

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, January 25, 2005
2:00 PM**

Regular Meeting

**PRESIDENT, AARON PESKIN
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 Board Minutes for December 14, 2004 and January 4, 2005.

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 22

Recommendations of the City Services Committee

Present: Supervisors Dufty, Ma, Elsbernd

1. **041640** **[Prop J Certification, Status Offender Shelter and Intake Services]**
Resolution concurring with the Controller's certification that Intake and Shelter Services to Status Offenders can be practically performed by a private contractor for a lower cost than similar services performed by city and county employees. (Juvenile Probation Department)

Question: Shall this Resolution be ADOPTED?

2. **041661** **[Liquor License Transfer, 130 Church Street]**
Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 130 Sixth Street to 130 Church Street (District 8) to Panaka, Vannida and Watthika Chea for Golden Product Extension 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.

Question: Shall this Resolution be ADOPTED?

3. **041765** **[Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2004-05]**
Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2004-2005 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for the Fiscal Year 2004-2005. (Public Health Department)

11/2/2004, REFERRED. 11/02/04 - Referred to Parking and Traffic for review and determination of environmental impact.

Question: Shall this Resolution be ADOPTED?

- 8. 041556 [Parking Regulations - Fitzgerald Avenue] Supervisor Maxwell**
Resolution enacting and rescinding parking regulations on the 1200 block of Fitzgerald Avenue.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - RESCIND
Fitzgerald Avenue, north side, from Jennings Street to Ingalls Street.

Question: Shall this Resolution be ADOPTED?

- 9. 041631 [STOP Intersections]**
Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

Walnut Street and Pacific Avenue, stopping northbound Walnut Street at Pacific Avenue, making this T-intersection an All-Way STOP; and

30th Avenue and Lake Street, making this intersection an All-Way STOP. (Parking and Traffic Department)

(11/29/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2912.)

Question: Shall this Resolution be ADOPTED?

- 10. 041632 [Traffic Regulations] Supervisor Mirkarimi**
Resolution enacting and rescinding traffic regulations on various streets.

TOW-AWAY LANE MUST TURN RIGHT, EXCEPT MUNI - ESTABLISH
Lincoln Way, south side, from 19th Avenue to a point 100 feet westerly.

ONE-WAY STREET - ESTABLISH

Vandewater Street, westbound, between Mason and Powell Streets.

BICYCLE LANES - ESTABLISH

Fell Street, from Scott Street to Baker Street. (Parking and Traffic Department)

(11/29/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2912.)

Question: Shall this Resolution be ADOPTED?

- 11. 041633 [Parking Regulations]**
Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO PARKING FROM 10 PM TO 6 AM - ESTABLISH

Florida Street terminus, north of 15th Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

Florida Street, west side of the easterly divided roadway, from 210 feet south of 15th Street, northerly to a point 18 feet south of the roadway terminus.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH

15th Street, north side, from Florida to Bryant Streets.

PERPENDICULAR (90-DEGREE ANGLE) PARKING ESTABLISH

Florida Street terminus, north of 15th Street;

Van Dyke Avenue, north side, between Keith and Jennings Streets; and

Divisadero Street, both sides, from 240 feet north of 14th Street to 240 feet south of Duboce Avenue.

TOW-AWAY, NO STOPPING, 7 AM TO 9 AM, MONDAY THROUGH FRIDAY - RESCIND

Lincoln Way, south side, from 20th Avenue to a point approximately 100 feet easterly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

Lincoln Way, south side, from 19th Avenue to a point 100 feet westerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

Rousseau Street, east side, from San Jose Avenue to 55 feet southerly; and

Rousseau Street, west side, from San Jose Avenue to Bosworth Street.

UNMETERED MOTORCYCLE PARKING - ESTABLISH

Carl Street, north side, from 13 feet to 27 feet east of Willard Street (accommodating 4 motorcycles while addressing sight distance concerns at the intersection); and

Page Street, north side, between the driveways of 940 and 932 - 936 Page Street, accommodating two unmetered motorcycle parking spaces.

