# 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 14, 2004 2:00 PM Regular Meeting

MATT GONZALEZ, PRESIDENT MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL, JAKE McGOLDRICK, AARON PESKIN, GERARDO SANDOVAL

Gloria L. Young, Clerk of the Board

# ROLL CALL AND PLEDGE OF ALLEGIANCE

# APPROVAL OF MEETING MINUTES

Motion to approve the November 16, 2004 Board Minutes.

# **AGENDA CHANGES**

# **COMMUNICATIONS**

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

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

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

# **CONSENT AGENDA**

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

# **Items 1 through 10**

# Recommendations of the City Services Committee

Present:Supervisors Dufty, Elsbernd, Gonzalez

# 1. 040561 [Increasing the penalty for littering and nuisance violations, and providing for rewards for persons providing information leading to collection of those penalties]

Supervisors Sandoval, Dufty, Gonzalez, Elsbernd, Ma

Ordinance amending the San Francisco Police Code by amending Section 37, amending the San Francisco Health Code by amending Sections 283.1, 287, and 600, and amending the San Francisco Public Works Code by amending Section 174.2, all to increase the maximum administrative penalty for littering, illegal dumping of garbage, and maintaining a nuisance from \$300 to \$1,000, and amending the San Francisco Administrative Code by adding Section 10.100-234, to establish a Public Works Littering and Nuisance Violation Reward Fund, to be used to reward persons who have provided information leading to the collection of those penalties.

12/7/2004, AMENDED.

12/7/2004. PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Dufty, Elsbernd

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2.

# O41336 [Police alarm ordinance; technical changes to billing and remittance requirements for alarm companies; limiting license fee increases to \$5 increments]

Supervisor Ma

Ordinance amending the San Francisco Police Code, by amending Sections 3710.1, 3710.2, 3710.4, and 3720, to: require that alarm companies remit fees collected from customers in a single monthly check; move the billing date for license fees, beginning in 2005, from December 1 to November 1; clarify that the billing and remittance requirements of the Article only apply to those alarm monitoring companies having a direct contractual relationship with the alarm user; clarify that alarm companies shall only be held responsible for the unpaid

license fees of their customers where the company has failed to take reasonable steps to collect the fees, and provide a minimum threshold of what constitutes "reasonable steps"; and, limit license fee increases to five-dollar increments. (Emergency Communications Department)

12/7/2004, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?** 

## **Recommendation of the Finance and Audits Committee**

Present: Supervisors Daly, Peskin

# 3. 041450 [Commodities or services purchased with federal grant funds for the enhancement of homeland security]

Supervisors Ma, Daly

Ordinance amending San Francisco Administrative Code Section 21.5 to allow the Purchaser to develop regulations for the purchase of commodities or services using federal grant funds for the enhancement of homeland security where the purchase does not exceed \$100,000.

12/7/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

## Recommendation of the Land Use Committee

Present: Supervisors McGoldrick, Peskin, Maxwell

# 4. 041459 [Alternative bid process for construction trade packages for the construction of the California Academy of Sciences Facility]

**Supervisor McGoldrick** 

Ordinance authorizing the Recreation and Park Commission to implement an alternative bid process for construction trade packages for the construction of the California Academy of Sciences Facility.

12/7/2004, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?** 

## **Recommendations of the Rules Committee**

Present: Supervisors Maxwell, Alioto-Pier, Gonzalez

# 5. 041395 [Notification in the Voter Information Pamphlet of a candidate's adoption of voluntary expenditure ceiling]

Supervisors Gonzalez, Daly, Ammiano

Ordinance amending section 1.128 of the San Francisco Campaign and Governmental Conduct Code to specify the size and content of the notice in the Voter Information Pamphlet regarding whether a candidate has adopted the applicable voluntary expenditure ceiling.

12/7/2004, PASSED ON FIRST READING. Supervisors Ammiano and Daly requested to be added as co-sponsors.

**Question: Shall this Ordinance be FINALLY PASSED?** 

# 6. 041456 [Contribution limits for contractors doing business with the Unified School District and Community Pier, Daly, Ammiano College District]

Ordinance amending section 1.126 of the Campaign and Governmental Conduct Code to extend the contractor contribution limits imposed by that section to contractors doing business with the San Francisco Unified School District and the San Francisco Community College District.

12/7/2004, PASSED ON FIRST READING. Supervisors Ammiano and Daly requested to be added as co-sponsors.

**Question: Shall this Ordinance be FINALLY PASSED?** 

## 7. 041484 [Settlement of the Lawsuit - Pamela Nash]

Ordinance authorizing settlement of the lawsuit filed by Pamela Nash against the City and County of San Francisco for \$100,000; the lawsuit was filed on February 7, 2003, in the United States District Court, Northern District of California, Case No. C-03-01221-CW; entitled Pamela Nash v. City and County of San Francisco, et. al.

Question: Shall this Ordinance be PASSED ON FIRST READING?

## 8. 041514 [Settlement of Claim - Jon Wesley Hopkins]

Resolution approving the settlement of the unlitigated claim filed by Jon Wesley Hopkins against San Francisco for \$35,000; claim was filed on August 4, 2004. (City Attorney)

Question: Shall this Resolution be ADOPTED?

## 9. 041050 [Appointment - Veterans Affairs Commission]

Resolution appointing Brian Zweir, term ending January 31, 2006, to the Veterans Affairs Commission.

Brian Zweir, succeeding Christopher Michel, resigned, seat 10, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2006.

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Maxwell, Gonzalez

# 10. 041668 [Appointment - Commission on the Aging Advisory Council]

Resolution appointing Luis Calderon, term ending March 31, 2006, to the Commission on the Aging Advisory Council.

Luis Calderon, succeeding himself, term expired, seat 7, must be nominee of District 8 Supervisor, for the unexpired portion of a two-year term ending March 31, 2006.

