

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689*

MEETING MINUTES

Tuesday, September 16, 2003 2:00 PM

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

Regular Meeting

MATT GONZALEZ, PRESIDENT
TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, TONY HALL,
FIONA MA, SOPHIE MAXWELL, JAKE MCGOLDRICK,
GAVIN NEWSOM, AARON PESKIN, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget Committee

Supervisors Daly, Peskin, Maxwell, Ma, Gonzalez

City and School District Select Committee

Chair Maxwell, Supervisor Ammiano, Supervisor Ma, Commissioner Cruz, Commissioner Sanchez, Co

City Services Committee

Supervisors Dufty, Ma, Newsom

Finance and Audits Committee

Supervisors Peskin, Sandoval, McGoldrick

Land Use Committee

Supervisors McGoldrick, Maxwell, Ammiano

Rules Committee

Supervisors Hall, Dufty, Gonzalez

Meeting Days

Thursday
1:00 PM

2nd Monday, bi-monthly
4:00 PM

Thursday
9:30 AM

Wednesday
12:30 PM

Monday
1:00 p.m.

Wednesday
9:30 AM

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Matt Gonzalez, Tony Hall, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:12 p.m. On the call of the roll, all Supervisors were noted present. Quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Daly, moved to approve August 12, 2003 and August 19, 2003 Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the City Services Committee

031126 [Liquor License Transfer, One Tillman Place]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from Pier 28, The Embarcadero to One Tillman Place (District 3), to Aqua Azul, LLC for Azul, will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 595-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031192 [Liquor License Transfer, 662 Mission Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 811 Valencia Street to 662 Mission Street (District 6), to Shawman Group, LLC, dba "Fluid", will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 598-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031214 [Liquor License Transfer, 550-15th Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 536 Golden Gate Avenue to 550-15th Street (District 6), to Peter Glikshtern dba "Five50, Inc.", will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

Resolution No. 600-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031402 [Extension of the First Source Hiring Program]

Supervisors Maxwell, Dufty, Newsom, Ammiano, McGoldrick, Sandoval

Ordinance amending the San Francisco Administrative Code by amending Section 83.18 to extend the expiration date of the provisions of the First Source Hiring Program by one year.

Ordinance No. 228-03

FINALLY PASSED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031336 [Study of at-risk and HIV positive youth in San Francisco]

Supervisors Dufty, Newsom

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$19,800 with The Regents of the University of California San Francisco (UCSF), the primary contractor, to participate in a study of at-risk and HIV positive youth in San Francisco, for the period of March 1, 2003, to February 29, 2004. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 596-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031337 [Emergency Medical Services Fund Reimbursement]

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health, Emergency Medical Services (SFDPH, EMS) to accept and expend retroactively funds in the amount of \$920,650 from the Emergency Medical Services Fund (EMSF) to reimburse providers for emergency medical services rendered during the period of July 1, 2002 to June 30, 2004, and for administrative costs associated with this program. (Public Health Department)

(No Public Benefit Recipient.)

Resolution No. 597-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendations of the Finance and Audits Committee**031274 [Conservatory of Flowers - Fees]
Supervisor McGoldrick**

Ordinance making environmental findings and amending the San Francisco Park Code by adding Section 12.34 to establish the admission fees for the Conservatory of Flowers.

Ordinance No. 231-03

FINALLY PASSED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031399 [Stow Lake and Spreckels Lake restoration, sole source contract]
Mayor, Supervisor Hall**

Ordinance authorizing the Recreation and Park Department to negotiate and enter into a sole-source contract with Aquatic Environments, Inc., Alamo, California, to dredge Stow Lake and Spreckels Lake, install aeration and circulation equipment and repair the Lake edge.

Ordinance No. 227-03

FINALLY PASSED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendation of the Land Use Committee**031194 [Recreation and Park Commission to procure construction and design/build services in connection with the California Academy of Sciences project]
Mayor, Supervisors Ammiano, Hall**

Ordinance authorizing the Recreation and Park Commission to award contracts for construction and/or design/build services in connection with the reconstruction of the California Academy of Sciences. (Mayor)

Ordinance No. 229-03

FINALLY PASSED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Finance and Audits Committee

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

**030848 [General Assistance-In-kind Assistance]
Supervisors Newsom, Dufty, Sandoval, McGoldrick, Peskin**

Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003.

Supervisor Ma, seconded by Supervisor Dufty, moved an amendment of the whole.

The motion failed by the following vote:

Ayes: 3 - Dufty, Ma, Newsom

Noes: 8 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Peskin, Sandavol

NOT PASSED ON FIRST READING by the following vote:

Ayes: 5 - Dufty, McGoldrick, Newsom, Peskin, Sandoval

Noes: 6 - Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell

From the Finance and Audits Committee "Without Recommendation"

**031361 [General Assistance-In-Kind Assistance; Department of Human Services Care Fund]
Supervisors Hall, Newsom**

Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003; and amending the San Francisco Administrative Code by adding Section 10.100-77, to establish a Department of Human Services Care Fund, defining terms, identifying revenues, restricting permissible uses, providing for verification and adjustment of appropriations, and limiting expenditures in excess of the fund cap.

Supervisor McGoldrick dissenting.

Supervisor Hall, seconded by Supervisor Ammiano, moved that this Ordinance be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Newsom

Recommendations of Finance and Audits Committee

**031238 [Establishing a Department of Human Services Care Fund]
Supervisors Hall, Newsom, Peskin**

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-77, to establish a Department of Human Services Care Fund, defining terms, identifying revenues, restricting permissible uses, providing for verification and adjustment of appropriations, and limiting expenditures in excess of the fund cap.

(Fiscal impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recess

The Board recessed at the hour of 3:24 p.m.

Reconvening of the Board

The Board at the hour of 3:43 p.m. reconvened.

Calling the Roll

*On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Daly, Dufty, Hall, Gonzalez, Ma, Maxwell, Newsom, Peskin - 9*

Quorum present.

Supervisors Daly and McGoldrick were noted present at 3:45 p.m.

**031240 [Establishing Cash for Care Special Account]
Supervisor McGoldrick**

Ordinance amending Section 10.100 of the San Francisco Administrative Code to establish the Cash for Care Special Account to receive, administer and fund programs for the homeless of San Francisco.

(Fiscal impact.)

Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Ordinance be RE-REFERRED to the Finance and Audits Committee. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031241 [Expanding Eligibility to Participate in Annual Joint Fundraising Drive]
Supervisor McGoldrick**

Ordinance amending Section 16.93-2 of the San Francisco Administrative Code to allow the Cash for Care Special Account to participate in the annual joint fundraising drive.

Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Ordinance be RE-REFERRED to the Finance and Audits Committee. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

**031244 [Glen Park Branch Library]
Supervisor Dufty**

Ordinance approving and authorizing the Director of Property to execute an Agreement of Purchase and Sale of Real Property with Glen Park Marketplace Phoenix, LLC, for the purchase of a condominium unit in a mixed use project to be located at Diamond and Wilder Streets for use as the Glen Park branch of the San Francisco Public Library; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance 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, make certain modifications and take certain actions in furtherance of this Ordinance.

(Fiscal impact.)

Ordinance No. 230-03

FINALLY PASSED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recommendation of the City Services Committee

020061 [Banner Regulations]
Supervisors Dufty, Ma

Ordinance amending and adding to Section 184.78 of the Public Works Code make findings as to the purposes served by banners, to create five categories of permitted banners, to prohibit banners in residential districts, to restrict banners in certain neighborhood commercial and residential commercial districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to index those fees, beginning in fiscal year 2004-2005, to the Consumer Price Index, to provide appropriate penalties for violations of Section 184.78, and to provide that bonds may be required to be posted prior to receipt of a banner permit and finding that the Ordinance is exempt/excluded from environmental review.

Supervisor Newsom, seconded by Supervisor Ma, moved that this Ordinance be RE-REFERRED to the City Services Committee. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

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

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Daly, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant the privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Supervisor Dufty introduced, welcomed, and presented Certificates of Honor to Members of the 2002-2003 Civil Grand Grand Jury, William Bush, Jess Centeno, Rosemary De Gregorio, Susan Hirsch, George Kloves, Richard Matthews, Jack McNulty, Inez Skourkes, and Pauline Walker.

