

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, May 25, 2004
2:00 PM**

Regular Meeting

**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

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Motion to approve the April 20, 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 10

Recommendations of the City Services Committee

Present: Supervisors Ma, Hall

1.

040484

[Evaluate a mobile intervention to a late night population of men who have sex with men to reduce their risk of HIV/STD and substance use harm]

Resolution authorizing the San Francisco Department of Public Health, AIDS Office, (SFDPH, AIDS) to accept retroactively and expend a grant in the amount of \$106,788 from the Regents of the University of California San Francisco, Universitywide AIDS Research Program (UCSF,UARP) to evaluate a mobile intervention to a late night population of men who have sex with men to reduce their risk of HIV/STD and substance use harm and to enter into an agreement for the use of these funds; for the period of February 1, 2004 to July 31, 2005. (Public Health Department)

Supervisor Dufty

Question: Shall this Resolution be ADOPTED?
2.

040507

[Drug court partnership program for non-violent drug offenders]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a grant in the amount of \$425,175 from the California Department of Health Services (CDHS) to provide drug court partnership funds and to enter into an agreement for the use of these funds; for the period of July 1, 2003, to June 30, 2004. (Public Works Department)

Supervisor Dufty

Question: Shall this Resolution be ADOPTED?

Recommendations of the Finance and Audits Committee

Present: Supervisors Daly, Peskin

3.

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)

5/18/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. 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)

5/18/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Daly, Peskin, Ammiano

5. 040576 [Renew Revolving Loan Funds Agreement with State]

Resolution authorizing the Office of the District Attorney to renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving loan fund in the amount of \$75,000 to be used to pay for verified funeral/burial expenses and emergency relocation for victims of domestic violence and sexual assault. (District Attorney)

Question: Shall this Resolution be ADOPTED?

6. 040623 [Accept-Expend State Grant]

Resolution authorizing the Office of the District Attorney to contract for, accept and expend \$646,037 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Joint Powers Agreement with Victim and Witness Assistance Program for the period of July 1, 2004 through June 30, 2005. (District Attorney)

Question: Shall this Resolution be ADOPTED?

7. 040624 [Accept-Expend State Grant]

Resolution authorizing the Office of the District Attorney to contract for, accept and expend \$82,074 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2004 through June 30, 2005. (District Attorney)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Maxwell, Alioto-Pier, Gonzalez

8. 040393 [Settlement of Lawsuit - 555 California Street Partners, et al.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against 555 California Street Partners, a California limited partnership, Davre's Inc., Factory Mutual Insurance Company, Excel Building Services, LLC and National Guardian Enterprises, Inc., for \$34,200; the lawsuit was filed on August 20, 2003 in the Superior Court of the County of San Francisco, Case No. 423627; entitled City and County of San Francisco v. 555 California Street Partners, a California limited partnership, Davre's Inc., Factory Mutual Insurance Company, Excel Building Services, LLC and National Guardian Enterprises, Inc., et al. (City Attorney)

5/18/2004, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. 040357 [Appointment - Veterans Affairs Commission]

Resolution appointing Cheryl Denise Cook, term ending January 31, 2008, to the Veterans Affairs Commission.

Cheryl Denise Cook, succeeding Glen Raswyck, term expired, seat 9, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2008.

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Maxwell, Alioto-Pier

10. 040577 [Appointment - Power Plant Task Force]

Resolution appointing Toby Levy, Steven Moss, Dana Lanza (residency requirement waived), and Karen G. Pierce, term ending November 1, 2005 to the Power Plant Task Force.

Karen G. Pierce, new appointment, seat 2, must be a resident of the Bayview Hunters Point area; for the unexpired portion of a two-year term ending November 1, 2005.

Toby Levy, new appointment, seat 6, must be a resident of the South of Market area; for the unexpired portion of a two-year term ending November 1, 2005.

