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# 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, April 12, 2005  
2:00 PM**

#### **Regular Meeting**

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**AARON PESKIN, PRESIDENT  
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,  
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,  
JAKE MCGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL**

Gloria L. Young, Clerk of the Board

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## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

## **APPROVAL OF 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 3

#### Recommendation of the Budget and Finance Subcommittee

*Present: Supervisors Ammiano, Elsbernd*

1.        [050322](#)        **[Authorizing extension of the Emergency Interim Towing Services Agreement]**        **Mayor**
- Resolution authorizing the Director of Transportation of the Municipal Transportation Agency to enter into a contract amendment extending the term of the Emergency Interim Service Agreement and Property Use License for Towing, Storage and Disposal of Abandoned and Illegally Parked Vehicles by and Between the City and County of San Francisco and TEGSCO, LLC, d.b.a. San Francisco AutoReturn until July 30, 2005 or until a long-term towing services agreement is executed, whichever occurs first. (Parking and Traffic Department)
- Question: Shall this Resolution be ADOPTED?**

#### Recommendation of the City Operations and Neighborhood Services Committee

*Present: Supervisors McGoldrick, Dufty*

2.        [050493](#)        **[Grant to respond to bioterrorism, infectious disease outbreaks, and other public health threats and emergencies in hospital settings in San Francisco]**        **Supervisor Ma**
- Resolution authorizing the San Francisco Department of Public Health (SFDPH, SFGH, LHH) to accept and expend retroactively a grant in the amount of \$44,747 to San Francisco General Hospital and \$27,960 to Laguna Honda Hospital, in a combined amount of \$72,707, from the California Department of Health Services (CDHS) to prepare for and respond to bioterrorism and other public health emergencies and to enter into agreements for the use of these funds; for the period of September 1, 2003, to August 30, 2005.

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

### **Recommendation of the Rules Committee**

*Present: Supervisors Alioto-Pier, Mirkarimi*

3. [050348](#) **[Authorizing the Mayor to add additional terms and conditions to the memorandum of agreement between the City and participants in the City's Annual Joint Fundraising Drive]** **Mayor, Supervisor Peskin**

Ordinance amending the San Francisco Administrative Code by amending Section 16.93-5, to authorize the Mayor to add additional terms and conditions to the memorandum of agreement between the City and participants in the City's Annual Joint Fundraising Drive.

4/5/2005, PASSED ON FIRST READING.

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

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

## **REGULAR AGENDA**

## **UNFINISHED BUSINESS**

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

*Present: Supervisors Alioto-Pier, Maxwell*

4. [050532](#) **[Appointment - Association of Bay Area Governments Finance Authority]**

Resolution appointing Supervisor Ross Mirkarimi, term indefinite, to the Association of Bay Area Governments Finance Authority.

Supervisor Ross Mirkarimi, succeeding Supervisor Barbara Kaufman, resigned, seat 1, must be a member of the Board of Supervisors who in turn can appoint up to two alternates to act in his place in all matters authorized, for an indefinite term.

4/5/2005, CONTINUED. Continued to April 12, 2005

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

*Present: Supervisors Alioto-Pier, Mirkarimi, Maxwell*

5. [041489](#) **[Regulation of Electioneering Communications]** **Supervisors Maxwell, Peskin,  
McGoldrick, Sandoval,  
Mirkarimi**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding section 1.161.5 to create disclosure and filing requirements for the sponsors of electioneering communications and by amending Section 1.134 to include electioneering communications within the type of communications that could cause the Ethics Commission to lift the City's expenditure ceilings.

(Supervisor Alioto-Pier dissenting in Committee.)

4/5/2005, DIVIDED. Supervisor Daly moved to divide the file. See File No. 050624

4/5/2005, PASSED ON FIRST READING.

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

## **Board of Supervisors Sitting as a Committee of the Whole**

6. [050624](#) **[Regulation of Electioneering Communications]**
- Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding section 1.161.5 to create disclosure and filing requirements for the sponsors of electioneering communications and by amending section 1.134 to include electioneering communications within the type of communications that could cause the Ethics Commission to lift the City's expenditure ceilings.

