

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, January 4, 2005  
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 23, 2004 and December 7, 2004 Board 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 21

#### Recommendations of the City Services Committee

*Present: Supervisors Dufty, Ma, Elsbernd*

- 1. 041529 [Liquor License Transfer, 699 Third Street]**  
Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 681 Third Street to 699 Third Street (District 6) to Joseph Kim for the Third & Townsend Corner Store will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions. (City Services Committee)

**Question: Shall this Resolution be ADOPTED?**
  
- 2. 041608 [Liquor License - Ferry Building Marketplace, Unit 33, The Embarcadero]**  
Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license from 355 Bayshore Boulevard to Ferry Building Marketplace, Unit 33, The Embarcadero (District 3), and the issuance of a Type 42 on-sale beer and wine public premises license at the same location, to Boriana Stoilova for I Preferiti Di Boriana Montepulciano LLC will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code. (City Services Committee)

**Question: Shall this Resolution be ADOPTED?**
  
- 3. 041581 [Accept - Expend State Grant]** **Supervisors Dufty, Maxwell**  
Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend funds in the amount of \$38,014 from the State Board of Corrections (BOC), from funds made available under the Juvenile Justice and Delinquency Prevention Act of 1974 ("Federal Juvenile Justice Challenge Funds") for developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in the juvenile justice system.

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

4. **041587** [SFHIV Vaccine Clinical Trials Network, Year 2004 to 2005, and add 0.25 of a New Position to the Year 5 Budget] **Supervisors Dufty, Ammiano**  
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of \$481,758 with Public Health Foundation Enterprises Inc. (PHFE), the primary contractor, to fund the fifth year of the SFDPH portion for "San Francisco HIV Vaccine Clinical Trials", a unit of the HIV Vaccine Trials Network (HVTN) and to add 0.25 of a new position not included in the original agreement; for the period of June 1, 2004 to May 31, 2005.  
**Question: Shall this Resolution be ADOPTED?**
5. **041651** [Expand treatment capacity for methamphetamine abuse in San Francisco] **Supervisor Dufty**  
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)  
**Question: Shall this Resolution be ADOPTED?**
6. **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)  
**Question: Shall this Resolution be ADOPTED?**
7. **041696** [Accept-Expend Federal Grant] **Supervisors Elsbernd, 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. Department of Justice - Office of Community Oriented Policing for a project entitled "U.S. Department of Justice - Universal Hiring Program."  
**Question: Shall this Resolution be ADOPTED?**
8. **041697** [Accept-Expend Federal Grant - Special Emphasis Victim Assistance Program: Elder Abuse] **Supervisors Peskin, Elsbernd**  
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 \$110,000 through the California Governor's Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled "Special Emphasis Victim Assistance Program: Elder Abuse."  
**Question: Shall this Resolution be ADOPTED?**



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.

12/14/2004, PASSED ON FIRST READING. Supervisor Daly requested to be added as co-sponsor.

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

- 14. 041606 [Settlement of Lawsuit - Eugene Duffy]**  
Ordinance authorizing settlement of the lawsuit filed by Eugene Duffy against the City and County of San Francisco for \$30,000; the lawsuit was filed on June 13, 2003, in San Francisco Superior Court, Case No. 421395; entitled Eugene Duffy, et al., v. City and County of San Francisco, et al. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 15. 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)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 16. 041167 [Appointment - Library Citizens Advisory Committee]**  
Resolution appointing Maryam Daryabegi-Farhang, term ending July 18, 2006, to the Library Citizens Advisory Committee.
- Maryam Daryabegi-Farhang, new appointment, seat 13, must be a member from the community at large, representative of New Americans for whom English is a second language, for the unexpired portion of a two-year term ending July 18, 2006.
- Question: Shall this Resolution be ADOPTED?**
- 17. 041634 [Settlement of Unlitigated Claim]**  
Resolution approving the settlement of the unlitigated Claim No. 04-03446 filed by National Mutual Insurance Company as subrogee for the Chinese American War Veterans on May 10, 2004 against the City and County of San Francisco for \$61,192.99. (City Attorney)
- Question: Shall this Resolution be ADOPTED?**
- 18. 041667 [Appointment - Citizens' General Obligation Bond Oversight Committee] Supervisor Elsbernd**  
Resolution appointing William Wong and John Hentz, terms ending November 21, 2006, to the Citizens' General Obligation Bond Oversight Committee; residency requirement waived.
- William Wong (residency requirement waived), succeeding himself, term expired November 21, 2004, seat 2, must be active in labor organizations, for the unexpired portion of a two-

year term ending November 21, 2006.

John Hentz, succeeding himself, term expired November 21, 2004, seat 3, must be active in a community organization, for the unexpired portion two-year term ending November 21, 2006.

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

**19. 041670 [Appointment - Ballot Simplification Committee]**

Resolution appointing Alma Carroll, Betty Packard and Suzanne Strassevitch, terms ending November 30, 2006, to the Ballot Simplification Committee.

