

Board of Supervisors

City and County of San Francisco

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



AGENDA

**Tuesday, December 16, 2003
2:00 PM**

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Motion to approve the November 18, 2003 Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 16

Recommendations of the Finance and Audits Committee

Present: Supervisors Peskin, Sandoval, Gonzalez

1.

031747

[Revising permit fee and planning review surcharges applicable to permits and review activities subject to review by the Board of Appeals]

Ordinance amending the Administrative Code by amending Section 10G.1 to correct erroneous Planning and Building Code citations, revising permit surcharges on permits issued by the Department of Building Inspection, the Taxi Commission, the Police Department and the Department of Public Works permits where such permits are subject to appeal before the Board of Appeals, revising the surcharge on fees imposed by the Planning Department for review of permits where such permits are subject to appeal before the Board of Appeals, and making environmental findings.

12/9/2003, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Supervisors Peskin, Dufty

Present: Supervisors Peskin, McGoldrick

2.

031882

[Review of Concession Opportunity]

Resolution authorizing the Director of the Department of Administrative Services to issue a request for proposals for the award of an agreement for use of sites owned or occupied by the City and County of San Francisco for beverage vending services.

Question: Shall this Resolution be ADOPTED?

Supervisor Peskin
3.

031923

[Certification to Accompany Application for State Grant for construction of an Ingleside Branch Library]

Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

Question: Shall this Resolution be ADOPTED?

Mayor, Supervisor Sandoval

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Present: Supervisors Hall, Dufty

9. 031790 [Settlement of Lawsuit - Mamei Wei]

Ordinance authorizing settlement of the lawsuit filed by Mamei Wei against the City and County of San Francisco and Ray Contreras for \$250,000; the lawsuit was filed on December 20, 2002 in U.S. District Court for the Northern District of California, Case No. C02-5887 TEH entitled Mamei Wei v. City and County of San Francisco and Ray Contreras. (City Attorney)

(Public Benefit Recipient.)

12/9/2003, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

10. 031799 [Settlement of Lawsuit - Curtis McGlothin]

Ordinance authorizing settlement of the lawsuit filed by Curtis McGlothin against the City and County of San Francisco for \$165,000; the lawsuit was filed on August 7, 2002 in San Francisco Superior Court, Case No. 411-241; entitled Curtis McGlothin, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

12/9/2003, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

11. 031807 [Settlement of Lawsuit - Teresa Lau]

Ordinance authorizing settlement of the lawsuit filed by Teresa Lau against the City and County of San Francisco for \$93,500; the lawsuit was filed on September 27, 2001 in San Francisco Superior Court, Case No. 324-939; entitled Teresa Lau, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

12/9/2003, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

12. 031855 [Settlement of Lawsuit - Poppie Kouremetis]

Ordinance authorizing the settlement of lawsuit filed by Poppie Kouremetis against the City and County of San Francisco for \$95,000; the lawsuit was filed on May 13, 2002, in San Francisco Superior Court and was removed to United States District Court, Case No. C02-02980 MEJ, entitled Kouremetis v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

13. 031912 [Settlement of Lawsuit - Leo Rivkin]

Ordinance authorizing settlement of the lawsuit filed by Leo Rivkin against the City and County of San Francisco for \$110,000; the lawsuit was filed on February 22, 2001 in San Francisco Superior Court, Case No. 319-085; entitled Leo Rivkin, et al., v. City and County

of San Francisco, et al. (City Attorney)
(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

14.

031913

[Settlement of Lawsuit - Janet Prieto]

Ordinance authorizing settlement of the lawsuit filed by Janet Prieto against the City and County of San Francisco for \$85,000; the lawsuit was filed on January 2, 2002 in the San Francisco Superior Court, Case No. 403048; entitled Janet V. Prieto v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

15.

031946

[Settlement of Lawsuit - Billy Clark]

Ordinance authorizing settlement of the lawsuit filed by Billy Clark against the City and County of San Francisco for \$50,000; the lawsuit was filed on November 16, 2001 in San Francisco Superior Court, Case No. 401-372; entitled Billy Clark v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

16.