Ouestion: Shall this Resolution be ADOPTED?

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

# **UNFINISHED BUSINESS**

# REGULAR AGENDA

# From the City Services Committee "Without Recommendation"

Present: Supervisors Dufty, Elsbernd, Gonzalez

# 11. 041461 [S.F. Zoo-Keeping Elephants Prohibited]

**Supervisors Gonzalez, Dufty, Daly** 

Ordinance adding Section 5.09 to the Park Code to require that a City Department or contractor must request permission from the City to keep elephants at the San Francisco Zoo, and the City Department or contractor shall first complete certain improvements at the Zoo before making such a request; and requiring annual updates on the status of improvements at the Zoo, beginning in November 2005.

12/7/2004, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

12/7/2004, PASSED ON FIRST READING AS AMENDED. Supervisor Daly requested to be added as co-sponsor.

**Question: Shall this Ordinance be FINALLY PASSED?** 

## **Recommendations of the Land Use Committee**

Present: Supervisors McGoldrick, Peskin, Maxwell

# 12. 041539 [Zoning Map Amendment in connection with Hunters Mayor, Supervisor Maxwell Point Redevelopment Project Area]

Ordinance amending Zoning Map Sheets 9 and 9H of the City and County of San Francisco to eliminate use districts and height and bulk districts within Assessor's Block 4591A, the Hunters Point Redevelopment Plan area, and instead reference the Hunters Point Shipyard Redevelopment Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

12/7/2004, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?** 

# 13. 041535 [General Plan Amendments Concerning Hunters Point Mayor, Supervisor Maxwell Shipyard Redevelopment Plan]

Ordinance amending the San Francisco General Plan to make the General Plan consistent with the Hunters Point Shipyard Redevelopment Plan, and making various findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

12/7/2004. PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?** 

## 14. 041541 [Hunters Point Shipyard - Health Code]

Mayor, Supervisor Maxwell

Ordinance adding Article 31 to the Health Code and amending sections 659, 1120.1 and 1227 of the Health Code to establish special restrictions for activities on the Hunters Point Shipyard to address potential residual contamination and to authorize the Department of Public Health to implement these restrictions, impose penalties, and charge fees to defray the costs of implementation; and making environmental findings.

12/7/2004, PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?** 

## 15. 041544 [Hunters Point Shipyard - Subdivision Code]

Mayor, Supervisor Maxwell

Ordinance amending the San Francisco Subdivision Code by adding the Hunters Point Shipyard Subdivision Code, Division 3, Article 1-8, Sections 1600 et seq. and making environmental findings.

12/7/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

## 16. 041538 [Hunters Point Shipyard - Public Works Code]

Mayor, Supervisor Maxwell

Ordinance amending the Public Works Code to add Sections 2.3.1, 2.3.2, 2.3.3 to establish special restrictions for activities on the Hunters Point Shipyard to address potential residual contamination and making specified findings.

12/7/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

## 17. 041540 [Hunters Point Shipyard - Building Code]

Mayor, Supervisor Maxwell

Ordinance amending the Building Code to add Section 106.3.2.5 to establish special restrictions for activities on the Hunters Point Shipyard to address potential residual contamination and making environmental findings.

12/7/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

### **18. 041536**

[Creating a graduated code compliance plan for nonresidential buildings at naval bases transferred to the City, the Redevelopment Agency, or the Treasure Island Development Authority] Mayor, Supervisor Maxwell

Ordinance amending the Building Code to add Section 3409 to provide that building and structures located on the Naval Station Treasure Island (including Yerba Buena Island) and Hunters Point Naval Shipyard may comply with the requirements of the Building Code in a

graduated manner over a period not to exceed seven years provided that: the buildings or structures were in existence at the time the bases were selected for closure, the Director of the Department of Building Inspection and the Fire Marshal determine that the buildings or structures are safe for their intended use and occupancy, the buildings or structures have been leased or transferred by the Federal Government to the City, the Redevelopment Agency, or the Treasure Island Development Authority, and the buildings or structures meet the code compliance inspection and graduated compliance plan requirements specified, to authorize the Department of Building Inspection and the Fire Department to charge the Redevelopment Agency or the City fees for time and materials expended in responding to requests for inspection and performing other tasks associated with the graduated compliance plan program, and to provide that this Section shall not go into effect until the graduated compliance plan has been filed with the California Building Standards Commission and shall remain in effect until January 1, 2007 or until seven years after the lease or transfer of buildings or structures subject to this Section, as long as that lease or transfer occurs prior to January 1, 2007, unless a state statute deletes or extends the time period for a local agency to operate under a graduated code compliance plan under California Health and Safety Code Section 18941.9 and making environmental findings.

12/7/2004, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

# 19. 041537 [Hunters Point Shipyard Joint Community Facilities Mayor, Supervisor Maxwell Agreement]

Resolution approving and authorizing a Joint Community Facilities Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco in furtherance of the adoption and implementation of the Redevelopment Plan for the Hunters Point Shipyard, specifically the Hunters Point Phase One Improvements, and making environmental findings.

12/7/2004, CONTINUED. Continued to December 14, 2004

**Question: Shall this Resolution be ADOPTED?** 

# 20. 041542 [Hunters Point Shipyard- Resolution of Intent for Street Vacation] Mayor, Supervisor Maxwell

Resolution declaring the intention of the Board of Supervisors to vacate portions of McKinnon Avenue, La Salle Avenue, Kirkwood Avenue, Jerrold Avenue, Innes Avenue, Hudson Avenue, Boalt Street, Coleman Street, Donahue Street, and Earl Street in Hunters Point Shipyard Parcel "A-1" and Oakdale Avenue, Newcomb Avenue, McKinnon Avenue, La Salle Avenue, Fitch Street, and Earl Street in Hunters Point Shipyard Parcel "A-2" along with public service easements in the aforementioned locations in the Hunters Point Shipyard; setting the hearing date for all persons interested in the proposed vacation of said street areas and public service easements.