Alma Carroll, succeeding herself, term expired, seat 1, must represent the National Academy of Television Arts and Sciences, Northern California Chapter or the Northern California Broadcasters Association, for the unexpired portion of a two-year term ending November 30, 2006.

Betty Packard, succeeding herself, term expired, seat 2, must represent the National Academy of Television Arts and Sciences. Northern California Chapter or the Northern California Broadcasters Association, for the unexpired portion of a two-year term ending November 30, 2006.

Suzanne Strassevitch, succeeding herself, term expired, seat 3, must represent the League of Women Voters of San Francisco, for the unexpired portion of a two-year term ending November 30, 2006.

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

**20. 041672 [Appointment - Developmental Disabilities Area Board V]**

Resolution appointing Jennifer Walsh, term ending December 31, 2007, to the Developmental Disabilities Area Board V.

Jennifer Walsh, succeeding Sara Desumala, term expiring December 31, 2004, seat 2, must have a demonstrated interest and leadership in human services, for a new three-year term ending December 31, 2007.

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

**21. 041715 [Appointment - Bicycle Advisory Committee] Supervisor Elsbernd**

Resolution appointing Elbert Hill, term ending November 19, 2006, to the Bicycle Advisory Committee.

Elbert Hill, succeeding William Henning, term expired, seat 7, must be a nominee of District 7 Supervisor, for the unexpired portion of a two-year term ending November 19, 2006.

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

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

## **REGULAR AGENDA**

## **UNFINISHED BUSINESS**

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

*Present: Supervisors Daly, Peskin*

- 22. 041492 [Appropriate funding from the Department of Human Services 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 Department of Human Services 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.)
- 12/14/2004, AMENDED. Amended by replacing "funding from General Fund Reserve" with "from the Department of Human Services". New Title.
- 12/14/2004, PASSED ON FIRST READING AS AMENDED.
- Question: Shall this Ordinance be FINALLY PASSED?**

- 23. 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.
- 12/14/2004, PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

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

*Present: Supervisors McGoldrick, Peskin, Maxwell*

- 24. 041067 [Amending Planning Code Section 703.3 to designate formula retail uses as a conditional use in the Haight Street Neighborhood Commercial District] Supervisors Gonzalez, Daly**
- 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.
- 12/14/2004, PASSED ON FIRST READING. Supervisor Daly requested to be added as co-sponsor.
- Question: Shall this Ordinance be FINALLY PASSED?**
- 25. 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.
- 12/14/2004, PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

26. **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, Division 3, Articles 1-8 and making environmental findings.  
12/14/2004, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**

## **NEW BUSINESS**

### **Recommendations of the City Services Committee**

*Present: Supervisors Dufty, Ma, Elsbernd*

27. **040559** **[Waiver of payment for additional police services]** **Supervisors Maxwell, Dufty**  
Ordinance waiving payment of additional police services incurred by Black Diamond Dynasty for the production of the 2002 Juneteenth Festival pursuant to Article 10B.2 of the Administrative Code.  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**

28. **041350** **[Amending and Adding to Section 184.78 of the Public Works Code Regarding Banners]** **Supervisors Ma, Dufty**  
Ordinance amending and adding to Section 184.78 of the Public Works Code make findings as to the purposes served by banners, to create five categories of permitted banners, to generally prohibit banners in residential districts, to restrict banners in certain neighborhood commercial and residential commercial districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to index those fees, beginning in fiscal year 2005-2006, to the Consumer Price Index, to provide appropriate penalties for violations of Section 184.78, and to provide that bonds may be required to be posted prior to receipt of a banner permit.  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**

*Present: Supervisors Dufty, Ma*

29. **041494** **[Humane Treatment of all Companion Dogs]** **Supervisor Dufty**  
Ordinance amending the San Francisco Health Code by amending sections 41.12 and 41.13 to insure the humane treatment of all companion dogs including sentry and guard dogs throughout the City and County of San Francisco by instituting shelter, water, feeding and confinement standards.  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**

30. **041554** **[Amending Health Code Section 42.3 to authorize hearing officer to prohibit owner of a dog declared vicious and dangerous from owning dogs for three years]** **Supervisor Dufty**  
Ordinance amending San Francisco Health Code Section 42.3, to add the authority of a



hearing officer to prohibit the owner of a vicious dog from owning dogs for a period of three years.

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

31. **041555** **[Creating requirement to exchange identification information when dog involved in bite of human or animal]** **Supervisor Dufty**

Ordinance amending San Francisco Health Code by adding Section 39 to create requirement of exchange of identification and rabies information after a dog bites a human or animal and by amending Section 41.11 by moving requirement of dog bite reporting to Section 39.

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

*Present: Supervisors Dufty, Ma, Elsbernd*

32. **040213** **[Community Audit for the Southeast neighborhoods in San Francisco]** **Supervisor Dufty**

Resolution requesting the City Controller to initiate a Community Audit addressing needs in the Southeast sector, to consider, document and evaluate community needs as well as do an assessment of community benefit programs, capacity building, City services and City-funded programs.