TOW-AWAY, NO STOPPING, 7 AM - 7 PM, EVERYDAY - RESCIND

TOW-AWAY, NO STOPPING, 3 PM - 7 PM, MONDAY THROUGH FRIDAY - ESTABLISH

McAllister Street, north side, from Gough Street to 60 feet easterly

PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH

Bryant Street, both sides, between 15th and 16th Streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

Genessee Street, west side, from Monterey Boulevard to 19 feet southerly.

1-HOUR TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - RESCIND

2-HOUR TIME LIMIT, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH

20th Street, both sides, between Capp and Valencia Streets (parking meters to remain).

TOW-AWAY, MONDAY THROUGH FRIDAY, 4 PM TO 6 PM - RESCIND

Fell Street, south side, from Laguna Street to Scott Street.

TOW-AWAY, MONDAY-FRIDAY, 4 PM-7 PM - ESTABLISH
Fell Street, south side, from Divisadero Street to 125 feet easterly.

RESIDENTIAL PERMIT PARKING AREA "I" (2-HOUR TIME LIMIT, 9 AM - 6 PM,
MONDAY THROUGH SATURDAY) - ESTABLISH
Capp Street, both sides, between 17th and 18th Streets (200 block) (excludes the thru-lot of
2155 Mission Street).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM,
MONDAY THROUGH FRIDAY) - ESTABLISH
Church Street, both sides, between 25th and Jersey Streets (1200 block);
Duncan Street, both sides, between Sanchez Street and Noe Street (400 block); and
Sanchez Street, both sides, between 28th and Duncan Streets (1400 block).

RESIDENTIAL PERMIT PARKING AREA "G" (2-HOUR TIME LIMIT, 8 AM - 6 PM,
MONDAY THROUGH FRIDAY) - ESTABLISH
Baker Street, both sides, between Geary Boulevard and Post Street (1300 block).

RESIDENTIAL PERMIT PARKING AREA "A" (2-HOUR TIME LIMIT, 8 AM - 9 PM,
MONDAY THROUGH SATURDAY) - RESCIND
PARKING METER AREA NO. 4 (1-HOUR PARKING TIME LIMIT, 9 AM - 6 PM,
MONDAY THROUGH SATURDAY) - ESTABLISH
Bay Street, south side, between Mason and Taylor Streets.

RESIDENTIAL PERMIT PARKING AREA "A" (2-HOUR TIME LIMIT, 8 AM - 9 PM,
MONDAY THROUGH SATURDAY) - RESCIND
PARKING METERS, AREA NO. 4 (1-HOUR PARKING TIME LIMIT, 9 AM TO 6 PM,
MONDAY THROUGH SATURDAY) - ESTABLISH
Mason Street, west side, from Bay Street to 65 feet southerly.

RESIDENTIAL PERMIT PARKING AREA "H" (2-HOUR TIME LIMIT, 8 AM - 6 PM,
MONDAY THROUGH FRIDAY) - ESTABLISH
Ocean Avenue, north side, between 21st and 22nd Avenues (2900 block); and
Ocean Avenue, both sides, between 20th and 21st Avenues (2800 block). (Parking and
Traffic Department)

(11/29/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the
traffic and parking regulations where such changes do not establish a higher speed limit or
result in more than a negligible increase in the use of the street; DPT Order No. 2912.)

Question: Shall this Resolution be ADOPTED?

12. 041684 [Traffic Regulations - Various Streets] Supervisor Dufty
Resolution enacting and rescinding traffic regulations on various streets.

NO PARKING ANYTIME - RESCIND
West side of Potomac Street, from Waller Street to the southern property line
of #53 Potomac Street

TOW-AWAY NO PARKING ANYTIME - ESTABLISH
West side of Potomac Street, from Waller Street to the southern property line

of #53 Potomac Street.

(12/7/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or results in more than a negligible increase in the use of the street.)

Question: Shall this Resolution be ADOPTED?

