

# 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 30, 2004**

**2:00 PM**

#### **Regular Meeting**

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**MATT GONZALEZ, PRESIDENT  
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,  
BEVAN DUFTY, TONY HALL, FIONA MA, SOPHIE MAXWELL,  
JAKE MCGOLDRICK, AARON PESKIN, GERARDO SANDOVAL**

*Gloria L. Young, Clerk of the Board*

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## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

## **APPROVAL OF MEETING MINUTES**

*Motion to approve the March 9, 2004 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*
- 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 16**

#### **Recommendations of the City Services Committee**

*Present: Supervisors Dufty, Ma*

1.       **040014**       **[Liquor License Transfer, 576 Green Street]**  
Resolution determining that the transfer of a Type 48 on-sale general public premises license from 311 California Street #700 to 576 Green Street (District 3), to Daniel M. Melgar, Jr. for Occidental Cigar Clubs, LLC, will serve the convenience 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.  
  
**Question: Shall this Resolution be ADOPTED?**
  
2.       **040136**       **[Liquor License Transfer, 709-711 Clement Street]**  
Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 118 Sagamore Street to 709-711 Clement Street (District 1), to Karen Wong for Richmond New May Wah Supermarket Inc., will serve the convenience 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.  
  
**Question: Shall this Resolution be ADOPTED?**
  
3.       **040162**       **[Liquor License, 1350 Powell Street]**  
Resolution determining that the issuance of a Type 48 on-sale general public premises license to Robert Nunez, Steve Engelbrecht, and Craig Britton dba the Blind Tiger located at 1350

Powell Street (District 3), in exchange for its current Type 47 on-sale general eating place license, will serve the convenience 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.

**Question: Shall this Resolution be ADOPTED?**

### **Recommendation of Finance and Audits Committee**

*Present: Supervisors Daly, Peskin, Ammiano*

- 4. 040321 [Settlement of Lawsuit - United Air Lines, Inc., et al.] Supervisor Daly**
- Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission against United Air Lines, Inc., for the payment to the Airport of environmental clean-up costs and agreement of a percentage allocation for future 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.); and for the settlement of an unlitigated claim between the Airport, on the one hand, and United Air Lines, Inc. and United Cogen, Inc., on the other hand regarding an early assumption by United of its Airport leases and other agreements with regard to re UAL Corporation, et al., Debtors, Case No. 02-4819, United States Bankruptcy Court for the Northern District of Illinois, Eastern Division.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

### **Recommendations of the Land Use Committee**

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

- 5. 040137 [Mission Bay - Owens Street Acceptance, Subdivision 41-43, Phase 1]**
- Ordinance accepting the dedication for right-of-way purposes of the Subdivision 41-43, Phase 1 portions of property adjacent to Owens Street, designating additional property for right-of-way purposes, approving a map showing such areas and declaring such areas to be open public right-of-way; naming the new right-of-way; designating street grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer for the acquisition facilities and declining the offer of the Pacific Gas & Electric facilities; designating said facilities for public use and maintenance purposes, subject to specified limitations; accepting miscellaneous easements and agreements relating to the project, subject to specified limitations; adopting findings that such actions are consistent with the City's General Plan, the eight priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,642 and authorizing official acts in connection with this Ordinance. (Public Works Department)

3/23/2004, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

6.           **040138    [Mission Bay - Owens Street and 16th Street Acceptance]**

Ordinance accepting the dedication for right-of-way purposes of the additional portions of property adjacent to Owens Street and 16th Street, designating additional property for right-of-way purposes, approving a map showing such areas and declaring such areas to be open public right-of-way; naming the new right-of-way; designating street grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer for the acquisition facilities and declining the offer of the Pacific Gas & Electric facilities; designating said facilities for public use and maintenance purposes, subject to specified limitations; adopting findings that such actions are consistent with the City's General Plan, the eight priority policies of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,643 and authorizing official acts in connection with this Ordinance. (Public Works Department)

3/23/2004, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

7.           **040139    [Mission Bay - Fourth Street Public Improvements (UCSF - Phase 1.2)]**