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

33. **041160** **[Liquor License, 371-373 Broadway]**

Resolution disapproving the request for the issuance of a Type 48 on-sale general public premises liquor license to David Seto for Seto Enterprises Inc., located at 371-373 Broadway (District 3), and determining that it will not serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code. (City Services Committee)

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

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

*Present: Supervisors Daly, Peskin*

34. **040731** **[Conduct a Nexus Study On Imposition of the Park Fee on Uses Other Than Office On Geographic Areas of the City Other than C-3 Use Districts]** **Supervisor Peskin**

Ordinance amending Planning Code Section 139 to provide that \$100,000 of Downtown Special Park Fund monies shall be used to fund a nexus study, under the direction of the General Manager of the Recreation and Park Department, to examine whether the Downtown Park Fee should be imposed on uses other than office and on geographic areas of the City other than C-3 use districts, prohibiting use of Downtown Park Fee monies on improvements for Ferry Park until that nexus study is completed unless use of such monies is approved by a financial committee of the Board of Supervisor, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Mayor)

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

35. **041351** **[Contract for Electric Services]** **Supervisor Ma**  
 Ordinance approving two contracts between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for electric services required to ensure reliable delivery of low cost electric power for use at Treasure Island on file with the Clerk of the Board of Supervisors in File No. 041351; and approving indemnifying and holding harmless the United States against claims arising from the activities of the City under the contract; and waiving requirement of Section 21.35 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims; and waiving requirement of Section 21.19 of the San Francisco administrative code that every contract contain a statement regarding guaranteed maximum costs.  
 (Fiscal impact.)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
36. **041467** **[Extending Redevelopment Agency's Times for Incurring and Repaying Debt for Affordable Housing Development]** **Supervisor Daly**  
 Ordinance approving, for the redevelopment plans listed below, the extension of existing time limits in each plan for establishment of loans, advances and indebtedness and for repayment of indebtedness for the exclusive purpose of financing Low and Moderate Income Housing Fund activities: (1) the Embarcadero-Lower Market (Golden Gateway) Redevelopment Plan, (2) the Hunters Point Redevelopment Plan, (3) the India Basin Industrial Park Redevelopment Plan.  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
37. **041584** **[Appropriate settlement funds to fund the development costs associated with the San Francisco Electrical Reliability Project]** **Mayor**  
 Ordinance appropriating \$2,666,667 of fund balance from the Hetch Hetchy estimated revenues from the litigation settlement against The Williams Companies, Inc. and Williams Marketing Energy Marketing & Trading Company to the San Francisco Electrical Reliability Project for fiscal year 2004-05. Appropriated funds will facilitate the development costs related to the City power plants.  
 (Fiscal impact.)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
38. **041630** **[Eliminating the Office of Emergency Services Revolving Fund.]** **Supervisor Ma**  
 Ordinance amending the San Francisco Administrative Code by repealing Section 10.142, to eliminate the Office of Emergency Services Revolving Fund. (Emergency Communications Department)  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
39. **041169** **[Municipal Railway Professional Services Contract CS-123, Amendment No. 7]**

Resolution authorizing the Director of Transportation to execute an amended version of Amendment No. 7 to San Francisco Municipal Railway Contract No. CS-123, Professional Design and Construction Support Services for Muni Metro Third Street Light Rail Project, with WPK Third Street Consultants, for additional construction support services, for an amount not to exceed \$675,000, and a total contract amount not to exceed \$10,806,206, and to extend the contract for one year. (Municipal Transportation Agency)

(Fiscal impact.)

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

### **Recommendation of the Land Use Committee**

*Present: Supervisors McGoldrick, Peskin, Maxwell*

40.      **041151**      **[Ellis Act amendments by California Legislature: expand residential tenant relocation payment eligibility where units are withdrawn from rental market under Ellis; prohibit owner]**      **Supervisors Peskin, Ammiano, McGoldrick, Gonzalez, Daly**

Ordinance implementing recent California State Legislature amendments of the Ellis Act (California Government Code §§7060 et seq., see §§7060 and 7060.1), by amending the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) at Sections 37.9(a)(13) and 37.9A(e) to provide that: when residential units are withdrawn from the rental market pursuant to the Ellis Act, each tenant who is relocated is entitled to a payment of \$4,500 up to a maximum total per unit of \$13,500 (37.9A(e)), for tenants who reside in their units on or after August 10, 2004, with these payment amounts to increase annually commencing March 1, 2005 according to the "rent of primary residence" expenditure category of the Consumer Price Index (CPI) for the preceding 12 months; and, owners may not withdraw defined residential hotel units from the rental market pursuant to the Ellis Act if the hotel's occupancy permit was issued prior to January 1, 1990, and if the hotel did not file a notice of intent prior to January 1, 2004 to withdraw the units from the rental market (Section 37.9(a)(13)). Also amending Section 37.9A(e) to provide that the existing additional relocation payment of \$3,000 to each senior (62 or older) or disabled tenant displaced when residential units are withdrawn from the rental market pursuant to the Ellis Act will likewise increase annually commencing March 1, 2005 according to the "rent of primary residence" expenditure category of the CPI for the preceding calendar year (see Section 37.9A(e)(3)(D)).