Steven Moss, new appointment, seat 7, must be the executive director of the San Francisco Community Power Coop or his/her designee; for the unexpired portion of a two-year term ending November 1, 2005.

Dana Lanza (residency requirement waived), new appointment, seat 10, must be the executive director of Literacy for Environmental Justice or his/her designee; for the unexpired portion of a two-year term ending November 1, 2005.

Question: Shall this Resolution be ADOPTED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

11.

040675

[Adopting findings related to the conditional use appeal on property located at 2599 Lombard Street]

Motion adopting findings related to the appeal of the Planning Commission's approval of a conditional use authorization, Case No. 2003.0080C, to install four (4) cellular antennas and related equipment on the roof of the Pacific Motor Inn, as part of Verizon Wireless telecommunications network within an NC-3 (Moderate-scale Neighborhood Commercial) District and a 40-X Height and Bulk District, on property located at 2599 Lombard Street; Lot 016 in the Assessor's Block 0938. (Clerk of the Board)

5/18/2004, REFERRED to Board of Supervisors.

Question: Shall this Motion be ADOPTED?

Recommendations of the Finance and Audits Committee

Present: Supervisors Daly, Peskin, Ammiano

12.

031839

[Sidewalk Parking Fine Increase]

Supervisor Daly

Ordinance amending Article 7, Section 132 of the San Francisco Traffic Code, to increase the fine for sidewalk parking from \$75.00 to \$100.00 as of July 1, 2004, in accordance with Resolution No. 648-01, adopted August 17, 2001; to update the fine for stopping on a freeway because of the repeal of Vehicle Code Section 25220 and enactment of Vehicle Code Section 21718; and to make various editorial changes to clarify the Penalty Schedule. (Parking and Traffic Department)

5/11/2004, CONTINUED. Continued to May 18, 2004

5/18/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?
13.

031991

[Work Practices for Lead-Based Paint and Fees For Implementation of Work Practices Program Provisions Regarding Interiors]

Supervisors Peskin, Maxwell, Daly

Ordinance amending Section 3407 et seq., Section 110 Table 1-A and Section 110 Table 1-P of the San Francisco Building Code to regulate work that disturbs or removes lead-based paint in the interior of pre-1979 buildings that are in Group E3, R1 or R3 occupancy

classification, as well as, the exterior of pre-1979 buildings and all steel structures; establish performance standards for work that disturbs or removes lead-based paint in the interior and exterior of such buildings and steel structure; conform the process for assessing administrative penalties with that for the issuance of an Order of Abatement, to provide a surcharge fee for alteration permits sought for buildings classified as R3 and E3 that were constructed prior to 1979 to implement the lead interior safe work practices provisions of Section 3407 et seq., to provide a surcharge license fee for apartment houses and hotels constructed prior to 1979, other than those operating only as tourist hotels, to implement the lead interior safe work practices provisions of Section 3407 et seq., 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.

3/30/2004, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

5/18/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

| | | | |
|-----|--------|--------------------------------------------------|--------------------------------------|
| 14. | 031992 | [Relocation of Persons Affected by Lead Hazards] | Supervisors Peskin, Maxwell, Daly |
|-----|--------|--------------------------------------------------|--------------------------------------|

Ordinance amending Section 596 of the San Francisco Health Code and Sections 37.3, 37.9, 72.1 to 72.3, inclusive, and 72.5 of the San Francisco Administrative Code providing for orders to vacate and notices to pay relocation benefits, providing for a hearing process under Article 11 of the Health Code if a notice to pay relocation benefits is not complied with, disallowing passthroughs to tenants of the costs of lead remediation performed in accordance with Article 11 of the Health Code when lead hazards remedied are a result of deferred maintenance; authorizing landlords to temporarily recover possession of a unit for the purposes of performing lead remediation as required by the Department in accordance with Article 11 of the Health Code but only for the minimum time required to perform the remediation; increasing relocation payments required under Chapter 72 and indexing those relocation payments to the Consumer Price Index as of July 1, 2004; and providing an alternative to making relocation payments if a comparable dwelling unit is made available.