4/5/2005, PASSED ON FIRST READING AS AMENDED. 4/5/05 - Board To Sit As A Committee of the Whole

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

## **NEW BUSINESS**

### **Recommendations of the Budget and Finance Subcommittee**

*Present: Supervisors Ammiano, Elsbernd*

7. [050416](#) **[Health Service System Plans]**
- Ordinance approving the 2005-2006 health, vision and dental plans of the Health Service System, and the rates applicable to those plans. (Human Resources Department)
- (Fiscal impact.)

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

8. [041720](#) **[Establishing Monthly Contribution Amount]**  
Resolution establishing monthly contribution amount to Health Service Trust Fund. (Human Resources Department)  
(Fiscal impact.)

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

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

*Present: Supervisors Maxwell, McGoldrick*

9. [041767](#) **[Zoning Map Amendment for 2350-19th Avenue]**  
Ordinance amending the San Francisco Planning Code by amending Sectional Map 6 of the Zoning Map of the City and County of San Francisco and changing the use classification of the property located at 2350-19th Avenue, and identified as Assessor's Block No. 2347, Lot No. 004G, from a zoning designation of P (Public) to RH-2 (Residential, House, Two-Family); and adopting General Plan, Planning Code Section 101.1(b), and environmental findings. (Planning Department)

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

10. [050173](#) **[Policy to Preserve Street Tree Planting Sites]** **Supervisor Ma**  
Resolution adopting a policy to preserve street tree planting sites.

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

11. [050359](#) **[Grant of Federal Funds]** **Supervisor Daly**  
Resolution authorizing the Municipal Transportation Agency to accept and expend \$266,666 of Low Income Flexible Transportation (LIFT) Funds, for maintenance of the Municipal Railway's #108 Line between San Francisco and Treasure Island, excluding administrative overhead costs.

**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.*

12. [050287](#) **[Public Hearing - Appeal of Final Mitigated Negative Declaration for 606-624 Divisadero Street and 1278 Hayes Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department, approving a Final Mitigated Negative Declaration (Case No. 2003.0807E) adopted and issued on November 29, 2004, for the proposed construction of two mixed-use buildings on Divisadero Street and one all-residential building on Hayes Street after demolition of an existing 12,000 gross-square-foot (gsf) building at 616 Divisadero Street, currently used as a church (currently a Baptist Church and before that the Harding Theater). The two proposed buildings on Divisadero Street would be identical 9,615 gsf, four-story, mixed-use buildings each with approximately 2,500 gsf of commercial use on portions of the first two levels, and four residential dwelling units on the remainder of the four floors. The proposed building on Hayes Street would be a 30,631 gsf, four-story building with 10 dwelling units on all four levels. The entire proposed project would include 18 dwelling units, 18 off-street parking spaces, and approximately 5,000 gsf of commercial space in three buildings that would each be four stories, approximately 46 feet in height. Off-street parking for all three buildings would be located in the Hayes Street building. The project site at 616 Divisadero Street (Assessor's Block 1202, Lot 002J) is an L-shaped lot with frontages on both Divisadero and Hayes Streets and is approximately 13,285 square feet. The project site is zoned NC-2 (Small-Scale Neighborhood Commercial and is within a 65-A height and bulk district. (Appellant: Arthur D. Levy of Levy, Ram & Olson LLP Attorneys representing Central City Progressives.)

(Appeal filed February 15, 2005; companion measure to Files 050288, 050289, 050290; District 5.)