13. 041728

[STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

18th and Tennessee Streets, stopping 18th Street at Tennessee Street, making this intersection an All-Way STOP; and

Colin P. Kelly, Jr. Street and Brannan Street, stopping Colin P. Kelly, Jr. Street at Brannan Street, the stem of this T-intersection.

(12/15/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the stree; DPT Order No. 2921.)

Question: Shall this Resolution be ADOPTED?

14. 041737

[Traffic Regulations]

Resolution enacting and rescinding traffic regulations on various streets.

**RIGHT TURN ONLY AFTER BALLPARK EVENTS EXCEPT TAXIS - RESCIND
NO RIGHT TURN AFTER BALLPARK EVENTS EXCEPT TAXIS - ESTABLISH**
Southbound Hawes, Ingalls, and Jennings Streets at Ingerson Avenue

**NO LEFT TURN, TAXIS EXEMPT, EXCEPT 4 PM TO 7 PM, MONDAY THROUGH
FRIDAY - RESCIND**

NO LEFT TURN, EXCEPT BUSES AND TAXIS - ESTABLISH

Mission Street, westbound, at 1st, 4th and 10th Streets; and

Mission Street, eastbound, at Fremont, 2nd, 3rd, 5th, 6th and 7th Streets. (Parking and Traffic Department)

(12/15/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2921.)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Maxwell, Alioto-Pier

15. 041659

[Settlement of Lawsuit - Linda Vaccarezza]

Ordinance authorizing settlement of the lawsuit filed by Linda Vaccarezza against the City and County of San Francisco for \$835,000; the lawsuit was filed on 3/12/04 in United States District Court, Case No. C04-1021; entitled Linda Vaccarezza v. City and County of San

Francisco, et al. (City Attorney)

1/11/2005, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

16. 041663 [Settlement of Lawsuit - Quynh Le, et al., v. CCSF, et al.]

Ordinance authorizing settlement of the lawsuit filed by Quynh Le, Weston Ngo, Candance Phan and Candance Phan as Guardian Ad Litem of Geoffrey Ngo, a minor and Brittany Ngo, a minor against the City and County of San Francisco for a total payment of \$28,000.00; the lawsuit was filed on May 30, 2003 in San Francisco Superior Court, Case No. 420-933; entitled Quynh Le, et al., v. City and County of San Francisco, et al. (City Attorney)

1/11/2005, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Alioto-Pier, Mirkarimi

17. 041624 [Settlement of Lawsuit - John R. Ulrich, Jr., M.D.]

Ordinance authorizing settlement of the lawsuit filed by John R. Ulrich, Jr., M.D. against the City and County of San Francisco for violation of civil rights in the amount of \$1,537,500; Plaintiff Ulrich filed the lawsuit on October 27, 1999 in San Francisco Superior Court and the City removed it to United States District Court (U.S. District Court Action C99-05003TEH).

Question: Shall this Ordinance be PASSED ON FIRST READING?

18. 041730 [Settlement of Lawsuit - Jenny McGrorey]

Ordinance authorizing settlement of the lawsuit filed by against the City and County of San Francisco for \$38,000; the lawsuit was filed on October 5, 2001 in San Francisco Superior Court, Case No. 325-198; entitled Jenny McGrorey, et al., v. City and County of San Francisco, et al. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. 041731 [Settlement of Lawsuit - Altec Industries, Inc.]

Ordinance authorizing settlement of the lawsuit filed by Altec Industries, Inc. against the City and County of San Francisco for \$45,000; the lawsuit was filed on October 30, 2003 in San Francisco Superior Court, Case No. 425-937; entitled Altec Industries, Inc. v. City and County of San Francisco. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

20. 041662 [Settlement of Claim - Third Street Lofts]

Resolution approving the settlement of the unlitigated claim filed by Third Street Lofts against San Francisco for \$100,000; claim was filed on March 11, 2003. (City Attorney)

Question: Shall this Resolution be ADOPTED?

