

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, February 15, 2005 2:00 PM

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

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE MCGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Gloria L. Young, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Daly, Elsbernd, Ma, McGoldrick

City and School District Select Committee

Chair Ammiano, Vice-Chair Maxwell, Supervisor Ma, Commissioner Chin, Commissioner Wynns

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Dufty, Ma

Government Audit and Oversight Committee

Supervisors Peskin, Elsbernd, Mirkarimi

Land Use Committee

Supervisors Maxwell, Sandoval, McGoldrick

Rules Committee

Supervisors Alioto-Pier, Mirkarimi, Peskin

Meeting Days

Thursday
1:00 PM

2nd Monday (Bi-Monthly)
4:00 PM

1st and 3rd Monday
1:00 PM

2nd and 4th Monday
1:00 PM

Wednesday
1:00 PM

Wednesday
10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 100 Number 7

Members Present: Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Alioto-Pier, Daly and Mirkarimi were noted absent.

Quorum present.

Supervisor Daly was noted present at 2:07 p.m.

Supervisor Mirkarimi was noted present at 2:09 p.m.

Supervisor Alioto-Pier-Alioto-Pier was previously excused from attending today's meeting. (See Infra)

Supervisor Alioto-Pier Excused from Attendance

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to excuse Supervisor Alioto-Pier from attending today's meeting.. The motion carried by the following vote:

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 2 - Daly, Mirkarimi

Excused: 1 - Alioto-Pier

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve January 8, 2005 and January 11, 2005 Meeting Minutes. The motion carried by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 1 - Mirkarimi

Excused: 1 - Alioto-Pier

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the Rules Committee

041764 [Settlement of Lawsuit - American Motorists Insurance Company]

Ordinance authorizing settlement of the lawsuit filed by American Motorists Insurance Company against the City and County of San Francisco for \$85,000; the lawsuit was filed on November 14, 2001 in San Francisco Superior Court, Case No. 401-290; entitled American Motorists Insurance Co., et al., v. City and County of San Francisco, et al. (City Attorney)

Ordinance No. 39-05

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 1 - Mirkarimi

Excused: 1 - Alioto-Pier

*Supervisor Mirkarimi, seconded by Supervisor Daly, moved to rescind the previous vote.
The motion to rescind the previous vote carried without objection.*

Ordinance No. 39-05

FINALLY PASSED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Services Committee

**041488 [Regulating Computer Rental Businesses]
Supervisor Ma**

Ordinance adding Article 10.2 to the San Francisco Police Code, regulating businesses that rent computer time to patrons by prohibiting minors from using game controllers or renting computer time for purposes of gaming during certain times, requiring supervision, regulating waiting lists, posting hours of operation, and providing for a penalty.

Ordinance No. 40-05

FINALLY PASSED by the following vote:

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

Noes: 2 - Daly, McGoldrick

Absent: 1 - Mirkarimi

Excused: 1 - Alioto-Pier

*Supervisor Mirkarimi, seconded by Supervisor Daly, moved to rescind the previous vote.
The motion to rescind the previous vote carried without objection.*

Ordinance No. 40-05

FINALLY PASSED by the following vote:

Ayes: 6 - Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval

Noes: 4 - Ammiano, Daly, McGoldrick, Mirkarimi

Excused: 1 - Alioto-Pier

NEW BUSINESS

Supervisor Mirkarimi noted present at 2:09 p.m.

Recommendations of the Land Use Committee

050092 [Designating 351-9th Avenue, the Richmond/Senator Milton Marks Branch Library, as a Landmark under Planning Code Article 10]

Supervisors Ma, Peskin, Elsbernd, McGoldrick, Maxwell, Dufty, Mirkarimi, Ammiano, Sandoval

Ordinance designating 351-9th Avenue, the Richmond/Senator Milton Marks Branch Library, as Landmark No. 247 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)

Supervisors Peskin, Elsbernd, McGoldrick, Maxwell, Dufty, Mirkarimi, Ammiano, and Sandoval requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 1 - Alioto-Pier

050187 [Changing Official Width of Sidewalk]

Supervisor Peskin

Ordinance Amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1565 to change the official sidewalk widths on the easterly side of Waverly Place; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk widths changes. (Public Works Department)

Supervisor Peskin requested to be added as sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 1 - Alioto-Pier