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

### **Recommendations of the Rules Committee**

*Present: Supervisors Maxwell, Gonzalez*

41.      **041671**      **[Appointment - Golden Gate Bridge, Highway and Transportation District]**

Resolution appointing Supervisor Bevan Dufty, term ending January 31, 2005, to the Board of Directors, the Golden Gate Bridge, Highway and Transportation District.

Supervisor Bevan Dufty, succeeding Supervisor Michela Alioto-Pier, resigned, seat 5, must be member of the Board of Supervisors, for the unexpired portion of a two-year term ending January 31, 2005.

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

**42. 041674 [Appointment - Bay Area Air Quality Management District Board of Directors]**

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

Supervisor Jake McGoldrick, succeeding himself, term expiring February 1, 2005, seat 1, 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?**

## **CALLED FROM COMMITTEE**

**43. 040329 [Conditional approval of an historical property contract for 690 Market Street - The Chronicle Building]**

Resolution under Chapter 71 of the San Francisco Administrative Code, conditionally approving an historical property contract between 690 HTC LLC and 690B LLC, the owners of conditional landmark No. 243 at 690 Market Street and the City and County of San Francisco, conditionally authorizing the Director of Planning and the Assessor to execute the historical property contract.

12/14/2004, CALLED FROM COMMITTEE. Pursuant to Rule 5.31, Supervisor Peskin called this measure from the Finance and Audits Committee for Board consideration on January 4, 2005.

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

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

## **SPECIAL ORDER 4:00 P.M.**

### *APPEAL PROCEDURES*

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

- 1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.*
- 2.*

**44. 041641 [Public Hearing - Appeal of Final Mitigated Negative Declaration for 329 Bay Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department, approving a Final Mitigated Negative Declaration (Case No. 2003.1152E) adopted and issued on June 22, 2004, for the proposed demolition of an existing one-story, 8,550, square-foot retail building, and the construction an approximately 39,000 gross-square-foot, four-story building consisting of 21 dwelling units, approximately 2,000 gross square feet of retail space, and 21 below-grade parking spaces. The rectangular-shaped project site is on the south side of Bay Street within the City block bounded by Bay, Powell, Francisco, and Mason Streets (bisected east-west by Vandewater Street). The site is in the North Beach area of San Francisco, located at 329 Bay Street, on Assessor's Block 41, Lot 36.

The basis for the appeal is the proposed removal of the existing tree (40 year-old Blackwood Acacia, *Acacia melanoxylon*) on the Vandewater Street during construction. (Appellants: Arthur Chang, Katherine Petrin, and Carolyn Blair.)

(Appeal filed November 29, 2004 by Arthur Chang, Katherine Petrin, and Carolyn Blair; companion measure to Files 041642, 041643, 041644, 041716, 041717, 041718; District 3.)

**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.)**

**45. 041642 [Finding appeal of the negative declaration for 329 Bay Street untimely]**

Motion finding the appeal of the negative declaration issued on June 22, 2004 for 329 Bay Street not timely filed. (Clerk of the Board)

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

**46. 041643 [Finding negative declaration appeal of 329 Bay St. timely]**

Motion finding the appeal of the negative declaration issued on June 22, 2004, for 329 Bay Street timely filed. (Clerk of the Board)

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

**47. 041644 [Preparation of findings related to the timeliness of the negative declaration appeal for 329 Bay Street]**

Motion directing the Clerk of the Board to prepare findings related to the timeliness of the negative declaration appeal for 329 Bay Street. (Clerk of the Board)

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

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

48.        **041716**     **[Affirm approval of the negative declaration for 329 Bay Street]**  
Motion affirming Planning Department adoption of the final negative declaration for 329 Bay Street. (Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
49.        **041717**     **[Reversing approval of the negative declaration for 329 Bay Street]**  
Motion reversing the Planning Department approval of the final negative declaration for 329 Bay Street. (Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?
50.        **041718**     **[Preparation of findings to reverse approval of the negative declaration for 329 Bay Street]**  
Motion directing the Clerk of the Board to prepare findings reversing the Planning Department approval of the negative declaration for 329 Bay Street. (Clerk of the Board)  
  
Question: Shall this Motion be ADOPTED?

## **SPECIAL ORDER 5:00 P.M.**

51.        **041636**     **[Public Hearing - Appeal, Conditional Use - 100 Felton Street]**  
Hearing of persons interested in or objecting to the decision of the Planning Commission its Motion No.16877 dated October 28, 2004, Case No. 2004.0141C, approving a conditional use authorization pursuant to Planning Code Section 209.6(b) to allow the installation of a wireless telecommunications facility consisting of 6 panel antennas on an existing church and related equipment directly below in the attic as part of Cingular's wireless telecommunications network within a RH-2 (Residential-Two Family) Zoning District and a 40-X Height and Bulk District, located at 100 Felton Street, northwest corner of Girard Avenue and Felton Street; Lot 013 in Assessor's Block 5926. (Appellant: Dwayne Jusino)  
  
(Appeal filed November 29, 2004 by Dwayne Jusino; companion measure to Files 041637, 041638, 041639, District 3.)  
  