Ordinance accepting the dedication for right-of-way purposes of the irrevocable offer of portions of future Fourth Street, designating additional property for right-of-way purposes, approving a map showing such areas and declaring such areas to be open public right-of-way; naming the new right-of-way; designating street grades, sidewalk widths, and street parking; accepting the irrevocable offer for the acquisition facilities; designating said facilities for public use and maintenance purposes, subject to specified limitations; accepting a utility easements agreement relating to the project, subject to specified limitations; adopting findings that such actions are consistent with the City's General Plan, the eight priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,644 and authorizing official acts in connection with this Ordinance. (Public Works Department)

3/23/2004, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

8.           **040167    [Market Street Truck Loading Bays]**

Ordinance amending San Francisco Traffic Code Section 33.3.2 to permit the Department of Parking and Traffic to designate tour bus loading zones, commercial loading zones, or parking meters in parking bays along Market Street, between Steuart and Octavia Streets. (Parking and Traffic Department)

3/23/2004, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

9.           **040168    [Modification of traffic regulations at Oak and Laguna]**

**Streets]**

Ordinance repealing Section 34.4 of the San Francisco Traffic Code, pertaining to prohibiting left-hand turns against red or "Stop" signals, at all times. (Parking and Traffic Department)

3/23/2004, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**10. 040169 [Modification of traffic regulations at the intersection of Fell and Laguna Streets]**

Ordinance repealing Section 34.7 of the San Francisco Traffic Code, pertaining to prohibiting left-hand turns against red or "Stop" signals, at all times. (Parking and Traffic Department)

3/23/2004, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**Recommendations of the Rules Committee**

*Present: Supervisors Hall, Gonzalez*

**11. 040160 [Settlement of Lawsuit - Maria Trapalis-Baird]**

Ordinance authorizing the settlement of lawsuit filed by Maria Trapalis-Baird against the City and County of San Francisco for \$285,000; the lawsuit was filed on April 22, 2002, in San Francisco Superior Court, Case No. 419634, entitled Trapalis-Baird v. City and County of San Francisco, et al. (City Attorney)

3/23/2004, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**12. 040161 [Settlement of Lawsuit - Clara Tempongko, et al.]**

Ordinance authorizing settlement of the lawsuit filed by Clara Tempongko, Janine Bersabe, by and through her Guardian ad Litem Clara Temponkgo, and Justin Nguyen, by and through his Guardian, Shawn Nguyen against the City and County of San Francisco for \$500,000; the lawsuit was filed on October 18, 2001 in the United States District Court, Case No. C01-3927 SBA; entitled Clara Tempongko, et al., v. City and County of San Francisco, et al. (City Attorney)

3/23/2004, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**13. 040217 [Settlement of Lawsuit - Pacific Bell Telephone Company and SBC Communications, Inc.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Pacific Bell Telephone Company and SBC Communications, Inc., and a

related law suit filed by Pacific Bell Telephone Company against San Francisco, for a payment to the Airport in the amount of \$4,057,204.26, and for a payment to the Department of Administrative Services of 20% of Pacific Bell's revenues from the sale of pre-paid calling cards with the San Francisco City Seal in 2003 and 2004, and on certain other terms; and approving the settlement agreement; the lawsuits were filed on December 19, 2002 and December 20, 2002, in San Francisco County Superior Court, Case Nos. 415-918 and 415-996; and respectively entitled City and County of San Francisco v. Pacific Bell Telephone Company and SBC Communications, Inc., and Pacific Bell Telephone Company v. City and County of San Francisco. (City Attorney)

3/23/2004, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**14. 040218 [Settlement of Lawsuit - Armstrong, et al., (Victor Humphrey)]**

Ordinance authorizing settlement of the lawsuit filed by Victor Humphrey against the City and County of San Francisco for \$27,500.00; the lawsuit was filed on July 9, 2001 in United States District Court, Northern District, Case No. C01-2611; entitled Armstrong, et al., v. City and County of San Francisco, et al. (City Attorney)

3/23/2004, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**15. 040220 [Settlement of Lawsuit - Francisco Rivero and Pacific Interment Co., et al.]**

Ordinance authorizing settlement of the lawsuit filed by Francisco Rivero and Pacific Interment Co. against the City and County of San Francisco for \$1,700,000, which includes payment of a total of \$52,000 in punitive damages; the lawsuit was filed on September 9, 1993 in the United States District Court, Case No. C93-3383; entitled Francisco Rivero and Pacific Interment Co., et al., v. City and County of San Francisco, et al. (City Attorney)

3/23/2004, PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

*Present: Supervisors Hall, Ammiano*

**16. 040193 [Public Utilities Citizens' Advisory Committee] Supervisors Ammiano, Maxwell**

Ordinance establishing a Public Utilities Citizens' Advisory Committee; setting standards for appointment of members; scope of review; meetings, reports and recommendations and abolishing the Wastewater Citizen's Advisory Committee.

