is also listed in the 1976 Architectural Survey conducted by the San Francisco Planning Department.

The 4,812-square foot site is located at 2506 Union Street (Lot 05, Assessor's Block 0945), 25 feet from the northwest corner of Union and Scott Streets in the Marina Neighborhood. The site is zoned RH-1 (Residential-House, One-Family) and is within a 40-X height and bulk district. (Appellant: Jeremy Paul on behalf of Jacqueline and John McMahan.)

(Filed April 11, 2005; companion measure to Files 050665, 050666, 050667; District 2.)

Jeremy Paul, on behalf of Jacqueline and John McCann, appellants
Pat Buscavich; support of appellant
John McCann; appellant
Male speaker; support of appellant
Male speaker; support of appellant
Erin Grucz; SF Heritage, support of appellant

Larry Badiner, Zoning Administrator, Paul Maltzer, Environmental Officer, and Adam Light, Planning Department reviewed with the Board the recommendation of the Planning Department.

Alice Barkley, Attorney for project sponsor.
Hisashi B. Sugaya, AICP; Architect for project sponsor
Owner of the property

Jeremy Paul, on behalf of the appellant; rebuttal period

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

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

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

050665 [Affirming the categorical exemption issued for 2506 Union Street]

Motion affirming the determination by the Planning Department that the 2506 Union Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Motion No. M05-71

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

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

050666 [Disapproving the categorical exemption issued for 2506 Union Street]

Motion disapproving the determination by the Planning Department that the 2506 Union Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

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

050667 [Preparation of findings related to the categorical exemption issued for 2506 Union Street]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 2506 Union Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Motion No. M05-72

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

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

SPECIAL ORDER 4:30 P.M.

Supervisor Mirkarimi noted present at 5:30 p.m.

Supervisor Daly noted present at 5:33 p.m.

Supervisor Daly noted absent at 5:55 p.m.

050658 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 755 22nd Avenue]
Hearing of persons interested in or objecting to the decision of the Planning Department dated September 20, 2004, Case No. 2004.0338DDD, (Building Permit Application No. 2003.09.29.6087S), exempting from environmental review under Section 101.1, the proposal to construct a 3-story horizontal addition at the rear of the 3-story structure and to add a dwelling unit at the ground floor level as reviewed by the Commission on September 9, 2004. Planning Commission failed to pass a motion, therefore the item was approved as proposed.

The project is located at 755 22nd Street, Lot 14 in Assessor's Block 1665. (Appellants: Camille Hamilton and David R. Pating).

(Filed April 11, 2005; companion measure to Files 050659, 050660, 050661; District 1.)

Camille Hamilton and David Pating, appellant

Sandra Fewer; support of appellant

Patricia O'Neal; support of appellant

A.D. Wyatt Norton; support of appellant

Gray Holland; support of appellant

G. Platt; support of appellant

Paul Maltzer, Environmental Officer, Planning Department and Larry Badiner, Zoning Administrator reviewed the recommendation of the Planning Department.

Jeff Nemy; Owner of the property

Ed Kemp; support of Planning Department's decision

Charles Hickey; support of Planning Department's decision

Cliff Gardner; support of Planning Department's decision

Ted Lee; support of Planning Department's decision

Laura Hayber; support of Planning Department's decision

Male speaker; support of Planning Department's decision

Nick Ames; support of Planning Department's decision

Male speaker; support of Planning Department's decision

Male Speaker; support of Planning Department's decision

Andrew Junius, Attorney for the project sponsor

Camille Hamilton, Appellant; rebuttal period

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

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

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

050660 [Disapproving the categorical exemption issued for 755 22nd Avenue]

Motion disapproving the determination by the Planning Department that the 755 22nd Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to approve this item.

Motion to approve this matter failed by the following vote:

Ayes: 3 - Ammiano, McGoldrick, Mirkarimi

Noes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval

Absent: 1 - Daly

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

Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval

Noes: 3 - Ammiano, McGoldrick, Mirkarimi

Absent: 1 - Daly

050659 [Affirming the categorical exemption issued for 755 22nd Avenue]

Motion affirming the determination by the Planning Department that the 755 22nd Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to table this item.

