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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 25, 2006
2:00 PM**

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Motion to approve Board Meeting Minutes for April 4, 2006 and Special Board Meeting Minutes for the Budget and Finance Committee Meeting for April 5, 2006.

AGENDA CHANGES

COMMUNICATIONS

4/18/2006, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Dufty, Ma, Mirkarimi

- 3. 051535 **[Liquor License, 2222 Polk Street]****

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license from 627 Vallejo Street to 2222 Polk Street to Michael Dabit for Polk and Green Produce Market will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code with conditions.

Question: Shall this Resolution be ADOPTED?

- 4. 060003 **[Liquor License, Pier 50A, San Francisco]****

Resolution determining that the issuance of a Type 21 off-sale general alcoholic beverage control license to Peter Granoff, for Ferry Plaza Wine Merchant, LP located at Pier 50A, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code with conditions.

Question: Shall this Resolution be ADOPTED?

- 5. 060294 **[Parking Regulations]****

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "W" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Rhode Island Street, both sides, from the 1100 block of Rhode Island to 22nd Street (1000 block); and,
Bryant Street, both sides, between 21st and 22nd Streets (2300 block).

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Lincoln Avenue, south side, between 7th and 8th Avenues (600 block).

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Divisadero Street, west side, between Haight and Waller Streets (200 block, odd numbers).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Church Street, both sides, between Cesar Chavez and 27th Streets (portion of the 1400 block).

TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - ESTABLISH
Geary Street, south side, from the Powell Street intersection to 138 feet easterly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH

South Van Ness Avenue, west side, from 60 to 100 feet north of Cesar Chavez Street.

UNMETERED MOTORCYCLE PARKING - ESTABLISH

Harriet Street, west side, from 245 feet to 292 feet north of Bryant Street (A 47-foot zone accommodating 12 unmetered motorcycle spaces).

TOW-AWAY, NO PARKING, 8 PM TO 4 AM, FRIDAY NIGHT THROUGH SUNDAY MORNING - ESTABLISH

Broadway, both sides, between Columbus Avenue and Montgomery Street.

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

Howard Street, north side, between Main and Beale Streets.

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

Howard Street, north side, from Beale Street to 200 feet westerly.

BUS STOP, TOW-AWAY, NO PARKING, 6 AM TO 10 AM, MONDAY THROUGH FRIDAY - ESTABLISH

Howard Street, south side, from Spear Street to 90 feet easterly.

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

Howard Street, north side, from Beale Street to 200 feet westerly.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH

Holyoke Street, west side, between Woolsey Street and Karen Court.

TOW-AWAY, NO PARKING ANYTIME - RESCIND

Guerrero Street, east side, from 21st Street to 60 feet northerly.

UNMETERED MOTORCYCLE PARKING - ESTABLISH

10th Avenue, east side, between the driveways of 1365 and 1371 10th Avenue (accommodating 2 unmetered motorcycle spaces). (Parking and Traffic Department)

(2/28/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3146.)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Dufty, Ma

6. 060293 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

Jackson Street at Leavenworth Street, westbound, making this intersection an All-Way STOP;

Monterey Boulevard and Congo Street, stopping Monterey Boulevard, making this intersection an All-Way STOP;

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

Stopping Haight Street at the south leg of Cole Street, making the west-most Cole Street T-intersection with Haight Street an all-way STOP.

PAINTED CROSSWALK - DELETE

Remove painted crosswalk crossing Haight Street at the north leg of Cole Street (to encourage pedestrian crossings at new all-way STOP).

(3/6/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

Question: Shall this Resolution be ADOPTED?

- 10. 060351 [STOP Intersections] Supervisor Duffy**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH

Duncan and Dolores Streets, stopping Dolores Street at Duncan Street, making this intersection an All-Way STOP.

Question: Shall this Resolution be ADOPTED?

- 11. 060373 [Traffic Regulations] Supervisor Peskin**

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES - ESTABLISH

North Point Street, both directions, from Van Ness Avenue to The Embarcadero.

RIGHT LANE MUST TURN RIGHT - RESCIND

North Point Street, eastbound approaching The Embarcadero.

LEFT LANE MUST TURN LEFT - RESCIND

North Point Street, eastbound approaching The Embarcadero.

(3/17/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

Question: Shall this Resolution be ADOPTED?

- 12. 060391 [Accept-Expend Regional Grant - Department of the Environment] Supervisor Daly**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$42,500 from the California Department of Transportation Bicycle Transportation Account (BTA) to collaborate with the nonprofit organization BikeStation on the Embarcadero bike station facility improvement and services upgrade.

Question: Shall this Resolution be ADOPTED?