3/23/2004, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Consideration of Mayor's Veto

*Consideration of Mayor's Veto*

*Consideration to override veto pursuant to Charter Section 2.106 of Ordinance to prohibit demolition of residential buildings with 20 or more dwelling units unless the residential building proposed for demolition requires substantial rehabilitation.*

17.        031739        **[Prohibition on Demolition of Residential Buildings With 20 or More Dwelling Units Unless the Residential Building Proposed for Demolition Requires Substantial Rehabilitation]**        **Supervisors Daly, Maxwell, Ammiano**

Ordinance to amend the Planning Code by adding Section 317 and by amending Sections 710.39, 711.39, 712.39, 713.39, 714.39, 715.39, 716.39, 717.39, 718.39, 719.39, 720.39, 721.39, 722.39, 723.39, 724.39, 725.39, 726.39, 727.39, 728.39, 729.39, 730.39, 813.13, 814.13, 815.13, 816.13, 817.13, 818.13, 212, 242, 243, 249.5, and 249.21 to make findings as to the need to preserve affordable housing in San Francisco and to prohibit the demolition of residential buildings with 20 or more dwelling units unless the applicant for the proposed demolition provides documentation that the residential building requires substantial rehabilitation, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on March 5, 2004. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before April 5, 2004.

(March 5, 2004 - Vetoed by Mayor.

March 9, 2004 - Consideration scheduled for March 30, 2004.)

2/10/2004, PASSED, ON FIRST READING.

2/24/2004, FINALLY PASSED.

**Action:** \_\_\_\_\_

## Recommendation of the Land Use Committee

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

- 18. 031501 [Findings for the need to regulate formula retail uses; enacting regulations for the Hayes-Gough NCD, and the Neighborhood Commercial Cluster Districts at Cole and Carl and Parnassus and Supervisors Gonzalez, Daly, Ammiano**

Ordinance to amend the Planning Code by adding Section 703.3 and by amending Section 182, and Section 303 to make findings as to the need to regulate formula retail uses, to define formula retail uses, prohibit formula retail uses in the Hayes-Gough Neighborhood Commercial District, designate formula retail uses as a conditional use in the Neighborhood Commercial Cluster Districts at Cole and Carl Streets and Parnassus and Stanyan Streets, to require any building permit application for a formula retail use to comply with the notice and design review procedures of Section 312 of the Planning Code, to require adoption by the Planning Commission of discretionary review guidelines for evaluating proposed formula retail uses, to provide additional conditional use criteria for evaluating proposed formula retail uses, to provide that the burden to prove that a use is not a formula retail use rests with the building permit applicant or holder, and to provide that nonconforming uses in Residential Districts which are seeking to change in use to retail sales activity or retail sales establishment which is also a formula retail use must comply with the provisions of Section 703.3, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

12/9/2003, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

1/27/2004, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

3/23/2004, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

## **NEW BUSINESS**

## Recommendation of the City Services Committee

*Present: Supervisors Dufty, Ma*

- 19. 040276 [Supporting OURx Bill of Rights] Supervisors Peskin, Sandoval, Ma, Dufty**



Resolution supporting the Senior Action Network's OURx Bill of Rights and urging the California State Legislature to approve the legislative package.

**Question: Shall this Resolution be ADOPTED?**

## Recommendations of the Finance and Audits Committee

*Present: Supervisors Daly, Peskin, Ammiano*

20.      **040095**      **[Public Employment]**      **Mayor**  
Ordinance amending Ordinance No. 195-03 (Annual Salary Ordinance 2003/04) reflecting the creation of 4 positions (1.00 FTE) at the Water Department, 1 position (0.25 FTE) at the Human Rights Commission, and 1 position (0.25FTE) at the Human Resources Department.  
(Fiscal impact.)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
21.      **040219**      **[Administrative Code Revision: Health Service System]**      **Supervisor Daly**  
Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates. (Human Resources Department)  
(Fiscal impact.)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
22.      **040002**      **[Appropriate funding for the Courthouse Construction Fund to fund court facility renovations]**      **Mayor**  
Ordinance appropriating \$1,782,000 from the Courthouse Construction Fund to fund court facility renovations and a jurisdictional transfer of property under the control of the City and County of San Francisco for fiscal year 2003-04.  
(Fiscal impact.)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
23.      **040094**      **[Appropriate funding for program management services for the S.F. Public Utilities Commission Capital Improvement Program, Program PEIR, and the intertie between EBMUD and San Francisco's**      **Mayor**