031576

[Appointment]

Resolution appointing LeConte Dill and Gloria Thornton, terms ending June 30, 2005 to the Asthma Task Force. Residency requirement waived.

LeConte Dill, (residency requirement waived) succeeding Ann Togia, resigned, seat 1, must be a representative of a community-based organization that provides advocacy related to asthma issues in San Francisco and is a voting member; for the unexpired portion of a two year term ending June 30, 2005.

Gloria Thornton, succeeding Carla Furtado, resigned, seat 11, must be a representative of MediCal Managed Care Insurers and is a voting member, for the unexpired portion of a two year term ending June 30, 2005.

Question: Shall this Resolution be ADOPTED?

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

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Finance and Audits Committee

Present: Supervisors Peskin, Sandoval, McGoldrick

17.	031716	[Airport Lease Disposition and Development Agreement and Lease]	Supervisor Hall
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Resolution approving the Lease Disposition and Development Agreement and Lease of Plot 9 between Airis SFO, LLC and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

(No Public Benefit Recipient.)

(Reactivated pursuant to Rule 5.31 of the Board of Supervisors.)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Peskin, McGoldrick

18. 031828 [Airport Revenue Bonds]

Resolution approving the issuance of up to \$225,000,000 additional aggregate principal amount of San Francisco International Airport Second Series Revenue Refunding Bonds for the purpose of refinancing 1991 Resolution Bonds and Subordinate Bonds of the Airport Commission; Approving the issuance of San Francisco International Airport Second Series Variable Rate Revenue Bonds for the purpose of financing or refinancing certain capital improvements at San Francisco International Airport, including by refunding outstanding 1991 Resolution Bonds and Subordinate Bonds of the Airport Commission; Approving the maximum interest rates thereon; Approving the forms of certain documents relating to the Bonds; Approving XI Capital Assurance Inc. as a provider of bond insurance and reserve fund Surety Bonds and the forms of certain documents relating thereto; and Approving certain amendments to the 1991 Master Resolution. (Airport Commission)

Question: Shall this Resolution be ADOPTED?

19.	031884	[Expend Federal Funds - Fiscal Year 2003 Lead Hazard Reduction Demonstration Grant Program]	Mayor
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Resolution authorizing the Mayor of the City and County of San Francisco to expend 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 \$2,600,000, which includes indirect costs of \$30,000.

(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use Committee

Present: Supervisors McGoldrick, Maxwell, Ammiano

20.	031701	[Distribution of literature by a residential tenant in a building to other tenants in the building, regarding matters of common interest or concern to the tenancies]	Supervisor Peskin
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Ordinance adding Administrative Code Chapter 49A "Residential Tenant Communications"

regarding a residential tenant's permissible use of common areas to distribute literature to other tenants in the building, including literature distributed on behalf of a tenants' association or other tenants' organization, where the literature relates to issues of common interest or concern to the building's tenancies; distribution may include placement of literature on or in front of tenant doors, with the distributor's name/address/telephone number plainly included for any tenant to opt out of future doorway distributions; and, the landlord may establish other reasonable requirements as to the time, place, manner, and volume, of such literature distribution.

Question: Shall this Ordinance be PASSED ON FIRST READING?

21.

031832

[Designating 2926-2948 16th Street, the Labor Temple/Redstone Building, As a Landmark Under Planning Code Article 10]

Ordinance Designating 2926-2948 16th Street, the Labor Temple/Redstone Building, As Landmark No. 238 Pursuant To Article 10, Sections 1004 And 1004.4 Of The Planning Code. (Planning Department)

(No Public Benefit Recipient.)

Supervisor Daly

Question: Shall this Ordinance be PASSED ON FIRST READING?

22.

031566

[Interim Controls Regulating Certain Industrially-Zoned Properties on Third Street Between Islais Creek and Paul Avenue]

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.

Supervisor Maxwell

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Hall, Dufty

23.

031503

[New administrative debarment procedure]

Ordinance adding a new Chapter 28 to the San Francisco Administrative Code to establish a City-wide administrative debarment procedure; amending Chapter 6 of the Administrative Code to reflect the adoption of the new Chapter 28.