13. 060445 [Grant to support community program planning and system improvement as part of the Mental Health Services Act]

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept retroactively and expend a grant in the amount of \$656,945 from the California Department of Mental Health for Community Program Planning and System Improvement as part of the Mental Health Services Act (MHSA) (Prop 63), and to enter into an agreement for the use of these funds; for the period of January 6, 2006 to September 30, 2006.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Mirkarimi, Elsbernd, Ammiano

14. 060332 [Settlement of Lawsuit - Mirvat Harb]

Ordinance authorizing settlement of the lawsuit filed by Mirvat Harb against the City and County of San Francisco for \$200,000; the lawsuit was filed on December 23, 2004 in San Francisco Superior Court, Case No. 437-254; entitled Mirvat Harb, et al., v. City and County of San Francisco, et al. (City Attorney)

4/18/2006, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

15. 060335 [Settlement of Lawsuit - Reliant Energy, Inc.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, on behalf of the People of California, against Reliant Energy, Inc. and other Reliant Companies; the lawsuit entitled People v. Dynege, et al. was filed on January 18, 2001, and has been coordinated as Wholesale Electricity Antitrust Cases I & II in the Superior Court of the State of California for the County of San Diego, JCCP Nos. 4204 and 4205; the settlement provides \$666,666.66 to San Francisco and \$430 million in benefits to California electric ratepayers, among other provisions. (City Attorney)

4/18/2006, PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

16. 060436 [Appointment - Sunshine Ordinance Task Force 2000]

Resolution appointing Erica Craven, Richard Knee, Sue Cauthen, Kristin R. M. Chu, David Pilpel, Bruce Wolfe, and Hanley Chan, terms ending April 27, 2008, to the Sunshine Ordinance Task Force.

Erica Craven, succeeding herself, term expiring April 27, 2006, seat 1, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be an attorney, for a two-year term ending April 27, 2008.

Richard Knee, succeeding himself, term expiring April 27, 2006, seat 2, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be a journalist, for a two-year term ending April 27, 2008.

Sue Cauthen, succeeding herself, term expiring April 27, 2006, seat 3, must be a member of the press or electronic media with an interest in citizen access, for a two-year term ending April 27, 2008.

Kristin R. M. Chu, succeeding Heather Sterner, term expiring April 27, 2006, seat 5, must be

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Dufty, Ma

19. **060395** **[Retention of Grocery Workers Upon Change In Control of Grocery Store]** **Supervisors Ma, Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Sandoval, Elsbernd**

Ordinance amending the San Francisco Police Code by adding a new Article 33D to require grocery employers to retain employees for 90 days upon change in control of the grocery store; to prohibit grocery employers from terminating the employees during those 90 days without cause; to require grocery employers to conduct a performance evaluation of the employees at the conclusion of the 90 days and consider for continued employment those employees with satisfactory performance; to require public notice of a change in control of the grocery store; and to provide judicial remedies, including hiring and reinstatement rights, front and back pay, and the value of benefits lost, for violation of the ordinance, along with an award of reasonable attorneys' fees to a successful plaintiff.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Dufty, Ma, Mirkarimi

20. **060388** **[Parking Regulations]** **Supervisor Mirkarimi**
Resolution enacting and rescinding parking regulations at various locations.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
Market Street, north side, from Franklin Street to Rose Street.

PARKING METER AREA NO. 3 (1-HOUR PARKING TIME LIMIT, 9AM - 6PM,
MONDAY THROUGH SATURDAY - ESTABLISH
Market Street, north side, from Franklin Street to Rose Street.

(3/24/06: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street.)

Question: Shall this Resolution be ADOPTED?

From the City Operations and Neighborhood Services Committee Without Recommendation

Present: Supervisors Dufty, Ma

21. **060013** **[Amending the Police Code to allow pawnbrokers to operate on Sundays and on Mondays following a holiday]** **Supervisor Ma**

Ordinance amending Section 2809 of the San Francisco Police Code to allow pawnbrokers to operate on Sundays and on Mondays following a holiday, and to make clerical corrections.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, McGoldrick, Mirkarimi

22. **060250** **[Closing specified streets in Golden Gate Park on Saturdays on a trial basis for six months beginning Memorial Day Weekend 2006]** **Supervisors McGoldrick, Mirkarimi, Peskin, Sandoval, Ammiano**

Ordinance adding Section 6.12 to the San Francisco Park Code to prohibit, on a trial basis from May 27, 2006 and continuing for six months through November 25, 2006, motor vehicle traffic on Saturdays in Golden Gate Park on John F. Kennedy Drive between Kezar Drive and Transverse Drive; Arguello Boulevard; Conservatory Drive East and Conservatory Drive West; 8th Avenue; Bowling Green Drive between John F. Kennedy Drive and Middle Drive East; and Stow Lake Drive between Stow Lake Drive East and John F. Kennedy Drive; to require reports from the Recreation and Park Department and Department of Parking and Traffic pertaining to the Saturday road closures; to require the Golden Gate Park Concourse Authority to share its own data and reports that are relevant to the Saturday road closures with the aforementioned departments; to require a hearing on the Saturday road closures before the Board of Supervisors or a Board committee; and making environmental findings.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Called from the Land Use and Economic Development Committee

President will entertain a motion to continue the following two items to the May 2, 2006 Board Meeting.

