

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

Regular Meeting

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

BOARD COMMITTEES

Meeting Days

Thursday 1:00 PM

Thursday 11:00 AM

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

> 1st and 3rd Monday 1:00 PM

2nd and 4th Monday 1:00 PM

> Wednesday 1:00 PM

Wednesday 10:00 AM

Budget and Finance Committee Supervisors Ammiano, Daly, Elsbernd, Ma, McGoldrick

Budget and Finance Subcommittee Supervisors Ammiano, Daly, Elsbernd

Committee Membership

City and School District Select Committee Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Kelly, Wynns, Delegate Wong

City Operations and Neighborhood Services Committee Supervisors McGoldrick, Dufty, Ma

Government Audit and Oversight Committee Supervisors Peskin, Elsbernd, Mirkarimi

Land Use Committee Supervisors Maxwell, Sandoval, McGoldrick

Rules Committee Supervisors Alioto-Pier, Mirkarimi, Peskin

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

Volume 100 Number 14

Members Present:

Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Dufty, Sean Elsbernd, Fiona Ma, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll all Supervisors were noted present.

Quorum present.

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

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.

Resolution No. 257-05 ADOPTED

Recommendation of the Rules Committee

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.

Ordinance No. 70-05 FINALLY PASSED The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Consent Agenda

Supervisor Sandoval requested that this matter be severed so that it might be considered separately.

Recommendation of the Budget and Finance Subcommittee

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)

Resolution No. 256-05

ADOPTED by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Rules Committee

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.

Resolution No. 258-05

ADOPTED by the following vote:

041489 [Regulation of Electioneering Communications]

Supervisors Maxwell, Peskin, McGoldrick, Sandoval, Mirkarimi, Ammiano

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.)

Ordinance No. 71-05

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval Noes: 2 - Alioto-Pier, Elsbernd

Board of Supervisors Sitting as a Committee of the Whole

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.

The President inquired as to whether or not a member of the public wished to address the Board. There were none.

The President declared the public hearing closed. Continued to April 19, 2005

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Subcommittee

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.)

PASSED ON FIRST READING by the following vote:

041720 [Establishing Monthly Contribution Amount]

Resolution establishing monthly contribution amount to Health Service Trust Fund. (Human Resources Department)

(Fiscal impact.)

Resolution No. 259-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use Committee

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)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval Noes: 3 - Ammiano, Daly, Mirkarimi

050173 [Policy to Preserve Street Tree Planting Sites] Supervisor Ma

Resolution adopting a policy to preserve street tree planting sites.

Resolution No. 260-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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.

Resolution No. 261-05

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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

SPECIAL ORDER 4:00 P.M

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, fourstory 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.)

Continued to April 19, 2005 at 3:00 p.m.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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.)

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)

Continued to April 19, 2005 at 3:00 p.m.

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

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)

Continued to April 19, 2005 at 3:00 p.m.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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)

Continued to April 19, 2005 at 3:00 p.m.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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

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)

Continued to April 19, 2005 at 3:00 p.m.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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)

Continued to April 19, 2005 at 3:00 p.m.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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)

Continued to April 19, 2005 at 3:00 p.m.

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

SPECIAL ORDER 4:00 P.M

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

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

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

Continued to April 19, 2005 at 3:00 p.m.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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

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

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

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

Continued to April 19, 2005 at 3:00 p.m.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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

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

Continued to April 19, 2005 at 3:00 p.m.

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

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

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

Continued to April 19, 2005 at 3:00 p.m.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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

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

Continued to April 19, 2005 at 3:00 p.m.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:30 P.M.

Board of Supervisors Sitting as a Committee of the Whole

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)

Marcia Rosen, Executive Director, Redevelopment Agency and Nicole Franklin, Project Manager, Redevelopment Agency reviewed with the Board members the Redevelopment project.

The President inquired as to whether or not a member of the public wished to address the Board. Speaker: Ace Washington.

The President declared the public hearing closed. HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

Recommendation of the Land Use Committee

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.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 5:00 P.M.

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 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.)

Continued to April 26, 2005.

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

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.)