Supervisor Daly introduced, welcomed, and presented Certificates of Honor to Members of the Immigrant Workers Freedom Ride.

SPECIAL ORDER 4:00 P.M.

031370 [Public Hearing]

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

The President inquired if there was anyone who wished to address the Board. There being no response, the President declared the Public Hearing Closed.

HEARD AT PUBLIC HEARING.

- 031371 [Report of assessment costs for sidewalk and curb repairs - DPW Order 174,073]**
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)
- (No Public Benefit Recipient; DPW Order 174,073; Location: 1751 Silver Avenue.)
- Resolution No.** 601-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
- 031372 [Public Hearing]**
Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)
- The President inquired if there was anyone who wished to address the Board.
There being no response, the President declared the Public Hearing Closed.*
- HEARD AT PUBLIC HEARING.**
- 031373 [Report of assessment costs for sidewalk and curb repairs - DPW Order 174, 227]**
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)
- (No Public Benefit Recipient; DPW Order No. 174,227; Locations: 279-283 Dolores Street; 439 Guerrero Street.)
- Resolution No.** 602-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
- 031374 [Public Hearing]**
Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)
- The President inquired if there was anyone who wished to address the Board.
There being no response, the President declared the Public Hearing Closed.*
- HEARD AT PUBLIC HEARING.**
- 031375 [Report of assessment costs for sidewalk and curb repairs - DPW Order 174, 249]**
Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)
- (No Public Benefit Recipient; DPW Order No. 174,249; Locations: 170 Flood Avenue; 1272-1274 Page Street.)
- Resolution No.** 603-03
ADOPTED by the following vote:
Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031445 [Public Hearing]

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board)

*The President inquired if there was anyone who wished to address the Board.
There being no response, the President declared the Public Hearing Closed.*

HEARD AT PUBLIC HEARING.

031446 [Report of assessment costs for sidewalk and curb repairs - DPW Order 174,311]

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,311; Locations: 800 Shrader Street; 1062 Goettingen Street; 449 Frederick Street.)

Resolution No. 612-03

ADOPTED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

SPECIAL ORDER 4:30 P.M.

Supervisor Newsom was previously excused from voting on this matter.

031265 [Appeal, Mitigated Negative Declaration - 2026 Lombard Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16595 adopted June 12, 2003, approving a mitigated negative declaration for the proposed development at 2026 Lombard Street.

(Appeal filed July 14, 2003 by Stephen M. Williams, Esq.; companion measure to Files 031266, 031267, 031268.)

Stephen Williams, Appellant

Support of appellant:

Joseph Michelucci, Geotec Engineer; Frank Rollo, Geotec Engineer; Ms. Pat Vaughey; Kate Gillespie; Dr. Roger; Andy Fields; Ken Johnson; Hanson Wong, Department of Building Inspection.

Department of Planning Representatives reviewed with Board the Planning Commission's recommendation.

Paul Maltzer, Planning Department.

M. Brett Gladstone, Project Sponsor

Support of sponsor:

Mr. McDaniels; Steward During, Law Consultant; Luba Wyznycky, Law Consultant

The President inquired if there was anyone else who wished to address the Board.

There being no response, the President declared the Public Hearing Closed.

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From the Clerk**(Only one of the following two motions should be adopted.)****031266 [Affirming adoption of the negative declaration for 2026 Lombard Street]**

Motion affirming the Planning Commission adoption of the negative declaration for 2026 Lombard Street.
(Clerk of the Board)

Motion No. M03-167

Supervisor Peskin, seconded by Supervisor Hall, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Dufty, Hall, Ma, Maxwell, Peskin, Sandoval

Noes: 3 - Daly, Gonzalez, McGoldrick

Excused: 1 - Newsom

- 031267 [Reversing adoption of the negative declaration for 2026 Lombard Street]
Motion reversing the Planning Commission adoption of the negative declaration for 2026 Lombard Street.

TABLED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

- 031268 [Preparation of findings to reverse adoption of the negative declaration for 2026 Lombard Street]
Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for 2026 Lombard Street Project. (Clerk of the Board)

TABLED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

SPECIAL ORDER 4:30 P.M.

- 031232 [Public Hearing - Appeal, Conditional Use - 2026 Lombard Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16596 dated June 12, 2003 approving a conditional use authorization, Case No. 2002.0497C, to allow the construction of an approximately 49,000 square foot 97 room tourist hotel with 78 off-street parking spaces on a lot containing approximately 13,600 square feet, pursuant to Planning Code Sections 712.11, 712.21, 712.55 and 303, in an NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District, located at 2026 Lombard Street, north side between Fillmore and Webster Streets, Lot 025 in Assessor's Block 0492.

(Appeal filed July 14, 2003 by Stephen M. Williams, Esq. The project received a Preliminary Mitigated Negative Declaration (PMND) from the Planning Department on March 29, 2003. The PMND was appealed; Planning upheld the PMND on June 12, 2003; companion measure to Files 031232, 031233, 031234, 031235, 031236; District 2).

Stephen Williams, Esq., Appellant

Support of appellant:

Jay Scott; Roger Arlen; Sandy Arlen; Robert; Mr. Maroso; Andy Fields; Tina Sprouse; male speaker; male speaker; Dr. Roger; Pat Vaughey; Ken Johnson.

Department of Planning Representatives reviewed with Board the Planning Commission's recommendation.

Jean Paul Samaha, Planning Department.

M. Brett Gladstone, Project Sponsor

Support of Sponsor:

Ken Matterson; Segrud Engelen; Renee Corbett; John Love, CPA; Mohammad; Jim Maxwell, Marina Homeowners Association; female speaker; Sonja Gonzalez; Linda Santana; male speaker; Rick Romono; Conan Russell; Joyce Martini; Richard.

Stephen Williams, appellant rebuttal period.

The President inquired if there was anyone else who wished to address the Board.

There being no response, the President declared the Public Hearing Closed.

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From the Clerk**(Only one of the following two motions should be adopted.)****031233 [Appeal, Conditional Use - 2026 Lombard Street]**

Motion approving decision of the Planning Commission by its Motion No. 16596 approving Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

TABLED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

031234 [Appeal, Conditional Use - 2026 Lombard Street]

Motion disapproving decision of the Planning Commission by its Motion No. 16596 approving Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Supervisor McGoldrick, seconded by Supervisor Dufty, moved an amendment of the whole. Further amended by Supervisor Peskin.

Supervisor McGoldrick, seconded by Supervisor Dufty, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Ma
Excused: 1 - Newsom

Motion No. M03-168

APPROVED AS AMENDED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Ma
Excused: 1 - Newsom

031236 [Environmental Review - 2026 Lombard Street]

Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property at 2026 Lombard Street. (Clerk of the Board)

Motion No. M03-156

APPROVED by the following vote:

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Newsom

031235 [Findings - 2026 Lombard Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M03-155

Supervisor Peskin, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

SPECIAL ORDER 4:30 P.M.

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

031364 [Public Hearing - Appeal, 600 Portola Drive Tentative Subdivision Map]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated August 4, 2003, approving tentative/parcel map to legalize the construction of an 18 unit new condominium mixed-use project at 600 Portola Drive, San Francisco.

(Appeal Filed August 7, 2003 by Mr. Man Poon; companion measure to Files 031364, 031365, 031366, 031367; District 7.)

Speakers: Mr. Man Poon, Appellant; John Kwong; John Martin, Representative, Department of Public Works.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From the Clerk**(Only one of the following two motions should be adopted.)****031365 [600 Portola Drive Tentative Subdivision Map]**

Motion approving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive. (Clerk of the Board)

Motion No. M03-157

Supervisor Peskin, seconded by Supervisor Hall, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin

Absent: 1 - Sandoval

031366 [600 Portola Drive Tentative Subdivision Map]

Motion disapproving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Ma, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin

Absent: 1 - Sandoval

031367 [Findings - 600 Portola Drive]

Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive. (Clerk of the Board)

Motion No. M03-158

Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 1 - Sandoval

Recess

The Board recessed at the hour of 9:45 p.m.