050098 [Grant of Metropolitan Transportation Commission Funds]

Resolution authorizing the Municipal Transportation Agency to accept and expend \$212,490 of funds from the Metropolitan Transportation Commission to perform site preparation work at San Francisco Municipal Railway facilities necessary for the installation of TransLink® equipment. (Municipal Transportation Agency)

Resolution No. 124-05

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 1 - Alioto-Pier

Recommendations of the Rules Committee**050134 [Requiring City offices to display signs, brochures, and forms for the San Francisco Working Families Credit Program]****Mayor, Supervisors Maxwell, Dufty, Mirkarimi**

Ordinance amending the San Francisco Administrative Code by adding Section 12S.2, to require City offices to display signs, brochures and forms for the San Francisco Working Families Credit Program.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 1 - Alioto-Pier

050116 [Meeting Schedule]

Resolution revising the regular meeting schedule of the Board of Supervisors by canceling the May 31, 2005, July 5, 2005, October 11, 2005, November 29, 2005, December 27, 2005 and January 17, 2006, Board meetings and by canceling all Board and Committee meetings from August 17 through September 5, 2005. (Clerk of the Board)

to amend on page 1, line 5 after "November 29, 2005" by adding "December 20, 2005"; on line 23 after "November 29, 2005" by adding "December 20, 2005"

New Title.

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 1 - Alioto-Pier

Resolution revising the regular meeting schedule of the Board of Supervisors by canceling the May 31, 2005, July 5, 2005, October 11, 2005, November 29, 2005, December 20, 2005, December 27, 2005 and January 17, 2006, Board meetings and by canceling all Board and Committee meetings from August 17 through September 5, 2005. (Clerk of the Board)

Resolution No. 125-05

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 1 - Alioto-Pier

050050 [Limiting Single Supervisor's Ability to Call Matters from Committee]**Supervisor Peskin**

Motion amending the Rules of Order of the Board of Supervisors to amend Rule 5.31 Failure of a Committee to Act within 30 Days and Rule 2.14 Committee Action, thereby allowing four Supervisors to call a matter from Committee and allowing one Supervisor to call a matter from Committee that has not been heard in Committee within thirty days of assignment to Committee.

Motion No. M05-23

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 1 - Alioto-Pier

**050131 [Rules of Order of the Board – Board Member Report on activities at Regional Agencies]
Supervisor Peskin**

Motion amending the Rules of Order 3.9 Roll Call for Introductions to provide a report on activities at regional agencies.

Motion No. M05-24

APPROVED by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

Recess

*The Board recessed at the hour of 2:55 p.m.
Reconvening of the Board*

The Board at the hour of 4:04 p.m. reconvened.

Calling the Roll

*On call of the roll, the following Supervisors were noted present:
Supervisors Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin - 6*

Quorum present.

*Supervisor Ammiano was noted present at 4:05 p.m.
Supervisor Daly was noted present at 4:05 p.m.
Supervisor Sandoval was noted present 4:07 p.m.
Supervisor McGoldrick was noted present at 4:09 p.m.*

SPECIAL ORDER 4:00 P.M.

050087 [Public Hearing - Conditional Use Appeal for 606-624 Divisadero Street and 1278 Hayes Street,]

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. No.16921 dated December 9, 2004, approving Conditional Use Application No. 2003.0807CEK, subject to certain conditions, allowing the development of a lot greater than 9,999 square feet and the creation of parking in amounts greater than accessory on a lot in an NC-2 (Small Scale Neighborhood Commercial) District and a 65-A Height and Bulk District, on property located at 606-624 Divisadero Street and 1278 Hayes Street, northeast corner of Divisadero and Hayes Streets; Lot 002J, Assessor's Block 1202.

The appellants are opposing the proposed demolition of an assembly building (currently a Baptist Church and before that the Harding Theater) in this neighborhood. (Appellant: David Tornheim, representing the Central City Progressives.)

(Filed 1/10/05; companion measure to Files 050087, 050088, 050089, 050090, 050091; District 5.)