Action: \_\_\_\_\_

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

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

52.        **041637**     **[Appeal, Conditional Use - 100 Felton Street]**  
Motion approving decision of the Planning Commission by its Motion No.16877, approving

Conditional Use Application No. 2004.0141C on property located at 100 Felton Street, and adopting findings pursuant to Planning Code Section 101.1.

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

**53. 041638 [Appeal, Conditional Use - 100 Felton Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16877, approving Conditional Use Application No. 2004.0141C on property located at 100 Felton Street.

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

**54. 041639 [Findings - 100 Felton Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2004.0141C on property located at 100 Felton Street, for action by the Board at its next meeting.

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

**55. 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.*

**56. 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 57 through 69**

**57. 041729 [Urging transfer of Public Defender employees to California Public Employees' Retirement System]**

**Supervisor Gonzalez**

Resolution urging negotiation of agreement to transfer Assistant District Attorneys, Deputy Public Defenders and Investigators employed by the Public Defender from the San Francisco

City Employee Retirement System to the California Public Employees' Retirement System.

12/22/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**58. 041736 [Amending Declaration of November 2, 2004 Election Results] Supervisor Gonzalez**

Resolution amending Resolution No, 735-04, which declared the results of the November 2, 2004 Consolidated General Election, to include results of uncontested races.

12/21/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**59. 041738 [Emergency Disadvantaged Business Enterprise Program - January 25, 2005, Committee of the Whole] Supervisor Ammiano**

Motion for the Board of Supervisors to convene as a committee of the whole on January 25, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

12/14/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**60. 041746 [Accept-Expend Federal Grant] Mayor, Supervisor Dufty**

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of \$989,477 from the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS Office) for the purpose of integrating the case management system for the JUSTIS Project. The new system will integrate the case management systems serving the Police, Sheriff, District Attorney, Public Defender, Adult Probation and the Superior Court. It will make the sharing of information within the criminal justice community easier, more efficient and accurate.

12/14/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**61. 041756 [Early Retirement of City Employees] Supervisors Ammiano, Dufty**

Resolution urging the Mayor to utilize cost savings accrued through the early retirement of fifty (50) City employees through the Early Retirement Program established by Proposition "F" in 2003 to maintain current Recreation and Parks Directors, Senior Escort Employees and Environmental Control Officers.

12/14/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

12/28/2004, REFERRED TO DEPARTMENT.

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



62.           **041757**           **[Urging the implementation of measures to prevent the consumption of lead tainted candy by children in San Francisco]**           **Supervisors Ammiano, Duffy**
- Resolution urging the United States Food and Drug Administration, the California Department of Health Services, and the San Francisco Department of Public Health to implement measures to prevent the consumption of lead tainted candy by children in San Francisco.
- 12/14/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
63.           **041758**           **[Appointing Youth to the Library Commission]**           **Supervisor Daly**
- Resolution urging the Mayor to stand by his commitment to the youth of San Francisco by appointing youth to the Library Commission.
- 12/14/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
64.           **041760**           **[Commending Health District Environmental Health Inspectors]**           **Supervisor Peskin**
- Resolution commending Health District Four Health Inspectors for their dedication and commitment to ensuring safe and healthy living and working environments for San Franciscans living in Chinatown, Fisherman's Wharf, North Beach and the Financial District.
- 12/14/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
65.           **041761**           **[Opposing the Assembly Constitutional Amendment Bill 5]**           **Supervisor Sandoval**
- Resolution opposing Assembly Constitutional Amendment Bill 5, regarding benefit plans for union workers.
- 12/14/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
66.           **041762**           **[Accept-Expend Federal/State Grant - Victim/ Witness Assistance Program]**           **Supervisors Alioto-Pier, Duffy**
- 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 \$90,654 through the Governor's Office of Emergency Services, Criminal Justice Programs Division, for the operation of a program entitled "Violence Against Women Vertical Prosecution Program."
- 12/14/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

67. 041743 **[Approving temporary modification to the Legislative Chamber Seating for the President and the Clerk of the Board to accommodate accessibility]** **Supervisor Alioto-Pier**

Motion approving temporary modification to the Legislative Chamber seating for the President and the Clerk of the Board to accommodate accessibility.

12/14/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING to Rules Committee.

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

68. 041754 **[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.

12/14/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

69. 041755 **[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.

12/14/2004, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

*Questions on the For Adoption Without 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 December 7, 2004 through December 27, 2004, for reference by President to appropriate committee on January 4, 2005.*

**041724 [Payment of Reward to two Jane Does]**

Ordinance authorizing payment of a \$10,000.00 reward to be split amongst two Jane Does for supplying information leading to the arrest and conviction of the perpetrator responsible for the death of Rihibi Hussein.

12/8/2004, RECEIVED AND ASSIGNED to Rules Committee.