Motion to table this matter failed by the following vote:

Ayes: 3 - Ammiano, McGoldrick, Mirkarimi

Noes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval

Absent: 1 - Daly

Motion No. M05-73

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

Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval

Noes: 3 - Ammiano, McGoldrick, Mirkarimi

Absent: 1 - Daly

050661 [Preparation of findings related to the categorical exemption issued for 755 22nd Avenue]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 755 22nd Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to approve this item.

Motion to approve this matter failed by the following vote:

Ayes: 3 - Ammiano, McGoldrick, Mirkarimi

Noes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval

Absent: 1 - Daly

Motion No. M05-74

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

Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval

Noes: 3 - Ammiano, McGoldrick, Mirkarimi

Absent: 1 - Daly

COMMITTEE REPORTS

**050682 [Bond Sale of California Academy of Sciences Improvement Bonds]
Supervisors McGoldrick, Elsbernd, Sandoval**

Resolution authorizing and directing the sale of not to exceed \$79,370,000 General Obligation Bonds (California Academy of Sciences Improvement Bonds, 2000), Series 2005E; prescribing the form and terms of said bonds; authorizing the execution, authentication and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form and execution of the official statement relating thereto; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

(Fiscal impact.)

Supervisors Elsbernd and Sandoval requested to be added as co-sponsors.

Resolution No. 358-05

ADOPTED by the following vote:

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

**050732 [Steinhart Aquarium General Obligation Bond Issuance]
Supervisors McGoldrick, Elsbernd, Sandoval**

Resolution providing for the issuance of not to exceed \$29,245,000 aggregate principal amount of City and County of San Francisco General Obligation Bonds (Steinhart Aquarium Improvement Bonds, 1995); authorizing the execution, authentication and registration of said bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

(Fiscal impact.)

Supervisors Elsbernd and Sandoval requested to be added as co-sponsors.

Resolution No. 361-05

ADOPTED by the following vote:

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

**050733 [Bond Sale of Steinhart Aquarium Improvement Bonds]
Supervisors McGoldrick, Elsbernd, Sandoval**

Resolution authorizing and directing the sale of not to exceed \$29,245,000 General Obligation Bonds (Steinhart Aquarium Improvement Bonds, 1995), Series 2005F; prescribing the form and terms of said bonds; authorizing the execution, authentication and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; approving the forms of official notice of sale and notice of intention to sell bonds; directing the publication of the notice of intention to sell bonds; approving the form and execution of the official statement relating thereto; approving the form of the continuing disclosure certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds.

(Fiscal impact.)

Supervisors Elsbernd and Sandoval requested to be added as co-sponsors.

Resolution No. 362-05

ADOPTED by the following vote:

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

**050734 [Appropriate bond sale proceeds from the 1995 Steinhart Aquarium Bond and 2nd series sale of the 2000 Academy Facility Improvement Bond to fund the reconstruction, renovation and other construction for the California Academy of Sciences]
Mayor, Supervisors Elsbernd, Sandoval, Ammiano**

Ordinance appropriating, and placing on reserve, \$29,245,000 of 1995 Steinhart Aquarium (Series - 2005) and \$79,370,000 of 2000 Academy of Sciences (2nd Series - 2005) bond sales proceeds, for a total of \$108,615,000, to fund the reconstruction, renovation and other construction for California Academy of Sciences in Golden Gate Park for current fiscal year 2004-05.

(Fiscal impact.)

Supervisors Elsbernd and Sandoval requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

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

**050596 [Traffic Regulation - Galvez Street between Newhall Street and Bayview Plaza Shopping Center]
Supervisor Maxwell**

Resolution enacting temporary "Street Closed to Vehicular Traffic" regulation on Galvez Street between Newhall Street and Bayview Plaza Shopping Center from 7:30 A.M. to 3:30 P.M. on every Saturday between May 21, 2005 through December 10, 2005.

Resolution No. 353-05

ADOPTED by the following vote:

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

050693 [Temporary Sidewalk Occupancy]

Resolution allowing for occupancy of a portion of the sidewalk on the east side of Fillmore between Chestnut and Bay street from 8:00 A.M. to 3:00 P.M. on every Saturday between May 28, 2005 through October 29, 2005.

Resolution No. 359-05

ADOPTED by the following vote:

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

050674 [Liquor License, 25 Maiden Lane]

Resolution determining that the issuance of a Type 48 on sale general public premises liquor license to Cornerstone Restaurant Group LLC, for the business located at 25 Maiden Lane, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 338-05

ADOPTED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor Mirkarimi provided the Board an update on LAFCO on which he represents the Board of Supervisors.