Continued to March 15, 2005

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

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

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

050088 [Appeal, Conditional Use - 606-624 Divisadero Street and 1278 Hayes Street]

Motion approving decision of the Planning Commission by its Motion No. 16921, approving Conditional Use Application 2003.0807CEK on property located at 606-624 Divisadero Street and 1278 Hayes Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to March 15, 2005

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

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050089 [Appeal, Conditional Use - 606-624 Divisadero Street and 1278 Hayes Street]

Motion disapproving decision of the Planning Commission by its Motion No. 16921, approving Conditional Use Application 2003.0807CEK on property located at 606-624 Divisadero Street and 1278 Hayes Street. (Clerk of the Board)

Continued to March 15, 2005

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

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050090 [Findings - 606-624 Divisadero Street and 1278 Hayes Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2003.0807CEK on property located at 606-624 Divisadero Street and 1278 Hayes Street, for action by the Board at its next meeting. (Clerk of the Board)

Continued to March 15, 2005

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

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050091 [Environmental Review - 606-624 Divisadero Street and 1278 Hayes Street]

Motion certifying review of Final Negative Declaration relating to proposed Conditional Use of Property at 606-624 Divisadero Street and 1278 Hayes Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Continued to March 15, 2005

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

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

SPECIAL ORDER 4:00 P.M.**050031 [Public Hearing - Appeal of Categorical Exemptions for 1187-1189 Stanyan Street]**

Hearing of persons interested in or objecting to the decisions of the Planning Department dated May 14, 2004, approving the following projects to be categorically exempt (Class 3a, allowing up to three-single-family residences in urbanized areas) from environmental review under CEQA:

1. Project described in Building Permit Application No. 2003.09.18.5180 (new single-family dwelling at 1187 Stanyan Street in Assessor's Block 2644, Lot 006); and
2. Project described in Building Permit Application No. 2003.09.18.5184 (new single-family dwelling at 1189 Stanyan Street in Assessor's Block 2644, Lot 007).

(Appellants: Deanna Jones, on behalf of Stanyan Street Neighbors and Molley Lowry on behalf of Woodland Avenue Association; Timothy Tosta representing Alvin Pelavin, Elaine Pelavin and Peter Pelavin.)

(Filed December 31, 2004; companion measure to Files 050032, 050033, 050034; District 5.)

Peter Pelavin, Appellant

The President declared the public hearing closed.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

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

(Only one of the following two motions should be adopted.)**050032 [Affirming the categorical exemptions issued for 1187 and 1189 Stanyan Street]**

Motion affirming the determinations by the Planning Department that the two single-family home projects at 1187 Stanyan Street and 1189 Stanyan Street are categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050033 [Disapproving the categorical exemptions issued for 1187 and 1189 Stanyan Street]

Motion disapproving the determinations by the Planning Department that the projects at 1187 Stanyan Street and 1189 Stanyan Street are categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

050034 [Preparation of findings related to the categorical exemptions issued for 1187 and 1189 Stanyan Street]
Motion directing the Clerk of the Board to prepare findings related to the appeals of the determinations by the Planning Department that the projects at 1187 Stanyan Street and 1189 Stanyan Street are categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

James Chaffee; Library issues
Male Speaker; senior issues requesting an audit
Male Speaker; senior issues
Francisco di Costa; Laguna Honda issues
Peter Warfield; Library Citizens Advisory
Female speaker; labor issues
Ray; selection of Juvenile Chief Probation Officer
Female Speaker; torture resolution
Male Speaker; torture resolution
Female Speaker; torture resolution
David Pilpel; support of Item 27
Arnold Duffy; general issues
Abdullah Megaheed; homeless issues

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.

050212 [Accept-Expend Federal Grant]
Supervisor Elsbernd

Resolution authorizing the Office of Emergency Services to accept and expend a Federal Grant in the amount of \$400,000 from the United States Department of Homeland Security for the purpose of providing financial assistance to San Francisco's Metropolitan Medical Response System (MMRS).

Resolution No. 126-05

ADOPTED

**050225 [Apology from Margaret Spellings]
Supervisors Ammiano, Dufty, Mirkarimi**

Resolution urging the United States Secretary of Education, Margaret Spellings, to retract her condemnation of the Corporation for Public Broadcasting Stations (PBS) from airing an episode of "Postcards from Buster" depicting a lesbian couple and further urging the Secretary of Education to publicly apologize to gay, lesbian, bisexual and transgender community and offer a public statement in support of tolerance, multiculturalism and free speech.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Resolution No. 127-05

ADOPTED

**050226 [Accept-Expend Gift]
Supervisors Daly, Elsbernd, Mirkarimi**

Resolution authorizing the Department of Public Works to accept and expend a gift in the amount of \$115,000 from the San Francisco Foundation, from an account on behalf of Richard N. Goldman as the Chair of the United Nations 50 celebration, for additional capital improvements to United Nations Plaza.