**041725 [Parking Violation Penalties]**

Ordinance amending San Francisco Traffic Code Sections 32, 32.1, 32.1.1 through 32.1.7, 32.1.9, 32.1.10, 32.1.11, 32.2, 32.2.1, 32.2.2, 32.2.3, 32.3, 32.3.1, 32.5, 32.6.1, 32.6.2, 32.6.3, 32.6.5, 32.6.6, 32.6.7, 32.6.8, 32.6.10, 32.6.11, 32.6.12, 32.6.13, 32.6.14, 32.6.16 through 32.6.29, 32.20, 210, and 412 regarding penalties for parking violations and authorizing the setting of specific penalties for parking violations through a schedule of fines approved by ordinance of the Board of Supervisors. (Municipal Transportation Agency)

12/13/2004, RECEIVED AND ASSIGNED to Land Use Committee.

**041730 [Settlement of Lawsuit - Jenny McGrorey]**

Ordinance authorizing settlement of the lawsuit filed by against the City and County of San Francisco for \$38,000; the lawsuit was filed on October 5, 2001 in San Francisco Superior Court, Case No. 325-198; entitled Jenny McGrorey, et al., v. City and County of San Francisco, et al. (City Attorney)

12/22/2004, RECEIVED AND ASSIGNED to Rules Committee.

**041731 [Settlement of Lawsuit - Altec Industries, Inc.]**

Ordinance authorizing settlement of the lawsuit filed by Altec Industries, Inc. against the City and County of San Francisco for \$45,000; the lawsuit was filed on October 30, 2003 in San Francisco Superior Court, Case No. 425-937; entitled Altec Industries, Inc. v. City and County of San Francisco. (City Attorney)

12/22/2004, RECEIVED AND ASSIGNED to Rules Committee.

### **PROPOSED RESOLUTIONS**

**041640 [Prop J Certification, Status Offender Shelter and Intake Services]**

Resolution concurring with the Controller's certification that Intake and Shelter Services to Status Offenders can be practically performed by a private contractor for a lower cost than similar services performed by city and county employees. (Juvenile Probation Department)

12/7/2004, RECEIVED AND ASSIGNED to City Services Committee.

12/27/2004, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

**041726 [Accept-Expend State Grant]**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$150,000 from the California Department of Justice, Antitrust Law Section, for the purpose of launching a new certified farmers' market in Bayview Hunters Point and providing nutrition education to community residents. (Environment)

12/10/2004, RECEIVED AND ASSIGNED to City Services Committee.

**041727 [Accept and Expend Grant - Sheriff's Department program providing family literacy services for incarcerated mothers and their children in the county jail and after their release]**

Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of \$30,000 from the Zellerbach Family Foundation for providing family literacy services to mothers incarcerated in the county jail and their children. (Sheriff)

12/15/2004, RECEIVED AND ASSIGNED to City Services Committee.

12/17/2004, REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation.

**041728 [STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

18th and Tennessee Streets, stopping 18th Street at Tennessee Street, making this intersection an All-Way STOP; and

Colin P. Kelly, Jr. Street and Brannan Street, stopping Colin P. Kelly, Jr. Street at Brannan Street, the stem of this T-intersection.

(12/15/04: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the stree; DPT Order No. 2921.)

12/16/2004, RECEIVED AND ASSIGNED to Land Use Committee.

**041732 [Settlement of Grievance - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]**

Resolution approving the settlement of the grievance (ERD No. 40-03-1142) filed by United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local

38 ("Union") on behalf of Grievants, as identified in Exhibit A attached hereto, against the City and County of San Francisco for \$109,270.76. Other material term of said settlement is that Grievants and Union shall release all claims relating to the aforementioned grievance (ERD No. 40-03-1142). (City Attorney)

12/22/2004, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**041719 [BART Payment for MUNI Transfer Trips]**

Resolution approving an Agreement between the City and County of San Francisco (the "City") and the Bay Area Rapid Transit District ("BART") authorizing payment to the Municipal Transportation Agency ("MTA") for transfer trips provided by the Municipal Railway in FY 2004-2005. (Municipal Transportation Agency)

12/23/2004, RECEIVED AND ASSIGNED to Finance and Audits Committee.

**050036 [Petitions and Communications]**

Petitions and Communications received from December 7, 2004 through December 27, 2004, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on January 4, 2005.

From concerned citizens, submitting opposition to proposed cuts to the San Francisco Convention and Visitors Bureau including the Ballet, Opera and Symphony. Files 041712, 041585, Copy: Budget Committee, Approximately 150 letters(1)

From Department of Human Resources, submitting quarterly report pursuant to Annual Appropriation Ordinance, Section 23 in fiscal year 2004-05.(2)

From Luce, Forward LLP, submitting opposition to appeal of issuance of Certificate of Determination of Exemption/Exclusion from Environmental Review for property located at 1730-1750 Van Ness Avenue. File 041275, Copy: Each Supervisor(3)

From Department of Elections, regarding the successful completion of the first Ranked-Choice Election and planning for a possible Special Election in Spring 2005. Copy: Each Supervisor(4)

From Office of the Controller, submitting an audit report of the International Society for Krishna Consciousness of the Bay Area, Inc.(5)

From Office of the Controller, submitting an audit report of the Gayatri Foundation.(6)