Ordinance appropriating \$2,747,247 of personnel-operating fund balance from the Water Department and \$12,985,734 of Proposition A Bond funds, for a total of \$15,732,981 for: \$2,747,247 to fund office space, staff and services of other departments for continued implementation of the Capital Improvement Program (CIP) of which \$595,627 is retroactive, \$8,400,000 for the intertie between the East Bay Municipal Utility District (EBMUD) and San Francisco's water supply system, and \$4,585,734 to fund the Programmatic Environmental Impact Report (PEIR), of which \$400,000 is retroactive for necessary staff in SFPUC to work on the program planning efforts to facilitate implementation of the CIP for fiscal year 2003-04.

(Fiscal impact.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

### **Recommendation of the Land Use Committee**

*Present: Supervisors McGoldrick, Peskin, Maxwell*

**24. 040230 [Conforming with official street name change - Cesar Chavez Street]**

Ordinance amending Sections 174.04 and 174.13 of the San Francisco Traffic Code, pertaining to speed limits on Cesar Chavez Street. (Parking and Traffic Department)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

### **From the Land Use Committee Without Recommendation**

*Present: Supervisors McGoldrick, Maxwell, Ammiano*

**25. 040114 [Urging the Governor to consider postponing further Central Freeway touchdown ramp construction] Supervisor Dufty**

Resolution urging the Governor to consider postponing further construction work on the Central Freeway touchdown ramp, to allow the City and State to study alternative Central Freeway configurations that may better serve traffic flow and lessen the negative impacts on the surrounding neighborhoods.

Supervisor McGoldrick dissented in committee.

2/3/2004, REFERRED to Land Use Committee. Supervisor McGoldrick requested that this matter be referred to Committee.

**Question: Shall this Resolution be ADOPTED?**

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

## APPEAL PROCEDURE

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.

## SPECIAL ORDER 4:00 P.M.

### 26. 040310 [Public Hearing - Mitigated Negative Declaration - 8 Washington Street (aka 370 Drumm Street)]

Hearing of persons interested in or objecting to the decision of the Planning Department dated November 1, 2003 and amended February 5, 2004, Case No. 2002.0376E, approving a mitigated negative declaration for the proposed construction project located at 8 Washington Street (aka 370 Drumm Street), on Assessor's Block 0201, Lot 012; Block 0171, Lot 069; and Block 0168, Lot 058;

and to the decision of the Planning Commission by its Motion No. 16725 dated February 5, 2004, approving Conditional Use Application No. 2002.0376C, subject to certain conditions, and Planned Unit Development authorizing the construction of an eight-story 84-foot high mixed-use building containing up to 120 dwelling units, a garage with up to 157 parking spaces and outdoor recreation facilities within an RC-4 (Residential-Commercial Combined, High Density) District and an 84-E Height and Bulk District, located at 8 Washington Street (aka 370 Drumm Street), northeast corner of Washington and Drumm Streets; Assessor's Block 0201, Lot 012; Block 0171, Lot 069; and Block 0168, Lot 058.

(Appeal filed by Sue Hestor, attorney for Friends of Golden Gateway and subscribed by Supervisors Aaron Peskin, Jake McGoldrick, Chris Daly, Sophie Maxwell, and Matt Gonzalez.)

(Companion measure to Files 040310, 040331, 040332, 040333, 040255, 040256, 040257, 040258; District 3.)

Action: \_\_\_\_\_

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

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

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

27.       **040331       [Adopting the mitigated negative declaration approved for 8 Washington Street (aka 370 Drumm Street)]**  
Motion adopting the final mitigated negative declaration issued for 8 Washington Street and affirming the decision by the Planning Commission to issue a mitigated negative declaration for the proposed project located at 8 Washington Street. (Clerk of the Board)  
(Companion measure to Files 040254, 040331, 040332, 040333.)  
  