Supervisors Elsbernd and Mirkarimi requested to be added as co-sponsors.

Resolution No. 128-05

ADOPTED

**050228 [Commending the 23rd Annual San Francisco International Asian American Film Festival]
Supervisors Ma, Elsbernd, Mirkarimi**

Resolution commending the 23rd Annual San Francisco International Asian American Film Festival.

Supervisors Elsbernd and Mirkarimi requested to be added as co-sponsors.

Resolution No. 129-05

ADOPTED

**050229 [Commending Alice Fong Yu Alternative School]
Supervisors Ma, Elsbernd**

Resolution congratulating and commending the Alice Fong Yu Alternative School for ten years of excellence in Chinese Immersion Education.

Resolution No. 130-05

ADOPTED

**050230 [Community Aggregation and Public Power on Treasure Island]
Supervisor Mirkarimi**

Resolution urging that the San Francisco Public Utilities Commission explore, based on the findings of the LAFCO reports, the implementation of Community Aggregation and Public Power on Treasure Island.

Resolution No. 131-05

ADOPTED

**050231 [Investigate Paperless Facsimile Solutions for City Offices]
Supervisors Mirkarimi, Peskin, Daly**

Resolution urging the Department of the Environment in conjunction with the Department of Telecommunications and Information Services to investigate and recommend appropriate electronic paperless fax solutions for City offices.

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 132-05

ADOPTED

**050232 [Opposing HR-418, the Real ID Act]
Supervisors Mirkarimi, Sandoval, Daly**

Resolution urging the United States House of Representatives to oppose "The Real ID Act," H.R. 418.

Supervisor Daly requested to be added as a co-sponsor.

Resolution No. 133-05

ADOPTED

**050233 [Appointment - Treasure Island Development Authority]
Supervisor Peskin**

Resolution appointing Supervisor Ross Mirkarimi, indefinite term, as an alternate to Supervisor Chris Daly on the Treasure Island Development Authority Board.

Resolution No. 134-05

ADOPTED

**050234 [Urging the American Legion Post of San Francisco to determine the authenticity of a flag in the War Memorial that may be the flag unfurled by General Emilio Aguinaldo during the proclamation of Philippine independence on June 12, 1898]
Supervisors Sandoval, Ma**

Resolution Urging the American Legion Post of San Francisco to determine the authenticity of a flag in the War Memorial that may be the flag used by General Emilio Aguinaldo during the proclamation of Philippine independence on June 12, 1898.

Resolution No. 137-05

ADOPTED

**050235 [Assembly Bill 178, California Cigarette Fire Safety Act]
Supervisors Sandoval, Mirkarimi, Daly**

Resolution urging the California State Legislature to approve AB 178: California Cigarette Fire Safety Act, which requires that all cigarettes sold in California be fire-safe starting in 2006.

Supervisors Mirkarimi and Daly requested to be added as co-sponsors.

Resolution No. 135-05

ADOPTED

**050236 [Accept-Expend Federal Grant]
Mayor, Supervisors Dufty, Mirkarimi**

Resolution authorizing the Director of Transportation or his designee to file an application to apply for, accept, and expend \$624,000 in Federal Surface Transportation funds through the Metropolitan Transportation Commission's Regional Bicycle and Pedestrian Program for striping and signing bike lanes, striping ladder cross-walks, and building ADA compliant curb-cuts; committing the necessary local match for the project; stating the assurance of the City and County of San Francisco to complete the project; and to execute any and all associated documents.

Supervisor Mirkarimi requested to be added as a co-sponsor.

Resolution No. 136-05

ADOPTED

**050209 [Board Off-site Meetings]
Supervisor Ammiano**

Motion ordering the City and School District Select Committee meeting(s) of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on March 14, May 9, July 11, September 12 and November 14, 2005 at 4:00 P.M.; and directing the Clerk of the Board to prepare the proper notices and postings.