From Supervisor Daly, submitting copy of letter sent to Mayor Newsom expressing his disapproval of the Mayor's proposed \$15.5 million in cuts to the Department of Public Health.(7)

From Office of the Treasurer, submitting investment activity (for fiscal year to date) of the portfolios under management.(8)

From Office of the Controller, regarding Juvenile Probation hiring practices. (Reference No. 20041116-002) Copy: Supervisor Sandoval(9)

From Marianne Hampton, commenting on a Planning Commission meeting held on

November 29, 2004 regarding affordable housing. Copy: Each Supervisor(10)

From Law Offices of Stephen Williams, submitting request for continuance of a Certificate of Exemption appeal for proposed project at 1730-1750 Van Ness Avenue. File 041275, Copy: Each Supervisor(11)

From Office of the Treasurer, submitting the Cash Difference and Overage Fund balance and activities reported for the period ending November 30, 2004.(12)

From Department of Parking and Traffic, regarding on-street parking on Fulton Street and Lincoln Way.(13)

From Recreation and Parks Department, concerning the Request for Proposal process for the new lease of Gleneagles Golf Course. (Reference No. 20041116-003) Copy: Supervisor Sandoval(14)

From Farella Braun & Martel LLP, submitting request for continuance of a Conditional Use appeal for proposed project at 829 Folsom Street. File 041652, Copy: Each Supervisor(15)

From St. Luke's Hospital, responding to questions raised concerning St. Luke's Hospital financial performance, provision of charity care and programs and capital investments during the December 2, 2004 hearing concerning the healthcare worker lockout. File 041600(16)

From S.F. Odd Fellows Hall Association, Inc., urging the Board to do what it can to rid the sidewalk area at Market and Seventh Streets in front of the Odd Fellows Hall of the undesirable-threatening element that constantly threatens the recent successes made at the Odd Fellow Building. Copy: Supervisor Daly(17)

From Department of Human Resources, concerning the restructuring plan that will build upon the current delivery of personnel services and administration.(18)

From Office of the City Attorney, submitting memorandum concerning the reduction of City expenditures during the budget cycle. Copy: Each Supervisor(19)

From Department of Parking and Traffic, submitting quarterly tow refunds report pursuant to Administrative Code Section 10C.12.(20)

From Police Department, submitting request for waiver of Administrative Code Chapters 12B and 12C for Holiday Inn Golden Gateway located at 1500 Van Ness Avenue.(21)

From Department of Public Works, submitting notice that appellants' signatures with respect to 100 Felton Street represent owners of more than 20% of the area involved and is therefore sufficient for appeal.(22)

From Bob Abeling, urging the Board of Supervisors to examine alternatives that would prevent significant disruptions to the business and residents in the area of the proposed Transbay Terminal project.File 041080(23)

From concerned citizens, appealing Resolution 0411-011, adopted by the Recreation and Park Commission at a special meeting on November 29, 2004 regarding Golden Gate Park. Copy: Each Supervisor(24)

From the Small Business Commission, submitting opposition to proposed legislation-reducing funding to the San Francisco Convention and Visitors Bureau by \$3.66 million for fiscal year 2004-05. File 041585, Copy: Each Supervisor(25)

From United Brotherhood of Carpenters and Joiners of America, submitting support for proposed interim zoning controls on specific lots within the Showplace Square area. File 041393, Copy: Each Supervisor(26)

From Brian Rizzo, submitting opposition to proposed interim zoning controls on specific lots within the Showplace Square area. File 041393, Copy: Each Supervisor(27)

From Mike Regan, submitting opposition to proposal by the Director of Public Health to alter Laguna Honda Hospital from an elderly care facility to house and rehabilitate the urban poor.(28)

From Thomas Battipaglia, submitting opposition to the new ban on smoking outdoors. File 041307, Copy: Each Supervisor(29)

From Russ Cohn, submitting support for off leash dog walking policies in San Francisco and the Golden Gate National Recreation Area.

From concerned citizens, submitting support for pedestrian and bicycle friendly improvements within the context of the transformation of the 38-Geary line to a proposed Bus Rapid Transit corridor.(30)

From Office of the Controller, submitting the audited Comprehensive Annual Financial Report for fiscal year that ended June 30, 2004, in accordance with Charter Section 3.105.(31)

From Patricia Greensmith, thanking the Board of Supervisors for closing the zoo elephant exhibit. File 041461, Copy: Each Supervisor(32)

From Russ Potter, submitting opposition to proposed legislation for interim zoning controls in the Haight Ashbury district. File 041067, Copy Each Supervisor(33)

From SFO Enterprises, Inc., regarding the sale of SFO Enterprises' interest in the Honduras airport project to YVR Airport Services (Vancouver Airport).(34)

From Immigrant Rights Commission, submitting resignation letter for Commissioner Jose Bondoc from the Immigrant Rights Commission. Copy: Rules Committee(35)

From Real Estate Division, submitting a summary of the Real Estate Division's efforts made to renew the lease at 1760 Ocean Avenue on behalf of the Health Department for use as the OMI Family Center.(36)