5/18/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

| | | | |
|-----|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 15. | 040362 | [To appropriate funding to Modification No.12 to Contract No.309 with ANSALDOBREDA (Breda), and related consultant and administrative costs for the Municipal Transportation Agency] | Mayor |
|-----|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|

Ordinance appropriating \$12,274,340 of fund balance to fund Modification No. 12 to Contract No. 309 with ANSALDOBREDA (Breda) and for related consultant and administrative costs as part of the Muni Light Rail Vehicles (LRV) Procurement Program. Funding is provided from proceeds of a recently completed Breda lease-lease back transaction. The MTA adopted Resolution No. 04-016 approving a spending plan for Muni's Breda LRV modification program, with an emphasis on operational and passenger safety security enhancements for fiscal year 2003-04.

(Fiscal impact.)

5/11/2004, CONTINUED. Continued to May 18, 2004

5/18/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Rules Committee

Present: Supervisors Maxwell, Alioto-Pier, Gonzalez

16.

040146

[Determination of Fiscal Feasibility of Proposed Project]

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 28 to require Board of Supervisors review of a proposed project meeting certain criteria and a determination that the proposed project is fiscally responsible and feasible before undertaking environmental review of the proposed project.

5/18/2004, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

5/18/2004, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Supervisors Peskin, Ma

NEW BUSINESS

Recommendation of the City Services Committee

Present: Supervisors Dufty, Ma, Hall

17.

040522

[SFSU Gerontology Program]

Resolution urging San Francisco State University to continue its Gerontology Program.

4/27/2004, REFERRED to City Services Committee. Supervisor Dufty requested that this matter be referred to Committee.

Question: Shall this Resolution be ADOPTED?

**Supervisors Dufty, Hall,
Sandoval, Ma**

Recommendations of the Finance and Audits Committee

Present: Supervisors Daly, Peskin, Ammiano

18.

040594

[Board approval for contracting out personal services]

Ordinance amending the San Francisco Administrative Code, by adding Sections 2.15, 2.16, and 2.17 to require a supplemental report from departments seeking Board approval to contract out personal services under Charter Section 10.104(15), to require the Controller to prepare an annual report on such contracts, and to set deadlines for departmental submission of requests to the Controller and the Board of Supervisors for certification to enter into such

**Supervisors Maxwell, Ammiano,
Peskin, Daly**

contracts.

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. 040440 [Airport Concession Lease] Mayor

Resolution approving the Terminal 3 Concourse Newsstand Lease between The Paradies Shops, Inc., and the City and County of San Francisco, acting by and through its Airport Commission.

Question: Shall this Resolution be ADOPTED?

20. 040441 [Airport Concession Lease] Mayor

Resolution approving the International Terminal Building Newsstands Lease between The Paradies Shops, Inc., and the City and County of San Francisco, acting by and through its Airport Commission.

Question: Shall this Resolution be ADOPTED?

*** Present: Supervisors Peskin, Ammiano*

21. 040531 [Local Vehicle License Fee Restoration] Mayor, Supervisors Peskin, Dufty, Ammiano

Resolution urging the California State Legislature to pass legislation to allow local governments to obtain voter approval to restore the Vehicle License Fee.

5/11/2004, REFERRED to Finance and Audits Committee. Supervisor Hall requested that this matter be referred to Committee.

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Daly, Peskin, Ammiano

22. 040569 [Outreach Advertising]

Resolution designating El Latino and El Reportero to be the outreach newspapers of the City and County of San Francisco for the Hispanic community; Asian Week, Chinese Times, China Press, Sing Tao Daily, and World Journal to be the outreach newspapers of the City and County of San Francisco for the Chinese community; the San Francisco Bay View to be the outreach newspaper of the City and County of San Francisco for the African American community; and the Bay Area Reporter to be the outreach newspaper of the City and County of San Francisco for the Gay, Lesbian, Bisexual and Transgender community, to provide outreach advertising services for the fiscal year commencing July 1, 2004 and ending June 30, 2005. (Purchaser)

Question: Shall this Resolution be ADOPTED?