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 January 8, 2005. Therefore, the Board will lose the ability to override the veto unless it votes on or before February 8, 2005.
(Fiscal impact.)

12/14/2004, AMENDED. Amended by replacing "funding from General Fund Reserve" with "from the Department of Human Services". New Title.

12/14/2004, PASSED ON FIRST READING AS AMENDED.

1/4/2005, FINALLY PASSED.

Action: _____

24. 050044 [Adopting findings related to the determination that the appeal of the negative declaration for the 329 Bay Street project was timely]

Motion adopting findings related to the determination that the appeal of the negative declaration for the 329 Bay Street project was timely filed. (Clerk of the Board)

1/6/2005, REFERRED to Board of Supervisors.

Question: Shall this Motion be ADOPTED?

25. 050043 [Adopting findings related to the appeal of the negative declaration issued by the Planning department for the 329 Bay Street project]

Motion adopting findings related to the appeal of the negative declaration issued by the Planning Department on June 22, 2004 for 329 Bay Street. (Clerk of the Board)

1/6/2005, REFERRED to Board of Supervisors.

Question: Shall this Motion be ADOPTED?

26. 050047 [Adopting findings related to the conditional use appeal on property located at 100 Felton]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 16877 (which approved the installation of a wireless telecommunications system facility consisting of six panel antennas on an existing church and related equipment directly below in the attic as part of Cingular's wireless telecommunications network within a RH-2 (Residential-Two Family) Zoning District and a 40-X Height and Bulk District, located at 100 Felton Street, northwest corner of Girard Avenue and Felton Street (Lot 013 in Assessor's Block 5926). (Clerk of the Board)

(Companion measure to Files 041636, 041637, 041638, 041639)

1/13/2005, REFERRED to Board of Supervisors.

Question: Shall this Motion be ADOPTED?

Recommendation of the Land Use Committee

Present: Supervisors McGoldrick, Peskin, Maxwell

27. 041385 [Street Encroachment at 199 Geary Street - Security Pacific Place]

Resolution granting revocable permission to CHH Realty, Inc. c/o Neiman Marcus to occupy a portion of the public right-of-way located on Security Pacific Place, off O'Farrell Street between Stockton Street and Grant Avenue, to construct and maintain a service ramp/driveway, to access and connect to a loading dock at the rear frontage of the Neiman Marcus store at 199 Geary Street (Block 0313, Lot 018) and making findings of consistency with the priority policies of Planning Code Section 101.1. (Public Works Department)

10/26/2004, AMENDED. Amended on page 2, line 22, by replacing "even" with "event."

10/26/2004, CONTINUED AS AMENDED. Continued to November 2, 2004

11/2/2004, CONTINUED. Continued to November 16, 2004

11/16/2004, CONTINUED. Continued to December 7, 2004

12/7/2004, CONTINUED. Continued to January 25, 2005

Question: Shall this Resolution be ADOPTED?

From the Land Use Committee Without Recommendation

Present: Supervisors McGoldrick, Peskin, Maxwell

28. 041543 [Hunters Point Shipyard - Street Vacation Order] Mayor, Supervisor Maxwell

Ordinance ordering the vacation of portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and Galvez Street in Hunters Point Shipyard Parcel "A1" and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard Parcel "A2" along with public service easements in the aforementioned locations in the Hunters Point Shipyard; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including SBC, Pacific Gas and Electric Company, easement holders of record and the City; accepting Department of Public Works Order No. 175,121; and authorizing official acts in connection with this Ordinance.

12/7/2004, CONTINUED. Continued to January 11, 2005 at 3:00 PM

1/11/2005, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

1/11/2005, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the City Services Committee

Present: Supervisors Dufty, Ma, Elsbernd

29. 041577 **[Clarifications and Technical Corrections to Work Practices Program for Lead-Based Paint Disturbance and Removal]** Supervisor Peskin
- Ordinance amending Section 3407 et seq. of the Building Code, to amend the definitions of Clearance Inspection, Containment and Barrier Systems, and Prohibited Practices; to clarify scope of prohibitions on the removal or disturbance of lead-based paint; to specify the type of covering required to prevent contamination by lead debris; to specify where signs noticing lead work must be posted, to make further minor technical corrections to the work practices program for lead-based paint disturbance and removal; and to make findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code.