12/7/2004, CONTINUED. Continued to December 14, 2004

**Question: Shall this Resolution be ADOPTED?** 

# 21. 041270 [Parking Regulations]

**Supervisor McGoldrick** 

Resolution enacting and rescinding parking regulations at various locations.

TOW AWAY NO STOPPING ANYTIME - ESTABLISH O'Farrell Street, north side, from Van Ness Avenue to Polk Street, eliminating 13 parking meters.

# TOW AWAY NO STOPPING, 7 AM TO 9 AM AND 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH

O'Farrell Street, north side, from Polk Street to Larkin Street.

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

820 O'Farrell Street at Larkin Street, northwest corner, from Larkin Street to 94 feet westerly eliminating parking meter nos. 802, 804, 806 and 808, (to create a 94-foot left turn pocket during non-peak hours).

## TOW AWAY NO STOPPING ANYTIME - ESTABLISH

895 O'Farrell Street at Polk Street, southeast corner, from 81 feet to 99 feet east of Polk Street, extending bus zone by 18 feet).

# TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH

O'Farrell Street, north side, from Larkin Street to Hyde Street.

# GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH

O'Farrell Street, north side, from Larkin Street to Hyde Street (establishing eleven parking meters).

# GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH

O'Farrell Street, south side, from Larkin Street to Hyde Street (establishing ten parking meters).

## TOW AWAY NO STOPPING ANYTIME - ESTABLISH

709 O'Farrell Street at Hyde Street, southwest corner, from Hyde Street to 90 feet westerly, (to create a 90-foot right-turn pocket).

# TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH

O'Farrell Street, north side, from Hyde Street to Leavenworth Street.

# GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH

O'Farrell Street, north side, from Hyde Street to Leavenworth Street (establishing seven parking meters).

# GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH

O'Farrell Street, south side, from Hyde Street to Leavenworth Street (establishing six parking meters).

## TOW AWAY NO STOPPING ANYTIME - ESTABLISH

608 O'Farrell Street at Leavenworth Street, northwest corner side, from Leavenworth Street to Harlem Alley, (to create a 76-foot left-turn pocket during non-peak hours).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

501 O'Farrell Street at Jones Street, southwest corner, from Jones Street to 96 feet westerly, (to create a 96-foot right-turn pocket).

# TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH

O'Farrell Street, north side, from Leavenworth Street to Jones Street.

# GENERAL METERED PARKING 9 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH

O'Farrell Street, north side, from Leavenworth Street to Jones Street (establishing nine parking meters).

# GENERAL METERED PARKING 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH

O'Farrell Street, south side, from Leavenworth Street to Jones Street (establishing nine parking meters).

## NO STOPPING ANYTIME - REVOKE

# METERED YELLOW ZONE, 9 AM TO 4 PM, MONDAY THROUGH FRIDAY - ESTABLISH

340 O'Farrell Street, north side, from 245 feet to 289 feet east of Taylor Street (44-foot zone establishing two meters).

### NO STOPPING ANYTIME - REVOKE

GENERAL METERED PARKING, 9 AM TO 4 PM, MONDAY THROUGH FRIDAY - ESTABLISH

360 O'Farrell Street, north side, from 85 feet to 245 feet east of Taylor Street (160-foot zone establishing eight meters).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

451 O'Farrell Street, south side, from 107 feet to 251 feet east of Jones Street (eliminates meters nos. 429, 427, 425, 421 and 419 to establish a 110-foot bus zone bulb out with 17 foot tapers on each end).

# TOW AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH

O'Farrell Street, north side, from Jones Street to Taylor Street.

### TOW AWAY NO STOPPING ANYTIME - REVOKE

TOW AWAY NO STOPPING, 7 AM TO 9 AM AND 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH

O'Farrell Street, north side, from Taylor Street to Mason Street.

# GENERAL METERED PARKING 7 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH

Geary Street, north and south sides, from Larkin Street to Polk Street (establishing twelve meters).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

1064 Geary Street at Van Ness Avenue, northeast corner, from Van Ness Avenue to 88 feet easterly, (to create an 88-foot right-turn pocket).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

1020 -1054 Geary Street, north side, from 96 feet to 236 feet west of Polk Street (144-foot zone eliminates parking meters 1012, 1014, 1016, 1020, 1024, and 1028 to establish a bus bulb).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

990 Geary Street at Polk Street, northeast corner, from Polk Street to 100 feet easterly (to create a 100-foot right-turn pocket).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

999 Geary Street at Polk Street, southeast corner, from Polk Street to 92 feet easterly, (to create a 92-foot left-turn pocket during non-peak hours).

# GENERAL METERED PARKING 7 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH

Geary Street, north and south sides, from Hyde Street to Larkin Street (establishing fifteen meters).

# GENERAL METERED PARKING 7 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH

Geary Street, north and south sides, from Leavenworth Street to Hyde Street (establishing sixteen meters).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

894 Geary Street at Larkin Street, northeast corner, from Larkin Street to 57 feet easterly, (to create a 57-foot right-turn pocket).

## TOW AWAY NO STOPPING ANYTIME - ESTABLISH

700 Geary Street at Leavenworth Street, northwest corner, from Leavenworth Street to 134 feet westerly, (establishing a 120-foot bus zone bus bulb, with 12-foot taper at the west end).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

795 Geary Street at Hyde Street, southeast corner, from Hyde Street to 80 feet easterly (to create an 80-foot left-turn pocket, during non-peak hours).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

684 Geary Street at Leavenworth Street, northeast corner, from Leavenworth Street to 90 feet easterly, (to create a 90-foot right-turn pocket).