Supervisor Ammiano provided the Board an update on Golden Gate Bridge Board District on which he represents the Board of Supervisors.

Supervisor Dufty also provided the Board an update on Golden Gate Bridge Board District on which he represents the Board of Supervisors.

PUBLIC COMMENT

Male speaker; shared with the Board his singing career

James Chaffe; expressed concern regarding certain Library issues

Jim Adams; showed interest in Democracy and peace and establishing a Mayor's Office of Peace Commission

Michael O'Donnell; expressed concern with Chapters 12d a and 14 of the Administrative Code and 2002-03

Grand Jury reports relating to the sections above

Anthony and Harold Burchnell; expressed concern regarding not waiving fees for honorable discharged individuals

Linda Hunter; Farallones Marine Sanctuary Association

Eugene Gordon, Jr.; showed interest in human rights issues

Male speaker; expressed concern with the Medical Marijuana regulations and requested to have a patient guidelines included

Female speaker; showed interest with pending legislation relating for monies for displaced persons and general issues

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

**050821 [Emergency Disadvantaged Business Enterprise Program - May 24, 2005, Committee of the Whole]
Supervisor Ammiano**

Motion for the Board of Supervisors to convene as a committee of the whole on May 24, 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. M05-76

APPROVED

**050831 [Rescind FDA Sperm Donor Recommendations]
Supervisors Ammiano, Dufty**

Resolution urging the Federal Food and Drug Administration (FDA) to rescind its policy recommendations for anonymous sperm donors which bar gay and bisexual men from being prospective donors, and further urging the FDA to adopt community recommendations to institute a non-discriminatory policy based on sexual behavior rather than sexual orientation.

Resolution No. 376-05

ADOPTED

050832 [Nurses Day - May 12, 2005]
Supervisors Ammiano, Elsbernd, Sandoval

Resolution declaring May 12, 2005 as "Nurses Day" in the City and County of San Francisco.

Supervisors Elsbernd and Sandoval requested to be added as co-sponsors.

Resolution No. 363-05

ADOPTED

050833 [Ninth Taiwanese Cultural Festival]
Supervisor Ammiano

Resolution recognizing the Ninth Taiwanese Cultural Festival in San Francisco and commending the Taiwanese American Federation of Northern California and its many volunteers on this 21st day of May, 2005, for contributing to the recognition of Taiwanese Americans in the City and County of San Francisco.

Resolution No. 384-05

ADOPTED

050834 [Classified Employees Week]
Supervisor Ammiano

Resolution supporting the negotiations in good faith between Service Employees International Union (SEIU) and United Educators of San Francisco (UESF) to ensure classified employees are adequately honored and appreciated for the invaluable service they provide to the children of San Francisco and further honoring and recognizing May 15 through May 21, 2005 as Classified Employees Week.

Resolution No. 383-05

ADOPTED

050835 [AB 1612-Cigarette Pollution and Litter Prevention Act of 2005]
Supervisor Alioto-Pier

Resolution in support of AB 1612, the Cigarette Pollution and Litter Prevention Act of 2005, by the City and County of San Francisco.

Resolution No. 364-05

ADOPTED

050836 [Commending Joe Matranga]
Supervisor Elsbernd

Resolution commending Joe Matranga on the celebration of his 21 years of service to The City and County of San Francisco.

Resolution No. 365-05

ADOPTED

**050837 [Mural Awareness Month]
Supervisor Ma**

Resolution recognizing May 2005 as "Mural Awareness Month" in the City and County of San Francisco.

Resolution No. 366-05

ADOPTED

**050839 [Supporting H.R. 1712 and S 880]
Supervisor McGoldrick**

Resolution supporting H.R. 1712 and S880 which intends to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary.

Resolution No. 382-05

ADOPTED

**050840 [San Francisco Nature Education Day]
Supervisor McGoldrick**

Resolution declaring May 20, 2005 as San Francisco Nature Education Day.

Resolution No. 367-05

ADOPTED

**050841 [Commending the Women of Sister's Tea]
Supervisor Maxwell**

Resolution commending the Women Extraordinary awardees of the Sister's Tea.