Question: Shall this Ordinance be PASSED ON FIRST READING?

30. 041149 **[Death Toll of 1906 Earthquake Victims]** Supervisors Alioto-Pier, Elsbernd, Ma, Dufty
- Resolution setting aside the current death toll of 478 victims of the 1906 earthquake and amending that number no later than April 18, 2006.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Finance and Audits Committee

Present: Supervisors Daly, Peskin, Ammiano

31. 041307 **[Prohibiting smoking on unenclosed areas of City parks and recreational areas in San Francisco open to the public]** Supervisors Alioto-Pier, Dufty
- Ordinance amending the San Francisco Health Code by adding Article 19 I, encompassing Sections 1009.80 et seq., to prohibit smoking on any unenclosed area of property in the City and County of San Francisco that is open to the public and under the jurisdiction of the Recreation and Park Commission or any other City department if the property is a park, square, garden, sport or playing field other than a golf course, recreational pier, or other property used for recreational purposes.

(Fiscal impact.)
(Supervisor Peskin dissenting in Committee.)

9/28/2004, SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute ordinance bearing new title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

32. 041751 **[Appropriate funds for the Human Services Agency's CalWORKS, In-Home Supportive Services (IHSS) and Medi-Cal Programs]** Mayor
- Ordinance appropriating \$5,988,448 from current year federal and state revenue allocations for the CalWORKS, In-Home Supportive Services (IHSS) and Medi-Cal programs to fund various program requirements including staffing; breakdown of the amounts per program are \$1,539,670 to CalWORKS, \$2,306,369 to IHSS and \$2,142,409 to Medi-Cal programs for fiscal year 2004-05.

(Fiscal impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 33. 050059 [Appropriate funds from the General Reserve to General City Responsibility as charitable contribution for the Tsunami Relief Effort] Supervisors Daly, Mirkarimi, Ammiano**

Ordinance appropriating up to \$1,000,000 from the General Fund Reserve to General City Responsibility for a charitable contribution made to the Tsunami Relief Effort for fiscal year 2004-2005.

(Fiscal impact.)

(Supervisor Elsbernd dissenting in Committee.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 34. 041564 [Approval of Lease with American Airlines, Inc. for a portion of Plot 40 and Superbay Hangar]**

Resolution, retroactive to January 1, 2005, approving and authorizing the execution of a Lease with American Airlines, Inc., for a portion of Plot 40 and space in the Superbay Hangar. (Airport Commission)

Question: Shall this Resolution be ADOPTED?

- 35. 041719 [BART Payment for MUNI Transfer Trips]**

Resolution approving an Agreement between the City and County of San Francisco (the "City") and the Bay Area Rapid Transit District ("BART") authorizing payment to the Municipal Transportation Agency ("MTA") for transfer trips provided by the Municipal Railway in FY 2004-2005. (Municipal Transportation Agency)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Land Use Committee

Present: Supervisors McGoldrick, Peskin, Maxwell

- 36. 041524 [Parking Regulations-Hall of Justice]**

Ordinance amending San Francisco Traffic Code Section 32.6.7 to restrict parking on Bryant Street between Harriet Street and 7th Street to only SFPD vehicles or displaying a permit issued by the Chief of Police. (Parking and Traffic Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Alioto-Pier, Mirkarimi

- 37. 041724 [Payment of Reward to two Jane Does] Mayor**

Ordinance authorizing payment of a \$10,000.00 reward to be split amongst two Jane Does for

supplying information leading to the arrest and conviction of the perpetrator responsible for the death of Rihibi Hussein. (Mayor)

Question: Shall this Ordinance be PASSED ON FIRST READING?