23. 040570 [Contracting Out Janitorial Services, Department of Parking and Traffic, FY 03-04]

Resolution concurring with the Controller's certification that janitorial services can be practically performed by private contractor for lower cost than similar services performed by City and County employees for Fiscal Year 2003-2004. (Parking and Traffic Department)

Question: Shall this Resolution be ADOPTED?

24.

040575

[IHSS Contract Approval - IHSS Consortium of San Francisco]

Resolution approving exercise of the option to renew the contract between the City and County of San Francisco, through the Department of Human Services, and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from July 1, 2004 to June 30, 2005, in the amount of \$16,085,136. (Human Services Department)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use Committee

Present: Supervisors McGoldrick, Peskin, Maxwell

25.

040442

[Designating 1305 18th Avenue, the Carnegie Sunset Library, as a Landmark Under Planning Code Article 10]

Ordinance designating 1305 18th Avenue, the Carnegie Sunset Branch Library as Landmark No. 239 Pursuant To Article 10, Sections 1004 And 1004.4 Of The Planning Code. (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Supervisors Peskin,
McGoldrick, Maxwell
26.

040450

[Designating 3150 Sacramento Street, the Carnegie Presidio Library, as a Landmark Under Planning Code Article 10]

Ordinance designating 3150 Sacramento Street, the Carnegie Presidio Branch Library as Landmark No. 240 Pursuant To Article 10, Sections 1004 And 1004.4 Of The Planning Code. (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Supervisors Peskin,
McGoldrick, Maxwell

Recommendations of the Rules Committee

Present: Supervisors Maxwell, Alioto-Pier

27.

040532

[Establishing a Police Department Citizens Advisory Committee]

Ordinance amending Article IV, Chapter 2A of the San Francisco Administrative Code by adding Section 2A.87, to establish the Police Department Citizens Advisory Committee as an advisory committee to the Board of Supervisors.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Supervisor Maxwell
- Present: Supervisors Maxwell, Alioto-Pier, Gonzalez*

28. 040541 [Commendation - Kamala Harris]

**Supervisors Daly, Gonzalez,
Ammiano, Maxwell**

Resolution commending the San Francisco District Attorney Kamala Harris for not pursuing the death penalty, and reaffirming the City's support for our District Attorney.

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.*

**29. 040566 [Public Hearing - Minor Sidewalk Encroachment
Appeal - 32 Rivoli Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works by its letter dated April 14, 2004, approving Minor Sidewalk Encroachment Permit No. 04MSE-042 to legalize the construction of a new warped driveway and planter box extending 19-inches into the public right-of-way to provide for a new garage at 32 Rivoli Street. (Appellant: Carol Opotow.)

(Filed 4/26/04; companion measure to Files 040566, 040567; 040568; District 5.)

Action: _____

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

**30. 040567 [Minor Sidewalk Encroachment Appeal - 32 Rivoli
Street]**

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 32 Rivoli Street and denying the appeal. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

**31. 040568 [Minor Sidewalk Encroachment Appeal - 32 Rivoli
Street]**

Motion disapproving the decision of the Director of Public Works' approval of a Minor

Sidewalk Encroachment Permit at 32 Rivoli Street and denying the Encroachment Permit
(Clerk of the Board)

Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 4:30 P.M.

**32. 040524 [Public Hearing - Appeal, Final Amended Mitigated
Negative Declaration for 833-881 Jamestown Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated March 25, 2004, approving a final amended mitigated negative declaration for the proposed condominium project located at 833-881 Jamestown Avenue, on Assessor's Block 4991, Lot 277. (Appellant: Ralph D. House, President, Bayview Hill Neighborhood Association.)