Resolution No. 368-05

ADOPTED

**050842 [Extending the Asthma Task Force to June 30, 2008]
Supervisor Maxwell**

Resolution extending the Asthma Task Force to June 30, 2008.

Resolution No. 369-05

ADOPTED

**050843 [Accept-Expend Federal Grant - 2005 After-School Snack Pilot Program]
Supervisor Maxwell**

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of \$196,453 from the United States Department of Agriculture for the 2005 After-School Snack Pilot Program.

Resolution No. 370-05

ADOPTED

- 050844 [Accept-Expend Grant Awarded to the San Francisco Department of the Environment by Golden Gate University School of Law, Environmental Law and Justice Clinic]
Supervisors Maxwell, Peskin, Ammiano, Daly**

Resolution authorizing the San Francisco Department of the Environment to accept and expend a grant in the amount of \$23,000 from the Environmental Law and Justice Clinic of the Golden Gate University School of Law for administrative and outreach services relating to a Clean Air Act educational workshop and an Environmental Justice conference to bring together governmental agencies, community groups, activists and academic institutions.

Resolution No. 371-05
ADOPTED

- 050845 [Supporting Conscientious Objection to the Iraq War and Occupation]
Supervisors Mirkarimi, Daly, McGoldrick, Ammiano**

Resolution supporting Conscientious Objection to the Iraq War and Occupation.

Resolution No. 381-05
ADOPTED

- 050846 [Opposing Special Election]
Supervisor Peskin**

Resolution opposing Governor Arnold Schwarzenegger's proposal for a special election.

Resolution No. 372-05
ADOPTED

- 050847 [Grant to develop and implement a local infrastructure to augment the current activities of the S.F. Childhood Lead Prevention Program]
Supervisor Peskin**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend a new grant in the amount of \$52,550 from the State Department of Health Services (SDHS) Lead Hazard Reduction Compliance and Enforcement Program, to enter into an agreement for the use of these funds, and to add one 0.1 position funded through this grant; for the period of July 1, 2005, to June 30, 2006.

Resolution No. 373-05
ADOPTED

- 050848 [Accept-Expend Federal Grant - Department of Public Works]
Supervisor Peskin**

Resolution authorizing the Department of Public Works to accept and expend a grant of federal Surface Transportation funds in the amount of \$2,000,000 through the Metropolitan Transportation Commission's Transportation for Livable Communities Program for Broadway Streetscape Improvements Project, Phase II, and stating the assurance of the San Francisco Department of Public Works to complete the project.

(Fiscal impact.)

Resolution No. 374-05
ADOPTED

050815 [Needle Exchange Emergency]
Supervisors Ammiano, 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.

Motion No. M05-77

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from Without Reference to Committee

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

Appointment of President Pro Tempore

At the request of the President, Supervisor Ammiano 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.

050760 [Final Map for a 6 Unit Residential Condominium Project - 400-402-404-406-408-410 Vallejo Street]
Motion approving Final Map of 400-402-404-406-408-410 Vallejo Street, A Residential Condominium Project, being a subdivision of Lot 11 in Assessor's Block No. 133, and adopting findings pursuant to Planning Code Section 101.1.

(DPW Order No. 175,357; District 3.)

Supervisor Sandoval was noted absent at 4:00 p.m.

NOT APPROVED by the following vote:

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

050819 [Extending Early Retirement Program]
Supervisor Ma

Resolution extending Early Retirement Program for and through fiscal year 2005-06.

(Fiscal impact.)

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

Supervisor Elsbernd requested that this matter be referred to Committee.

REFERRED to the Government Audit and Oversight Committee.

**050838 [Hydrogen Vehicle Feasibility Study]
Supervisor Ma**

Resolution urging the Department of Administrative Services to conduct a feasibility study on the use of hydrogen engine vehicles in the City vehicle fleet.

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

Supervisor Daly requested that this matter be referred to Committee.

REFERRED to the Government Audit and Oversight Committee.

Supervisor Sandoval was noted present at 4:01p.m.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

**050867 [San Francisco Community Health Joint Powers Authority Conflict of Interest Code]
Supervisor Ammiano**

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by adding section 3.1-417 to create a conflict of interest code for the San Francisco Community Health Joint Powers Authority.

5/17/05, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/16/2005.