Motion No. M05-26

APPROVED

050170 [Final Map for a 5 Unit Residential Condominium Project - 1562-1564-1566-1568-1570 Fell Street]

Motion approving Final Map of 1562-1564-1566-1568-1570 Fell Street, A Residential Condominium Project, being a subdivision of Lot 15 in Assessor's Block No. 1207, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

Motion No. M05-25

APPROVED

050249 [Final Map for a 13 Unit Residential Condominium Project - The Parkside 2418 20th Avenue]

Motion approving Final Map of The Parkside 2418 20th Avenue, A Residential Condominium Project, being a subdivision of Lot 31A in Assessor's Block No. 2406, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

Motion No. M05-27

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances**041006 [Establishing cable television customer service requirements]
Supervisor Peskin**

Ordinance amending Sections 11.1, 11.37, 11.38, 11.46, 11.51, and 11.62 of the Administrative Code to establish customer service requirements for cable television and open video system operators.
7/13/04, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 8/12/2004.
2/15/05, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.
2/15/05, RECEIVED AND ASSIGNED to Land Use Committee.

**050182 [Zoning – Planning Code amendments in connection with the Transbay Redevelopment Plan]
Mayor, Supervisor Daly**

Ordinance amending the Planning Code to add Sections 249.27, 263.18, 825, and 825.1 to establish special zoning controls in connection with the Transbay Redevelopment Plan; amending Planning Code Section 270 to reflect the new zoning changes to bulk controls set forth in Section 263.18; adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.
2/1/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/3/2005.
2/15/05, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing same title
2/15/05, ASSIGNED to Land Use Committee.

**050183 [Zoning Map amendments in connection with the Transbay Redevelopment Plan]
Mayor, Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending Sectional Map 1, 1H, and 1SU of the Zoning Map of the City and County of San Francisco in connection with the Transbay Redevelopment Plan and an associated special use district with the Redevelopment Plan Project Area and adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.
2/1/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/3/2005.
2/15/05, SUBSTITUTED. The Mayor submitted a substitute ordinance bearing same title.
2/15/05, ASSIGNED to Land Use Committee.

**050253 [Proposition 65 Ordinance - Safe Drinking Water and Toxic Enforcement Act of 1986]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Health Code by adding Section 456.6, to require the Department of Public Health to Enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) and its implementing regulations and to require certain food establishments to provide Proposition 65 warnings in English, Spanish, and Chinese.
2/15/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 3/17/2005. 02/23/05 - Referred to the Small Business Commission.

- 050254** [Amending Planning Code Sec 703.3 to designate formula retail uses as a conditional use in the Small-Scale NCD along Divisadero from Haight to Turk Streets]
Supervisor Mirkarimi

Ordinance to amend the Planning Code by amending section 703.3 to designate formula retail uses as a conditional use in the Small-Scale Neighborhood Commercial District along Divisadero Street from Haight to Turk Streets and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

2/15/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/17/2005.

Resolutions

- 050257** [Supporting California Health Care Coalition of California Works]
Supervisors Ammiano, Mirkarimi

Resolution supporting the California Health Care Coalition of the California Works Foundation and participating with other public and private purchasers determined to bring significantly greater performance accountability and transparency to the healthcare industry.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 050258** [Amending the terms of all Board of Supervisors' appointees to the Treasure Island/Yerba Buena Island Citizens Advisory Board]
Supervisor Daly

Resolution amending the terms of all Board of Supervisors' appointees to the Treasure Island/Yerba Buena Island Citizens Advisory Board (the "TICAB") to be consistent with the Bylaws of the TICAB.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 050259** [Urging the United States Government to comply with international law regarding the use of torture]
Supervisors Daly, Mirkarimi, Peskin

Resolution urging the United States Government to comply with international law regarding the use of torture.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 050260** [Open Government: Reinstating CityWatch Telecasts]
Supervisors Daly, Ammiano, Mirkarimi

Resolution to protect open government by re-instating cable programming for the Police and Planning Commissions on San Francisco Government Television, CityWatch.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050261 [Accept-Expend Grant from National Endowment for the Arts for Arts Commission]
Supervisors Dufty, Mirkarimi**

Resolution authorizing the San Francisco Arts Commission to accept and expend a grant in the amount of \$50,000 from the National Endowment for the Arts for the advancement of arts education in the San Francisco Unified School District through the efforts and administration of the Arts Education Program.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050262 [Honoring and commending Community Housing Partnership]
Supervisors Dufty, Daly**

Resolution honoring and commending Community Housing Partnership for fifteen years of providing an alternative approach to the crisis of homelessness in San Francisco.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050263 [Commending International Women's Day]
Supervisors Ma, Maxwell, Alioto-Pier, Peskin**

Resolution commending International Women's Day.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050264 [Arts Education Month]
Supervisor Ma**

Resolution declaring March 2005 to be "Arts Education Month" in the City and County of San Francisco.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050265 [Bill Price Day]
Supervisors Mirkarimi, Ma, Peskin**

Resolution declaring "Bill Price Day" in San Francisco on February 24th 2005 on the occasion of his 90th birthday.