Reconvening of the Board

The Board at the hour of 10:10 p.m. reconvened

Calling the Roll

*On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick - 7*

Quorum present

SPECIAL ORDER 5:00 P.M.**031449 [Public Hearing - Appeal, Final EIR for the Golden Gate Park Concourse Authority Projects]**

Hearing of persons interested in or objecting to the Planning Commission certification of the Final Environmental Impact Report Case No. 2001.911E, dated July 24, 2003, for the Golden Gate Park Concourse Authority Projects, located between the California Academy of Sciences and the M.H. De Young Museum in Golden Gate Park, known as the Music Concourse Area. (Appellant: Stephen L. Willis).

(Filed 8/13/03; companion measure to Files 031450, 031451, 031452.)

Appellants: Chris Duderstadt; Mary Anne Miller; Stephen Willis.

Support of appellant:

Denise D'Anne; Arthur Chan; Don Echenberg, SF Green Party; Mike Smith; Mark Solomon; Josh Hart, SF Bicycle Coalition; Fredrick Hobson; Richard Kaufman, Walk SF; John Winston; Andy Norman; Eric; Cheryl Brickman, Vice President, Pedestrian Safety Advisory Committee; Peggy Kushner, Sierra Club; female speaker; Janice Rothstein; Amad Jowel; Steven; female speaker; male speaker; Tess; Katherine Roberts. Department of Planning Representatives reviewed with Board the Planning Commission's recommendation. Paul Maltzer, Planning Department; John Malamut, Deputy City Attorney; Jay Turnbold, Architect.

Support of project sponsor:

Mike Ellzey, Concourse Authority; Nancy Conner, President, Concourse Authority; Diane Wilsey, President, De Young Museum; Harry Parker, Fine Arts Museum; Ron McGill; Randolph Scott, Fine Arts Museum; Jim Chapple, SPUR; Patrick Kociolek, Academy of Science; Elizabeth Dunlap; Sandra Tracey, North Park Neighborhood Association; Michelle Straton; Dan McKenna, Recreation and Park.

The President inquired if there was anyone else who wished to address the Board.

There being no response, the President declared the Public Hearing Closed.

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

From the Clerk**(Only one of the following two motions should be adopted.)****031450 [Affirm certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects]**

Motion affirming the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects. (Clerk of the Board)

Motion No. M03-161

Supervisor Hall, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Gonzalez

031451 [Reverse certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects]

Motion reversing the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects. (Clerk of the Board)

TABLED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031452 [Preparation of findings to reverse certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects]

Motion directing the Clerk of the Board to prepare findings specifying the basis for the Board of Supervisors' reversal of the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects. (Clerk of the Board)

TABLED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

SPECIAL ORDER 5:00 P.M.**031481 [Public Hearing - Appeal, Final EIR for the Golden Gate Park Concourse Authority Projects]**

Hearing of persons interested in or objecting to the Planning Commission certification of the Final Environmental Impact Report Case No. 2001.911E, dated July 24, 2003, for the Golden Gate Park Concourse Authority Projects, located between the California Academy of Sciences and the M.H. De Young Museum in Golden Gate Park, known as the Music Concourse Area. (Appellants: Christopher Duderstadt, Mary Anne Miller for the Alliance for Golden Gate Park, and Stephen L. Willis).

(Filed 8/13/03; companion measure to Files 031482, 031483, 031484.)

Appellants: Chris Duderstadt; Mary Anne Miller; Stephen Willis.

Support of appellant:

Denise D'Anne; Arthur Chan; Don Echenberg, SF Green Party; Mike Smith; Mark Solomon; Josh Hart, SF Bicycle Coalition; Fredrick Hobson; Richard Kaufman, Walk SF; John Winston; Andy Norman; Eric; Cheryl Brickman, Vice President, Pedestrian Safety Advisory Committee; Peggy Kushner, Sierra Club; female speaker; Janice Rothstein; Amad Jowel; Steven; female speaker; male speaker; Tess; Katherine Roberts. Department of Planning Representatives reviewed with Board the Planning Commission's recommendation. Paul Maltzer, Planning Department; John Malamut, Deputy City Attorney; Jay Turnbold, Architect.

Support of project sponsor:

Mike Ellzey, Concourse Authority; Nancy Conner, President, Concourse Authority; Diane Wilsey, President, De Young Museum; Harry Parker, Fine Arts Museum; Ron McGill; Randolph Scott, Fine Arts Museum; Jim Chapple, SPUR; Patrick Kociolek, Academy of Science; Elizabeth Dunlap; Sandra Tracey, North Park Neighborhood Association; Michelle Straton; Dan McKenna, Recreation and Park.

The President inquired if there was anyone else who wished to address the Board.

There being no response, the President declared the Public Hearing Closed.

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

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

- 031482 **[Affirm certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects]**
Motion affirming the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects. (Clerk of the Board)
Motion No. M03-162
Supervisor Hall, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:
 Ayes: 8 - Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
 Noes: 3 - Ammiano, Daly, Gonzalez
- 031483 **[Reverse certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects]**
Motion reversing the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects. (Clerk of the Board)
TABLED by the following vote:
 Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
- 031484 **[Preparation of findings to reverse certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects]**
Motion directing the Clerk of the Board to prepare findings specifying the basis for the Board of Supervisors' reversal of the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects. (Clerk of the Board)
TABLED by the following vote:
 Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Recess

The Board recessed at the hour of 1:30 a.m.

Reconvening of the Board

The Board at the hour of 1:51 a.m. reconvened

Calling the Roll

*On call of the roll, the following Supervisors were noted present:
Supervisors Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell - 7*

Quorum present

SPECIAL ORDER 6:00 P.M.**031440 [Public Hearing - Appeal, Conditional Use - 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard)]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16614 dated July 17, 2003, approving a conditional use authorization, Case No. 2002.0430C, to mount a total of six panel antennas and related equipment on an approximately 53-foot tall commercial building as part of AT&T Wireless Services telecommunications network within an NC-3 (Moderate-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, pursuant to Section 712.83 of the Planning Code, on property located at 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard), on the northwest corner of 9th Avenue and Geary Boulevard; Lot 035, in Assessor's Block 1441. (Appellant: Betty Chao)

(Appeal filed August 15, 2003; categorically exempt from the environmental review process (CEQA) pursuant to exemption Classes 1, 3 and 11 of Title 14 of the California Administrative Code.; companion measure to Files 031441, 031442, 031443; District 1.)

Betty Chiao, Appellant

Support of appellant:

Megan Sullivan; Grace Young; Robert Blum; Lynn Elman; Helen; speakers reading letters on behalf of Star of Sea Church and School; Frank; Mary Ann Duke; Annette Wo; Sharon; Kenneth Low; Janice Rothstein; Bennie Lu; Ken Chan; Mike Larson; female speaker; female speaker; Regena Gatton; Ms. Currington; Warren Wo; male speaker; Susan Hall, Richmond Democratic Club.

Department of Planning Representatives reviewed with Board the Planning Commission's recommendation.

Jean Paul Samaha, Planning Department.

Chirs Durran, ATT Wireless, Project Sponsor

Support of project sponsor:

Jim Heard Esq., ATT Wireless; male speaker; William Hamlon; male speaker, ATT wireless.

Appellant rebuttal period.

Mr. Jenkins; Betty Chiao.

The President inquired if there was anyone else who wished to address the Board.

There being no response, the President declared the Public Hearing Closed.

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)**031441 [Appeal, Conditional Use - 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard)]**

Motion approving decision of the Planning Commission by its Motion No. 16614, approving Conditional Use Application No. 2002.0430C on property located at 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard) and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

TABLED by the following vote:

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

031442 [Appeal, Conditional Use - 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard)]
 Motion disapproving decision of the Planning Commission by its Motion No. 16614, approving Conditional Use Application No. 2002.0430C on property located at 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard) and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Motion No. M03-159

APPROVED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin

Absent: 2 - Newsom, Sandoval

031443 [Findings - 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard)]
 Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0430C on property located at 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard), for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M03-160

APPROVED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin

Absent: 2 - Newsom, Sandoval

SPECIAL ORDER 6:30 P.M.