3/15/2005, CONTINUED. President inquired as to whether or not a member of the public wished to address the Board. Arthur Levy, Attorney for the appellant, agreed to a continuance of these matters. Jim Reuben, Attorney for the project sponsor, agreed to a continuance of these matters. Continued to April 12, 2005

**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.)**

13. [050288](#) **[Finding mitigated negative declaration appeal of 606-624 Divisadero Street/1278 Hayes Street timely]**

Motion finding the appeal of the mitigated negative declaration issued on November 29, 2004, for 606-624 Divisadero Street/1278 Hayes Street timely filed. (Clerk of the Board)

3/15/2005, CONTINUED. Continued to April 12, 2005

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

14. [050289](#) **[Finding appeal of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street untimely]**  
Motion finding the appeal of the negative declaration issued on November 29, 2004 for 606-624 Divisadero Street/1278 Hayes Street not timely filed. (Clerk of the Board)  
3/15/2005, CONTINUED. Continued to April 12,2005  
**Question: Shall this Motion be ADOPTED?**
15. [050290](#) **[Preparation of findings related to the timeliness of the mitigated negative declaration appeal for 606-624 Divisadero Street/1278 Hayes Street]**  
Motion directing the Clerk of the Board to prepare findings related to the timeliness of the mitigated negative declaration appeal for 606-624 Divisadero Street/1278 Hayes Street. (Clerk of the Board)  
3/15/2005, CONTINUED. Continued to April 12,2005  
**Question: Shall this Motion be ADOPTED?**

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

16. [050400](#) **[Affirm approval of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street]**  
Motion affirming Planning Department adoption of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street. (Clerk of the Board)  
3/15/2005, CONTINUED. Continued to April 12, 2005  
**Question: Shall this Motion be ADOPTED?**
17. [050401](#) **[Reversing approval of the negative declaration for 606-624 Divisadero Street/1278 Hayes Street]**  
Motion reversing the Planning Department approval of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street. (Clerk of the Board)  
3/15/2005, CONTINUED. Continued to April 12, 2005  
**Question: Shall this Motion be ADOPTED?**
18. [050402](#) **[Preparation of findings to reverse approval of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street]**  
Motion directing the Clerk of the Board to prepare findings reversing the Planning Department's approval of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street. (Clerk of the Board)  
3/15/2005, CONTINUED. Continued to April 12, 2005  
**Question: Shall this Motion be ADOPTED?**

## SPECIAL ORDER 4:00 P.M

19. [050087](#) **[Public Hearing - Conditional Use Appeal for 606-624 Divisadero Street and 1278 Hayes Street]**

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

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

2/1/2005, CONTINUED. Continued to February 15, 2005.

2/15/2005, CONTINUED. Continued to March 15, 2005

3/15/2005, CONTINUED. Continued to April 12, 2005

**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.)**

20. [050088](#) **[Appeal, Conditional Use - 606-624 Divisadero Street and 1278 Hayes Street]**

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

2/1/2005, CONTINUED. Continued to February 15, 2005.

2/15/2005, CONTINUED. Continued to March 15, 2005

3/15/2005, CONTINUED. Continued to April 12, 2005

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

21. [050089](#) **[Appeal, Conditional Use - 606-624 Divisadero Street and 1278 Hayes Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16921,



approving Conditional Use Application 2003.0807CEK on property located at 606-624 Divisadero Street and 1278 Hayes Street. (Clerk of the Board)

2/1/2005, CONTINUED. Continued to February 15, 2005.

2/15/2005, CONTINUED. Continued to March 15, 2005

3/15/2005, CONTINUED. Continued to April 12, 2005

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

**22.            [050090](#)            [Findings - 606-624 Divisadero Street and 1278 Hayes Street]**

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

2/1/2005, CONTINUED. Continued to February 15, 2005.

2/15/2005, CONTINUED. Continued to March 15, 2005

3/15/2005, CONTINUED. Continued to April 12, 2005

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

**23.            [050091](#)            [Environmental Review - 606-624 Divisadero Street and 1278 Hayes Street]**

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

2/1/2005, CONTINUED. Continued to February 15, 2005.