**050868 [To appropriate funding for San Francisco General and Laguna Honda Hospital operations]
Mayor**

Ordinance appropriating \$16,683,000 in surplus revenues for salaries, fringe benefits, contractual services, materials and supplies, and capital projects at San Francisco General Hospital and \$1,110,000 in surplus revenues for salaries and materials and supplies for Laguna Honda Hospital for a total of \$17,793,000 for the Public Health Department for fiscal year 2004-05.

(Fiscal impact.)

5/17/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050871 [Adopting the Redevelopment Plan Amendment for the South of Market Redevelopment Project Area]
Mayor, Supervisor Daly**

Ordinance approving and adopting the Redevelopment Plan Amendment for the South of Market Redevelopment Project Area; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment and related documents are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; and authorizing official acts in furtherance of this ordinance.

(Fiscal impact.)

5/17/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 6/16/2005. SUPPORTING MATERIALS: Redevelopment Agency's Executive Director's memo to Agency Commission on South of Market Redevelopment Plan Amendment and related Agency Commission Resolution Nos. 67-2005 through 69-2005 and 71-2005 through 72-2005, adopted by Agency Commission May 3, 2005.

Final Environmental Impact Report for the South of Market Redevelopment Plan Amendment (FEIR) and the Final Supplement to FEIR (Appendix H).

Report on South of Market Redevelopment Plan Amendment.

The proposed Delegation Agreement between Redevelopment Agency and Planning Department. Planning Commission Motion Nos. 16928 (adopted January 13, 2005), 16969 and 16970 (adopted March 24, 2005).

**050883 [Designating a sole source contractor for the art elements of the 24th and York Mini Park]
Supervisor Ammiano**

Ordinance designating Precita Eyes Muralists as the sole source contractor for the art elements of the 24th and York Mini Park and waiving the competitive procurement requirements of San Francisco Administrative Code Chapter 6 for these services.

5/17/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Resolutions

**050819 [Extending Early Retirement Program]
Supervisor Ma**

Resolution extending Early Retirement Program for and through fiscal year 2005-06.

(Fiscal impact.)

5/10/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. 5/12/05 - Received correspondence from Clare M. Murphy, Retirement System Executive Director and Acting Actuary, regarding: 1) Effect of Proposed Resolution, and 2) Cost of the Early Retirement Program through January 31, 2005. Copy distributed to each member of the Board.

5/17/05, REFERRED to Government Audit and Oversight Committee. Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

Supervisor Elsbernd requested that this matter be referred to Committee.

**050838 [Hydrogen Vehicle Feasibility Study]
Supervisor Ma**

Resolution urging the Department of Administrative Services to conduct a feasibility study on the use of hydrogen engine vehicles in the City vehicle fleet.

5/10/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

5/17/05, REFERRED to Government Audit and Oversight Committee. Supervisor Daly requested that this matter be severed so that it might be considered separately.

Supervisor Daly requested that this matter be referred to Committee.

**050866 [Authorizing Agreement with J.P. Morgan Electronic Financial Services, Inc]
Supervisor Ammiano**

Resolution authorizing an agreement with J. P. Morgan Electronic Financial Services, Inc. to facilitate the use of state-issued Electronic Benefits Transfer cards at the Alemany Farmer's Market.

5/17/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050872 [Declaring May 2005, Elder Abuse Awareness Month]
Supervisors Ma, Ammiano**

Resolution declaring May 2005 to be "Elder Abuse Awareness Month" in the City and County of San Francisco.

5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050873 [Declaring May 2005, Hepatitis Awareness Month]
Supervisors Ma, Ammiano**

Resolution declaring May 2005 to be "Hepatitis Awareness Month" in the City and County of San Francisco.

5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050874 [Commending Dave Garrison]
Supervisor Maxwell**

Resolution commending Dave Garrison for his commitment to San Francisco and for his years of service on behalf of his family and the community.

5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050875 [Commending Saint Ignatius College Preparatory on its 150 years of Jesuit Education]
Supervisors Elsbernd, Sandoval, Alioto-Pier, Ma, McGoldrick**

Resolution commending Saint Ignatius College Preparatory on its 150 years of Jesuit Education in San Francisco.

5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050876 [Resolution of Intention to form the 2500 Block of Mission Street Business Improvement District (BID)]
Supervisor Ammiano**

Resolution declaring the intention of the Board of Supervisors to establish a property-based business improvement district to be known as the "2500 Block of Mission Street Business Improvement District (BID)," to order the levy and collection of a multi-year assessment, and setting a time and place for a public hearing thereon.