**Question: Shall this Motion be ADOPTED?**
28.       **040332       [Disapproving the mitigated negative declaration issued for 8 Washington Street (aka 370 Drumm Street)]**  
Motion disapproving the decision by the Planning Commission to issue a mitigated negative declaration for the proposed project located at 8 Washington Street. (Clerk of the Board)  
  
**Question: Shall this Motion be ADOPTED?**
29.       **040333       [Preparation of findings to disapprove the mitigated negative declaration issued for 8 Washington Street (aka 370 Drumm Street)]**  
Motion directing the Clerk of the Board to prepare findings disapproving the decision by the Planning Commission to issue a mitigated negative declaration for the proposed project located at 8 Washington Street. (Clerk of the Board)  
  
**Question: Shall this Motion be ADOPTED?**
30.       **040258       [Environmental Review - 8 Washington Street (aka 370 Drumm Street)]**  
Motion certifying review of Preliminary Mitigated Negative Declaration relating to proposed Conditional Use of Property at 8 Washington Street (aka 370 Drumm Street), and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)  
  
**Question: Shall this Motion be ADOPTED?**

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

31.        **040255**        **[Appeal, Conditional Use - 8 Washington Street (aka 370 Drumm Street)]**  
Motion approving decision of the Planning Commission by its Motion No. 16725, approving Conditional Use Application 2002.0376C on property located at 8 Washington Street (aka 370 Drumm Street), and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
32.        **040256**        **[Appeal, Conditional Use - 8 Washington Street (aka 370 Drumm Street)]**  
Motion disapproving decision of the Planning Commission by its Motion No. 16725, approving Conditional Use Application 2002.0376C on property located at 8 Washington Street (aka 370 Drumm Street). (Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
33.        **040257**        **[Findings - 8 Washington Street (aka 370 Drumm Street)]**  
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0376C on property located at 8 Washington Street (aka 370 Drumm Street), for action by the Board at its next meeting. (Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?

## **COMMITTEE REPORTS**

*Reports from committees, if any, recommending emergency or urgent measures.*

### **From the Rules Committee**

*The following items will be considered by the Rules Committee at a Special Meeting on Wednesday, March 24, 2004. The Chair intends to request the Committee to send the following items to the Board as a committee report.*

34.        **031508**        **[Amending the Rules of the Board to provide the Office of the Legislative Analyst to primarily support the Board of Supervisors' Standing Committees and regional advisory bodies]**        **Supervisor Daly**  
Motion amending Rule No. 3.12 to the Rules of Order of the Board of Supervisors to provide

a process that will allow the Office of the Legislative Analyst to primarily support the Board of Supervisors' Standing Committees and regional advisory bodies.

**Question: Shall this Motion be ADOPTED?**

**35. 040354 [Appointment - Golden Gate Bridge, Highway and Transportation District]**

Resolution appointing Supervisor Michela Alioto-Pier, term ending January 31, 2005 to the Board of Directors, Golden Gate Bridge Highway and Transportation District.

Supervisor Michela Alioto-Pier, succeeding Supervisor Sophie Maxwell, resigned, seat 5, must be member of the Board of Supervisors. Subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for the unexpired portion of a two-year term ending January 31, 2005.

Supervisor Alioto-Pier excused.

**Question: Shall this Resolution be ADOPTED?**

**36. 040271 [Appointment - Urban Counties Caucus]**

Resolution appointing Supervisor Chris Daly, term ending December 31, 2004 to the Urban Counties Caucus.

Supervisor Chris Daly, succeeding Supervisor Leland Yee, term expired, seat 1, must be an elected representative from each County Board of Supervisors maintaining the membership of its supervisors in the Caucus. Each representative shall be selected at the beginning of the calendar year by the Board of Supervisors to serve a term of not less than two years to coincide with the sessions of the California Legislature, for the unexpired portion of a two-year term ending December 31, 2004.

**Question: Shall this Resolution be ADOPTED?**

**37. 040337 [Establishing Joint City and School District Select Committee]**

**Supervisor Gonzalez**

Motion establishing a Joint City and School District Select Committee.