# GENERAL METERED PARKING, 7 AM TO 4 PM, MONDAY THROUGH SATURDAY - ESTABLISH

Geary Street, north and south sides, between Jones Street and Leavenworth Street (establishing ten general parking meters).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

520 Geary Street at Taylor Street, north side, from 75 feet to 100 feet west of Taylor Street (eliminates yellow zone meter no. 508 extending existing bus zone by 25 feet).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

585 Geary Street at Jones Street, southeast corner, from Jones Street to 84 feet easterly, (to create an 84-foot left-turn pocket during non-peak hours, eliminates parking meter nos. 593, 595, 597 and 599).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

391 Geary Street at Mason Street, southeast corner, from Mason Street to 82 feet easterly, (to create an 82-foot left turn pocket, during non-peak hours, eliminates yellow zone meter nos. 337, 339 and 341).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

10 Geary Street, north side, from 90 feet to 130 feet west of Kearny Street (eliminates yellow zone meter nos. 14 and 16 to extend existing bus zone bus bulb).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

100 Geary Street at Grant Avenue northeast corner, from Grant Avenue to 72 feet easterly, (to create a 72-foot right turn pocket, eliminating yellow zone parking meter no. 38).

### TOW AWAY NO STOPPING ANYTIME - ESTABLISH

310 Geary Street, north side, from 95 feet to 135 feet west of Powell Street (eliminates yellow zone meters 18 and 22 to extend existing bus zone).

(9/9/04: Environmental review completed pursuant to the California Environmental Quality Act: "Certificate of Determination of Exemption/Exclusion from Environmental Review, 2004.0744E, Geary Transit Corridor Improvements," City and County of San Francisco Planning Department September 7, 2004; DPT Order No. 2880.)

10/26/2004, CONTINUED. Continued to November 23, 2004

11/23/2004, CONTINUED. Continued to December 14, 2004

**Question: Shall this Resolution be ADOPTED?** 

# 22. 041271 [Traffic Regulations]

**Supervisor McGoldrick** 

Resolution enacting and rescinding traffic regulations on various streets.

TRANSIT (CURB) LANE - BUSES, TAXIS AND RIGHT TURNS ONLY, 7 AM TO 9 PM, MONDAY THROUGH FRIDAY - REVOKE

RIGHT LANE- BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH

O'Farrell Street, south side, between Hyde and Leavenworth Streets.

TOW AWAY NO STOPPING, BUSES, TAXIS AND RIGHT TURNS ONLY, 7 AM TO 9 PM, MONDAY THROUGH FRIDAY - REVOKE

RIGHT LANE- BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES - ESTABLISH

O'Farrell Street, south side, between Leavenworth and Jones Streets.

TOW AWAY LANE (NORTH SIDE) - BUSES, TAXIS AND RIGHT TURNS ONLY, 4

PM TO 6 PM, MONDAY THROUGH FRIDAY - REVOKE RIGHT LANE - BUSES, TAXIS AND RIGHT TURNS ONLY, AT ALL TIMES -ESTABLISH

300 block of Geary Street (transit lane).

(9/9/04: Environmental review completed pursuant to the California Environmental Quality Act: "Certificate of Determination of Exemption/Exclusion from Environmental Review, 2004.0744E, Geary Transit Corridor Improvements," City and County of San Francisco Planning Department September 7, 2004; DPT Order No. 2880.)

10/26/2004, CONTINUED. Continued to November 23, 2004 11/23/2004, CONTINUED. Continued to December 14, 2004

Question: Shall this Resolution be ADOPTED?

# **NEW BUSINESS**

## **Recommendations of the Finance and Audits Committee**

Present: Supervisors Daly, Peskin, Ammiano

# 23. 041466 [Extending the Yerba Buena Center Redevelopment Plan by One Year]

Supervisor Daly

Ordinance amending the Yerba Buena Center Redevelopment Plan to extend by one year the time limit on the effectiveness of the Yerba Buena Center Redevelopment Plan and the time limit to receive property taxes and repay indebtedness pursuant to Senate Bill 1045.

Question: Shall this Ordinance be PASSED ON FIRST READING?

## 24. 041492

[Appropriate funding from the General Reserve to increase available funding in the Department of Public Health for self-help services to the homeless]

**Supervisor Daly** 

Ordinance appropriating \$283,809 from the General Fund Reserve to fund peer based self-help services for chronically homeless people in the Tenderloin for the Department of Public Health for fiscal year 2004-2005.

(Fiscal impact.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?** 

### **25. 041583**

# [Appropriate fund balance for the Port of San Francisco's Pier 35 Security Enhancements Project (Port's Cruise Ship Terminal)]

Mayor

Ordinance appropriating \$980,349 of unappropriated fund balance from the Port for the Pier 35 Security Enhancement Project, the Port's Cruise Ship Terminal, to fund the second phase

of the construction contract for Fiscal Year 2004-05.

(Fiscal impact.)

**Ouestion: Shall this Ordinance be PASSED ON FIRST READING?** 

## 26. 041588 [License Fees]

**Supervisor Daly** 

Ordinance amending the San Francisco Municipal Code Business and Tax Regulations Code by amending Sections 35, 120, 248, 249.1, and 249.12, relating to fees for licenses or permits for inspections by the Department of Public Health.

Question: Shall this Ordinance be PASSED ON FIRST READING?

## 27. 041522 [Amendment to Paratransit Broker Agreement]

Resolution approving Amendment No. 4 to Agreement between the City and County of San Francisco and ATC/Vancom, Inc., to extend the current five-year contract for three years, through March 31, 2008, and to increase the contract amount by \$65,379,606, for a total contract amount not to exceed \$158,021,539. (Municipal Transportation Agency)

**Question: Shall this Resolution be ADOPTED?** 

# 28. 041612 [Creating a Community Choice Aggregation Citizens Advisory Task Force]

**Supervisor Ammiano** 

Resolution creating a citizens advisory task force to advise the City and County of San Francisco regarding the design and implementation of a Community Choice Aggregation program in accordance with ordinance 86-04.