(Filed April 26, 2004; companion measure to Files 040525, 040526, 040527; District 10.)

5/18/2004, CONTINUED. Continued to May 25, 2004 at 4:30 p.m.

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.

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

**33. 040525 [Affirming adoption of the negative declaration for
833-881 Jamestown Avenue]**

Motion affirming Planning Commission adoption of the final negative declaration for 833-881 Jamestown Avenue. (Clerk of the Board)

5/18/2004, CONTINUED. Continued to May 25, 2004 at 4:30 p.m.

Question: Shall this Motion be ADOPTED?

**34. 040526 [Reversing adoption of the negative declaration for
833-881 Jamestown Avenue]**

Motion reversing the Planning Commission adoption of the final negative declaration for 833-881 Jamestown Avenue. (Clerk of the Board)

5/18/2004, CONTINUED. Continued to May 25, 2004 at 4:30 p.m.

Question: Shall this Motion be ADOPTED?

35. 040527 [Preparation of findings to reverse adoption of the

negative declaration for 833-881 Jamestown Avenue]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for 833-881 Jamestown Avenue. (Clerk of the Board)

5/18/2004, CONTINUED. Continued to May 25, 2004 at 4:30 p.m.

Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 4:30 P.M.

36. 040485 [Public Hearing - Appeal, Conditional Use - 833-881 Jamestown Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16755 dated March 25, 2004 authorizing a conditional use authorization, Case No. 1999.0233C, under Planning Code Sections 209.1(g) and 304 for a Planned Unit Development with up to 198 dwelling units and 216 off-street parking spaces within an RH-2 (Residential, House, Two-Family) Use District and a 40-X Height and Bulk District, on property located at 833-881 Jamestown Avenue, west of Candlestick Park at the northern base of Bayview Hill; Lot 277 in the Assessor's Block 4991. (Appellant: Ralph D. House, President, Bayview Hill Neighborhood Association.)

(Filed April 26, 2004; companion measure to Files 040486, 040487, 040488; District 10.)

5/18/2004, CONTINUED. Continued to May 25, 2004 at 4:30 p.m.

Action:_____

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.)

37. 040486 [Appeal, Conditional Use - 833-881 Jamestown Avenue]

Motion approving decision of the Planning Commission by its Motion No. 16755, approving Conditional Use Application No. 1999.0233C on property located at 833-881 Jamestown Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

5/18/2004, CONTINUED. Continued to May 25, 2004 at 4:30 p.m.

Question: Shall this Motion be ADOPTED?

38. **040487** **[Appeal, Conditional Use 833-881 Jamestown Avenue]**
Motion disapproving decision of the Planning Commission by its Motion No. 16755, approving Conditional Use Application No. 1999.0233C on property located at 833-881 Jamestown Avenue. (Clerk of the Board)

5/18/2004, CONTINUED. Continued to May 25, 2004 at 4:30 p.m.

Question: Shall this Motion be ADOPTED?

39. **040488** **[Findings - 833-881 Jamestown Avenue]**
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 1999.0233C on property located at 833-881 Jamestown Avenue, for action by the Board at its next meeting. (Clerk of the Board)

5/18/2004, CONTINUED. Continued to May 25, 2004 at 4:30 p.m.

Question: Shall this Motion be ADOPTED?

COMMITTEE REPORTS

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

The following item will be considered by the Finance and Audits Committee at a recessed meeting on Tuesday, May 25, 2004 at 9:45 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report.

- | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------------|----------------------|
| 40. | 040343 | [Taxi Legislation] | Supervisors Daly, Ma |
| <p>Ordinance amending the San Francisco Police Code by: amending Sections 1076 and 1081, to state a test, measured as 800 cumulative hours per year, for satisfying the driving requirement imposed on taxi and ramped taxi permit holders and to authorize modification of that cumulative hours test to accommodate disabled permit holders; amending Sections 1121 and 1148.1, to set requirements, including prior driving experience, for taxi and ramped taxi permit applicants; and, adding Sections 1186, 1187, and 1188, to establish administrative penalties and procedures for violations of the full-time driving requirement and for violations of the Taxi Commission's rules and regulations.</p> <p>Question: Shall this Ordinance be PASSED ON FIRST READING?</p> | | | |

- ## 41. 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.

- ## 42. 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 43 through 50

- 43. 040668 [Commodity Supplemental Food Program] Supervisors Dufty, Alioto-Pier, Ammiano, Daly, Ma, Maxwell**
- Resolution urging the Mayor, the California Department of Education and the United States Department of Agriculture to allocate funding to allow the Commodity Supplemental Food Program to remain in San Francisco.
- 5/18/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
-
- 44. 040669 [Supporting AB 2857] Supervisor Ma**
- Resolution supporting California Assembly Bill 2857 (AB 2857), which would amend California Revenue and Taxation Code Section 1604 in view of a recent Court of Appeal decision by providing that where a county board of equalization ("CBOE;" in some counties, a/k/a the assessment appeals board or "AAB") does not timely decide taxpayer's application for a one-year reduction of assessed value of real property (based on a decline in value, usually attributed to market downturn) or personal property on the local property tax rolls, the taxpayer's opinion of value will be entered on the roll as the basis for calculating property taxes only for the one tax year covered by the application and not for multiple subsequent tax years.
- 5/18/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
-
- 45. 040670 [Contract Approval - SFGH Services Building seismic upgrade and repair sole source consulting engineer services agreement exceeding ten years] Supervisor Ammiano**
- Resolution approving the award of a contract by the City and County of San Francisco, through its Department of Public Works, to Forrell-Elssesser Engineers, Inc. for consulting engineer services for the San Francisco General Hospital Services Building Seismic Upgrade.

5/18/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

46.

040671

[Condemning the federal raid in the immigrant community]

Resolution urging the Federal Bureau of Investigations and the Immigrations and Customs Enforcement to send a well-publicized message to the immigrant community in San Francisco that INS raids will not be pursued in immigrant communities.

5/18/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Supervisor Ammiano
47.

040672

[Urging the relocation of Peter Voulkos' bronze sculpture currently sited at the Hall of Justice]

Resolution urging the relocation of Peter Voulkos' sculpture currently sited at the Hall of Justice due to its inaccessibility, poor siting, lack of public viewing and neglect as a major work of art in San Francisco.

5/18/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Supervisor Gonzalez
48.

040673

[Recognizing May 2004 as Foster Care Month]

Resolution recognizing May 2004 as Foster Care Month.

5/18/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Supervisors Maxwell, Dufty
49.

040674

[Commending Ralph D. House]

Resolution commending Ralph D. House for his dedication and exemplary service to the community

5/18/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Supervisor Maxwell
50.

040640

[Needle Exchange Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

5/18/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

Supervisors Ammiano, Daly,
Peskin, McGoldrick, Maxwell,
Dufty

*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 May 11, 2004 through May 17, 2004, for reference by President to appropriate committee on May 25, 2004.

040632 [Settlement of Lawsuit - Michael Stamper]
Ordinance authorizing settlement of the lawsuit filed by Michael Stamper against the City and County of San Francisco for \$157,500.00; the lawsuit was filed on October 31, 2003 in

San Francisco Superior Court, Case No. 425-974, entitled Michael Lavon Stamper v. City and County of San Francisco, et al. (City Attorney)

5/17/2004, RECEIVED AND ASSIGNED to Rules Committee.