031485 [Public Hearing - Appeal, Final EIR for the 301 Mission Street Project]
 Hearing of persons interested in or objecting to the Planning Commission certification of the Final Environmental Impact Report Case No. 2001.0792E, dated July 31, 2003, for a proposed mixed use development located at 301 Mission Street, near the Transbay Terminal in downtown San Francisco, Assessor's Block 3719, Lots 1 and 17. (Appellant: Sue C. Hestor, attorney for the Rincon Hill Residents Association).

Filed 8/15/03; companion measure to Files 031486, 031487, 031488.)

Sue Hestor, Attorney for the Appellant

Support of appellant:

Mr. Brooks; Reed McMann.

Department of Planning Representatives reviewed with Board the Planning Commission's recommendation.

Paul Maltzer, Planning Department.

Phillip Arron, Project Sponsor

Support of project sponsor:

Ms. Duffy, Coblentz, Duffy and Bass; Mr. Lewis, Local 2; Derk Butler; Jim Chapple, SPUR.

Appellant rebuttal period:

Sue Hestor, Attorney for the Appellant.

The President inquired if there was anyone else who wished to address the Board.

There being no response, the President declared the Public Hearing Closed.

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

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

- 031486 [Affirm certification of the final environmental impact report for the 301 Mission Street Project]**
 Motion affirming the Planning Commission certification of the final environmental impact report for the 301 Mission Street Project. (Clerk of the Board)
Motion No. M03-163
 Supervisor Dufty, seconded by Supervisor Hall, moved that this Motion be APPROVED. The motion carried by the following vote:
 Ayes: 6 - Daly, Dufty, Hall, Ma, McGoldrick, Peskin
 Noes: 3 - Ammiano, Gonzalez, Maxwell
 Absent: 2 - Newsom, Sandoval
- 031487 [Reverse certification of the final environmental impact report for the 301 Mission Street Project]**
 Motion reversing the Planning Commission certification of the final environmental impact report for the 301 Mission Street Project. (Clerk of the Board)
TABLED by the following vote:
 Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin
 Absent: 2 - Newsom, Sandoval
- 031488 [Preparation of findings to reverse certification of the final environmental impact report for the 301 Mission Street Project]**
 Motion directing the Clerk of the Board to prepare findings specifying the basis for the Board of Supervisors' reversal of the Planning Commission certification of the final environmental impact report for the 301 Mission Street Project. (Clerk of the Board)
TABLED by the following vote:
 Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin
 Absent: 2 - Newsom, Sandoval

SPECIAL ORDER 7:00 P.M.

- 031522 [Public Hearing - Appeal, Temporary Street Closure, Mission Street between 24th and 25th Streets]**
 Hearing appealing the decision of the Department of Parking and Traffic by its Memorandum dated September 2, 2003, disapproving the requested temporary street closure of Mission Street, between 24th and 25th Streets, on October 25, 2003 from 7AM to 7PM, for Immigrant Pride Day.

(Appeal filed September 4, 2003, by Carlos Petroni for the Immigrant Rights Movement; companion measure to Files 031523, 031524, District 6.)

Carlos Petroni, Appellant

Speakers: female speaker; Chris; David; Mr Hernandez; Katheryn Howe; female speaker; Joyce, MUNI; Frederick Hobson; Sgt. Rubino, Mission Station, SFPD.

The President inquired if there was anyone else who wished to address the Board.

There being no response, the President declared the Public Hearing Closed.

HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)**031523 [Affirming decision of DPT to disapprove the requested closure of Mission St. between 24th and 25th on October 25, 2003, for Immigrant Pride Day]**

Motion affirming the decision of the Director of the Department of Parking and Traffic to disapprove the requested temporary closure of Mission Street, between 24th and 25th Streets, on October 25, 2003 (7am to 7pm), for Immigrant Pride Day. (Clerk of the Board)

TABLED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 1 - Sandoval

031524 [Reversing decision of DPT and approving the requested closure of Mission St. between 24th and 25th on October 25, 2003, for Immigrant Pride Day]

Motion reversing the decision of the Director of the Department of Parking and Traffic and approving the requested temporary closure of Mission Street, between 24th and 25th Streets, on October 25, 2003 (7am to 7pm), for Immigrant Pride Day. (Clerk of the Board)

Amended to change the date of the event from October 25, 2003 to October 26, 2003.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Noes: 1 - Hall
Absent: 2 - Newsom, Sandoval

Motion reversing the decision of the Director of the Department of Parking and Traffic and approving the requested temporary closure of Mission Street, between 24th and 25th Streets, on October 26, 2003 (7am to 7pm), for Immigrant Pride Day. (Clerk of the Board)

Motion No. M03-169

APPROVED AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Noes: 1 - Hall
Absent: 2 - Newsom, Sandoval

PUBLIC COMMENT

*Frederick Hobson, General Assistance Issues
Vernon Jenkins, Public Health
Abdula Megaheed, General Comments*

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

**031509 [Legislative Analyst Request - Status of 8 remaining single-screen movie theaters in San Francisco]
Supervisors Peskin, Newsom, Gonzalez**

Motion requesting the Office of Legislative Analyst to report on the status of 8 remaining single-screen movie theaters in San Francisco and the feasibility of the proposal by Save the Theaters to renovate, rehabilitate and utilize these theaters to create an environment that will help to develop and ultimately expand a purely independent film industry in the City of San Francisco.

APPROVED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin
Absent: 3 - McGoldrick, Newsom, Sandoval

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.

**031512 [Extension of SRO Hotel Safety and Stabilization Task Force]
Supervisors Ammiano, Gonzalez**

Resolution extending the operations of the Single Room Occupancy (SRO) Hotel Safety and Stabilization Task Force through December 31, 2004.

Resolution No. 608-03

ADOPTED

**031513 [Ciaran Ferry]
Supervisor Daly**

Resolution urging the Bureau of Customs and Immigration to grant asylum to Ciaran Ferry.

Resolution No. 609-03

ADOPTED

**031496 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty**

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

Motion No. M03-164

APPROVED

031520 [Final Map for a 5 Unit Residential Condominium Project]

Motion approving Final Map of 3284 San Bruno Avenue, A Residential Condominium Project, being a subdivision of Lot 10 in Assessor's Block No. 6157, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,368; District 10.)

Motion No. M03-165

APPROVED

031521 [Final Map for an 31 Unit Live Work/Commercial Condominium Project]

Motion approving Final Map of 380 10th Street, a Live Work/Commercial Condominium Project, being a subdivision of Lot 86 in Assessor's Block No. 3520, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,371; District 6.)

Motion No. M03-166

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 7 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin

Absent: 4 - Ammiano, McGoldrick, Newsom, Sandoval

Severed From Without Reference to Committee Agenda**031514 [Authorizing transfer of funds and management oversight from DPW to MOCD]**

Supervisor Gonzalez

Resolution authorizing transfer of funds and management oversight from the Department of Public Works to the Mayor's Office of Community Development.

REFERRED to the Finance and Audits Committee.

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). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Daly, seconded by Supervisor Dufty, moved ADOPTION of the Commendatory Finding. The motion carried by the following vote:

Ayes: 7 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin

Absent: 4 - Ammiano, McGoldrick, Newsom, Sandoval

[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.

Supervisor Daly, seconded by Supervisor Dufty, moved **ADOPTION** of the Brown Act Finding. The motion carried by the following vote:

Ayes: 7 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin

Absent: 4 - Ammiano, McGoldrick, Newsom, Sandoval

031555 [Immigrant Workers Freedom Ride]

Supervisor Daly

Resolution commending the Immigrant Workers Freedom Ride and the "March for Immigrant Rights" on September 20, 2003 in San Francisco, to send off the 106 Bay Area Riders on their historic journey for freedom and civil rights for all.

Resolution No. 610-03

ADOPTED by the following vote:

Ayes: 7 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin

Absent: 4 - Ammiano, McGoldrick, Newsom, Sandoval

OFF-AGENDA LEGISLATION

Ordinances

**022031 [Zoning Map Amendment]
Supervisor Maxwell**

Ordinance amending Section Maps 8 and 8SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Block 3978, Lot 1, bounded by Rhode Island Street, 17th Street, Kansas Street and Mariposa Street, from M-1 (Light Industrial) to NC-3 (Moderate-Scale Neighborhood Commercial District) and the 17th and Rhode Island Street Grocery Store Special Use Subdistrict; adopting findings.