Supervisor Peskin

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Hall, Dufty, Peskin

24.

031534

[Appointment]

Resolution appointing F.X. Crowley, term ending January 31, 2005, to the Golden Gate Bridge, Highway and Transportation District.

F.X. Crowley, succeeding Robert McDonnell, deceased, seat 2, represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for the unexpired portion of a two-year term ending January 31, 2005.

Supervisor Dufty dissenting in committee.

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Hall, Dufty

25.

031864

[Appointment, Public Utilities Commission]

Motion approving the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2004. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.

Transmittal date - November 20, 2003.

Question: Shall this Motion be ADOPTED?

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

26.

031999

[Third Annual Youth Recognition Day]

Third Annual Youth Recognition Day Presentation. (Clerk of the Board)

Action: _____

SPECIAL ORDER 4:00 P.M.

27.

031888

[Public Hearing]

Hearing of persons interested in or objecting to proposed Resolution establishing the modification and renewal of an assessment district known as the Union Square Business Improvement District, ordering the levy and collection of assessments against property located in that district for fiscal years 2004-2005 through 2008-2009, approving an agreement with the Union Square Business Improvement District, Inc. to provide services within the District, repealing Resolution No. 1066-98, creating the Union Square Business Improvement

District Advisory Board, and making environmental findings. (Clerk of the Board)
(Companion measure to File 031815.)

Action:_____

28.

031815

[Modification and renewal of the Union Square Business Improvement District]

Resolution establishing the modification and renewal of an assessment district known as the Union Square Business Improvement District, ordering the levy and collection of assessments against property located in that district for fiscal years 2004-2005 through 2008-2009, approving an agreement with the Union Square Business Improvement District, Inc. to provide services within the District, repealing Resolution No. 1066-98, creating the Union Square Business Improvement District Advisory Board, and making environmental findings.
(Fiscal impact.)

Supervisor Peskin

Question: Shall this Resolution be ADOPTED?

APPEAL PROCEDURES
Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:
1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2.

SPECIAL ORDER 4:30 P.M.

29.

031840

[Appeal, Final Mitigated Negative Declaration - 701 Lombard Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated January 15, 2003, approving a final mitigated negative declaration for the proposed condominium project located at 701 Lombard Street, on Assessor's Block 074, Lot 001.
(Appellant: Susan Brandt-Hawley, attorney, on behalf of Telegraph Hill Dwellers.)

(Appeal filed November 6, 2003 by Susan Brandt-Hawley, attorney, on behalf of the Telegraph Hill Dwellers; companion measure to Files 031841, 031842, 031860, 031861, 031862, 031863.)

Action:_____

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

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

- 30. 031841 [Finding appeal of the negative declaration for 701 Lombard Street untimely]**
Motion finding the appeal of the negative declaration issued on January 15, 2003 for 701 Lombard Street not timely filed. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

- 31. 031842 [Finding the negative declaration appeal for 701 Lombard Street timely]**
Motion finding the appeal of the negative declaration issued on January 15, 2003 for 701 Lombard Street timely filed. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

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

- 32. 031861 [Affirm adoption of the negative declaration for 701 Lombard Street]**
Motion affirming Planning Department adoption of the final negative declaration for 701 Lombard Street. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

- 33. 031862 [Reversing adoption of the negative declaration for 701 Lombard Street]**
Motion reversing the Planning Department adoption of the final negative declaration for 701 Lombard Street. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

- 34. 031863 [Preparation of findings to reverse adoption of the negative declaration for 701 Lombard Street]**
Motion directing the Clerk of the Board to prepare findings reversing the Planning Department adoption of the negative declaration for 701 Lombard Street. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

- 35. 031860 [Preparation of findings related to the timeliness of the negative declaration appeal for 701 Lombard Street]**
Motion directing the Clerk of the Board to prepare findings related to the timeliness of the negative declaration appeal for 701 Lombard Street. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 4:30 P.M.

36. 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.

10/7/2003, CONTINUED. Continued to October 21, 2003 at 4:00 p.m.