040633 [General Plan Amendment in connection with 55 Ninth Street]

Ordinance amending the San Francisco General Plan in connection with approvals for the proposed State Compensation Workers Fund office building at 55 Ninth Street; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendments is consistent with the eight Priority Policies of Planning Code Section 101.1. (Planning Department)

5/18/2004, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 6/17/2004.

040634 [Settlement of Lawsuit]

Ordinance ratifying the April 15, 2002 settlement of the lawsuit filed by City and County of San Francisco against Glometro Inc. and Nancy Ho Belli; the April 15, 2002 settlement agreement set forth various terms and required defendants to pay the amount of \$140,000; the lawsuit was filed on April 5, 2001 in San Francisco Superior Court, Case No. 320-263; entitled City and County of San Francisco et al. v. Glometro Inc., Nancy Ho Belli, et al. (City Attorney)

5/17/2004, RECEIVED AND ASSIGNED to Rules Committee.

040661 [Zoning Map amendment reclassifying the height and bulk limits of Assessor's Block 3701, Lot 063]

Ordinance amending Zoning Map Sheet 7H of the City and County of San Francisco to reclassify the height and bulk limits of the property at 55 Ninth Street, Lot 063 in Assessor's Block 3701, from 120-X to 200-S, adopting findings pursuant to the California Environmental Quality Act, and making findings of consistency with the priority policies of Planning code Section 101.1 and the General Plan. (Planning Department)

5/18/2004, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 6/17/2004.

PROPOSED RESOLUTIONS

Proposed resolutions received from May 11, 2004 through May 17, 2004, for reference by President to appropriate committee on May 25, 2004.

040635 [Increase patient access to care by removing physical, linguistic and other barriers to care]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend a grant in the amount of \$426,085 from the San Francisco Health Plan Access Enhancement Fund (SFHPAEF) to increase patient access to health care services and to enter into an agreement, which includes an indemnification clause, for the use of these funds; for the period of January 1, 2004, to June 30, 2006 (Public Health Department)

5/11/2004, RECEIVED AND ASSIGNED to City Services Committee.

040636 [Amendment to Lease of Real Property]

Resolution authorizing the amendment to lease of real property located at 598 Portola, San Francisco, California with Twin Peaks Petroleum, Inc., a California corporation doing business as Twin Peaks Auto Care (Tenant) successor in interest to Michael Gharib. (Real Estate Department)

5/17/2004, RECEIVED AND ASSIGNED to Finance and Audits Committee.

040637 [Grant of Regional Funds]

Resolution authorizing the Municipal Transportation Agency to accept and expend \$534,401 of Carl Moyer grant funds for the Municipal Railway Bus Catalyst Device Procurement, excluding administrative overhead costs. (Municipal Transportation Agency)

5/14/2004, RECEIVED AND ASSIGNED to Land Use Committee.

040638 [Emergency Interim Agreement for Towing, Storage and Disposal of Abandoned and Illegally Parked Vehicles]

Resolution approving the Emergency Interim Service Agreement and Property Use License for Towing, Storage and Disposal of Abandoned and Illegally Parked Vehicles by and between the City and County of San Francisco and TEGSCO, LLC, d.b.a. San Francisco AutoReturn, and a Transition Agreement between the City, San Francisco AutoReturn, and City Tow. (Parking and Traffic Department)

5/14/2004, RECEIVED AND ASSIGNED to Land Use Committee.

040676 [Petitions and Communications]

Petitions and Communications received from May 11, 2004 through May 17, 2004, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on May 25, 2004.