(9/16/03 in Board: Supervisor Maxwell submitted a substitute ordinance bearing new title; companion measure to File 022032.)

12/16/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 1/15/2003.

12/30/02, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

8/26/03, RESPONSE RECEIVED. Planning Commission Resolution No. 16631, adopted August 21, 2003, recommending approval.

9/10/03, RESPONSE RECEIVED. Final Environmental Impact Report; Final Supplemental Environmental Impact Report.

9/16/03, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing a new title.

9/16/03, ASSIGNED to Land Use Committee.

**022032 [17th and Rhode Island Street Grocery Store Special Use Subdistrict]
Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 781.10 to create the 17th and Rhode Island Street Grocery Store Special Use Subdistrict, applicable to the newly rezoned NC-3 block (previously M-1) bounded by 17th Street, Rhode Island Street, Mariposa Street and Kansas Street (Assessor's Block 3978, Lot 1), to permit a neighborhood grocery store at 17th and Rhode Island and amending the Section 712 Zoning Control Table; adopting findings.

(9/16/03 in Board: Supervisor Maxwell submitted a substitute ordinance bearing new title.)

12/16/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 1/15/2003.

12/30/02, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

8/26/03, RESPONSE RECEIVED. Planning Commission Resolution No. 16632, adopted August 21, 2003, recommending approval, and amendment to Prohibit Nighttime Entertainment uses.

9/10/03, RESPONSE RECEIVED. Final Environmental Impact Report; Final Supplemental Environmental Impact Report.

9/16/03, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.

9/16/03, ASSIGNED to Land Use Committee.

**031545 [Agreement to Exchange of Property and Settlement of Lawsuit - William F. Spiers dba Spiers
Construction Company]
Supervisors Hall, Duffy**

Ordinance authorizing an agreement to exchange vacant land uphill from Edgehill Park for the City's property on Portola Drive; adopting findings that the exchange agreement is categorically exempt from environmental review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of the exchange agreement; and authorizing settlement of the lawsuit entitled City and County of San Francisco v. William F. Spiers dba Spiers Construction Company, filed on November 29, 2001 in San Francisco Superior Court, Case No. 401-800, for an injunction requiring removal of Spiers' fence blocking access to Edgehill Park, for dismissal of Spiers' cross-complaint for quiet title, and for the exchange agreement.

(Public Benefit Recipient.)

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

**031546 [Requiring members of Veterans Affairs Commission to be honorably discharged veterans]
Supervisor Hall**

Ordinance amending the San Francisco Administrative Code, Section 5.102, requiring that all members of the Veterans Affairs Commission be honorably discharged veterans from the armed forces of the United States of America as evidenced by a discharge sheet or other equivalent written evidence of honorable discharge, or be veterans discharged from the armed forces of the United States of America on account of sexual orientation.

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

031557 [Underground District – Cow Hollow]
Ordinance creating Underground District No. 360 in Cow Hollow.

(No Public Benefit Recipient.)
9/16/03, RECEIVED AND ASSIGNED to Land Use Committee.

031558 [Cultural and Historical Facilities General Obligation Bonds]
Supervisor Hall

Ordinance determining and declaring that the public interest and necessity demand improvements in the City and County of San Francisco consisting of financing the acquisition, rehabilitation, renovation, improvement, construction or preservation of cultural and historical facilities owned by the City and County of San Francisco and paying all other costs necessary and convenient for effectuating those purposes, that the estimated cost of approximately \$267,000,000 for the improvements described above is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness of \$71,000,000; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and the General Plan consistency requirement of Administrative Code Section 2A.53; waiving the time limits set forth in Sections 2.31 and Sections 2.34 of the Administrative Code.

(Fiscal impact.)
9/16/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Resolutions

031548 [Purchase from the S.F.Unified School District of Real Property located at 380 Bacon St., San Francisco for the Public Library]
Mayor, Supervisor Ammiano

Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate between the City and County of San Francisco and the San Francisco Unified School District (the "Seller" or "District"), for the purchase of real property and improvements located at 380 Bacon St., San Francisco (being a portion of Block 5983), for use as the Portola Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

(Fiscal impact; No Public Benefit Recipient.)
9/16/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031549 [Mixed-use development of affordable housing and a City office building at 10th and Market Streets]
Supervisors Daly, Dufty

Resolution endorsing a term sheet describing the key terms and conditions of a mixed-use development project at 10th and Market Streets including affordable and market rate housing and a new City office building, and urging City staff to proceed with the preparation of agreements effectuating such a project.
9/16/03, RECEIVED AND ASSIGNED to Land Use Committee.

031551 [Eminent Domain - Resolution of Necessity - 701 Lombard Street]

Resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1. (Real Estate Department)

9/16/03, RECEIVED AND ASSIGNED to Board of Supervisors. Draft legislation was received 9/16/03 and introduced with Supervisor Peskin as the sponsor, pending signatures on the original. When the original legislation was received it was noted as Real Estate Department as the requestor.

File 031551 was not changed to reflect the change in the sponsor which is the practice on these matters.

9/16/03, SCHEDULED FOR PUBLIC HEARING. Board to sit as a Committee of the Whole on October 7, 2003, at 3:00 p.m.

9/20/03- Notice of Public Hearing for October 7, 2003 published in the SF Independent .

9/22/03 - Certified copies of letters sent with a copy of Notice of Public Hearing and a copy of draft Resolution authorizing acquisition of Assessor's Lot 001 in Assessors Block 0074 located in San Francisco to the following:

(Brian M. O'Flynn, Martin J. Coyne, Randolph J. Pritel, Jim Reuben, Attorney at Law, Telegraph Hill Neighborhood Associates, c/o Denise McCarthy)

9/22/03 - Affidavit of Notification of certified letters being sent.
p.m.

10/10/03 - Received background correspondence from Allan E. Low, Attorney, Luce Forward, Attorneys at Law. Copies distributed to each Board Member.

10/2/03 - Received correspondence from Allan E. Low, Luce Forward, Attorneys at Law representing the owners of 701 Lombard Street. Clerk's staff distributed to each Supervisor.

10/6/03 - Copy of correspondence received from Allen E. Low, Attorney at Law, addressed to Isabel Wade, Parks, Recreation and Open Space Advisory requesting that the matter calendared before PROSAC be continued. Staff distributed copies to each Board Member.

10/6/03 - Copy of correspondence received from Allen Low, Attorney at Law, requesting the Board to allow the withdrawal of the CEQA appeal and proceed with the hearing on the Eminent Domain issue on October 7, 2003. Staff distributed copies to each Board Member.

10/10/03 - Received background correspondence received from Allen Low, Attorney at Law. Copies distributed to each Board Member.

10/17/03 - Received supplemental letter from Allen Low, Attorney at Law. Copies distributed to each Board Member. Copies sent by Allen Low, Attorney to Planning Department, Recreation and Parks Department, Real Estate Department, City Attorney, Reuben & Alter and owners of property.

11/19/03 - Received correspondence from Brian Murphy O'Flynn, distributed to all Supervisors.

11/24/03 - Received copy of correspondence, addressed to the from City Attorney, from David Silverman, Reuben & Alter, attorney for project sponsor regarding the rescheduling of the Negative Declaration Appeal. Copies were distributed to each Board member.

12/8/03 - Received correspondence from Luce Forward, Attorneys at Law representing the project sponsor regarding the acquisition by Eminent Domain of 701 Lombard Street. Copies were distributed to Board members.

12/8/03 - Received a response regarding the appeal of the Negative Declaration from Alter & Reuben, representing project sponsors. Copies were distributed to Board members and hand delivered to Planning Department. (File Nos. 031840)

**031556 [Investigate the closure of Real Food Co. on 24th Street in Noe Valley]
Supervisors Dufty, Ma, Hall**

Resolution requesting NLRB and DBI and other appropriate agencies to investigate the closure of Real Food Co. on 24th Street in Noe Valley.