10/21/2003, CONTINUED. Continued to November 25, 2003

11/25/2003, CONTINUED. Supervisor Peskin, seconded by Supervisor Ammiano, moved to continue this matter to December 16, 2003.

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 6:00 P.M.

37. 031905 [Public Hearing - Appeal of Categorical Exemption - 937-939 Jackson Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated September 30, 2003, approving a Certificate of Determination of Exemption/Exclusion from Environmental Review for the proposed condominium project located at 937-939 Jackson Street, on Assessor's Block 191, Lot 28. (Appellants: Rick Riley, Kevin Cheng, Deborah Goiten Goodyear, Irine Lew, Kwong Young Fong, Yick Q. Fong, Florence F. Wong, Lee Q. Fong, Grace S. Fong.)

(Appeal filed November 17, 2003; companion measure to Files 031906, 031907, 031908.)

Action:_____

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

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

38. 031906 [Affirming the categorical exemption issued for 937-939 Jackson Street]

Motion affirming the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California Environmental Quality Act as an in-fill development project and as a general rule exclusion. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

39. 031907 [Disapproving the categorical exemption issued for

937-939 Jackson Street]

Motion disapproving the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California Environmental Quality Act as an in-fill development project and as a general rule exclusion. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

40. 031908 [Preparation of findings to disapprove categorical exemption issued for 937-939 Jackson Street]

Motion directing the Clerk of the Board to prepare findings disapproving the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California Environmental Quality Act as an in-fill development project and as a general rule exclusion. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

COMMITTEE REPORTS

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

The following items will be considered by the City Services Committee at a Regular Meeting on Thursday, December 11, 2003. The Chair intends to request the Committee to send the following items to the Board as a committee report.

41. 031901 [Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for Fiscal Year 2003-04]

Supervisor Dufty

Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents (CHIP) funds for Fiscal Year 2003-04 and that the President or duly authorized representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for the Fiscal Year 2003-04. (Public Health Department)

(No Public Benefit Recipient.)

Question: Shall this Resolution be ADOPTED?

42. 031929 [San Francisco Law Library Justice Center]

Mayor

Resolution in support of the San Francisco Law Library Justice Center at 525 Golden Gate Avenue.

Question: Shall this Resolution be ADOPTED?

The following items will be considered by the Budget Committee at a Rescheduled Meeting on Friday, December 12, 2003. The Chair intends to request the Committee to send the following items to the Board as a committee report.

43. 031881 [2004-2007 Children's Service Allocation Plan]

Supervisor Daly

Resolution approving the Children's Services Allocation Plan for the Children's Fund in accordance with Section 16.108 of the San Francisco Charter.

Question: Shall this Resolution be ADOPTED?

44. 031873 [Memorandum of Understanding - Police] Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association (Police) to be effective July 1, 2003 through June 30, 2005.

Question: Shall this Ordinance be PASSED ON FIRST READING?

45. 031874 [Memorandum of Understanding - Fire] Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association (Fire) to be effective July 1, 2003 through June 30, 2005.

Question: Shall this Ordinance be PASSED ON FIRST READING?

- | | | | |
|------------|---------------|---|--------------|
| 46. | 031965 | [MOU - H-1 Fire Rescue Paramedics] | Mayor |
|------------|---------------|---|--------------|

Ordinance adopting and implementing the 2003-2005 Memorandum of Understanding between the H-1 Fire Rescue Paramedics, Service Employees International Union, Local 790 and the City and County of San Francisco, to be effective July 1, 2003 through June 30, 2005.

Question: Shall this Ordinance be PASSED ON FIRST READING?

The following item will be considered by the Land Use Committee at a Regular Meeting on Monday, December 15, 2003. The Chair intends to request the Committee to send the following item to the Board as a committee report.

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| 47. | 031897 | <p>[Grant of Federal Funds]</p> <p>Resolution authorizing the Municipal Transportation Agency to accept and expend \$1,475,374 of New Start Federal Capital Assistance for the Third Street - Phase II, Central Subway project, excluding administrative overhead costs. (Municipal Transportation Agency)</p> <p>(No Public Benefit Recipient.)</p> |
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Question: Shall this Resolution be ADOPTED?

