

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, March 1, 2005
2:00 PM**

Regular Meeting

**AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL**

Gloria L. Young, Clerk of the Board

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Motion to approve the February 1, 2005 Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

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

- 1) Legislation*
- 2) Budget Analyst report*

Francisco for \$46,344.48; the lawsuit was filed on December 23, 2004 in San Francisco Superior Court, Case No. 437-338; entitled Kemper Insurance Co, et al., v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

8. 050247 [Settlement of Lawsuit - 18th and Arkansas Homeowners Association, et al., v. CCSF, et al.]

Ordinance authorizing settlement of the lawsuit filed by 18th and Arkansas Homeowners Association, 1220 Folsom Street Owners' Association, 2412 Harrison Street Owners' Association, India Cove Homeowners Association, 700 Illinois Street Owners' Association, 1415 Indiana Street Owners' Association, Penn Station Lofts Owners' Association, 226 Ritch Street Owners Association, 650 Second Street Owners' Association, San Francisco Flower Growers Association, 2030 Third Street Homeowners' Association, Tehama Lofts Condominium Owners' Association, 1011 23rd Street Owners' Association, and 239 8th Street Homeowners' Association against the City and County of San Francisco for \$65,424.81; the lawsuit was filed on September 27, 2003 in the San Francisco Superior Court, Case No. 424-484; entitled 18th and Arkansas Homeowners Association, et al., v. City and County of San Francisco, et al.

Question: Shall this Ordinance be PASSED ON FIRST READING?

9. 050080 [One Year Tolling Agreement]

Resolution approving the City Attorney's entry into a mutual tolling agreement governing administrative claims or suit by the City of Daly City ("Daly City") against the City and County of San Francisco ("San Francisco") and/or San Francisco against Daly City. (City Attorney)

Question: Shall this Resolution be ADOPTED?

10. 050248 [Settlement of Claim - Liberty Mutual Insurance Company]

Resolution approving the settlement of the unlitigated Claim No. 04-02628 filed by Liberty Mutual Insurance Company as subrogee for Cresleigh Management on March 10, 2004 against the City and County of San Francisco for \$33,466.09. (City Attorney)

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

Recommendation of the Budget and Finance Committee

- 11. 050045 [Sale of City Property]**
Ordinance ordering the sale at public auction of City-owned property located at 1648 Pacific Avenue and 2350 19th Avenue; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance. (Real Estate Department)
- 2/22/2005, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
2/22/2005, PASSED ON FIRST READING AS AMENDED.
- Question: Shall this Ordinance be FINALLY PASSED?**

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

(Pending approval of File No. 050321.)

- 12. 050302 [Hearing - Proposed motion amending the Rules of the Board of Supervisors by amending Rule 5.1]**
Hearing to discuss the proposed motion amending the Rules of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee. (Clerk of the Board)
- Action:** _____

Committee of the Whole Adjourn and Report Without Recommendation

- 13. 050303 [Creating a Subcommittee of the Budget and Finance Committee]**
Motion amending the Rules of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.
- Question: Shall this Motion be ADOPTED?**

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

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
- 2.

14. 050110 [Public Hearing - Appeal of Categorical Exemption for 3775-21st Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated January 10, 2005, Case No. 2004.0446V, approving both the front setback and rear yard variances for the revised third story addition at the existing two-story, single-family dwelling. The project site is located at 3775-21st Street, south side between Noe and Sanchez Streets; Lot 090 in Assessor's Block 3621 in an RH-1 (Residential, House, One-Family) District and Dolores Heights Special Use District and a 40-X Height and Bulk District.

The appellant challenges the grant of categorical exemption on the grounds that the variance in land use is not "minor" under the terms of the statute and that given the site location and history, the granting of categorical exemption is not appropriate because the project could have dramatic negative impacts to the environment of the immediate neighborhood and the Special Use District in which it is located. (Appellant: Stephen M. Williams, Law Office of Stephen M. Williams, Attorneys and Counselors at Law.)

(Filed January January 19, 2005; companion measure to Files 050112, 050113, 050114; District 8.)

Action: _____

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.)

15. 050112 [Affirming the categorical exemption issued for 3775 21st Street]

Motion affirming the determination by the Planning Department that the 3775 21st Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

the Department of Housing and Urban Development for fiscal year 2006 and urging Congress to retain funding for programs related to the development and preservation of affordable housing.

2/22/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

*Questions on the For Adoption Without Committee Reference
Agenda: _____*

36. **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.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from February 15, 2005 to February 18, 2005, for reference by President to

*appropriate committee on March 1, 2005.
None.*

PROPOSED RESOLUTIONS

*Proposed resolutions received from February 15, 2005 to February 18, 2005, for reference by President to appropriate committee on March 1, 2005.
None.*

050323 [Petitions and Communications]

Petitions and Communications received from February 15, 2005 through February 18, 2005, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on March 1, 2005.