9/16/03, RECEIVED AND ASSIGNED to City Services Committee. Sponsor requests this item be scheduled for consideration at the September 25, 2003 meeting.

**031566 [Interim Controls Regulating Certain Industrially-Zoned Properties on Third Street Between Islais Creek and Paul Avenue]
Supervisors Maxwell, Gonzalez**

Resolution adopting interim controls that would subject the following properties on Third Street between Islais Creek and Paul Avenue, which are currently zoned M (Industrial), to the more restrictive controls of NC-3 (Moderate-Scale Neighborhood Commercial) for a period of twelve months: Assessor's Block 4501, Lots 001, 003, 004, and 005; Block 4881, Lots 012, 018, 022, and 024; Block 4912, Lot 006; Block 4940, Lots 012A, 012B, and 024; Block 5211, Lots 027 and 028; Block 5217, Lot 001; Block 5225, Lot 010; Block 5226, Lots 025, and 028; Block 5235, Lots 003 and 011; Block 5242, Lots 021, 022, 023, 024, and 042; Block 5253, Lots 003, 008, 029, 030, 031, 032, 033, and 034; Block 5260, Lots 001, 002, 003, 032, 034, 035 and 036; Block 5272, Lots 045 and 048; Block 5279, Lots 001, 002 and 003; Block 5414, Lots 005, 006, 007, 008, 025, 026, 027, 028, and 030; Block 5418, Lots 001, 002, and 010; Block 5419, Lots 006, 007, 007B, 007C, 009, 015, 016, 017, and 018; Block 5421, Lot 011; Block 5429, Lot 002; Block 5431A, Lots 001, 001M, 001U, 001V, and 004; adopting findings pursuant to Planning Code Section 101.1.
9/16/03, RECEIVED AND ASSIGNED to Land Use Committee.

**031578 [Acquisition of a New Voting System]
Supervisor Gonzalez**

Resolution encouraging the Department of Elections to issue a Request For Proposals for touch screen voting equipment that will accommodate Ranked Choice Voting.
9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

**031570 [Walk to School Day]
Supervisors Ma, Dufty**

Resolution declaring October 8, 2003 as "Walk Our Children to School Day" in the City and County of San Francisco.
9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031571 [Commending the Sunset District Neighborhood Coalition and the Sunset Artists' Society]
Supervisors Ma, Sandoval**

Resolution commending the Sunset District Neighborhood Coalition and the Sunset Artists' Society for their work organizing the 9th Annual Sunset Community Festival.
9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031572 [Latino Heritage Month]
Supervisors Ma, Dufty, Sandoval**

Resolution declaring September 2003 as "Latino Heritage Month" in the City and County of San Francisco.
9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 031577 [STOP Intersection.]**
Resolution designating the intersection of Alemany Boulevard and Lawrence Street as an all "STOP" intersection.

STOP SIGNS - ESTABLISH
Alemany Boulevard and Lawrence Street, making this intersection an all way stop.
9/16/03, RECEIVED AND ASSIGNED to Land Use Committee.
- 031579 [Mental Health Services Act]**
Supervisor Ammiano

Resolution endorsing the California Mental Health Services Act Initiative for the November 2004 statewide ballot.
9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031580 [UC Berkeley Extension Photography Program]**
Supervisor Ammiano

Resolution urging the UC Berkeley Extension to maintain a Photography Program and darkroom in San Francisco.
9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031581 [Supporting International Arts Festival 2005]**
Supervisors Ammiano, Daly

Resolution supporting International Arts Festival 2005 in San Francisco, strategically promoting this important resource to potential partner governments from around the world to help stimulate economic activity, foster meaningful cultural exchange and develop more earned income opportunities for our artists.
9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031582 [Commending the 120th Anniversary of Immaculate Conception Academy]**
Supervisors Dufty, Hall

Resolution commending the 120th Anniversary of Immaculate Conception Academy for its dedicated mission of educating young San Franciscans and its contributions to the Mission District and greater City community.
9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 031583 [Commending SFPD Captain Michael Yalon]**
Supervisors Dufty, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Resolution commending San Francisco Police Department Captain Michael Yalon.
9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031584 [Commending SFPD Captain Dan Lawson]
Supervisors Dufty, Ammiano, Daly, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin,
Sandoval**

Resolution commending San Francisco Police Department Captain Dan Lawson.
9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT
BOARD MEETING.

**031585 [Establishment of Little Saigon in the Tenderloin]
Supervisors Daly, Ma**

Resolution supporting the establishment of Little Saigon as a Vietnamese cultural and commercial center in the
Tenderloin.
9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT
BOARD MEETING.

**031586 [Mental Health Services Act]
Supervisor Newsom**

Resolution urging the voters of the State of California to pass the Mental Health Services Act.
9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT
BOARD MEETING.

**031587 [Clay and Arguello Streets]
Supervisor Newsom**

Resolution urging the Department of Parking and Traffic to paint the crosswalk running North to South on
Arguello and place intersections at Clay crossing Arguello on the North side.
9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT
BOARD MEETING.

**031588 [Changing the name of Pardee Alley in North Beach to "Jack Micheline Place"]
Supervisors Peskin, Gonzalez, Daly, McGoldrick**

Resolution changing the name of Pardee Alley in North Beach to "Jack Micheline Place", in recognition of the
late Jack Micheline's artistic contributions to the community of North Beach and the City of San Francisco.
9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT
BOARD MEETING.

**031589 [Stop Sign Designation - Greenwich and Powell Streets]
Supervisor Peskin**

Resolution urging the installation of four-way Stop signs at the intersection of Greenwich and Powell Streets.
9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT
BOARD MEETING.

**031590 [Extension of Planning Commission Review Period]
Supervisor Peskin**

Resolution extending for an additional 30 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by creating section 608.15 to establish the Northeast Waterfront Special Sign District, creating Section 609.14 to address amortization of nonconforming signs in this District, amending Section 608 and Article 10, Appendix D, section 7 to be consistent with the Ordinance, amending the Zoning Map Section Map SSD-1 to show the boundaries of this District, and making findings of consistency with the General Plan and priority policies of Planning Code section 101.1.

9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031591 [Opposing the Declawing of Cats]
Supervisor Sandoval**

Resolution urging pet guardians and veterinarians to discontinue the practice of declawing cats in the City and County of San Francisco.

9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031592 [Commending San Francisco Conservation Corp]
Supervisor Sandoval**

Resolution commending the San Francisco Conservation Corp for its 20 years of outstanding service to San Francisco.

9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031593 [Commending Richard Ironcloud and Armando Blackbear]
Supervisors Sandoval, Peskin**

Resolution commending Richard Ironcloud and Armando Blackbear for their swim across San Francisco Bay, highlighting the importance of healthy living.

9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031594 [Accept Federal Grant - fiscal year 2003 lead hazard reduction demonstration grant program]
Mayor**

Resolution authorizing the Mayor of the City and County of San Francisco to accept a grant from the U.S. Department of Housing and Urban Development for lead-based paint hazard reduction in a total amount not to exceed \$4,000,000.

(No Public Benefit Recipient.)

9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions**031573 [Extending the San Francisco Zoo Audit Select Committee]
Supervisor Ma**

Motion extending the San Francisco Zoo Audit Select Committee.

9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031540 [Needle Exchange Emergency]
Supervisors Ammiano, Newsom, 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.

9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**031544 [Unfinished business from adjourned Board meetings to be scheduled for next regularly scheduled Board meeting]
Supervisor Gonzalez**

Motion amending the Rules of Order of the Board of Supervisors by adding Rule 3.14, which directs that when the Board of Supervisors adjourns a meeting of the Board and unfinished items of business remain on the agenda for the adjourned meeting, the Clerk of the Board of Supervisors shall reschedule those unfinished items of business for the agenda of the next regularly scheduled meeting of the Board.

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

**031550 [Public Hearing - Eminent Domain]
Supervisor Peskin**

Motion directing the Board of Supervisors to hold a public hearing on October 7, 2003, at 4:00 p.m. to consider adopting a resolution of necessity for the City's proposed acquisition by eminent domain for open space of Lot 001 in Assessor's Block 0074, in San Francisco.