**Ouestion: Shall this Resolution be ADOPTED?** 

# 29. 041621 [Establishing an Arts Task Force to Advise Board of Supervisors and Mayor]

**Supervisor Ammiano** 

Resolution establishing an Arts Task Force to make recommendations to the Board of Supervisors and Mayor and setting forth the membership and duties of the Task Force.

Question: Shall this Resolution be ADOPTED?

## **Recommendations of the Land Use Committee**

Present: Supervisors McGoldrick, Peskin, Maxwell

### 30. 041067

# [Amending Planning Code Section 703.3 to designate formula retail uses as a conditional use in the Haight Street Neighborhood Commercial District]

**Supervisor Gonzalez** 

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

Question: Shall this Ordinance be PASSED ON FIRST READING?

## 31. 041393 [Showplace Square Interim Controls]

**Supervisor Maxwell** 

Resolution imposing for twelve months interim zoning controls on specific lots within Showplace Square generally bounded by 7th, Bryant, Potrero and 25th Streets and within the area identified as Production Cluster on the accompanying map that would (a) consider production, distribution and repair (PDR) a principal use if PDR activities occupy 50 percent or more of the total occupied space of the property, (b) permit office, retail and housing uses subject to certain conditions, and (c) permit displacement of PDR space or demolition of an industrial building only if it is demonstrated that the building is unsound or if the new building increases the amount of PDR space; imposing the same controls as nonbinding policies on specific lots within the Showplace Square area that are identified as Design Cluster on the accompanying map, except that design PDR are strongly encouraged and the displacement of PDR space and demolition of an industrial building are particularly discouraged in the case of an historical brick building; adopting findings.

Question: Shall this Resolution be ADOPTED?

## **Recommendations of the Rules Committee**

Present: Supervisors Maxwell, Alioto-Pier, Gonzalez

## 32. 041487 [Mayor's Office on Disability]

**Supervisor Alioto-Pier** 

Ordinance amending the San Francisco Administrative Code by amending the title to Chapter 2A, Article 1 to add the Department of Administrative Services and by adding a new Section 2A.22 to Chapter 2A, Article 1 to create the Mayor's Office on Disability and place it within the Department of Administrative Services and empower the Mayor's Office on Disability to issue, subject to approval by ordinance of the Board of Supervisors, policies and procedures with respect to compliance with the Americans with Disabilities Act (Public Law 101-336) and other disability rights laws and disability access regulations and codes.

**Question: Shall this Ordinance be PASSED ON FIRST READING?** 

## 33. 041579 [Charter Amendment Deadlines]

**Supervisor Elsbernd** 

Ordinance amending Section 305 of the Elections Code to require introduction of proposed Charter Amendments not less than 210 days prior to an election and to require an informational committee hearing regarding the proposed Charter Amendment no earlier than 30 days nor later than 60 days after introduction of the proposed Charter Amendment.

Supervisor Gonzalez dissented in Committee.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Maxwell, Gonzalez

# 34. 041669 [Appointment - Bay Area Air Quality Management District Board of Directors]

Resolution appointing Supervisor Chris Daly, term ending February 1, 2009, to the Bay Area Air Quality Management District Board of Directors.

Supervisor Chris Daly, succeeding himself, term expiring February 1, 2005, seat 2, must be a

member of the Board of Supervisors, for a new four-year term ending February 1, 2009.

**Question: Shall this Resolution be ADOPTED?** 

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

35.	041678	[Fourth Annual Youth Recognition Day]		
		Fourth Annual Youth Recognition Day Presentation. (Clerk of the Board)		
		Action:		

# SPECIAL ORDER 4:00 P.M.

#### APPEAL PROCEDURES

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

Appeals where all parties have agreed to request a continuance or a tabling of the appeal.

# 36. 041275 [Public Hearing - Appeal of Revised Certificate of Determination of Exemption from Environmental Review - American Buddhist Cultural Society Building located at 1730-1750 Van Ness Avenue]

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

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

Action:	-	
1/16/2004, CONTINUED. Continued to	December 14	, 2004
10/19/2004, CONTINUED. Continued to	November 16	,2004

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.)

# 37. 041276 [Affirming the categorical exemption issued for 1730-1750 Van Ness Avenue]

Motion affirming the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

10/19/2004, CONTINUED. Continued to November 16, 2004 11/16/2004, CONTINUED. Continued to December 14, 2004

Question: Shall this Motion be ADOPTED?

# 38. 041277 [Disapproving the categorical exemption issued for 1730-1750 Van Ness Avenue]

Motion disapproving the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

10/19/2004, CONTINUED. Continued to November 16, 2004 11/16/2004, CONTINUED. Continued to December 14, 2004

Question: Shall this Motion be ADOPTED?

# 39. 041278 [Preparation of findings related to the categorical exemption issued for 1730-1750 Van Ness Avenue]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1730-1750 Van Ness Avenue project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

10/19/2004, CONTINUED. Continued to November 16, 2004 11/16/2004, CONTINUED. Continued to December 14, 2004

**Question: Shall this Motion be ADOPTED?** 

# SPECIAL ORDER 5:00 P.M.

40. 041652 [Public Hearing - Appeal, Conditional Use - 829 Folsom Street]

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. 16872 dated October 21, 2004, approving a conditional use authorization, Case No. 2003.0304C to: (1) Allow an 85-foot tall structure above the 40-foot base height under Planning Code Sections 263.11(b) and (e); (2) Allow dwelling units at a density greater than one unit per 200 square feet of lot area under Section 207.5; (3) Allow exceptions to the bulk limits of the 85-B Bulk District above 50 feet in height as stated in Planning Code Section 270 and pursuant to the Planning Code Section 271(a); (b) and (c); and (4) Provide off-street parking in excess of accessory amounts as defined in Planning Code Section 204.5 pursuant to Planning Code Section 157(a), (b), and (d). The site is within the RSD (Residential Service District), and is within a 40-X/85-B Height and Bulk District, and is subject to interim policies of the South of Market Housing/Mixed Use Overlay District per Resolution No. 16727, located at 829 Folsom Street, south side, between 4th and 5th Streets; Lot 091 in Assessor's Block 3752. (Appellant: Hope Whitney, Farella Braun + Martel LLP, representing Yerba Buena Lofts Homeowners' Association.)