2/15/2005, CONTINUED. Continued to March 15, 2005

3/15/2005, CONTINUED. Continued to April 12, 2005

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

## **SPECIAL ORDER 4:30 P.M.**

### **Board of Supervisors Sitting as a Committee of the Whole**

**24.            050570            [Public Hearing - Ordinance approving and adopting the Seventh Amendment to the Redevelopment Plan for the Western Addition Project Area A-2]**

Hearing to consider the possible adoption of an Ordinance approving and adopting the Seventh Amendment to the Redevelopment Plan for the Western Addition Project Area A-2 to amend elements of the density, parking, height and bulk restrictions for five (5) sites referred to as Parcel 732-A and 725-C (also known as the Jazz Center Site), Parcel A, Parcel C, Rosa Parks and the Muni Substation; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is

consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and adopting other findings pursuant to the California Community Redevelopment Law. (Clerk of the Board)

Action: \_\_\_\_\_

## Committee of the Whole Adjourn and Report Without Recommendation

### Recommendation of the Land Use Committee

*Present: Supervisors Maxwell, McGoldrick*

25. [050218](#) [Seventh Amendment to Redevelopment Plan for the Western Addition Project Area A-2] Mayor, Supervisor Mirkarimi

Ordinance Approving and adopting the Seventh Amendment to the Redevelopment Plan for the Western Addition Project Area A-2 to amend elements of the density, parking, height and bulk restrictions for five (5) sites referred to as Parcel 732-A and 725-C (also known as the Jazz Center Site), Parcel A, Parcel C, Rosa Parks and the Muni Substation; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the Redevelopment Plan Amendment is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and adopting other findings pursuant to the California Community Redevelopment Law.

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

## SPECIAL ORDER 5:00 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.*

26. [050380](#) [Public Hearing - Appeal of Categorical Exemption for No.1 La Avanzada Street (aka 250 Palo Alto Avenue)]

Hearing of persons interested in or objecting to the decision of the Planning Department dated February 10, 2005, Case No. 2005.0021E, exempting from environmental review the proposed installation of a new low-power FM antenna for KNGY FM-92.7, four satellite receive-only dishes for KPIX TV-5 and an emergency generator for KBHK TV-44. The project is located at No.1 La Avanzada Street (aka 250 Palo Alto Avenue), on Mount Sutro and is zoned RH-1(D). The individual components are described below.

Low-Power FM Antenna: KNGY is an existing radio station that now broadcasts from the

top of a residential building at 1101 Green Street on Russian Hill. The proposed project would relocate KNGY from its current location by allowing the installation of a new low-power FM antenna on Sutro Tower. KNGY currently operates at 3,600 watts of effective radiated power. The new antenna will operate at 510 watts of effective radiated power. The antenna will be approximately 15 feet high by 5 feet wide by 2 feet deep, and will be mounted on the north leg of Sutro Tower at Level 3, approximately 380 feet above ground using an existing set of brackets installed to support a previously approved antenna. No alteration to the existing equipment building at the base of Sutro Tower would be required. (Appellants: Siu Ling Chen for Midtown Terrace Homeowner's Association, Liaison to Sutro Tower and Doris Linnenbach for Twin Peaks Improvement Association, Liaison to Sutro Tower.)

(Filed February 28, 2005; companion measure to Files 050381, 050382, 050383; District 7.)

**Action:** \_\_\_\_\_

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

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

27.        [050381](#)        **[Affirming the categorical exemption issued for 1 La Avanzada Street (aka 250 Palo Alto Avenue)]**  
Motion affirming the determination by the Planning Department that the 1 La Avanzada Street (aka 250 Palo Alto Avenue) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)  
**Question: Shall this Motion be ADOPTED?**
28.        [050382](#)        **[Disapproving the categorical exemption issued for 1 La Avanzada Street (aka 250 Palo Alto Avenue)]**  
Motion disapproving the determination by the Planning Department that the 1 La Avanzada Street (aka 250 Palo Alto Avenue) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)  
**Question: Shall this Motion be ADOPTED?**
29.        [050383](#)        **[Preparation of findings related to the categorical exemption issued for 1 La Avanzada Street (aka 250 Palo Alto Avenue)]**  
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1 La Avanzada Street (aka 250 Palo Alto Avenue) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)  
**Question: Shall this Motion be ADOPTED?**

## 30. 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.*

## 31. 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*

## CLOSED SESSION

## CONFERENCE WITH CITY ATTORNEY - Existing Litigation

### 32. 050463 [Closed Session - Existing Litigation, Potential Litigation] Supervisor Ammiano

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following bankruptcy matter (Chapter 11) in which the City and County of San Francisco is an active participant, and to consider the possibility of affirmative litigation in light of the status of the bankruptcy matter listed below:

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) and (2) permit this closed session. Discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending lawsuit listed below.