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050266 [Grant to respond to bioterrorism, infectious disease outbreaks, and other public health threats and emergencies in hospital settings in San Francisco]
Supervisor Ma**

Resolution authorizing the San Francisco Department of Public Health (SFDPH, SFGH) to accept and expend retroactively a grant in the amount of \$44,747 from the California Department of Health Services (CDHS) to prepare for and respond to bioterrorism and other public health emergencies and to enter into an agreement for the use of these funds; for the period of September 1, 2003, to August 31, 2004.

2/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**050267 [Proclaiming March 2005 as Social Worker Month in San Francisco]
Supervisors Maxwell, Ma, Dufty**

Resolution proclaiming March 2005 as Social Worker Month in San Francisco.
2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050268 [Commending Dale Hess]
Supervisors Maxwell, Peskin**

Resolution commending Dale Hess for his years of contribution to the City and County of San Francisco and proclaiming March 2, 2005 as Dale Hess Day in San Francisco.
2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050269 [Commending the San Francisco Independent Living Resource Center]
Supervisors Maxwell, Mirkarimi**

Resolution commending the San Francisco Independent Living Resource Center and their partners of the "San Francisco Cross Agency Training on Health, Benefits, Work and Disability" for their efforts to provide workers and job seekers with disabilities accurate information and access to their rights at the workplace.
2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050270 [Opposing President Bush's Proposed Cuts in Community Development Funding]
Supervisors Sandoval, Peskin**

Resolution opposing President Bush's proposed cuts in community development funding.
2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050271 [Urging State to adopt Ten Year Plan to End Chronic Homelessness]
Mayor, Supervisors Daly, Mirkarimi**

Resolution urging the State of California to adopt a Ten Year Plan to End Chronic Homelessness by 2006.
2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**050272 [Urging Congress to approve funding for housing and supportive services for the chronically homeless]
Mayor, Supervisor Dufty**

Resolution urging Congress to approve \$200 million for the Samaritan Initiative to implement housing and supportive services strategies to end chronic homelessness.
2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**050255 [Press Passes]
Supervisor Mirkarimi**

Hearing on the past and present practices of the issuance of press passes by the San Francisco Chief of Police, and any changes to said policy that delineates journalists as "actual and bona fide," and changes to said policy that accounts for journalists who are and are not working on "breaking news," and changes or recommendations for regulating press pass issuance to the burgeoning and/or steady industry of electronic journalists, community (neighborhood newspaper) journalists, and freelancers, that comprise any combination of the aforementioned classifications.

2/15/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**050256 [Increase of young people at the Youth Guidance Center]
Supervisor McGoldrick**

Hearing on the increase of young people at the Youth Guidance Center (YGC). This hearing will bring together key stakeholders and decision makers to review the current crisis and possible action to decrease the population at YGC.

2/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 03/03/05 - Letter from the committee concerning the recommendations from representatives of the Public Defender's Office sent to Juvenile Probation, Public Health, Controller, and the Mental Health Commission.

Motion

**050252 [Needle Exchange Emergency]
Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi**

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

2/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

050245 [Settlement of Lawsuit - John Miller]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against John Miller for the receipt of \$45,000; the lawsuit was filed on March 11, 2003 in San Francisco Superior Court, Case No. 418-214; entitled City and County of San Francisco, et al., v. John Miller, et al. (City Attorney)

2/7/05, RECEIVED AND ASSIGNED to Rules Committee.

050246 [Settlement of Lawsuit - Kemper Insurance Co.]

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

2/7/05, RECEIVED AND ASSIGNED to Rules Committee.