(Filed 11/22/04; companion measure to Files 141653, 141654, 041655, 041656; District 6.)

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.)

## 41. 041653 [Appeal, Conditional Use - 829 Folsom Street]

Motion approving decision of the Planning Commission by its Motion No. 16872, approving Conditional Use Application No. 2003.0304C on property located at 829 Folsom Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

## 42. 041654 [Appeal, Conditional Use - 829 Folsom Street]

Motion disapproving decision of the Planning Commission by its Motion No. 16872, approving Conditional Use Application No. 2003.0304C on property located at 829 Folsom Street. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

### 43. 041656 [Environmental Review - 829 Folsom Street]

Motion certifying review of Final Negative Declaration relating to proposed Conditional Use of Property at 829 Folsom Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Question: Shall this Motion be ADOPTED?** 

## 44. 041655 [Findings - 829 Folsom Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2003.0304C on property located at 829 Folsom Street, for action by the Board at its next meeting. (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 were considered by the Budget Committee at a Regular Meeting on Thursday, December 9, 2004. at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as committee reports on Tuesday, December 14, 2004.

# 45. 041711 [De-appropriate funding from the San Francisco Convention Facilities Management Visitors Bureau and reappropriate these funds to the Dept. of Public Health for Fiscal Year 2004-05.]

**Supervisor Sandoval** 

Ordinance amending the Annual Appropriation Ordinance by reducing the appropriation to the Convention Facilities Management Visitors Bureau for professional services in the amount of \$3,660,500 for Fiscal Year 2004-05 and re-appropriating \$2,525,000 to the Department of Public Health's primary care health services including Tom Waddell Clinic and to fund HIV/AIDS Services.

Question: Shall this Ordinance be PASSED ON FIRST READING?

# 46. 041713 [De-appropriate from the Dept. of Economic and Workforce Development \$168,621 for Fiscal Year 2004-05]

**Supervisor Sandoval** 

Ordinance amending the Annual Appropriation Ordinance by reducing a total appropriation from the Department of Economic and Workforce Development of \$168,621 for the Fiscal Year 2004-05.

Question: Shall this Ordinance be PASSED ON FIRST READING?

# 47. 041586 [Public Employment - Department of Business and Economic Development]

**Supervisor Sandoval** 

Ordinance amending Ordinance No. 198-04 (Annual Salary Ordinance 2004/2005) reflecting the deletion of 1.50 full time equivalent (FTE) positions at the Department of Business and Economic Development.

Question: Shall this Ordinance be PASSED ON FIRST READING?

The following items were considered by the Land Use Committee at a Regular Meeting on Monday, December 13, 2004 at 1:00 p.m. The Chair intends to request the Committee to send the following items to the Board as committee reports on Tuesday, December 14, 2004.

## 48. 041664 [Hunters Point Shipyard - Health Code - Fees]

Ordinance amending the Health Code by adding section 3108 to authorize the Department of Public Health to charge fees to defray the costs of implementation of Article 31 of the Health Code and making environmental findings.

**Ouestion: Shall this Ordinance be PASSED ON FIRST READING?** 

## 49. 041665 [Hunters Point Shipyard - Subdivision Code - Fees]

Ordinance amending the San Francisco Subdivision Code by adding Sections 1615, 1649, and 1664(e) to establish fees to defray the costs of implementation of Subdivision code, Dvision 3, Articles 1-8 and making environmental findings.

Question: Shall this Ordinance be PASSED ON FIRST READING?

# 50. 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.

# 51. 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 52 through 69

## 52. 041618 [Emperor Norton Bridge]

## Supervisors Peskin, Ammiano

Resolution urging the California Department of Transportation and members of the California Assembly and Senate to name the new additions to the San Francisco Bay Bridge in honor of Emperor Norton I, Emperor of the United States and Protector of Mexico.

11/23/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

12/7/2004, CONTINUED. Continued to December 14, 2004 Supervisor Ammiano requested to be added as a cosponsor.

Question: Shall this Resolution be ADOPTED?

# 53. 041680 [Supporting the Demands of Caregivers at Sutter Health Hospitals]

Supervisors Peskin, Alioto-Pier, Ammiano, Daly, Dufty, Gonzalez, McGoldrick, Sandoval

Resolution urging Sutter Health to join other northern California hospital systems to adopt new policies to better meet patient and Caregiver needs.

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?** 

# 54. 041681 [Commending Deputy City Attorney Kevin Scott Dickey]

**Supervisor Dufty** 

Resolution commending Kevin Scott Dickey for eight years of exemplary public service to San Francisco as a Deputy City Attorney, and wishing him well in his future endeavors at Meyers Nave Riback Silver & Wilson.

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Ouestion: Shall this Resolution be ADOPTED?** 

### **55. 041685**

# [Wells Fargo Loan for Fa‡ade Improvement Program] Supervisors Elsbernd, Dufty

Resolution approving the City's acceptance of a \$500,000 Loan from Wells Fargo Bank for the purpose of providing low-interest Façade Improvement Loans in low-income neighborhoods of San Francisco.

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?** 

### **56. 041701**

# [Supporting AB19 - Religious Freedom and Civil Marriage Act]

**Supervisors Ammiano, Dufty** 

Resolution urging the California Assembly and Senate and the Governor of California to support Assembly Bill 19 (AB19), the "Religious Freedom and Civil Marriage Act", which defines marriage as a civil contract between two people.