- ## 48. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

- 49. PUBLIC COMMENT**

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a

Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

Items 50 through 68

50.

031978

[Japantown Task Force, Inc.]

Supervisor Gonzalez

Resolution authorizing the San Francisco Redevelopment Agency to directly apply for and receive SB 307 funds to allocate to the Japantown Task Force, Inc., a community organization, to define cultural preservation and to prepare the specific plan and be the community planning entity for San Francisco's Japantown, as defined in SB 307.

12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
51.

031982

[Public Hearing Approval]

Supervisor Peskin

Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$13,500,000 for On Lok Health Services and On Lok Community Housing, Inc.

12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
52.

032000

[Multi-Year Electricity Procurement]

Supervisor Ammiano

Resolution urging the California Public Utilities Commissioners not to authorize a multi-year Electricity Procurement for San Francisco Ratepayers.

12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
53.

032001

[Yellow Zone Conversion]

Supervisor Ammiano

Resolution urging the Department of Parking and Traffic to convert parking spaces located at 3286 and 3290 Mission Street from metered yellow zones to standard metered parking.

12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

54.	032002	[Pedestrian Safety and Speeding on State Highways]	Supervisor Hall
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Resolution urging the State Legislature to pass legislation increasing fines for speeding, running red lights, and other moving violations on state highways bisecting neighborhoods and other major thoroughfares designated by the local jurisdiction, and urging the State Legislature to set aside the revenue from these fines for pedestrian safety improvements.

12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

55. 032003 [Chinese Exclusion Act] Supervisor Ma

Resolution commemorating the 60th anniversary of the repeal of the Chinese Exclusion Act.

12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

56. 032004 [Support HR 3171 and SB 1552] Supervisor McGoldrick

Resolution supporting HR 3171 and SB 1552, amending the USA PATRIOT Act.

12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

57. 032005 [Commending Seva Foundation] Supervisor McGoldrick

Resolution commending the contribution of the Seva Foundation and proclaiming December 13, 2003 Seva Foundation 25th Silver Anniversary Day in San Francisco.

12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

58. **032016** **[Power Lines in Marina District]** **Supervisor Newsom**

Resolution urging Lucasfilm Ltd. and Pacific Gas & Electric Co., Inc. to work with the community on alternatives to its Bay-Fillmore-Filbert-Lyon route for supplying power to the Letterman Digital Arts Center in the Presidio, and to ensure that the route reduces impacts on San Francisco neighborhoods to the greatest extent possible.

12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

[illegible]

Resolution urging support for "Hearts in San Francisco", a temporary public art installation.

12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

60.

032018

[Charlotte Mailliard Shultz Staircase Renaming]

Resolution renaming the Grand Staircase of San Francisco City Hall's rotunda as the Charlotte Mailliard Shultz Staircase.

12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Supervisor Peskin
61.

032019

[Urging the San Francisco Delegation to the California Assembly and Senate to Oppose Proposed Budget Cuts]

Resolution urging the San Francisco delegation to the California Assembly and Senate to oppose Governor Arnold Schwarzenegger's proposed budget cuts to critical health and human services.

12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Supervisor Sandoval
62.

032020

[Excelsior Street Safe Program]

Resolution urging the Department of Parking and Traffic and the San Francisco Police Department and all other relevant city agencies to review the "Community Action Plan for Safer Streets in the Excelsior" and work with the Excelsior Street Safe project and community residents to implement the Plan's recommendations.

12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Supervisor Sandoval
63.

031909

[Final Map for a 80 Unit Residential / Commercial Condominium Project (821 Folsom Street)]

Motion approving Final Map of Shipley Square, A Residential / Commercial Condominium Project, being a subdivision of Lot 393 in Assessor's Block No. 3752, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient; DPW Order No. 174,546; District 6.)

12/8/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?
64.

031954

[Final Map for a 16 Unit Live/Work Condominium Project]

Motion approving Final Map of 68 Harriet Street, A Live/Work Condominium Project, being a subdivision of Lot 184 in Assessor's Block No. 3731, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

12/3/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

65.