5/17/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**050877 [Resolution of Intention to form the North of Market/Tenderloin Community Benefits District (CBD)]
Supervisor Daly**

Resolution declaring the intention of the Board of Supervisors to establish a property-based business improvement district to be known as the "North of Market/Tenderloin Community Benefits District (CBD)," to order the levy and collection of a multi-year assessment, and setting a time and place for a public hearing thereon.

5/17/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**050878 [Resolution of Intention to form the Fisherman's Wharf Community Benefit District (CBD)]
Supervisor Peskin**

Resolution declaring the intention of the Board of Supervisors to establish a property-based business improvement district to be known as the "Fisherman's Wharf Community Benefit District (CBD)," to order the levy and collection of a multi-year assessment, and setting a time and place for a public hearing thereon.

5/17/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**050881 [Exploratorium Lease Agreement Exemption]
Supervisor Peskin**

Resolution exempting the potential lease of portions of the Piers 15 and 17 properties to the Exploratorium from the competitive bidding policy set forth in Administrative Code Section 2.6-1.

5/17/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**050882 [Street Resurfacing, Pedestrian Safety and Access Improvement General Obligation Bonds]
Supervisors Ammiano, Peskin**

Resolution determining and declaring that the public interest and necessity demand the acquisition, construction or completion of street reconstruction, pavement renovation, disabled access curb ramp construction, sidewalk and street improvements, street structure rehabilitation and improvements, pedestrian safety street and signal improvements, street improvements for bicycle use and all other structures and improvements necessary or convenient for the foregoing purposes; finding that the estimated cost of \$208,000,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of said City and County and will require the incurring of a bonded indebtedness; finding the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53.

(Fiscal impact.)

5/17/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 050884 [Congratulating S.F. Archbishop William Levada on his appointment as the new prefect of the Congregation for the Doctrine of Faith]**
Supervisors McGoldrick, Maxwell, Elsbernd

Resolution congratulating San Francisco Archbishop William Levada on his appointment as the highest-ranking American in Catholic church history, the prefect of the Congregation for the Doctrine of Faith.
5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 050885 [Urging Municipal Transportation Agency to make all enrolled San Francisco High School students eligible for their youth rate]**
Supervisors Dufty, Ammiano, Ma

Resolution urging the San Francisco Municipal Transportation Agency (SFMTA) to make all enrolled San Francisco High School students eligible for their youth rate and to allow all current student identification cards as valid forms of identification.
5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 050888 [Arts Task Force Appointment]**
Supervisor Ammiano

Resolution adding a non-voting member from the Film Commission who shall be appointed by the Mayor of San Francisco.
5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 050890 [Commending the SF Food Bank, St. Anthony Foundation, and Project Open Hand]**
Supervisors Maxwell, Ammiano, Alioto-Pier, Elsbernd, Ma, McGoldrick, Dufty, Peskin, Mirkarimi

Resolution commending the San Francisco Food Bank, St. Anthony Foundation and Project Open Hand as well as more than 450 programs that distribute food in recognizing June 7, 2005 As National Hunger Awareness Day in San Francisco.
5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 050891 [Temporary "Street Closure to Vehicular Traffic" on O'Farrell Street between Steiner and Fillmore]**
Supervisor Mirkarimi

Resolution enacting temporary "Street Closure to Vehicular Traffic" regulation on O'Farrell Street between Steiner Street and Fillmore Street from 7:00 A.M. to 2 P.M. on every Saturday between July 9, 2005 and November 19, 2005.
5/17/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 05/23/05 - Referred to Parking and Traffic for determination of environmental impact.
05/23/05 - Parking and Traffic notified to post notices and ad place in the 05/28/05 edition of the SF Chronicle.
05/26/05 - Response recieved from Parking and Traffic, exempt from environmental review.