In Re: PACIFIC GAS AND ELECTRIC COMPANY, Debtor  
U. S. Bankruptcy Court, Northern District of California, No. 01-30923 DM  
Federal I. D. No. 94-0742640  
Date Filed: 4/6/01

3/29/2005, CONTINUED. Continued to April 12, 2005

Action: \_\_\_\_\_

*After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken*

*on any motion in the closed session.*

*[Elect To Disclose]*

*Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.*

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.*

## **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 33 through 44**

- 33.**      [\*\*050592\*\*](#)      **[Supporting non-discrimination in health care services for Transgender people]**      **Supervisors Dufty, Ammiano**  
Resolution supporting non-discrimination in health care services for Transgender people, and endorsing AB 1586.  
  
4/5/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**
- 34.**      [\*\*050593\*\*](#)      **[Safety Seat Checkup Week]**      **Supervisors Ma, Dufty**  
Resolution declaring April 10, 2005 through April 16, 2005 as "Safety Seat Checkup Week" in the City and County of San Francisco.  
  
4/5/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**
- 35.**      [\*\*050594\*\*](#)      **[Public Safety Telecommunications Week]**      **Supervisors Ma, Dufty**  
Resolution recognizing the hard work and dedication of our public safety professionals and declaring April 10, 2005 through April 16, 2005 as "Public Safety Telecommunications Week" in the City and County of San Francisco.  
  
4/5/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

36. [050603](#) **[Declaring April 13, 2005 Healthcare for All Children Day]** **Supervisor Dufty**

Resolution declaring April 13, 2005 Healthcare for All Children Day.

4/5/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

37. [050607](#) **[Approving San Francisco Local Hazard Mitigation Plan]** **Supervisor Alioto-Pier**

Resolution approving the Association of Bay Area Governments Report "Taming Natural Disasters" as the City and County of San Francisco's Local Hazard Mitigation Plan.

4/5/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

38. [050608](#) **[Dance Week in San Francisco]** **Supervisor Dufty**

Resolution supporting Bay Area Celebrates National Dance Week, and declaring April 22 through May 1, 2005 as Dance Week in San Francisco.

4/5/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

39. [050610](#) **[Foster Care Month]** **Supervisors Maxwell, Dufty**

Resolution recognizing May 2005 as Foster Care Month.

4/5/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

40. [050611](#) **[Issuance and sale of multifamily housing revenue bonds by CSCDA for Jackie Robinson Apartments]** **Supervisor Maxwell**

Resolution authorizing the issuance and sale of multifamily housing revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$17,000,000 for the Jackie Robinson Apartments (as described herein).

4/5/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

41. [050612](#) **[Supporting AB799 - Local vehicle license fee for San Francisco]** **Supervisors Mirkarimi, Peskin, Ammiano, McGoldrick, Maxwell, Dufty**

Resolution Urging the California Assembly and Senate and the Governor of California to support Assembly Bill 799 (AB799), introduced by Assemblymember Mark Leno, the "Local

vehicle license fee for San Francisco"

4/5/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**42.            [050613](#)            [Armenian Genocide Commemoration Day]            **Supervisors Peskin, Duffy****

Resolution declaring April 24, 2005 as Armenian Genocide Commemoration Day in San Francisco.

4/5/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**43.            [050565](#)            [Final Map for a 102 Unit Residential Condominium Project - 125 Third Street, Museum Tower Residences]**

Motion approving Final Map of Museum Tower Residences Condominium Map, A Residential Condominium Project, being a subdivision of Lot 82 in Assessor's Block No. 3722, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,292; District 6.)

4/4/2005, 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:* \_\_\_\_\_

**44.            [050615](#)            [Transbay Redevelopment Plan - May 10, 2005            **Supervisor Peskin**  
**Committee of the Whole, at 4:00 p.m.]****

Motion for the Board of Supervisors to convene as a committee of the whole on May 10, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of the Transbay Redevelopment Plan, and related documents and agreements.