From Howard Chabner, submitting a follow up to his December 31, 2004 letter regarding safety at Laguna Honda Hospital. Copy: Each Supervisor(1)

From Paul Otellini, submitting opposition to proposal to construct a traffic control zone in the downtown area, along the lines of the London project. Copy: Each Supervisor(2)

From S.F. Bicycle Advisory Committee, submitting support for the Planning Department's Rincon Hill Plan Draft, specifically the streetscape and traffic proposal as presented to the Bicycle Advisory Committee at it's January 2005 meeting. Copy: Each Supervisor(3)

From Department of Parking and Traffic, regarding the feasibility of installing pedestrian safety improvements for the new senior housing development at 5199 Mission Street. (Reference No. 20050111-001) Copy: Supervisor Sandoval(4)

From Mayor's Office/OCA Purchasing Division, submitting request for waiver of Administrative Code Chapters 12B and 12C for Ford Motor Company for a vehicle lease agreement.(5)

From Police Department, submitting request for waiver of Administrative Code Chapters 12B and 12C for the Holiday Inn Golden Gateway at 1500 Van Ness Avenue.(6)

From Public Library, concerning sending two hard copies of official publications to the library, Government Information Center. Copy: Each Supervisor(7)

From Small Business Commission, submitting support for proposed ordinance that requires City offices to display signs, brochures and forms for the S.F. working Families Credit Program. File 050134, Copy: Each Supervisor(8)

From Jonathan Chiu, submitting request to exchange a type 47 liquor license for a type 48 on-sale general public premises license for a nightclub at 1151 Folsom Street. (9)

From Recreation and Park Department, submitting second quarter report for fiscal year 04-05 in response to the requirements of Resolution 157-99 regarding Lead Poisoning Prevention. Copy: Supervisors Maxwell, Daly(10)

From Office of the Controller, submitting report concerning the audit of the Water Department's cash revolving fund maintained by the Public Utilities Commission.(11)

From Office of the Controller, submitting report concerning the audit of the Hetch Hetchy Water and Power cash revolving fund maintained by the Public Utilities Commission.(12)

From Steve Malik, submitting copy of protest letters sent to the Metropolitan Transit Agency and the Police Department regarding alleged unacceptable behavior by two Muni fare inspectors and two police officers for not letting him photograph underground Muni Stations.(13)

From Steefel, Levitt & Weiss, regarding the City and County of San Francisco v. Myers Natoma Venture et al., Superior Court, Case No. 435-334. Copy: Each Supervisor(14)

From Ley, Ramn & Olson, regarding appeal from the decision of the Planning Commission regarding the matter of the Harding Theater. File 050087-91, Copy: Each Supervisor(15)

From North of Panhandle Neighborhood Association, submitting support for delaying the demolition of the Harding Theater, for a period of time that is in line with the Board of Supervisors appeal process. File 050087-91, Copy: Each Supervisor(16)

From concerned citizens, submitting opposition to proposal to charge a 17-cent fee on each plastic and paper bag provided to customers at grocery store checkout counters.(17)

From concerned citizens, submitting support for the proposed Civil Service Reform measure to be placed before the voters at this November 2005 election. (18)

From Upper Noe Neighbors, expressing their dismay at the deletion of funding for TV and online broadcasts of Planning Commission hearings.(19)

From James Chaffee, commenting on how a new City Librarian should be selected. Copy: Each Supervisor(20)

From Planning Department, regarding the recession of Certificate of Determination of Exemption/Exclusion from Environmental Review for 837-847 Montgomery Street project. File 050037, Copy: Each Supervisor, City Attorney(21)

From Gladestone & Associates, submitting response to appeal of Categorical Exemption for 3775 - 21st Street. File 050110, Copy: Each Supervisor(22)

From Eureka Valley Promotion Association, submitting opposition to extending hours of operation for Café Flore and The Café; and requesting the Planning Department and the Board of Supervisors prohibit operation of bars and restaurants past 2:00 am unless a letter of support is presented by both MUMC and EVPA for the extension of hours in any operation in the greater Castro and Eureka Valley neighborhoods of San Francisco. Copy: Supervisor Dufty(23)

From Andrea and Rick O'Leary, commenting on proposal for a play area for dogs in Duboce Park.(24)

From California Public Utilities Commission, submitting notice that on January 20, 2005, Pacific Gas & Electric Company filed application to implement "default critical peak pricing rate options" for large customers with demands over 200 KW. Copy: Each Supervisor(25)

From Coalition for San Francisco Neighborhoods, urging the Board of Supervisors to continue proposed legislation regarding the rezoning and sale of property at 2350 19th Avenue until such time as research can be completed to establish the true architectural and

historic significance of this building and its potential for landmark status. Files 041767, 050045, Copy: Each Supervisor(26)

From Jennifer Steinmetz, submitting support for proposed Subdivision Code amendment regarding 100% owner-occupied tenancy-in-common.File 050177(27)

From Ahimsa Sumchai, submitting letter alleging criminal violations with the Hunters Point Shipyard Development Plan.(28)

From Office of the Mayor, submitting appointment of Ken Cleveland to the Public Utilities Commission Citizen's Advisory Committee to the seat representing the large San Francisco water users.(29)

APPOINTMENTS BY THE MAYOR

Board of Appeals
Mike Garcia

Health Commission
Lee Ann Monfredini
Dr. David Sanchez

Juvenile Probation Commission
Jacqueline Ricci
James Rodriguez

Library Commission
Jewelle Gomez

Commission on the Status of Women
Andrea Shorter

Public Utilities Commission
Ann Moller Caen

Treasure Island Development Authority Board of Directors
Jesse Blout
Matthew Franklin

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.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. 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 interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

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 (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 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. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street. 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 Adele Destro 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 sotf@sfgov.org

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

Lobbyist Registration and Reporting Requirements

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

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