**050892 [Public Scoping Meeting - 55 Laguna Street]
Supervisors Mirkarimi, Dufty, Daly**

Resolution urging the Planning Department to hold a public scoping meeting for the environmental review of the proposed project at 55 Laguna Street Housing Project.
5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050893 [Conform Environmental Guidelines to Transit First Policy]
Supervisors Mirkarimi, Ammiano**

Resolution urging the Planning Commission to set policy directing the Environmental Review Officer to modify local Environmental Review guidelines to remove the requirement that an Environmental Impact Report is required when a lane of automobile traffic is replaced with a bicycle or pedestrian facility under certain circumstances.
5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050894 [Vigilante Border Patrol]
Supervisors McGoldrick, Maxwell, Dufty, Sandoval**

Resolution condemning Governor Schwarzenegger's support of the Minuteman Project and urging the State Attorney General as well as the State Legislature to take any necessary actions to prevent any form of vigilante patrol at the California-Mexico border.
5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050895 [Opposing the Reauthorization of Patriot Act Provisions]
Supervisors McGoldrick, Ammiano**

Resolution urging Senator Barbara Boxer, Senator Dianne Feinstein and U.S. Representative Nancy Pelosi to oppose any attempts to expand the Patriot Act, to prevent the reauthorization of any Patriot Act provisions, and to allow Patriot Act provisions to expire.
5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050896 [Endorsing and expanding MTA "Class Pass" program by offering discount Muni Fast Passes to students/staff/faculty of local colleges and universities]
Supervisors McGoldrick, Elsbernd, Ammiano, Ma**

Resolution endorsing the expansion of the Municipal Transportation Agency's (MTA) "Class Pass" program by developing more fare-free transit partnerships with San Francisco colleges and universities.
5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 050897 [Adopting findings related to the final subdivision map disapproval for property located at 400-410 Vallejo Street]
Supervisor Peskin**

Motion adopting findings related to the disapproval of a final subdivision map for a 6-unit condominium subdivision for property located at 400-401 Vallejo Street (Assessor's Block 133, Lot 11).
5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 050898 [Endorsing State Legislation AB 749]
Supervisors Peskin, Elsbernd, Ammiano**

Resolution endorsing Assembly Bill 749, introduced by Assemblyman Mark Leno, and urging the California State Legislature and the Governor of California to support this bill.
5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 050899 [Endorsing State Legislation AB 852]
Supervisors Peskin, Elsbernd, Ammiano**

Resolution endorsing Assembly Bill 852, introduced by Assemblyman Mark Leno, and urging the California State Legislature and the Governor of California to support this bill.
5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 050900 [Sari Jo Wade Day]
Supervisor Peskin**

Resolution declaring June 10, 2005 Sari Jo Wade Day in the City and County of San Francisco in honor of her extraordinary career and dedicated service toward improving the public welfare of the children and families of this City.
5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

- 050869 [2004-2005 Civil Grand Jury Report - Ethics Commission Budgeting and Staffing Issues]
Supervisor Peskin**

Hearing on the recently published 2004-2005 Civil Grand Jury report regarding: The San Francisco Ethics Commission Budgeting and Staffing issues.
5/17/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**050870 [2004-2005 Civil Grand Jury Report - A New Chief of the Juvenile Probation Department: An Opportunity for Reform]
Supervisor Peskin**

Hearing on the recently published 2004-2005 Civil Grand Jury report regarding: A New Chief of the Juvenile Probation Department: An Opportunity for Reform.

5/17/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**050879 [A2 Redevelopment Project Areas]
Supervisor Mirkarimi**

Hearing on the status, goals and objectives, of the A2 Redevelopment Project Areas concerning the revitalization of the Fillmore-Western Addition Jazz Corridor and Japantown.

5/17/05, RECEIVED AND ASSIGNED to Land Use Committee.

**050880 [Redevelopment Agency]
Supervisor Mirkarimi**

Hearing concerning the Redevelopment Agency's Tax Increment impacts to the General Fund as caused by the Agency's Survey/Project Areas in Mid-Market, Transbay, and Bay View; further requests as party to said hearing that the Office of the Controller provide an economic analysis that contrasts any relationship between cuts or benefits for critical services that are funded by the General Fund as compared to any General Fund diversions that support Redevelopment Agency projects.

5/17/05, RECEIVED AND ASSIGNED to Land Use Committee.

**050887 [Laguna Honda Hospital's Reconstruction Project]
Supervisor Peskin**

Hearing on the current status of Laguna Honda Hospital's reconstruction project and conditions at the facility during this project.