4/5/2005, 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:* \_\_\_\_\_

## 45. 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.*

## OFF-AGENDA LEGISLATION

## PROPOSED ORDINANCES

*Proposed ordinances received from March 29, 2005 to April 4, 2005, for reference by President to appropriate committee on April 12, 2005.*

### **050567 [Settlement of Lawsuit - Tamyra D'Ippolito]**

Ordinance authorizing settlement of the lawsuit filed by Tamyra D'Ippolito against the City and County of San Francisco for \$35,000; the lawsuit was filed on July 23, 2001 in San Francisco Superior Court, Case No. 323-130; entitled Tamyra D'Ippolito, et al., v. City and County of San Francisco, et al. (City Attorney)

4/4/2005, RECEIVED AND ASSIGNED to Rules Committee.

### **050568 [Settlement of Lawsuit - Bryan Ketron]**

Ordinance authorizing settlement of the lawsuit filed by Bryan Ketron against the City and County of San Francisco for \$57,500 and the lawsuit filed by Alisa Vincent against the City



and County of San Francisco for \$25,000; the cases have been consolidated under Bryan Ketron v. City and County of San Francisco, et al., Superior Court , Case No. 414-357. The Ketron lawsuit was filed on November 4, 2002 in Superior Court, Case No. 414-357 the Vincent lawsuit was filed on March 21, 2003 in Superior Court, Case No. 418-577. (City Attorney)

4/4/2005, RECEIVED AND ASSIGNED to Rules Committee.

**050582 [Settlement of Lawsuit - Pacific Gas and Electric Company]**

Ordinance approving settlement of litigation by Pacific Gas and Electric Company against City and County of San Francisco for \$3,000.

4/4/2005, RECEIVED AND ASSIGNED to Rules Committee.

## **PROPOSED RESOLUTIONS**

*Proposed resolutions received from March 29, 2005 to April 4, 2005, for reference by President to appropriate committee on April 12, 2005.*

**050530 [Accept-Expend Bequest of Harvey V. Berneking Living Trust]**

Resolution authorizing the San Francisco Public Library to retroactively accept and expend a gift in the amount of \$100,000 from the HARVEY V. BERNEKING Living Trust for improvements to the Main Library. (Public Library)

3/30/2005, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050569 [Contract Prop J: Facility Security Services]**

Resolution concurring with the Controller's certification that facility security services for Municipal Transportation Agency can be practically performed by a private contractor at a lower cost than by City and County employees. (Municipal Transportation Agency)

4/5/2005, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050626 [Petitions and Communications]**

Petitions and Communications received from March 29, 2005 through April 4, 2005, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on April 12, 2005.

From Office of the Controller, submitting the Annual Financial Report for the fiscal year ending June 30, 2004.(1)

From Public Utilities Commission, responding to inquiry regarding how much the Department spends on postage, courier/messenger services, off-site document storage and the number of printers the Department has.(Reference No. 20050222-021) Copy: Supervisor Ma(2)

From Peter Langenstein, submitting request for a type 20 liquor license for "Peloton Services" located at 740 Clementina Street.(3)

From SafetyBeltSafe U.S.A., urging California Counties to declare April 10-16, 2005 as Safety Seat Checkup-Week. Copy: Each Supervisor(4)

From Human Services Agency, responding to inquiry regarding how much the Department spends on postage, courier/messenger services, off-site document storage and the number of printers the Department has.(Reference No. 20050222-014) Copy: Supervisor Ma(5)

From SFO, responding to inquiry regarding how much the Department spends on postage, courier/messenger services, off-site document storage and the number of printers the Department has.(Reference No. 20050222-005) Copy: Supervisor Ma (6)

From Clerk of the Board, responding to report from the San Francisco Civil Grand Jury regarding compensation issues in the San Francisco Police Department. Copy: Each Supervisor(7)

From Department of Administrative Services, responding to inquiry regarding how much the Department spends on postage, courier/messenger services, off-site document storage and the number of printers the Department has.(Reference No. 20050222-004) Copy: Supervisor Ma(8)