031955

[Final Map for a 16 Unit Live/Work Condominium Project]

Motion approving Final Map of 175 Russ Street, A Live/Work Condominium Project, being a subdivision of Lot 185 in Assessor's Block No. 3731, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

12/3/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?
66.

031956

[Final Map for a 21 Unit Mixed-Use Condominium Project]

Motion approving Final Map of 350 Alabama Street, a Mixed-Use Condominium Project, being a subdivision of Lot 3, Assessor's Block No. 3967, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

12/3/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?
67.

031963

[Final Map for an 8 Unit Residential Condominium Project]

Motion approving Final Map of Killarney Court # 1 - 8, 843 South Van Ness Avenue, A Residential Condominium Project, being a subdivision of Lot 22 in Assessor's Block No. 3594, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

12/3/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?
68.

031976

[Needle Exchange Emergency]

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

12/9/2003, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

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

Questions on the For Adoption Without Committee Reference Agenda:_____

69.

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M.

Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

*[Serious Injury Finding]
Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

[Imperative Resolutions, if any]

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

*Proposed ordinances received from December 2, 2003 through December 8, 2003, for reference by the President to appropriate committee on December 16, 2003.
None.*

PROPOSED RESOLUTIONS

Proposed resolutions received from December 2, 2003 through December 8, 2003, for reference by President to appropriate committee on December 16, 2003.

- 031910

[Contracting out Janitorial Services]

Resolution concurring with the Controller's certification that janitorial services can be practically performed at the Permit Center at 1660 Mission Street and at 25 Van Ness Avenue by private contractor for lower cost than similar work services performed by City and County employees. (Real Estate Department)

(Public Benefit Recipient.)

12/8/2003, RECEIVED AND ASSIGNED to Finance and Audits Committee.

- 031950

[Accept-Expend State Grant]

Supervisor Duffy

Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the California Office of Traffic Safety (OTS) for a project entitled "You Drink & Drive, You Lose" national campaign. (Police Department)

(No Public Benefit Recipient.)

12/2/2003, RECEIVED AND ASSIGNED to City Services Committee.

031951 [Accept-Expend Federal Grant] Supervisor Dufty

Resolution authorizing the Chief of Police for the City and County of San Francisco to accept and expend grant funds made available through the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives for a project entitled Gang Resistance Education And Training (G.R.E.A.T.) (Police Department)

(No Public Benefit Recipient.)

12/2/2003, RECEIVED AND ASSIGNED to City Services Committee.

032006 [Settlement of Charges]

Resolution approving the settlement of California Department of Fair Employment and Housing and Equal Employment Opportunity Commission charges, filed by Ana Guevara on September 20, 2002, against the City and County of San Francisco alleging failure to reasonably accommodate and failure to engage in the interactive process under the disability laws. On September 17, 2003, Ana Guevara made a pre-litigation settlement demand to the City regarding her claims. (City Attorney)

12/9/2003, RECEIVED AND ASSIGNED to Rules Committee.

032021 [Petitions and Communications]

Petitions and Communications received from December 2, 2003, through December 8, 2003 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on December 16, 2003.

From California State Association of Counties, submitting annual report for 2003. Copy: Each Supervisor(1)

From Department of Elections, regarding the December 9, 2003 Municipal Run-Off Election. Copy: Each Supervisor(2)

From Office of the Controller, submitting a concession audit report concerning the audit of C.M.P. Service Partnership.(3)

From Fire Department, submitting monthly update regarding fire suppression and emergency medical services provided to Fire Station 33's district. Copy: Finance and Audits Committee(4)

From Department of Parking and Traffic, regarding plan for Citywide Conversion of School Crosswalks and Crossing Warning Signs. Copy: Supervisor Sandoval(5)

From Office of the Treasurer, regarding investment activity (for fiscal year to date) of the

portfolios under management.(6)

From Mark Rennie, submitting request for a Type 48 On-Sale General Public Premises transfer from 901 Geneva Avenue to 500 Divisadero Street for Madrone Lounge.(7)