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)

Continued to April 26, 2005.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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)

Continued to April 26, 2005.

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

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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)

Continued to April 26, 2005.

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

ROLL CALL FOR INTRODUCTIONS

Pursuant to the Board of Supervisors Rule No. 3.9

Supervisor Ammiano provided the Board an update on the Municipal Transportation Agency on which he represents the Board of Supervisors.

Supervisor Sandoval provided the Board an update on the San Francisco Employees' Retirement System on which he represents the Board of Supervisors.

Supervisor Peskin provided the Board an update on the Bay Conservation and Development Commission on which he represents the Board of Supervisors.

Supervisor Mirkarimi provided the Board an update on LAFCO on which he represents the Board of Supervisors.

PUBLIC COMMENT

Christine Liemata; showed interest in the SF Art Institute and their art show Greg Colladar; showed interest in the SF Art Institute and their art show Patricia Haughey; showed interest in the SF Art Institute and their art show Abdullah Megaheed; expressed concern regarding the death of Pope John Paul II and homeless issues James Chaffe; expressed concern about the decisions of the Library Commission and library funding Walter Paulson; expressed interest in historic art displays such the libraries and City Hall Eugene Gordon Jr; expressed concerns about occupations of foreign countries Francisco da Costa; expressed concerns of power station turbines being built in such areas as the Bayview District

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

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

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recess

The Board recessed at the hour of 3:16 p.m. to convene in closed session pursuant to the above motion.

Reconvening of the Board

The Board at the hour of 4:10 p.m. reconvened.

Calling the Roll

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval - 11

Report on Closed Session

Deputy City Attorney Cheryl Adams, reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9(a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

Persons in attendance: Supervisors Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval Cheryl Adams, Deputy City Attorney Theresa Mueller, Deputy City Attorney Jeanne Sole, Deputy City Attorney Kay Gulbengay, Deputy Clerk Victor Young, Assistant Clerk

The meeting was informational only and no action was taken.

[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.

Supervisor Ammiano, seconded by Supervisor Maxwell, moved. The motion carried by the following vote: Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

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.

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.

Resolution No. 262-05 ADOPTED

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.

Resolution No. 263-05 ADOPTED

050603 [Declaring April 13, 2005 Healthcare for All Children Day] Supervisor Dufty

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

Supervisor Ma requested to be added as a co-sponsor. Resolution No. 264-05 ADOPTED

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.

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

Resolution No. 265-05 ADOPTED

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.

Resolution No. 266-05 ADOPTED

050610 [Foster Care Month] Supervisors Maxwell, Dufty

Resolution recognizing May 2005 as Foster Care Month.

Supervisor Ma requested to be added as a co-sponsor. Resolution No. 267-05 ADOPTED

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).

Resolution No. 268-05 ADOPTED

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"

Resolution No. 269-05 ADOPTED

050613 [Armenian Genocide Commemoration Day] Supervisors Peskin, Dufty, Elsbernd

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

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

Resolution No. 270-05 ADOPTED

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.)

Motion No. M05-52 APPROVED

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

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.

Motion No. M05-53 APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from Without Reference Committee Agenda

Supervisor Dufty requested that this matter be severed so that it might be considered separately. [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.

REFERRED to the City Operations and Neighborhood Services Committee.

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

050592

City and County of San Francisco

050633 [Zoning Map amendment for properties at the intersection of 18th and Sanchez Streets] Supervisor Dufty

Ordinance amending the Zoning Map of the City and County of San Francisco Sectional Map 7 and changing the use classification of two lots at the intersection of 18th and Sanchez Streets from RH-3 (Residential, Three-Family) to NC-1 (Neighborhood Commercial Cluster District); making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan; and making environmental findings. 4/12/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 5/12/2005.

050643 [Extension of San Francisco Museum and Historical Society Advisory Committee's operations for one year]

Supervisor Peskin

Ordinance amending Section 2A.166 of the San Francisco Administrative Code in order to extend the operations of the San Francisco Museum and Historical Society Advisory Committee for one year, until June 1, 2006.

4/12/05, RECEIVED AND ASSIGNED to Rules Committee.