From concerned citizens, submitting opposition to the proposed closing of the Sunset Center.(1)

From Department of Public Health, submitting request for waiver of Administrative Code Chapters 12B and 12C for Lake Shore Learning Materials and Toys-R-Us to continue the acquisition of children's toys that are used as therapeutic aids for outpatient mental health clinics and rehabilitation programs of the Community Health Network.(2)

From concerned citizens, submitting opposition to proposed legislation that imposes a Conditional Use requirement for large-scale retail in excess of 50,000 gross square feet outside of the C-3 zoning districts and in excess of 90,000 gross square feet within the C-3 zones. File 031463(3)

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

From the Police Commission, submitting list of resolutions passed at the May 5, 2004 Police Commission meeting.(5)

From State Office of Homeland Security, submitting notice of grant application and Phase II funding for \$18,152,312 for grant performance period from July 1, 2003 through June 30, 2005.(6)

From Department of Public Health, submitting request for waiver of Administrative Code Chapters 12B and 12C for Safeway and Cala Foods for continued purchase of food and food vouchers for the Department's Incentives and Enabler Programs at Tuberculosis Control, the Sexually Transmitted Disease Prevention unit and the HIV/AIDS service unit, and the day treatment client food programs at the Mental Health clinics.(7)

From Office of the Controller, submitting report entitled City Survey 2004: San Francisco Residents Rate City Services. Copy: Each Supervisor(8)

From Office of the Controller, submitting report of the Economic Opportunity Council of San Francisco's (EOC) governance and administration of the Commodity Supplemental Food Program. Copy: Supervisors Gonzalez, Daly, Ma, Dufty(9)

From Department of Public Works, submitting notice that appellants' signature with respect to 833-881 Jamestown Avenue represent owners of more than 20% of the area involved and are therefore sufficient for appeal. File 040485(10)

From S. F. Architectural Heritage, submitting support for the historic landmark designation of the New Mission Theater located at 2550 Mission Street. File 040443(11)

From Planning Department, submitting notice of environmental review for proposed legislation that defines adult entertainment use and location restrictions.File 040324(12)

From Office of the City Attorney, submitting monthly report of total number of hours of service provided from March 1 to March 31, 2004.(13)

From Fire Department, submitting report of annual inspection relating to fire and life safety for the Taraval Police Station at 2345 - 24th Avenue.(14)

From Teamsters Union Local 856, urging the Board to support keeping the City's Employee Assistance Program (EAP) staff to the current minimum of three full-time employees, reversing the Department of Public Health's attempt to reduce the necessary services that the EAP provides to City employees.(15)

From S.F. International Airport, submitting notice that Newsweek Budget Travel, a regular on-line feature of MSNBC has named San Francisco International Airport the best airport in the United States for business travelers.(16)

From James Chaffee, regarding the resignation of the City Librarian Susan Hildreth.(17)

From UCSF, submitting copy of letter sent to Director of Animal Care and Control, commending Officer Richardson on her competent and caring ways with animals of pet owners who are hospitalized unexpectedly.(18)

From William Schmid, inquiring if the Board of Supervisors have taken a voluntary pay cut to decrease the budget deficit.Copy: Each Supervisor(19)

From concerned citizens, regarding harassment, citation and arrests of individuals at Crissy Field, Ocean Beach and Ft. Funston under the Federal Leash Law.(20)

From Mary Zemanek, submitting opposition to Conditional Use for Verizon Wireless installing 4 cellular antennas and related equipment at 2599 Lombard Street.File 040428(21)

From Mayor's Memorial Day Citizen's Committee, submitting notice of the 136th San Francisco Memorial Day Ceremony at the Presidio's San Francisco National Cemetery on May 31, 2004, starting at 11:00 a.m. Copy: Each Supervisor(22)

From Comcast Cable Communications Inc., submitting notice that effective June 1, 2004 Comcast will relocate the Jade Basic Channel on the standard service level from its current location on Channel 71 to Channel 68.(23)

From Planning Department, regarding appeal of Planning Commission decision regarding 833-881 Jamestown Avenue. File 040485(24)

ADJOURNMENT

Meeting Procedures

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

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

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

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

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

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

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

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

Contact Ohn Myint at (415) 554-7704.

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



Disability access

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

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro

stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

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

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

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

This advance notice will help ensure availability.

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

ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org

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

Lobbyist Registration and Reporting Requirements

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