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?** 

#### 57. 041702

## [United Church of Christ Ad]

Supervisors Ammiano, Dufty

Resolution urging CBS and NBC to rescind their decisions to reject airing of the United Church of Christ advertisement promoting tolerance and acceptance of same-sex couples.

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?** 

# 58. 041704 [Commending John Arntz and the Department of Supervisors Elsbernd, Maxwell, Elections] Alioto-Pier, Dufty

Resolution commending John Arntz and the Department of Elections for their outstanding accomplishments.

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Ouestion: Shall this Resolution be ADOPTED?** 

#### **59. 041705**

# [Urging the City Controller to provide comprehensive information regarding City Committees, Subcommittees, Task Forces and Boards]

Resolution urging the City Controller to provide comprehensive information regarding City Committees, Subcommittees, Task Forces and Boards.

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

### **60. 041706**

# [Accept-Expend Federal/State Grant - Threat Management/Stalking Vertical Prosecution Program]

Supervisors Ma, Dufty

**Supervisor Gonzalez** 

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$116,638 through the Governor's Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled "Threat Management/Stalking Vertical Prosecution Program."

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?** 

## **61. 041707**

## [Commending David Hardiman]

Supervisor Ma

Resolution commending David Hardiman on the occasion of his retirement.

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

## **62. 041708**

## [Accept-Expend Federal Grant - Gang Resistance Su Education and Training (G.R.E.A.T.)]

**Supervisors Maxwell, 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 Justice Assistance, Office of Justice Programs for a project entitled Gang Resistance Education and Training (G.R.E.A.T.).

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?** 

# 63. 041709 [Endorsing efforts between WestEd, Stanford Medical Supervisors Maxwell, Dufty Center, and the SFUSD to collaborate on a five year research study on trauma]

Resolution endorsing efforts between WestEd, Stanford Medical Center, and the San Francisco Unified School District to collaborate on a five year research study on trauma and its effects on learning and executive functions in hopes of improving the cognitive learning functions of children effected by violence.

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?** 

# 64. 041710 [Accept-Expend Federal Grant - Spousal Abuser Supervisors Alioto-Pier, Dufty Prosecution Program]

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$95,033 through the California Department of Justice for a program entitled "Spousal Abuser Prosecution Program."

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

# 65. 041721 [Apply for Whale Tail State Grant from the California Supervisor Maxwell Coastal Commission]

Resolution authorizing the Department of the Environment to apply for a grant in the amount of \$50,000 from the California Coastal Commission for teaching San Francisco students about water pollution prevention and protecting our bay, ocean and coast.

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?** 

## 66. 041722 [Support Smoke Free Movies]

**Supervisor Maxwell** 

Resolution supporting smoke free movies.

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?** 

# 67. 041723 [Commending the San Francisco Public Library for Prop 14 Funds] Supervisors Peskin, Elsbernd, Sandoval, McGoldrick, Dufty

Resolution commending the San Francisco Public Library for securing \$9.7 million from state Proposition 14 funds for the renovation of the historic Richmond branch library and construction of a new Ingleside branch library.

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?** 

## 68. 041699 [Needle Exchange Emergency]

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

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

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be ADOPTED?** 

# 69. 041700 [Emergency Declaration Concurrence Influenza Vaccine]

Mayor

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

12/7/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

Question	s on the	For Adopt	ion Withou	ıt Committee	Reference
Agenda:					

# 70. 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 November 30, 2004 through December 6, 2004, for reference by President to appropriate committee on December 14, 2004.

## 041648 [Settlement of Lawsuit - Steve Potter]

Ordinance authorizing settlement of the lawsuit filed by Steve Potter against the City and County of San Francisco for \$50,000 paid to the City and County of San Francisco by Cross-Defendant OneBeacon; the lawsuit was filed on March 20, 2003 in the United States District Court, Case No. C03-1217 MEJ; entitled Steve Potter, et al., v. City and County of San Francisco, et al; other material terms of said settlement are Cross-Defendant OneBeacon will pay \$195,000 to plaintiff and plaintiff's counsel and \$100,000 to co-defendant Palace of Fine Arts Theater League. (City Attorney)

12/2/2004, RECEIVED AND ASSIGNED to Rules Committee.

### 041659 [Settlement of Lawsuit - Linda Vaccarezza]

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

12/6/2004, RECEIVED AND ASSIGNED to Rules Committee.

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

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

12/6/2004, RECEIVED AND ASSIGNED to Rules Committee.

# PROPOSED RESOLUTIONS

Proposed resolutions received from November 30, 2004 through December 6, 2004, for reference by President to appropriate committee on December 14, 2004.

# 041651 [Expand treatment capacity for methamphetamine abuse in San Francisco]

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend grant funds in the amount of \$497,910 from the Center for Substance Abuse Treatment/Substance Abuse and Mental Health Services (CSAT/SAMHSA) to expand treatment capacity for methamphetamine abuse in San Francisco and to enter into an agreement for the use of these funds; for the period of September 30, 2004, to September 29, 2005. (Public Health Department)

12/2/2004, RECEIVED AND ASSIGNED to City Services Committee.

## 041657 [Grant of Federal Funds]

Resolution authorizing the Municipal Transportation Agency to accept and expend \$3,976,400 of Section 115 funds from the Federal Transit Administration for the Municipal Railway's Radio System Replacement and Third Street Phase 1 construction projects, excluding administrative overhead costs. (Municipal Transportation Agency)

12/3/2004, RECEIVED AND ASSIGNED to Land Use Committee.