23. **050182** **[Zoning - Planning Code amendments in connection with the Transbay Redevelopment Plan]** **Mayor, Supervisor Daly**

Ordinance amending the Planning Code to add Sections 249.27, 263.18, 825, and 825.1 to establish special zoning controls in connection with the Transbay Redevelopment Plan; amending Planning Code Section 270 to reflect the new zoning changes to bulk controls set forth in Section 263.18; adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

3/29/2005, CONTINUED. Continued to April 5, 2005

4/5/2005, CONTINUED. Continued to May 10, 2005

5/10/2005, CONTINUED. Continued to June 14, 2005

6/14/2005, RE-REFERRED to Land Use Committee.

4/18/2006, SUBSTITUTED. Supervisor Daly submitted a substitute bearing same title.

4/18/2006, ASSIGNED to Land Use and Economic Development Committee.

4/18/2006, CALLED FROM COMMITTEE. Supervisor Daly Called the Matter from Committee.

Question: Shall this Ordinance be PASSED ON FIRST READING?

24. **050183** **[Zoning Map amendments in connection with the Transbay Redevelopment Plan]** **Mayor, Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending Sectional Map 1, 1H,

and 1SU of the Zoning Map of the City and County of San Francisco in connection with the Transbay Redevelopment Plan and an associated special use district with the Redevelopment Plan Project Area and adopting environmental findings and findings that the amendments are consistent with the General Plan and eight priority policies of Planning Code Section 101.1.

3/29/2005, CONTINUED. Continued to April 5, 2005

4/5/2005, CONTINUED. Continued to May 10, 2005

5/10/2005, CONTINUED. Continued to June 14, 2005

6/14/2005, RE-REFERRED to Land Use Committee.

4/18/2006, SUBSTITUTED. Supervisor Daly submitted a substitute bearing the same title.

4/18/2006, ASSIGNED to Land Use and Economic Development Committee.

4/18/2006, CALLED FROM COMMITTEE. Supervisor Daly Called the Matter from Committee.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Mirkarimi, Elsbernd, Ammiano

25. **050784** **[Establishing a Small Local Business Enterprise Program; Prohibiting Discrimination in Contracting and Subcontracting]** **Supervisors Ma, Mirkarimi**
- Ordinance amending the San Francisco Administrative Code by adding Chapter 14B to establish a Small and Micro Local Business Enterprise Program, prohibit discrimination in City contracting, and suspend Chapter 12D.A.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
26. **060432** **[Adding qualified non-profit enterprises to Small Local Business Enterprise Program]** **Supervisor Ammiano**
- Ordinance amending the San Francisco Administrative Code by adding Section 14B.6 to add qualified non-profit enterprises to Small and Micro Local Business Enterprise Program.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
27. **060392** **[Rules of Order - Select Committee on Ending Gun and Gang Violence Consists of Three Members]** **Supervisor Dufty**
- Motion amending the Board of Supervisors Rules of Orders by amending Rule 5.8 to provide that the Select Committee on Ending Gun and Gang Violence shall be comprised of three members of the Board of Supervisors.
- Question: Shall this Motion be ADOPTED?**
28. **060404** **[Appointment - Police Commission]**
- Motion confirming the Rules Committee's nomination of, and appointing, David Campos, term ending April 30, 2010, to the San Francisco Police Commission.
- David Campos, succeeding himself, term expiring on April 30, 2006, seat 2, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for a four-year term ending April 30, 2010.

Question: Shall this Motion be ADOPTED?

29. **060446** **[Dr. Joe Marshall Reappointment to the Police Commission]** **Mayor**

Motion confirming the Mayor's nomination of, and reappointing, Dr. Joe Marshall to the San Francisco Police Commission for a four-year term ending April 30, 2010.

(Charter Section 4.109 - Board of Supervisors must act within 60 days from the date the nomination is transmitted from the Mayor to the Clerk of the Board's Office. If the Board fails to act on the Mayor's nomination within the 60 days the Mayor's nominee shall be deemed approved.

Transmittal Date: 4/4/06.)