38. 041773 [Appointment - Golden Gate Bridge, Highway and Transportation District]

Resolution affirming retention of Supervisors Bevan Dufty, Tom Ammiano, Gerardo Sandoval and Jake McGoldrick, as members of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, for terms ending January 31, 2007.

Question: Shall this Resolution 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.*

39. 041275 [Public Hearing - Appeal of Revised Certificate of Determination of Exemption from Environmental Review - American Buddhist Cultural Society Building located at 1730-1750 Van Ness Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 13, 2004, Case No. 2003.0657E, approving the proposed project to include: a renovation and vertical addition to the existing one-story-plus-mezzanine American Buddhist Cultural Society building; an expanded second level and construction of third and fourth levels for a total of four stories and a total height of approximately 70 feet; and add approximately 16,798 gross square feet (gsf) to the existing building for a total square footage of 27,758 gsf, located at 1730-1750 Van Ness Avenue, Assessor's Block 0622, Lot 019. (Appellant: 1776 Sacramento Street Homeowners Association, represented by the Law Offices of Stephen M. Williams).

(Filed September 9, 2004; companion measure to Files 041276, 041277, 041278; District 3.)

10/19/2004, CONTINUED. Continued to November 16, 2004

11/16/2004, CONTINUED. Continued to December 14, 2004

12/14/2004, CONTINUED. Continued to January 25, 2005 at 4:00 p.m

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.)

- 40. 041276 [Affirming the categorical exemption issued for 1730-1750 Van Ness Avenue]**
Motion affirming the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
10/19/2004, CONTINUED. Continued to November 16, 2004
11/16/2004, CONTINUED. Continued to December 14, 2004
12/14/2004, CONTINUED. Continued to January 25, 2005 at 4:00 p.m.
Question: Shall this Motion be ADOPTED?
- 41. 041277 [Disapproving the categorical exemption issued for 1730-1750 Van Ness Avenue]**
Motion disapproving the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
10/19/2004, CONTINUED. Continued to November 16, 2004
11/16/2004, CONTINUED. Continued to December 14, 2004
12/14/2004, CONTINUED. Continued to January 25, 2005 at 4:00 p.m.
Question: Shall this Motion be ADOPTED?
- 42. 041278 [Preparation of findings related to the categorical exemption issued for 1730-1750 Van Ness Avenue]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
10/19/2004, CONTINUED. Continued to November 16, 2004
11/16/2004, CONTINUED. Continued to December 14, 2004
12/14/2004, CONTINUED. Continued to January 25, 2005 at 4:00 p.m.
Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 4:00 P.M.

Motion amending the Rules of the Board of Supervisors by amending Rule 6.2 to provide that the Board shall meet every Tuesday, unless that Tuesday is a holiday, and shall not meet during the week after Thanksgiving or the week between December 24 and December 31.

Question: Shall this Motion be ADOPTED?

From the Rules Committee Without Recommendation

Present: Supervisors Maxwell, Alioto-Pier, Peskin

47. **050053 [Rule Amendment related to Supervisors voting at Board meetings] Supervisor Peskin**

Motion amending Rule 4.14 of the Rules of Order of the Board of Supervisors to provide procedures to encourage Supervisors to vote in a timely manner during roll calls at meetings of the Board of Supervisors.

Question: Shall this Motion be ADOPTED?

48. **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.

49. **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

CLOSED SESSION

50. **050104 [Closed Session - Existing Litigation, City as Defendant and City as Plaintiff]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation:

(i) Macy Department Stores, Inc. formerly known as Macy's West, Inc., an Ohio Corporation; Broadway Stores, Inc., a Delaware Corporation; and Federated System Group, Inc., a Delaware Corporation, vs. City and County of San Francisco Superior Court No. 306-723

(consolidated with 321838 and 313390); A lawsuit challenging the constitutionality of the City's certain aspects of business tax; and

(ii) City and County of San Francisco vs. Flying Dutchman Park, Inc.; James Gabriel Vierling; San Francisco Superior Court No. 321376; California Court of Appeal No. A102026. A lawsuit involving the constitutionality of certain aspects of the City's parking tax.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits listed above. (City Attorney)

Question: Shall this Motion be ADOPTED?