From Clerk of the Board, submitting copy of letter sent to Ms. Pinky Kushner with letter from the City Attorney's Office regarding Golden Gate Park.(37)

Number not used.(38)

From Office of the Legislative Analyst, submitting report regarding the feasibility of changing the speed limit on the section of State Highway 1 that passes through San Francisco (also known as 19th Avenue).(39)

From Supervisor Gonzalez, submitting the reappointment of Supervisor Sandoval to the San Francisco Retirement Board, effective immediately. Copy: Each Supervisor, Rules Clerk(40)

From various signatories, submitting Form 700 Statement of Economic Interests:

Tina Tom, Assistant to Supervisor Chris Daly  
Donna Hall, Sunshine Ordinance Task Force Administrator  
Cassandra Costello, Legislative Assistant to Supervisor Jake McGoldrick  
Darcy Brown, Legislative Assistant to Supervisor Sandoval (41)

From Ethics Commission, submitting support for Campaign Finance Reform Ordinance. Files 041395 and 041456(42)

From Abdallah Megahed, thanking everyone involved who helped by donating and/or serving holiday meals to the homeless during the holidays. 2 letters(43)

From concerned citizens, regarding renaming the "Bay Bridge" the "Emperor Norton Bridge." File 041618, Copy: Each Supervisor(44)

From Citizens' General Obligation Bond Oversight Committee, submitting copy of letter sent to President, S.F. Unified School District Board of Education regarding the expenditure of general obligation bond proceeds.(45)

From Eli Merritt, regarding the problem with garbage and a lack of cleanliness in Dolores Park.(46)

From concerned citizens, submitting opposition to proposal to ban handguns in San Francisco. Copy: Each Supervisor(47)

From Department of Public Health, submitting the 2004 Title XV evaluation report for each of the detention facilities in San Francisco.(48)

From Citizens' General Obligation Bond Oversight Committee, submitting annual report from the Citizens' General Obligation Bond Oversight Committee for 2004.Copy: Each Supervisor(49)

From Wilfried Glabach, thanking the Board of Supervisors for legislation urging CBS and NBC to rescind their decisions to reject airing of the UCC ads promoting tolerance and acceptance.(50)

From Liberty Hill Neighborhood Association, regarding street lighting in the Liberty Hill Historic District. Copy: Each Supervisor(51)

From U.S. Fish and Wildlife Service, submitting notice that comments and suggestions from the public and all interested parties concerning the Western Snowy Plover proposal is hereby solicited and further information can be found on the web at <http://sacramento.fws.gov>. The comment period will close on February 15, 2005.(52)

From Planning Department, regarding appeal of the final mitigated negative declaration for 329 Bay Street. File 041641, Copy: Each Supervisor(53)

From PUC, regarding purchase of food and beverage products by the Department. (Reference No. 20040914-048) Copy: Supervisor Peskin(54)

From Budget Analyst, submitting copy of management audit of the Public Utilities Commission, Hetch Hetchy Enterprise Fund.(55)

From Gary Marsh, commenting that the Fire Department has done a wonderful job teaching the Neighborhood Emergency Response Team (NERT) program.(56)



From Asian Art Museum, submitting the Efficiency Plan for the Asian Art Museum for fiscal year 2005-06.(57)

From Community Alliance of Portola-Silver Terrace, submitting opposition to conditional use authorization that allows the installation of Cingular Wireless cellular antennas at 100 Felton Street. File 041636, Copy: Each Supervisor(58)

From Redevelopment Agency, regarding waiver related to certain hearing requirements of Section 33433 of the California Health and Safety Code for single-family homes, provided that the Agency file a report with the legislative body summarizing the relevant transactions for the prior fiscal year. File 040503, Copy: Each Supervisor(59)

From Recreation and Park Commission, submitting Rules of Order for the Recreation and Park Commission.(60)

From S.F. War Memorial and Performing Arts Center, submitting report concerning the War Memorial Veterans Building Life Safety Study.(61)

From Board of Appeals, submitting the Board of Appeals' Efficiency Plan for 2004.(62)

From Law Offices of David Cincotta, requesting the Board deny the appeal of final mitigated negative declaration for 329 Bay Street. File 041641, Copy: Each Supervisor(63)

From Friends of Vandewater Street, regarding appeal of final mitigated negative declaration at 329 Bay Street. File 041641(64)

From Department of Public Works, submitting notice that appellants' signatures with respect to 829 Folsom Street represent owners of more than 20% of the area involved and is therefore sufficient for appeal. File 041652(65)

From Redevelopment Agency, thanking Supervisor Daly for sponsoring the one year extension of the Yerba Buena Redevelopment Plan.File 041466(66)

From Redevelopment Agency, thanking Supervisor Daly for sponsoring legislation that would amend the Embarcadero-Lower Market Redevelopment Plan to implement Senate bill 2113. File 041467(67)

## **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](http://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 (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 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. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street. 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 Adele Destro 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 [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Destro 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](http://www.sfgov.org/ethics)

[Return to Full Board Agendas](#)