5/17/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Motions

**050889 [Rejecting the MTA Budget]
Supervisors Daly, Ammiano, Mirkarimi**

Motion rejecting the Municipal Transportation Agency's proposed FY 2005-2006 budget, finding that the public was deprived access to the MTA budget decision making process, requesting the MTA Board of Directors act on its budget at its next meeting, and urging the MTA to present a revised budget that does not increase commuter fares or lay off transit operators by June 16th.

(Fiscal impact.)

5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050886 [Committee of the Whole - Health service reductions (Bielenson Hearing) June 21, 2005 at 3:00 p.m.]
Supervisor Ammiano**

Motion scheduling the Board to sit as a Committee of the Whole to consider health service reductions (Bielenson Hearing), to be held on June 21, 2005 at 3:00 p.m.

5/17/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

050852 [Ordering the vacation of a portion of Bernal Heights Boulevard]

Ordinance ordering the vacation of a portion of Bernal Heights Boulevard west of Moultrie Street; transferring jurisdiction from the Department of Public Works to the Recreation and Park Department; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1; and authorizing official acts in connection with this Ordinance. (Real Estate Department)

5/6/05, RECEIVED AND ASSIGNED to Land Use Committee.

050855 [Settlement of Lawsuit - Klara Khaimskaya]

Ordinance authorizing settlement of the lawsuit filed by Klara Khaimskaya against the City and County of San Francisco on October 16, 2003 in San Francisco Superior Court, Case No. 425-488, entitled Klara Khaimskaya, et al., v. City and County of San Francisco, et al. and authorizing a payment of \$1,020,000. (City Attorney)

5/9/05, RECEIVED AND ASSIGNED to Rules Committee.

050856 [Settlement of Lawsuit - Nydia Rosales]

Ordinance authorizing settlement of the lawsuit filed by Nydia Rosales against the City and County of San Francisco for \$40,000; the lawsuit was filed on March 24, 2003 in San Francisco Superior Court, Case No. 418-728; entitled Nydia Rosales, et al., v. City and County of San Francisco, et al. (City Attorney)

5/9/05, RECEIVED AND ASSIGNED to Rules Committee.

050857 [Settlement of Lawsuit - Nancy Enciso]

Ordinance authorizing settlement of the lawsuit filed by Nancy Enciso against the City and County of San Francisco for \$200,000.00; the lawsuit was filed on August 18, 2004, in the Superior Court of the State of California, County of San Francisco, Case No. 433-927; entitled Nancy Enciso v. The City and County of San Francisco, Hugo Aguilera, et al. (City Attorney)

5/9/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

050850 [Emergency Construction Contract]

Resolution requesting the Board of Supervisors to approve the expenditure of funds for emergency slope and drainage repair at the SFPUC Harry Tracy Water Treatment Plant, in the amount of \$2.5 million. (Public Utilities Commission)

(Fiscal impact.)

5/9/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050851 [Vacation of a portion of Bernal Heights Boulevard]

Resolution declaring the intention of the Board of Supervisors to vacate a portion of Bernal Heights Boulevard west of Moultrie Street and transfer jurisdiction from the Department of Public Works to the Recreation and Park Department; setting the hearing date for all persons interested in the proposed vacation of the street vacation area; and adopting environmental findings and findings that the vacation is consistent with the City's General Plan and the Eight Priority Policies of Planning Code Section 101.1. (Real Estate Department)
5/6/05, RECEIVED AND ASSIGNED to Land Use Committee.

050854 [Airport Concession Lease]

Resolution approving Amendment No. 2 to the Public Locker and Over-the-Counter Baggage Storage Lease No. 95-0263 between Smarte Carte, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
5/6/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of the repair of the empty sidewalk square at 616 Divisadero Street.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of the repair of a block of pitted pavement between Fell Street and Hayes Street.

In Memoriams

David Hamilton Bernard (Supervisors Ammiano, Dufty)

Francis John Murphy, Jr. (Supervisor Dufty)

Leonore "Libby" Scheuer (Supervisor Dufty)

Susan Tse Lee (Supervisors)

ADJOURNMENT

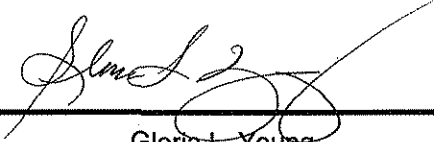
There being no further business, the Board adjourned at the hour of 7:22 p.m.

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 June 7, 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