# 041658 [Contract funds to support sustainable school-based health care]

Resolution authorizing the San Francisco Department of Public Health, Balboa Teen Health Center, Community Health Programs for Youth (SFDPH), to enter retroactively into an agreement with Public Health Institute, California School Health Centers Association (PHI/CSHC) the primary contractor, and expend funds in the amount of \$18,820 to support advocacy at the local, state, and national levels for sustainable school-based health care; for the period of August 1, 2004 to July 31, 2005. (Public Health Department)

12/3/2004, RECEIVED AND ASSIGNED to City Services Committee.

12/8/2004, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

## 041660 [Accept-Expend Federal Grant]

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$30,000 from the Environmental Protection Agency to develop the San Francisco Green Healthcare Working Group consisting of local healthcare professionals and to facilitate ongoing meetings to conduct hands-on training to its members on a broad range of pollution prevention and resource conservation strategies. (Environment)

12/6/2004, RECEIVED AND ASSIGNED to Land Use Committee.

### 041662 [Settlement of Claim - Third Street Lofts]

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

12/6/2004, RECEIVED AND ASSIGNED to Rules Committee.

### 041735 [Petitions and Communications]

Petitions and Communications received from November 30, 2004 through December 6, 2004, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on December 14, 2004.

From various signators, submitting Form 700 Statement of Economic Interests: Hilary Pedigo, Legislative Assistant to Supervisor Gerardo Sandoval Jerry Threet, Legislative Assistant to Supervisor Jake McGoldrick Ross Mirkarimi, Supervisor-Elect(1)

From Peter Warfield, submitting two petitions opposing proposed cuts in open hours at the Park Branch and Marina Branch libraries. 220 signatures(2)

From James Chaffee, submitting press release regarding the Library Commission's decision not to cut hours at the Park and Marina Branch libraries in response to public outcry. Copy: Each Supervisor(3)

From Panaka Chea, submitting request for transfer of an off-sale beer and wine license for the "Golden Produce Extension" from 1301 Sixth Street to 130 Church Street.(4)

From Office of the City Attorney, submitting memorandum on proposed legislation regarding increased penalties for illegal dumping. File 040561, Copy: Each Supervisor(5)

From Office of the City Attorney, submitting advice on whether an appeal of mitigated negative declaration for property located at 329 Bay Street was filed in a timely manner with the Board of Supervisors.(6)

From Police Department, submitting quarterly report pursuant to Annual Appropriation Ordinance, Section 23 in fiscal year 2004-05.(7)

From Recreation and Park Department, regarding steps that has been taken to make McLaren Park cleaner and safer. (Reference No. 20041005-005) Copy: Supervisor Sandoval(8)

From Law Library, submitting quarterly report pursuant to Annual Appropriation Ordinance, Section 23 in fiscal year 2004-05.(9)

From Human Rights Commission, submitting quarterly report pursuant to Annual Appropriation Ordinance, Section 23 in fiscal year 2004-05.(10)

From Sal Rosselli, submitting copy of letter sent to the CEO of Sutter Health about some of the issues involved in the current collective bargaining between Service Employees International Union Local 250 and Sutter Health and its affiliates.(11)

From Eric Lee, submitting request for a type 42 on-sale beer and wine license for "Space for Architecture" located at 116 Natoma Street.(12)

From Department of Public Works, submitting copy of letter sent to constituent regarding request for a Minor Sidewalk Encroachment permit for property located at 1308-1312 Hayes Street.(13)

From Department of Parking and Traffic, submitting fiscal year 2004-05 Efficiency Plan for the Department of Parking and Traffic.(14)

From Department of Elections, submitting Certification of Election Results for the November 2, 2004 Consolidated General Election.(15)

From Public Utilities Commission, submitting quarterly report pursuant to Annual Appropriation Ordinance, Section 23 in fiscal year 2004-05.(16)

From the Port, submitting quarterly report pursuant to Annual Appropriation Ordinance, Section 23 in fiscal year 2004-05.(17)

From Robert Wertz, commenting how ridiculous it is to preclude children from singing in a public space (Union Square) and yet allowing people living, hustling, littering and defecating, and the rules don't apply.(18)

From U. S. Department of the Interior, submitting notice that the Department is accepting public comment on a draft recovery plan for the tidewater goby, a small federally endangered fish. (19)

From concerned citizens, submitting opposition to re-directing substantial funds allocated from the hotel tax to the San Francisco Convention and Visitors Bureau to other city services. File 041585, Copy: Each Supervisor(20)

From concerned citizens, submitting opposition to propose cut in hours at the Park and or Marina Branch libraries.22 letters(21)

From Adrian Field, commenting on an ABC, Channel 7 article regarding problems and difficulties at the Recreation and Park Department.(22)

From David Lasker, urging the Board of Supervisors to urge the Recreation and Park Department to provide badly needed general maintenance and trimming of the palm trees at the Gene Friend Recreation Center. Copy: Supervisor Daly(23)

From concerned citizens, submitting support for proposed legislation renaming the western span of the Bay Bridge from San Francisco to Oakland "The Emperor Norton Bridge". File 041618, Copy: Each Supervisor(24)

From S.F. Community Clinic Consortium, submitting support for proposed legislation to legalize the sale of syringes without a prescription. Copy: Each Supervisor(25)

From Babette Drefke, submitting support for Interim Zoning Controls for the Potrero Hill neighborhood. File 041393, Copy: Each Supervisor(26)

From Mayor's Office of Community Development, regarding notice of availability of Request for Proposals. Copy: Each Supervisor(27)

From S.F. Architectural Heritage, commenting that Heritage is extremely concerned that the \$400,000 earmarked for historic resource surveys is proposed for elimination. File 041590, Copy: Each Supervisor(28)

From Eula Walters, submitting opposition to any building or extra cement or brick on Ferry Park (Block 202 & 203).(29)

From concerned citizens, submitting support for legislation prohibiting elephants in the San Francisco Zoo. File 041461, Copy: Each Supervisor(30)

# **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.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. 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 ESPA¥OL: 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