**Question: Shall this Motion be ADOPTED?**

**38. 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.*

## 39. 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*

## 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 40 through 50

40.        **040374**        **[Accept - Expend Federal Grant]**        **Supervisor Alioto-Pier**  
Resolution authorizing the San Francisco Port Commission to accept and expend a federal grant in the amount of \$450,000.00 from the Federal Transportation Security Administration to enhance facility and operational security at the Port's cargo terminal at Pier 80.  
3/23/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
41.        **040377**        **[Commending Senior Deputy Fabian Brown]**        **Supervisor Ammiano**  
Resolution commending Senior Deputy Fabian Brown for her outstanding public service in City Hall on March 22, 2004.  
3/23/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
42.        **040378**        **[Opposition to Budget Cuts to Higher Education]**        **Supervisor Ma**  
Resolution urging Governor Schwarzenegger and State Legislators to provide College Access for All Californians by opposing Budget Cuts to Higher Education.  
3/23/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 43. 040379 [Voter Education Regarding Instant Runoff Voting] Supervisor Gonzalez**  
Resolution urging the Department of Elections and Elections Commission to immediately begin voter education and outreach regarding the use of instant runoff voting for the November 2004 election.  
3/23/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 44. 040380 [Accept-Expend Corporate Grant] Supervisor Peskin**  
Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$50,000 from the Pacific Gas and Electric Company to support the development of a hydrogen fueling infrastructure in the City and County of San Francisco.  
3/23/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 45. 040381 [Accept-Expend Foundation Grant] Supervisor Peskin**  
Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$25,000 from the Richard and Rhoda Goldman Fund to support the development of a hydrogen fueling infrastructure in the City and County of San Francisco.  
3/23/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 46. 040382 [Fairness and Safety for Employees in San Francisco Residential Buildings] Supervisors Peskin, Ammiano, Daly, Gonzalez**  
Resolution supporting the Service Employees International Union, Local 1877, in their efforts to maintain and improve standards for residential building service workers and the quality of service in San Francisco's residential buildings, and to call on Frank and Walter Lembi to re-establish the high quality, family-supporting jobs at Nob Hill Towers.  
3/23/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
**Question: Shall this Resolution be ADOPTED?**
- 47. 040383 [Revenue Bonds - ABAG Finance Authority] Supervisor Peskin**  
Resolution recommending approval of the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed



\$30 million for the improvement, including seismic safety improvements, to two buildings located at 690 Market (Assessor's Block 0311, Lot 006) and 938-942 Market Street (Assessor's Block 341, Lot 005) (collectively, the "Buildings"), and making findings.

3/23/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

**48. 040386 [Dolores Huerta Reappointment] Supervisors Sandoval, Ammiano, Alioto-Pier, Dufty**

Resolution supporting the reappointment of Dolores Huerta to the University of California Board of Regents.

3/23/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

**49. 040387 [Commending William Breall] Supervisor Sandoval**

Resolution commending William Breall for his tireless efforts to improve the health of San Franciscans through both research and teaching, his promotion of Jewish community services, and for extending his talents to other neighborhood projects.

3/23/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

**50. 040303 [Final Map for a 6 Unit Residential Condominium Project - 929, 931, 933, 935, 937 & 939 Vermont Street]**

Motion approving Final Map of 929, 931, 933, 935, 937 & 939 Vermont Street, A Residential Condominium Project, being a subdivision of Lot 115 in Assessor's Block No. 4093, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department) (DPW Order No. 174,726; District 10.)

3/22/2004, 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: \_\_\_\_\_*

**51. 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 March 16, 2004 through March 22, 2004, for reference by President to appropriate committee on March 30, 2004.*

### **040299 [Settlement of Lawsuit - Laurie, Adam, Jeremy and Caleb Peretz]**

Ordinance authorizing settlement of the lawsuit filed by Laurie, Adam, Jeremy and Caleb Peretz against the City and County of San Francisco for \$82,500.00; the lawsuit was filed on December 24, 2002 in San Francisco Superior Court, Case No. 416086; entitled Peretz, et al., v. City and County of San Francisco, et al. (City Attorney)

3/22/2004, RECEIVED AND ASSIGNED to Rules Committee.

**040300 [Settlement of Lawsuit - Anthony Bell]**

Ordinance authorizing settlement of the lawsuit filed by Anthony Bell against the City and County of San Francisco for \$75,000; the lawsuit was filed on December 23, 2002 in San Francisco Superior Court, Case No. 416-036; entitled Anthony Bell, et al., v. City and County of San Francisco, et al. (City Attorney)

3/22/2004, RECEIVED AND ASSIGNED to Rules Committee.