- 050247 [Settlement of Lawsuit - 18th and Arkansas Homeowners Association, et al., v. CCSF, et al.]**
Ordinance authorizing settlement of the lawsuit filed by 18th and Arkansas Homeowners Association, 1220 Folsom Street Owners' Association, 2412 Harrison Street Owners' Association, India Cove Homeowners Association, 700 Illinois Street Owners' Association, 1415 Indiana Street Owners' Association, Penn Station Lofts Owners' Association, 226 Ritch Street Owners Association, 650 Second Street Owners' Association, San Francisco Flower Growers Association, 2030 Third Street Homeowners' Association, Tehama Lofts Condominium Owners' Association, 1011 23rd Street Owners' Association, and 239 8th Street Homeowners' Association against the City and County of San Francisco for \$65,424.81; the lawsuit was filed on September 27, 2003 in the San Francisco Superior Court, Case No. 424-484; entitled 18th and Arkansas Homeowners Association, et al., v. City and County of San Francisco, et al.
2/7/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

- 050165 [Airport Concession Lease]**
Resolution approving the Remote Terminal Food and Beverage Lease between Bassam & Nancy Shihadeh dba Deli Up Café, and the City and County of San Francisco, acting by and through its Airport Commission.
(Airport Commission)
2/2/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 050248 [Settlement of Claim - Liberty Mutual Insurance Company]**
Resolution approving the settlement of the unlitigated Claim No. 04-02628 filed by Liberty Mutual Insurance Company as subrogee for Cresleigh Management on March 10, 2004 against the City and County of San Francisco for \$33,466.09. (City Attorney)
2/7/05, RECEIVED AND ASSIGNED to Rules Committee.

Requests Granted

From: Supervisor Maxwell

To: City Attorney

Requesting/Inquiring: To draft legislation to initiate a Redevelopment Survey Area for the Planning Department's Visitacion Valley Plan Area, and to direct the Redevelopment Agency to include the necessary activities in its work program and budget for the 2005-2006 Fiscal Year.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

To: General Manager, Municipal Transportation Agency

Requesting/Inquiring: to report on the feasibility of a traffic light at the intersection of Ellis and Divisadero Streets.

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: To draft legislation requiring the Department of Public Works to retain and integrate existing bike and pedestrian facilities when roads are constructed, reconstructed or relocated.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

To: General Manager, Municipal Transportation Agency

Requesting/Inquiring: To report on the feasibility of creating traffic calming measures such as a yield, blind turn or stop sign, at the intersection of Divisadero and Waller Streets.

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: To draft legislation requiring that major street rehabilitation or resurfacing projects integrate transit, pedestrian, and the bicycle improvements as called for in official city plans. The legislation should ensure that in the event of capital work on any aspect of the streets, that all other aspects are brought into compliance with current standards for:

- 1) Street and sidewalk lighting*
- 2) Pedestrian and bicycle safety*
- 3) Access under the Americans with Disabilities act*
- 4) Public transit facilities, including transit preferential streets and bus rapid transit corridors*
- 5) Landscaping*
- 6) other streetscape amenities*
- 7) With any future standards should they be developed.*

*From: Supervisor Sandoval
To: General Manager, Recreation and Park Department
Requesting/Inquiring: To report on the feasibility of working with the Balboa Tennis Club and TennisForKids.org in locating an appropriate space to store tennis equipment for both organizations and installing a drinking fountain for both the tennis courts and children's playground at Balboa Park. Possible locations for the storage shed include against the fence of the tennis courts facing Sgt. John C. Young Lane or use of the storage areas underneath the Balboa Pool.*

Please send copy of the above letter to the following:

*Oscar Romero
President, Balboa Tennis Club
347 Flood Avenue
San Francisco, CA 94112*

*David Blair
Director of Development
TennisForKids.org
445 42nd Avenue
San Francisco, CA 94121-1513*

In Memoriams

*Stanley Warren (Entire Board)
Dennis Billingsley (Supervisor Ammiano)
Amber Celeste Amos (Supervisor Mirkarimi)
Arthur Miller (Supervisor Mirkarimi)
Loren Andre Morgan (Supervisor Mirkarimi)*

ADJOURNMENT

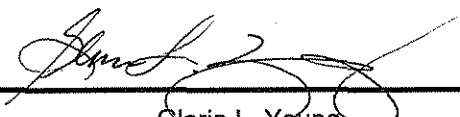
There being no further business the Board adjourned at the hour of 4:11 p.m.

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 March 15, 2005.

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