Resolutions

050629 [Supporting Mayor's Energy Conservation Account] Supervisors Mirkarimi, Ammiano

Resolution in support of sustaining the Mayor's Energy Conservation Account (MECA) fund and directing the SFPUC to implement funding for solar and efficiency projects. 4/12/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050630 [Settlement of San Francisco's potential claims against companies for images stenciled on city sidewalks for reimbursement to city in the amount of \$7,000.00, and a \$96,000 donation to the San Francisco Clean City Coalition]

Supervisors Dufty, Alioto-Pier, Ma, Maxwell

Resolution approving settlement of San Francisco's potential claims for fines, penalties and damages against NBC Universal, Inc., the USA Network, and related entities (the "Companies") arising out of the stenciling of marketing images on City sidewalks. Under the settlement, the companies: (1) shall pay \$7,000.00 to San Francisco to reimburse the City for its out-of-pocket costs arising out of the incident; (2) shall make a \$96,000.00 donation to the San Francisco Clean City Coalition; and (3) agree to make best efforts to prevent the perpetration of similar acts in the future. In exchange, San Francisco shall fully release the Companies from potential claims arising out of the stencils.

4/12/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050631 [California Million Solar Roofs Initiative] Supervisors Ammiano, Daly, Mirkarimi

Resolution supporting the California Million Solar Roofs initiative (SB 1). 4/12/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050632 [Honoring the Legacy of Pope John Paul II] Supervisors Alioto-Pier, Elsbernd, Ma, McGoldrick

Resolution honoring the legacy of Pope John Paul II and the profound impact he had on all citizens of the world.

4/12/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050642 [Contract funds to evaluate the integration of buprenorphine treatment into the SFGH AIDS Program, Year 1] Supervisor Dufty

Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (SFDPH, CBHS), to enter retroactively into the first year of an agreement with the University of California San Francisco (UCSF), the primary contractor, and expend funds in the amount of \$52,190 to provide local and multi-site evaluation of the integration of buprenorphine treatment into the SFGH AIDS Program; for the period of September 1, 2004 to August 31, 2005.

3/12/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050644 [Recreation and Park - S.F. Small Craft Harbor Fiscal Feasibility] Supervisor Alioto-Pier

Resolution adopting findings that the San Francisco Small Craft Harbor project is fiscally feasible and responsible under Administrative Code Chapter 29. 4/12/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050645 [Amendment of Contract between Ciber, Inc. and the City and County of San Francisco for Computedrelated Services] Supervisor Daly

Resolution authorizing the Committee on Information Technology and Purchaser to amend the contract between Ciber, Inc. and the City and County of San Francisco for computed-related services by increasing the amount of the contract from an amount not to exceed \$9,999,999 to an amount not to exceed \$25,000,000.

(Fiscal impact.) 4/12/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050646 [Accept-Expend Funds for Fiber Optic Facilities] Supervisor Ammiano

Resolution authorizing the Department of Telecommunications and Information Services (DTIS) to retroactively accept and expend funds in the amount of \$3,549,700 from the City College of San Francisco (City College) for long term exclusive rights to use fiber optic facilities to connect campus locations. 4/12/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050647 [Legislative bill number SB 521: Transit Village Plans] Supervisors Sandoval, Mirkarimi

Resolution urging the California State Legislature to approve SB 521: Transit Village Plans, which makes it easier to create redevelopment areas near transit stations and thus creates incentives to build housing near transit.

4/12/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050648 [Small Business Week] Supervisors Ma, Dufty, Elsbernd, Maxwell, Mirkarimi

Resolution declaring April 25-29, 2005, as "Small Business Week" in the City and County of San Francisco. 4/12/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050649 [Earthquake Preparedness Month] Supervisors Ma, Dufty, Elsbernd

Resolution declaring April 2005 to be "Earthquake Preparedness Month" in the City and County of San Francisco.

4/12/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050650 [Child Abuse Prevention Month] Supervisors Ma, Dufty

Resolution recognizing April 2005 as "Child Abuse Prevention Month" in the City and County of San Francisco.