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

Items 51 through 60

- 51. 050072 [Supporting Gay Adoption] Supervisor Ammiano**
Resolution urging the Supreme Court of the United States to rescind their refusal and to accept the hearing of a legal challenge to Florida's prohibition of adoption of children by gays and lesbians.
1/11/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
- 52. 050073 [Homeless Death Count] Supervisors Daly, Dufty**
Resolution urging the City Attorney to explore feasible means to access death records.
1/11/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
- 53. 050074 [Reinstatement of Homeless Death Count by SFDPH] Supervisors Daly, Ammiano, Sandoval, Mirkarimi, McGoldrick, Elsbernd**
Resolution urging Department of Health to reinstate Homeless Death Count.
1/11/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?

60. 050046 [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.

1/11/2005, 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: _____*

61. 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 January 4, 2005 to January 14, 2005, for reference by President to appropriate committee on January 25, 2005.

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)

1/7/2005, RECEIVED AND ASSIGNED to Finance and Audits Committee.

050085 [Ordering vacation of 22nd Street between Arkansas and Connecticut Streets]

Ordinance ordering the vacation of the 22nd Street right-of-way between Arkansas and Connecticut Streets subject to reservations of certain utility easements in the vacated area; authorizing the sale of a portion of the vacated street area pursuant to the terms of an agreement for sale of real estate; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the Priority Policies of Planning Code Section 101.1; and authorizing official acts in connection with this ordinance. (Real Estate Department)

1/13/2005, RECEIVED AND ASSIGNED to Land Use Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from January 4, 2005 to January 14, 2005, for reference by President to appropriate committee on January 25, 2005.

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)

1/12/2005, RECEIVED AND ASSIGNED to Rules Committee.

050081 [Public Auction]

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property.

1/10/2005, RECEIVED AND ASSIGNED to Finance and Audits Committee.

050082 [Exchange of real property within the Japan Center Garage]

Resolution authorizing the exchange of certain City-owned real property generally known as

a portion of Lot 35, Assessor's Block 700 for certain property owned by Dae Woong Kim, et al generally known as a portion of Lot 34, Assessor's Block 700; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the exchange is consistent with the City's general plan and eight priority policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents and take certain actions in furtherance of this resolution. (Real Estate Department)

1/10/2005, RECEIVED AND ASSIGNED to Finance and Audits Committee.

050084 [Vacation of 22nd Street between Arkansas and Connecticut Streets]

Resolution declaring the intention of the Board of Supervisors to vacate the 22nd Street right-of-way between Arkansas and Connecticut Streets; setting the hearing date for all persons interested in the proposed vacation of the street 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)

1/13/2005, RECEIVED AND ASSIGNED to Land Use Committee.

050109 [Petitions and Communications]

Petitions and Communications received from January 4, 2005 through January 14, 2005, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on January 25, 2005.

From Office of the Controller, submitting notice that fidelity bonds are on file for members of the Board of Supervisors that were sworn into office on January 8, 2005.(1)

From Budget Analyst, submitting the Budget Analyst Activity Status Report for the Quarter ending December 31, 2004.Copy: Each Supervisor(2)

From the Port, submitting request for release of reserved funds of \$102,991 for a Chief Stationary Engineer and a Deputy Director pending information related to the Port's reorganization. Copy: Finance and Audits Committee(3)

From Office of the Treasurer, submitting investment activity (for fiscal year to date) of the portfolios under management.(4)

From Department of Human Resources, submitting quarterly report of economic grievance settlements for the period of October 1, 2004 through December 31, 2004.(5)

From Brandt-Hawley Law Group, appealing decision of Planning Commission approving the exemption/exclusion from environmental review for property located at 837-847 Montgomery Street. File 050037(6)