9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. Board to sit as a Committee of the Whole, to hold a public hearing on October 7, 2003, at 4:00 p.m.

**031553 [Closed Session - Conference with City Attorney, Significant Exposure to Litigation against the City]
Supervisor Dufty**

Motion that the City Services Committee of 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 significant exposure to litigation against the City that may arise from the City's implementation of Proposition S, approved by the voters of the City and County of San Francisco at the November 5, 2002, consolidated general election, which Proposition declares the policy that various City officials explore the possibility of establishing a program whereby the City would grow medical cannabis and distribute it to patients attempting to exercise their rights under Proposition 215, California's Compassionate Use Act of 1996.

Government Code Section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d) permit this closed session.

9/16/03, RECEIVED AND ASSIGNED to City Services Committee. Sponsor requests this item be calendared at the 9/25/03 meeting, closed session with the City Attorney.

**031559 [Amending Domestic Partnership Requirements]
Supervisors Ammiano, Dufty**

Motion ordering submitted to the voters an ordinance authorizing and amending Chapter 62 of the Administrative Code by amending Section 62.1 to update the statement of purpose; repealing Section 62.3(c) to eliminate a residency requirement; adding Section 62.10(c) to authorize the Board of Supervisors to amend domestic partnership legislation; and adding Section 62.11 to add a severability provision at an election to be held on March 2, 2004.

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

**031568 [Calling from the Table Legislative Item 031361 (General Assistance – In-Kind Assistance; Department of Human Services Care Fund)]
Supervisor Newsom**

Motion calling from the table legislative item 031361 (General Assistance - In-Kind Assistance; Department of Human Services Care Fund) and directing the Clerk of the Board of Supervisors to place item 031361 (General Assistance - In-Kind Assistance; Department of Human Services Care Fund) on the calendar for the September 30th, 2003 meeting.

9/16/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearings

031552 [Hearing - Acquisition of Property by Eminent Domain - 701 Lombard Street]

Hearing of persons interested in or objecting to proposed resolution authorizing acquisition of Lot 001 in Assessor's Block 0074 in San Francisco by Eminent Domain for the Neighborhood Park Bond and Open Space Programs, and adopting findings under City Planning Code Section 101.1. (Clerk of the Board)

(Companion measure to Files 031550, 031551, 031552.)

9/16/03, SCHEDULED FOR PUBLIC HEARING. Board to sit as a Committee of the Whole on October 7, 2003, at 3:00 p.m.

**031554 [Student Safety and Public Transportation]
Supervisor Ma**

Hearing to review concerns and issues surrounding student safety and public transportation, with particular focus on transportation in the area surrounding Galileo High School and to make recommendations for future plans to ensure student safety. The hearing shall include, but not limited to, representatives from the SFUSD, Police Department, MUNI, the Youth Commission, concerned parents and other interested parties.
9/16/03, RECEIVED AND ASSIGNED to City Services Committee.

**031563 [Department of Public Health's Report]
Supervisor Ammiano**

Hearing to consider the Department of Public Health's report and recommendations regarding: Homeless Services for Individuals with Mental Health Diagnoses, Substance Abuse Diagnoses, or other Chronic Medical Conditions.
9/16/03, RECEIVED AND ASSIGNED to City Services Committee.

**031564 [Budget Analyst's Management Audit of the Controller's Office.]
Supervisor Hall**

Hearing to consider the Budget Analyst's Management Audit of the Controller's Office.
9/16/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031565 [School District]
Supervisors Gonzalez, Ma**

Hearing to discuss the School District's 30-year effort to desegregate and make equitable public schools throughout the district. The discussion should include: 1) the successes and failures of past district policies including the 1993 racial caps on enrollment and the 1999 lawsuit settlement mandating racial integration without using race; 2) the current district policy of using a diversity index and whether this index is the only mechanism the City can utilize to be in compliance with the 1999 settlement; 3) the demographics of those who do not get their first choice school; and 4) disparities in quality of facilities, resources, etc. that exists in our school district and whether these disparities are giving rise to opposition to the diversity index.
9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

**031595 [San Francisco Housing Study]
Supervisor Duffy**

Hearing to discuss the findings of the Residential Rent Stabilization and Arbitration Board's comprehensive San Francisco housing study authorized by City Ordinance 55-00.
9/16/03, RECEIVED AND ASSIGNED to Land Use Committee.

Charter Amendments

- 031541 **[Charter Amendment - Authorizing: tax-deferred transfer of vacation and sick leave; amendments to Domestic Partnership Ordinance equalizing benefits and obligations of domestic partners and spouses; providing military leave compensation.]**
Supervisor Newsom

Charter amendment (First Draft) to amend Section A8.400 (h) to allow for employees called to active duty to receive supplemental compensation for a period to be specified by ordinance.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

- 031542 **[Charter Amendment - Reclassify Deputy Sheriffs as Safety Employees Covered Under Charter Section A8.590-1 et seq.]**
Supervisors Ma, Daly, Dufty

Charter amendment (First Draft) to amend Sections A8.409 and A8.590 to reclassify Deputy Sheriffs as safety employees covered under the labor negotiation provisions set forth in Charter Section A8.590.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

- 031543 **[Charter Amendment-Tolling Board deadlines during recess, reducing votes required when Board members are disqualified, limiting hold-over appointments, setting deadlines for police and fire negotiations, and re-naming the Commission on Aging.]**
Supervisor Gonzalez

Charter Amendment (First Draft) to amend Section A8.590 to provide for timelines for completion of Police and Fire negotiations identical to those already in place for other employee labor negotiations under Charter Section A8.409.

9/15/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

- 031547 **[Charter Amendment - Tax-deferred transfer of accrued vacation, sick leave and other compensation to employees]**
Supervisor Sandoval

Charter amendment (First Draft) to add Section A8.599 to authorize the City and County to establish plans for the tax-deferred treatment of accrued compensation payable to employees.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

- 031560 **[Charter Amendment - Appointment of a City Engineer responsible for the design and construction management of all public buildings and public works]**
Supervisor Ammiano

Draft Charter amendment to amend section 4.130 relating to the Department of Public Works and appointment of a City Engineer.

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

- 031561 [Charter Amendment - Allowing the City to reduce the minimum police staffing level after conducting a study of which positions could be filled by civilian personnel rather than sworn officers.]**
Supervisor Ammiano

Charter amendment (First Draft) to amend Section 4.127 and to add Section 16.123, to: increase the minimum police staffing level by 188 officers to include Airport Police; provide for a study of which positions in the Police Department could be filled by civilian personnel rather than sworn officers; allow the City to reduce the minimum police staffing level for each position it converts from sworn to civilian, without decreasing the number of police officers dedicated to neighborhood community policing, patrol, and investigations; and, provide that no police officer shall be laid off in order to convert a position from sworn to civilian.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2006.

- 031562 [Charter Amendment - Retirement System benefits for domestic partners]**
Supervisors Ammiano, Dufty

Charter amendment (First Draft) to add Section A8.500-3 so that domestic partners are treated exactly the same as spouses for benefits under the Retirement System.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

- 031567 [Charter Amendment - San Francisco Department of Public Health]**
Supervisors Daly, Gonzalez

Draft Charter Amendment to add Article VIIC, to provide additional fiscal authority to the Health Commission and require greater qualifications of Health Commissioners, designate universal healthcare as the Department's top advocacy priority, establish a baseline funding level for the Department of Public Health and for programs helping San Franciscans with chronic illnesses, guarantee the operation of county hospitals and clinics, establish levels for trauma care, guarantee culturally competent care through community-based primary care clinics, require operation of the Mental Health Rehabilitation Facility, streamline contracting bureaucracy, and establish pay equity for nonprofit and City workers performing similar jobs.