**040301 [Approval of taxicab color scheme transfers]**

Ordinance amending the San Francisco Police Code, by amending Section 1125 to provide that the Taxi Commission may consider the effect on the public interest, including the impact on paratransit service, when a permit holder seeks to associate with a color scheme or to transfer the permit to another color scheme. (Taxi Commission)

3/18/2004, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**040302 [Requiring that applicants for a ramped taxi permit have completed at least 100 wheelchair pick-ups during the six months immediately preceding the Taxi Commission's hearing on the**

Ordinance amending the San Francisco Police Code, by amending Section 1148.1, to require that applicants for a ramped taxi permit have completed at least 100 wheelchair pick-ups during the six months immediately preceding the Taxi Commission's hearing on the application. (Taxi Commission)

3/18/2004, RECEIVED AND ASSIGNED to Finance and Audits Committee.

## **PROPOSED RESOLUTIONS**

*Proposed resolutions received from March 16, 2004 through March 22, 2004, for reference by President to appropriate committee on March 30, 2004.*

**040298 [Grant of Federal Funds]**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$1,987,000 of Federal Transit Administration Section 70 funds for the Municipal Railway's NextBus Real Time Vehicle Information project, excluding administrative overhead costs. (Municipal Transportation Agency)

3/16/2004, RECEIVED AND ASSIGNED to Land Use Committee.

**040398 [Petitions and Communications]**

Petitions and Communications received from March 16, 2004 through March 22, 2004, for

reference by the President to Committee considering related matters or to be ordered filed by the Clerk on March 30, 2004.

From Department of Parking and Traffic, regarding request for traffic studies at two intersections in Visitacion Valley: Wilde Avenue/Goettingen Street and Tioga Avenue/Alpha Street. (Reference No. 20040224-001) Copy: Supervisor Maxwell(1)

From Department of Parking and Traffic, regarding request for implementing traffic calming measures (such as speed humps) on Orizaba Avenue. (Reference No. 20040224-005) Copy: Supervisor Sandoval(2)

From Department of Parking and Traffic, regarding request for additional pedestrian safety measures, such as flashing crosswalk lights, for the intersection of San Bruno Avenue/Felton Street. (Reference No. 20040224-001) Copy: Supervisor Maxwell(3)

From Golden Gate Bridge, Highway and Transportation District, regarding security associated with the leased area at the San Francisco ferry terminals. (Reference No. 20040203-006) Copy: Supervisor Alioto-Pier(4)

From District Attorney, submitting notice that the District Attorney's Office will participate in a gun buy back program. (Reference No. 20040203-019) Copy: Supervisor Daly(5)

From Coalition for San Francisco Neighborhoods, submitting support for establishing an independent Library Citizens Advisory Committee. File 020585, Copy: Each Supervisor(6)

From Department of Public Health, regarding the department's efforts to address the impact of violent incidences such as the recent killing of Scharod Felming on secondary victims such as witnesses, family members, friends and classmates. (Reference No. 20040127-008) Copy: Supervisor Daly(7)

From Police Department, regarding the Police Department's involvement in gun buy back programs. (Reference No. 20040203-017) Copy: Supervisor Daly(8)

From Department of Human Services, regarding how a Controller's community audit could be used to improve the quality of life in the Southeast neighborhoods of San Francisco. (Reference No. 20040210-006) Copy: Supervisor Dufty(9)

From Public Utilities Commission, regarding how a Controller's community audit could be used to improve the quality of life in the Southeast neighborhoods of San Francisco. (Reference No. 20040210-020) Copy: Supervisor Dufty(10)

From Office of the City Attorney, submitting notice that appeal for categorical exemption of property at 450 Frederick Street was filed in a timely manner and should be calendared before the Board of Supervisors for a public hearing. File 040311 (11)

From Office of the City Attorney, submitting memorandum to clarify the Treasure Island Development Authority's (TIDA) relationship to the Board of Supervisors with regard to legislation of the Board of Supervisors directing TIDA to create certain non-voting ex-officio memberships on TIDA's Board of Directors. Copy: Each Supervisor(12)

From Sue Hestor, requesting the Conditional Use Appeal for 8 Washington Street be continued to April 13, 2004.(13)

From Sue Hestor, submitting copy of letter sent to Supervisor Peskin regarding Conditional

Use Appeal at 8 Washington Street. File 040254(14)

From Coblenz, Patch, Duffy & Bass LLP, regarding request for extension of Conditional Use Authorization appeal of 8 Washington Street before the Board of Supervisors for a public hearing to April 13, 2004. File 040254, Copy: Each Supervisor, 2 letters (15)