From Department of Elections, regarding provisional ballots cast in the December 9, 2003 Election.(8)

From Airline Liaison Office, urging the Board of Supervisors to not approve the West Field Cargo Area Redevelopment Project. Copy: Each Supervisor(9)

From the Scott Law Firm, regarding the Kevin Williams/Skelly hearing. Copy: Each Supervisor, Sunshine Task Force(10)

From Emergency Communications Department, Office of Emergency Services, regarding what effects if any the "Secondary Unit Legislation" (File 021598) will have on the Department's ability to protect public health, safety and welfare. (Reference No. 20031028-004) Copy: Supervisor Hall(11)

From Office of the Controller, submitting report concerning the concession audit of Action Cellular Rent-A-Phone, Inc.(12)

From Office of the Treasurer, submitting the Cash Differences and Overages Fund for the period ending November 30, 2003.(13)

From Department of Elections, regarding the December 9, 2003 Municipal Run-Off Election for Mayor and District Attorney.(14)

From SF Unified School District, submitting request for release of reserved funds in the amount of \$29,480,000 from 1997 Proposition A bonds.(15)

From Assessor-Recorder, submitting revised copy of the Strategic and Efficiency Plan for fiscal year 2003-04. Copy: Budget Committee(16)

From Reuben & Alter LLP, responding to appeal of Certificate of Determination of Exemption/Exclusion from Environmental Review for property located at 937-939 Jackson Street. File 031905, Copy: Each Supervisor(17)

From Reuben & Alter LLP, responding to appeal of Negative Declaration for property located at 701 Lombard Street. File 031840, Copy: Each Supervisor(18)

From State Senate Rules Committee, submitting list of meetings in December 2003 at various locations in California.(19)

From Lloyd Schloegel, submitting opposition to the current proposed Transbay Redevelopment Project. File 031741(20)

From Deborah and Douglas Goodyear, submitting petition urging the Board of Supervisors to require the proposed nine-unit project at 937-939 Jackson Street to undergo an environmental impact review. File 031905, Copy: Each Supervisor
(21)

From concerned citizens, submitting opposition to the proposed transitional housing project at 850 Broderick Street.(22)

From Patrick Connally, submitting copy of letter sent to Art Torres, Chair, California Democratic Party requesting he set up a debate between him and the new Governor regarding proposed budget cuts for people with disabilities.(23)

From Superior Court, submitting request for release of reserved funds for the indigent defense program. Copy: Finance and Audits Committee(24)

From Sean Patrick Monette-Shaw, submitting opposition to unlitigated claim filed by Louise Renne challenging the validity of Ordinance 191-03, an Ordinance approving the transfer of tobacco settlement revenues, on the ground that it violates Proposition A, the initiative ordinance adopted by the voters in 1999 that authorizes the issuance of General Obligation Bonds for the Laguna Honda Hospital project. File 031953(25)

From Mental Health Board, submitting notice that Jay Golub is no longer a member of the Mental Health Board because he missed the last four meetings. Copy: Rules Committee(26)

From Soma Leadership Council, requesting the Board introduce legislation creating a Western SoMa Citizens Advisory Committee. Copy: Each Supervisor(27)

From PG&E, submitting report which provides the names and address of monthly listing of accounts delinquent over 90 days.(28)

From Bill McEwen, submitting information regarding global warming.(29)

From Bill Brennan, submitting letter regarding the City's mentally ill.(30)

From Baker Peeples, submitting opposition to the proposed Secondary Unit Legislation.(31)

From Anita Labossiere, regarding her employment with the San Francisco Water Pollution Control Bureau for over twenty-three years. Copy: Each Supervisor(32)

From Albert Factora, commenting on the lack of structure at the Crocker Amazon/Latchkey Program. Copy: Each Supervisor(33)

ADJOURNMENT

Meeting Procedures

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

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

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

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

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

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

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

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

Contact Ohn Myint at (415) 554-7704.

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



Disability access

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

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

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

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

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

This advance notice will help ensure availability.

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

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

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

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

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

Know Your Rights Under the Sunshine Ordinance

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

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

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

Lobbyist Registration and Reporting Requirements

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