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

- 031569 [Charter Amendment - Commission on Aging to Commission on Aging and Adult Services]**
Supervisor Daly

Charter amendment (First Draft) to amend Section 4.120 to change the name of the Commission on Aging to Commission on Aging and Adult Services.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

- 031574 [Charter Amendment - Board of Supervisors to respond to all orders or requests for the production of City records under designated state and federal laws]**
Supervisors McGoldrick, Peskin

Charter amendment (First Draft) to add Section 16.124 to authorize the Board of Supervisors to respond on behalf of the City to all orders or requests for the production of information, records, or other tangible things held by the City, the disclosure of which could violate the rights of any individuals under the State or Federal Constitutions, where the orders or requests are made under laws previously identified by the Board.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

PROPOSED ORDINANCES

**031490 [Angle Parking]
Supervisor Daly**

Ordinance amending San Francisco Traffic Code Sections 55 and 132 to prohibit any person from parking or standing a vehicle other than at the angle of the curb or edge of roadway indicated by signs or markings, and to provide for penalties. (Parking and Traffic Department)

(No Public Benefit Recipient.)

8/25/03, RECEIVED AND ASSIGNED to Land Use Committee.

031515 [Settlement of Lawsuit - Jonathan Johnson]

Ordinance authorizing settlement of the lawsuit filed by Jonathan Johnson against the City and County of San Francisco for \$150,000; the lawsuit was filed on June 11, 2001 in San Francisco Superior Court, Case No. 322-080; entitled Jonathan Johnson, et al., v. City and County of San Francisco, et al; other material terms of said settlement are the waiver of the San Francisco General Hospital medical lien in the amount of \$29,281.37. (City Attorney)

(Public Benefit Recipient.)

9/4/03, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

**031444 [Contract funds for SFHIV Vaccine Clinical Trials Unit, 2003 to 2004]
Supervisors Dufty, Daly**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$405,101 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to fund the fourth year of the SFDPH portion for "San Francisco HIV Vaccine Clinical Trials", a unit of the HIV Vaccine Trials Network (HVTN); for the period of June 1, 2003 to May 31, 2004. (Public Health Department)

(No Public Benefit Recipient.)

8/19/03, RECEIVED AND ASSIGNED to City Services Committee. Department requests this item be scheduled at the September 18, 2003 meeting.

**031453 [FY 2003-2004 State grant funds to the Department of Public Health from the California Department of Health Services]
Supervisors Dufty, Daly**

Resolution authorizing the acceptance and expenditure of State recurring grant funds by the San Francisco Department of Public Health for FY 2003-2004. (Public Health Department)

(No Public Benefit Recipient.)

8/21/03, RECEIVED AND ASSIGNED to City Services Committee. Department requests this item be scheduled at the September 18, 2003 meeting.

**031454 [Treatment of Latent Tuberculosis Infection in refugees newly arriving in San Francisco.]
Supervisors Dufty, Daly**

Resolution authorizing the San Francisco Department of Public Health, Newcomers Health Program (SFDPH, Newcomers) to accept and expend retroactively a new continuing grant in the initial amount of \$45,000, from the State Department of Health Services, Refugee Health (DHS, RH) to improve treatment of Latent Tuberculosis Infection (LTBI) in refugees newly arriving in San Francisco; for the period of August 1, 2003, to June 30, 2004. (Public Health Department)

(No Public Benefit Recipient.)

8/22/03, RECEIVED AND ASSIGNED to City Services Committee. Department requests this item be scheduled for consideration at the September 18, 2003 meeting.

031489 [Emergency Repairs]

Resolution authorizing the expenditure of funds for emergency repairs of the Early Intake Switchback Road at Hetch Hetchy, at an estimated cost of \$2,000,000. (Public Utilities Commission)

(No Public Benefit Recipient.)

8/29/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031493 [Accept-Expend Federal Grant]
Supervisor Dufty**

Resolution authorizing the San Francisco Fire Department to accept and expend a grant in the amount of \$211,975 from the Federal Emergency Management Agency (FEMA) to acquire 208 one-hour Self-Contained Breathing Apparatus (SCBA) Air Bottles, a mobile breathing air compressor unit, and a portable auxiliary communication repeater unit. (Fire Department)

(No Public Benefit Recipient.)

8/19/03, RECEIVED AND ASSIGNED to City Services Committee.

031494 [Contracting for Security Guard Services at 1680 Mission Street for fiscal year 2003-2004]

Resolution concurring retroactively with the Controller's determination that security guard services can practically be performed at the Bureaus of Construction Management and Engineering Offices at 1680 Mission Street by private contractor for a lower cost than if the services were performed by City employees. (Public Works Department)

(No Public Benefit Recipient.)

8/25/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

031511 [Settlement of Claim - Eric M. Hansen]

Resolution approving the settlement of the unlitigated claim filed by Eric M. Hansen against San Francisco for \$52,500; claim was filed on October 8, 2002. (City Attorney)

(Public Benefit Recipient.)

9/4/03, RECEIVED AND ASSIGNED to Rules Committee.

**031517 [Agreement to Sell 418-420 Jessie Street]
Supervisors Dufty, Daly, Hall**

Resolution approving and authorizing an agreement with Martin Mc Nerney Development, Inc. dba Martin Building Company, Inc. for the sale of real property consisting of a former fire station on the first and second floors and vacant warehouse space on the upper six floors, for a purchase price of \$2,900,000; finding that competitive bidding is impractical or impossible; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance 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, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

(Public Benefit Recipient.)

9/3/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**031518 [Accept-Expend Federal Grant]
Supervisor Dufty**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$25,000 from the Environmental Protection Agency to provide training to municipal staff involved in construction and renovation of municipal buildings on Leadership in Energy and Environmental Design (LEEDTM) sustainable building standards and to develop a database to track municipal green building projects and their environmental benefits to the City and County of San Francisco. (Environment)

(No Public Benefit Recipient.)

9/5/03, RECEIVED AND ASSIGNED to City Services Committee.

031519 [Refugee County Plan]

Resolution approving the San Francisco Federal Fiscal Year 2003 Refugee County Plan. (Private Industry Council)

(No Public Benefit Recipient.)

9/4/03, RECEIVED AND ASSIGNED to City Services Committee.

031525 [Agreement for Tolling of Statute of Limitations Governing Lawsuit]

Resolution approving the City Attorney's entry into a tolling agreement governing suit by plaintiff Natasha Madaris entitled Natasha Madaris v. San Francisco Unified School District and City and County of San Francisco, Case No. 417-848. (City Attorney)

9/5/03, RECEIVED AND ASSIGNED to Finance and Audits Committee.

Requests Granted

From: Supervisor Sandoval

To: Edwin Lee, Director of Department of Public Works

Requesting/Inquiring: Inquiring about the feasibility of continuing sidewalk on Alemany Blvd between Trumbull and Congdon Streets to protect pedestrians from traffic. Currently, the sidewalk on Alemany Blvd. ends at Trumbull Street and does not resume until Congdon Street. Due to the high volume of traffic on Alemany Blvd., a sidewalk connecting Trumbull and Congdon streets is necessary.

Also requesting the Clerk of the Board send a copy of this letter and its response to:

Carol Antrocelli

224 Oxford Street

San Francisco, CA 94134

From: Supervisor Hall

To: Recreation and Park Department

Requesting/Inquiring: Are swimmers still able to purchase discount tickets at Sava Pool? Does the Department have discount tickets still available for purchase? Where are those tickets sold?

From: Supervisor Newsom

To: Gerald R. Norman, Department of Parking and Traffic

Requesting/Inquiring: Inquiring of an evaluation of traffic along Laurel Street between Euclid and California Streets for pedestrian and vehicular safety improvements.

In Memoriams

James Hahn (Supervisor Dufty)

Timothy O'Donnell (Supervisor Hall)

Marie McAuliffe McKeever (Supervisor Hall)

Michael Hallinan (Supervisor Hall, Gonzalez)

C. H. Sisson (Supervisor Gonzalez)

Linda Rousell Bartholemew (Supervisor Newsom)

ADJOURNMENT

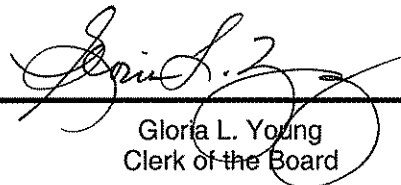
There being no further business, the Board at the hour of 5:30 a.m. adjourned.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on October 7, 2003.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.



Gloria L. Young
Clerk of the Board