From Frank Stein, submitting opposition to proposed construction project at 8 Washington Street (aka 370 Drumm Street). File 040254, Copy: Each Supervisor(16)

From Police Department, regarding how a Controller's community audit could be used to improve the quality of life in the Southeast neighborhoods of San Francisco. (Reference No. 20040210-011) Copy: Supervisor Daly(17)

From State Wildlife Conservation Board, submitting meeting minutes for November 18, 2003.(18)

From District Attorney, regarding how a Controller's community audit could be used to improve the quality of life in the Southeast neighborhoods of San Francisco. (Reference No. 20040210-012) Copy: Supervisor Dufty(19)

From Mission Housing Development Corporation, submitting copy of notice sent to residents of Mission Housing Development that they are not in any danger of losing their apartments.(20)

From Mayor's Memorial Day Citizens Committee, announcing that the 136th Memorial Day Ceremony will be held at the Presidio's National Cemetery, on May 31, 2004 at 10:30 a.m. Copy: Each Supervisor(21)

From Safety Belt Safe U.S.A., urging the Board to make Safety Seat Checkup Week, April 18-24, 2004, a special event in San Francisco. Copy: Each Supervisor(22)

From Alexander Gutkin, submitting opposition to appeal of the Planning Department's Certificate of Determination of Exemption/Exclusion from Environmental Review on 450 Frederick Street. (23)

From concerned citizens, submitting their views on same sex marriages.(24)

From Employees' Retirement System, regarding proposed Charter Amendment to enhance the miscellaneous retirement plan benefit. File 040009, Copy: Supervisor Sandoval(25)

From Philip Gangi, commenting on proposed taxi legislation. File 040343, Copy: Each Supervisor(26)

From Mayor of the City of Arcata, urging the Board and Mayor to challenge Proposition 22 on Constitutional grounds the California Defense of Marriage Act for the legality of marriages in the City and County of San Francisco.(27)

From S.F. Association of Realtors, submitting opposition to proposed ordinance regulating formula retail use in San Francisco. File 03150, Copy: Each Supervisor(28)

From Kevin Williams, regarding resolution adopted by the Sunshine Ordinance Taskforce urging the Human Rights Commission and the City Attorney's Office to produce public records of 10 Human Rights Commission employee's computer hard-drive files.(29)

From Public Utilities Commission, submitting copy of the "Debt Management Policies and Procedures" report adopted on March 9, 2004.(30)

From Recreation and Park Department, submitting quarterly report in response to the requirements of Resolution 157-99 Lead Poisoning Prevention. Copy: Supervisors Maxwell, Daly(31)

From State Department of Health Services, submitting notice of approval of the San Francisco County FY2003-04 Plan and budgets for carrying out Child Health and Disability Prevention program requirements per State Health and Safety Code.(32)

From Mayor's Budget Office, Board of Supervisors Budget Analyst and Office of the Controller, submitting a three-year general fund budget projection for the City and County of San Francisco, for fiscal year 2004-05 through fiscal year 2006-07. Copy: Each Supervisor(33)

From Department of Parking and Traffic, regarding plans to address traffic concerns at the intersection of Bayshore Boulevard and Blanken Avenue. (Reference No. 20040244-002) Copy: Supervisor Maxwell(34)

From Employees Retirement System, regarding investments of City funds or employee retirement funds in companies that are doing business with counties that sponsor or have sponsored terrorism. (Reference No. 20040127-001) Copy: Supervisor McGoldrick(35)

From Human Rights Commission, regarding how a Controller's community audit could be used to improve the quality of life in the Southeast neighborhoods of San Francisco. (Reference No. 20040210-019) Copy: Supervisor Dufty(36)

From concerned citizens, submitting support for proposed ordinance regulating formula retail use in San Francisco. File 03150, Copy: Each Supervisor(37)

From Neal Rogers, regarding what plans if any the new Mayor has regarding the San Francisco Grand Prix/T-Mobile International bicycle race in September. Copy: Each Supervisor(38)

From Jeremy Nelson, regarding construction of a retaining wall in the sidewalk right-of-way for a private driveway at 715 and 719 Peru Avenue. File 040228, Copy: Land Use Committee(39)

From Department of Parking and Traffic, submitting brochure on how traffic calming makes San Francisco streets more livable.(40)

## **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](http://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) 554-5784 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](http://www.sfgov.org/ethics)

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