From Howard Chabner, regarding Laguna Honda Hospital, its residents and its historic mission.(7)

From Department of Human Services, submitting request for waiver of Administrative Code Chapters 12B and 12C for Equifax Information Services.(8)

From Sal Busalacchi, appealing decision of the Department of Parking and Traffic that grants categorical exemption from environmental review prohibiting the driving of tour buses on

Stockton Street between Union and Greenwich Street. File 041310 (9)

From Sal Busalacchi, appealing decision of the Department of Parking and Traffic that grants categorical exemption from environmental review prohibiting the driving of tour buses on Mason Street between Bay and Columbus Avenue. File 041462(10)

From Police Department, regarding request to change the name of Jasper Place to honor Mr. Dante Benedetti. File 041283, Copy: Supervisor Peskin(11)

From Police Department, regarding request for information relating to police barricades in specified areas of the Tenderloin District. (Reference No. 20041214-003) Copy: Supervisor Daly(12)

From Peter Warfield, submitting his concern with the City Librarian search process and outcome.(13)

From Department of Public Works, regarding proposed legislation to remove the flower stand located at 5th and Market Streets from the Public Works Code. File 041742, Copy: City Services Committee(14)

From Department of California Highway Patrol, submitting report regarding the illegal discharge (or threatened illegal discharge) of hazardous waste, which could cause substantial injury to the public health or safety.(15)

From Human Services Agency, submitting notice that this year's bi-annual count of unsheltered homeless people will take place on the evening of January 25, 2005 from 7 p.m. to 12 a.m. Copy: Each Supervisor(16)

From Office of the Treasurer/Tax Collector, submitting report of the Cash difference and Overage fund balance and activities reported from December 1 to December 31, 2004.(17)

From State Office of Historic Preservation, submitting notice that on October 15, 2004 Golden Gate Park was placed on the National Register of Historic Places. (18)

From State Office of Historic Preservation, submitting notice that on July 27, 2004 735 Market Street was placed on the National Register of Historic Places. (19)

From City Attorney, submitting notice that appeal filed for property located at 837-847 Montgomery Street was filed in a timely manner and therefore should be calendared before the Board of Supervisors.(20)

From City Attorney, submitting notice that appeal filed for property located at 1187 -1189 Stanyan Street was filed in a timely manner and therefore should be calendared before the Board of Supervisors.(21)

From Supervisor Daly, commenting on Mayor Newsom's veto regarding legislation to appropriate funding from the Department of Human Services to increase available funding in the Department of Public Health for self services to the homeless. File 041492, Copy: Each Supervisor(22)

From concerned citizens, submitting support for a proposed Civil Service Reform measure that Mayor Newsom is planning to present to the San Francisco voters in November 2005. (23)

From concerned citizens, urging the Board to draft legislation to do more to attract jobs and businesses to San Francisco.(24)

From Chinese Health Coalition, urging the Board to preserve mental health services for the indigent. Copy: Each Supervisor(25)

From Golden Gate Bridge, Highway and Transportation District, submitting 2003/2004 Annual Report.(26)

From RCN, submitting notice that on December 21, 2004 RCN Corporation the ultimate parent company of RCN Telecom Services, Inc. consummated its plan of reorganization and formally emerged from the Chapter 11 process that was initiated on May 27, 2004.(27)

From Joan Vellutini, submitting copy of letter sent to the Mayor regarding city gardeners. Copy: Supervisor Dufty(28)

From concerned citizens, commenting on recently passed legislation regarding humane treatment of all companion dogs. Copy: Each Supervisor(29)

From concerned citizens, commenting on proposed legislation to ban handguns in San Francisco. Copy: Each Supervisor(30)

From John Nelson, regarding early retirement for City employees in departments where there must be layoffs.Copy: Supervisor Sandoval(31)

ADJOURNMENT

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4)standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting.

Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



Disability access

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting.

This advance notice will help ensure availability.

For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

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 decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine 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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