From Office of the Assessor-Recorder, responding to inquiry regarding how much the Department spends on postage, courier/messenger services, off-site document storage and the number of printers the Department has.(Reference No. 20050222-007) Copy: Supervisor Ma(9)

From Employees' Retirement System, responding to inquiry regarding how much the Department spends on postage, courier/messenger services, off-site document storage and the number of printers the Department has.(Reference No. 20050222-024) Copy: Supervisor Ma(10)

From Department of Human Resources, responding to inquiry regarding how much the Department spends on postage, courier/messenger services, off-site document storage and the number of printers the Department has.(Reference No. 20050222-019) Copy: Supervisor Ma(11)

From S.F. Museum and Historical Society Advisory Committee, submitting the 2004 Annual Report for the S.F. Museum and Historical Society Advisory Committee. (12)

From Department of Public Health, submitting the 2005 updated surplus property spread sheet for the Department of Public Health.(13)

From the Housing Authority, responding to inquiry on services utilized among the Hispanic/Latino senior population in San Francisco dated March 30, 2005. (Reference No. 20050208-002)(14)

From Department of Public Works, regarding repair/repavement of the rough road surface on Oak Street, between Gough and Franklin Streets. (Reference No. 20050329-002) Copy: Supervisor Mirkarimi(15)

From Reuben and Junius LLP, responding to letter from St. Mary's Park Improvement Club Attorney (dated March 2, 2005) regarding appeal of tentative parcel for 4005 Mission Street.

File 050374(16)

From State Department of Child Support Services, regarding collection and disbursement of child support funds.(17)

From Redevelopment Agency, submitting request for information related to Community Facilities District No. 7. Copy: Each Supervisor(18)

From Reuben & Junius LLP, submitting information contained in his (James Reuben) oral presentation regarding the Transbay Redevelopment Plan and Special Use District from the Board meeting of March 29, 2005. File 050184(19)

From the Department of Human Services, (001) responding to inquiry on services utilized among the Hispanic/Latino senior population in San Francisco dated March 30, 2005. (Reference No. 20050208-001) Copy: Supervisor Sandoval (20)

From Clerk of the Board, submitting the Budget-hearing schedule for fiscal year 2005-06.(21)

From Sue Hestor, submitting support for appeal of tentative subdivision map for property located at 4001 Mission Street. File 050374, Copy: Each Supervisor (22)

From Supervisor Maxwell, submitting amendments to the Transbay Redevelopment Plan related primarily to affordable housing and economic opportunities, particularly for economically disadvantaged San Francisco residents and businesses. File 050184, Copy: Each Supervisor(23)

From Mary Miles, submitting request for correction of notice and postponement of hearing for the San Francisco Bicycle Plan. Copy: Each Supervisor(24)

From Department of Human Resources, submitting quarterly report on the MEA Management Classification and Compensation Plan and the Tripartite Settlement Quarterly Report. Copy: Each Supervisor(25)

From various signtors, submitting annual Form 700 Statement of Economic Interests: (26)