4/12/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050651 [Support the Efforts of the Exploratorium in Obtaining Increased Funding] Supervisors Alioto-Pier, Elsbernd

Resolution supporting the Exploratorium in their efforts to continue and expand its essential work in educating the children of San Francisco and the Bay Area.

4/12/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050653 [Parking Regulations] Supervisor Peskin

Resolution urging the Department of Parking and Traffic to re-install a metered parking space at 933 Grant Avenue in Chinatown.

4/12/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050654 [Supporting State Legislation AB 1296, San Francisco Bay Water Trail Act] Supervisors Peskin, Maxwell, Daly, Ma

Resolution expressing support for AB 1296, the San Francisco Bay Water Trail Act, and urging the California State Legislature and Governor to support this measure.

4/12/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050655 [Condemning Homophobia and Misogyny] Supervisor Peskin

Resolution condemning homophobic and misogynistic public remarks by the Executive Director and members of the Residential Builders Association of San Francisco.

4/12/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

050634 [PG&E Franchise Fees] Supervisor Ammiano

Hearing to be scheduled at the next LAFCO meeting to inquire into PG&E franchise fees. 4/12/05, RECEIVED AND ASSIGNED to Board of Supervisors. Sponsor requests this item be referred to LAFCO.

050635 [Trafficking and Use of Illegal Guns] Supervisor Maxwell

Hearing on the trafficking and the use of illegal guns in San Francisco. 4/12/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

050636 [Closed Session - EIR for the Transbay Terminal] Supervisor Peskin

Hearing before the full Board of Supervisors in closed session regarding the result of litigation relative to the environmental impact report for the Transbay Terminal. 4/12/05, RECEIVED AND ASSIGNED to Board of Supervisors.

050637 [Prioritization Process for McKinney Funds] Supervisor Daly

Hearing to address the community process to determine priorities for the disbursement of McKinney funds and resultant changes in homeless services.

4/12/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050638 [Single Standard of Care] Supervisor Daly

Hearing on the impacts of reversing long standing Single Standard of Care Policy to provide uninsured people access to the same level of care of the insured in San Francisco's mental health system. 4/12/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

050639 [Closed Session - Labor Negotiations Update] Supervisor Elsbernd

Closed session hearing for the Board of Supervisors to receive an update on the status of labor negotiations from the Department of Human Resources. 4/12/05, RECEIVED AND ASSIGNED to Board of Supervisors.

050640 [Needle Exchange Program and Public Safety Technology] Supervisor Mirkarimi

Hearing on the Needle Exchange Program and Public Safety Technology. 4/12/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

Motions

050627 [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. 4/12/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

[Extending Time for Negotiations - Local 856 for Supervising Nurses and Local 790 for Staff Nurses/ 050628 Per Diem Nurses] Supervisors Elsbernd, Ma

Motion extending time for negotiations pursuant to Charter Section 11.100 4/12/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

050641 [Legislative Analyst Request - Count of Homeless People] Supervisor Daly

Motion requesting the Legislative Analyst to research and make recommendations on methodologies and standards for conducting the count of homeless people, with attention on interaction with government institutions and the overall quality of life of homeless people in San Francisco.

PROPOSED ORDINANCES

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) 4/4/05, 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. 418-577. (City Attorney)

4/4/05, 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.

4/4/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

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

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)

3/30/05, 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)

4/5/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: To report on the status of the repair of the sidewalk due to root invasion, as well as the empty sidewalk square at 650 Steiner Street on the Hayes Street side of the building.

From: Supervisor Mirkarimi To: Director, Department of Public Works Requesting/Inquiring: To report on the status of the sinkhole/pothole in the street in front of 620 Broderick Street.

From: Supervisor Mirkarimi To: Director, Department of Public Works Requesting/Inquiring: To report on the status of repair of a large crack in the center of the street in front of 642 Steiner.

In Memoriams

Pope John Paul II (Entire Board) Yook Yung Chan Lee (Supervisor Ammiano)

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:03 p.m.

Gloria L. Young, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on May 10, 2005.

I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.

Gloria L. Young Clerk of the Board