Adrienne Lacau, Assessment Appeals Board Member

Alec Lambie, Assessment Appeals Board Member

Amanda Kahn, Legislative Assistant to Supervisor Dufty

Angela Calvillo, Legislative Aide to Supervisor Ammiano

Betty Chan, Legislative Aide to Supervisor McGoldrick

Carol Silver, Assessment Appeals Board Member

David Owen, Legislative Assistant to Supervisor Peskin

David Wilbur, Assessment Appeals Board Member

Diane Robinson, Assessment Appeals Board Member

Donna Crowder, Assessment Appeals Board Member

Douglas Comstock, Member of the Sunshine Ordinance Task Force

Frances Hsieh, Legislative Assistant to Supervisor Ma

Gordon Huseby, Assessment Appeals Board Member

Hayes Miles, Assessment Appeals Board Member

Jake McGoldrick, Member of the Board of Supervisors

Jake McGoldrick, Member of the Local Agency Formation Commission

John McGary, Assessment Appeals Board Member

Joseph Tham, Assessment Appeals Board Member

Judson True, Legislative Assistant to Supervisor Sandoval

Kathleen Gulbengay, Deputy Clerk of the Board of Supervisors  
Louis Arthur, Budget Analyst  
Mervin Conlan, Assessment Appeals Board Member  
Michela Alioto-Pier, Member of the Board of Supervisors  
Pedro Rodriguez, Budget Analyst  
Peter Fatooh, Assessment Appeals Board Member  
Rachel Redondiez, Legislative Assistant to Supervisor Daly  
Richard Knee, Sunshine Ordinance Task Force Member  
Richard Lee, Assessment Appeals Board Member  
Rob Black, Legislative Assistant to Supervisor Alioto-Pier  
Sean Elsbernd, Member of the Board of Supervisors  
Sue Cauthen, Member of the Sunshine Ordinance Task Force  
Tom Ammiano, Member of the Board of Supervisors  
Tom Ammiano, Member of the Local Agency Formation Commission

From Nancy Chin, submitting support for appeal of Categorical Exemption for No. 1 La Avanzada Street (aka 250 Palo Alto Avenue) on Mount Sutro) for the installation of a new low-power FM antenna for KNGY FM-92.7, four satellite receive-only dishes for KPIX TV-5 and an emergency generator for KBHK TV-44. Copy: Each Supervisor(27)

From Ahimsa Sumchai, submitting press release regarding community protests of the Redevelopment Commission's plan to spend \$40 million in bonds to finance shipyard infrastructure. Copy: Each Supervisor(28)

From Redevelopment Agency, regarding the Transbay Redevelopment Plan and the removal of property from the proposed project area. File 50184, Copy: Each Supervisor(29)

From Redevelopment Agency, responding to written objections regarding the Transbay Redevelopment Plan. File 50184, Copy: Each Supervisor(30)

From Jack Walder, submitting opposition to proposed skateboarding Ordinance, and announcing that he will hold the City and County of San Francisco responsible for any injury and punitive damages incurred because of skateboarders. File 041745, Copy: Each Supervisor(31)

From concerned citizens, submitting support for the recently approved legislation regarding the humane treatment of all companion dogs. File 041494(32)

From Adolph Gasser Inc., commenting on the proposed Redevelopment Plan for the Transbay Redevelopment Project Area. File 50184, Copy: Each Supervisor(33)

From concerned citizens, submitting support for issuance of a conditional waiver to San Francisco Cycling, LLC. File 050435, Copy: Each Supervisor (34)

From Department of Public Works, submitting copy of letter sent to Ralph Grocery Co. requesting cooperation in monitoring and quickly addressing the graffiti on their property at 4175 Mission Street. (Reference No. 20050208-003) Copy: Supervisor Sandoval(35)

From Michael Bassik, submitting his concern with proposed ordinance regarding electioneering communication. Copy: Each Supervisor(36)

From Steven Haynes, submitting opposition to proposed gun ban in the City and County of San Francisco.(37)

From concerned citizens, commenting on proposed legislation regarding the registration of blog sites. Copy: Each Supervisor(38)

From concerned citizens, submitting opposition to proposed moratorium on all condo conversions until 2007 (File 050494); and support for proposed legislation allowing owners of 2-6 unit buildings to convert into a condominium where the building was owned as a tenancy-in-common on January 20, 2005. (File 050177)(39)

From Leanne Edwards, regarding the quality management section of Community Health Services for the Department of Public Health-voter initiated amendment.(40)

From Richard Skaff, commenting on the parking situation in San Francisco. Copy: Each Supervisor(41)

From Richard Ventura, submitting support for Civil Service Reform.(42)

From PG&E, submitting application requesting pre-deployment funds for its advance metering infrastructure project.(43)

From State Department of Fish and Game, submitting notice of various meeting dates to review the previous commercial herring-fishing season and to dialogue about changes for future seasons.(44)

From State Department of Social Services, submitting notice that there will be a major change in county plan instructions for the three-year cycle July 1, 2005 through June 30, 2008.(45)

## **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 interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

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)