Question: Shall this Motion 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.*

30. **060240** **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 229 32nd Avenue (aka 7070 California), Katherine Delmar Burke School Project]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated October 31, 2005 (Case No. 2005.0275E), exempting from environmental review under Categorical Exemption Class 14, [State Guidelines Section 15314] and Class 32, [State Guidelines, Section 15332 (a) through (e)], the Katherine Delmar Burke School Addition, located at 229-32nd Avenue (aka 7070 California), Block 1392, Lot 037. The proposed project entails construction of a two-story, 26.5-foot tall arts and science building containing six classrooms, and removal of a paved tennis court presently occupying the site. The new 9,569 sq.ft. infill academic building would add 16 percent capacity in the 3.32-acre campus' existing 60,407 sq.ft. of built space. The project site is rectangular in shape, consisting of approximately 7,200 sq.ft. or 0.165 acre in size. The project site, within the Katherine Delmar Burke School campus, is set back from El Camino del Mar to the north and is also bounded by Lincoln Park to the west and 32nd Avenue to the east. Located in the Sea Cliff neighborhood, the project site is within the RH-1 (D) Residential, House, One-Family (Detached Dwellings) District and a 40-X Height and Bulk District. The Project would require conditional Use authorization for modification to an existing Planned Unit Development (PUD) and authorization for expansion of an educational use. (Appellant: Lincoln Park Homeowners Association, represented by Diane K. Hanna, Attorney, Ellman Burke Hoffman & Johnson, a Professional Corporation.)

(Filed February 15, 2006; companion measure to Files 060241, 060242, 060243; District 1.)

3/28/2006, CONTINUED. The President inquired as to whether or not any member of the public wished to address the Board members. Continued to April 4, 2006

4/4/2006, CONTINUED. The President inquired as to whether or not any member of the public wished to address the Board members. There were none. Continued to April 25, 2006

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review 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.)

31. **060241** **[Affirming the categorical exemption issued for 229 32nd Avenue (Katherine Delmar Burke School) project]**
Motion affirming the determination by the Planning Department that the 229 32nd Avenue (Katherine Delmar Burke School) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

3/28/2006, CONTINUED. Continued to April 4, 2006
4/4/2006, CONTINUED. Continued to April 25, 2006

Question: Shall this Motion be ADOPTED?
32. **060242** **[Disapproving the categorical exemption issued for 229 32nd Avenue (Katherine Delmar Burke School) project]**
Motion disapproving the determination by the Planning Department that the 229 32nd Avenue (Katherine Delmar Burke School) project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

3/28/2006, CONTINUED. Continued to April 4, 2006
4/4/2006, CONTINUED. Continued to April 25, 2006

Question: Shall this Motion be ADOPTED?
33. **060243** **[Preparation of findings related to the 229 32nd Avenue (Katherine Delmar Burke School) project]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 229 32nd Avenue (Katherine Delmar Burke School) is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

3/28/2006, CONTINUED. Continued to April 4, 2006
4/4/2006, CONTINUED. Continued to April 25, 2006

Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 4:00 P.M.

34. 060199 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 869 North Point Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 30, 2005 (Case No. 2005.0399E), exempting from environmental review under Categorical Exemption [State CEQA Guidelines, Sections 15301 and 15303; Class Numbers 1 and 3], the proposed project involving the demolition of a vacant two-story, single-family residential building and the construction of a three-story with mezzanine, three-family residential building measuring approximately 6,000 gross-square-feet (gsf). The proposed project would include three off-street parking spaces in a surface level garage. The project site is a 3,437.5 square feet in size located at 869 North Point Street, Assessor's Block 0026, Lot 019B in the Russian Hill Neighborhood, within the RH-3 (Residential House District, Three-Family) zoning district and a 40-X Height and Bulk district. (Appellants: Roland Salvato on behalf of the Aquatic Park Neighbors and the Ghirardelli Square Neighbors.)

(Filed 3/14/06; companion measure to Files 060200, 060201, 060202; District 2.)

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the categorical exemption from environmental review 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.)

35. 060200 [Affirming the categorical exemption issued for the 869 North Point Street project]

Motion affirming the determination by the Planning Department that the 869 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

36. 060201 [Disapproving the categorical exemption issued for the 869 North Point Street project]

Motion disapproving the determination by the Planning Department that the 869 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

37. 060202 [Preparation of findings related to the 869 North Point Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 869 North Point Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the

Board)

Question: Shall this Motion be ADOPTED?

38. **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.

39. **PUBLIC COMMENT**

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

Items 40 through 56

40. **060433** [Issuance and Sale of Refunding Revenue Bonds - **Supervisor Daly** National Center for International Schools]

Resolution approving the issuance and sale of refunding revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$18,500,000 for the refinancing of the acquisition, construction, improvement, expansion and equipping of the certain school facilities owned and operated by the National Center for International Schools.

4/4/2006, RECEIVED AND ASSIGNED to Budget and Finance Committee.

4/18/2006, TRANSFERRED to Board of Supervisors. To be placed on Board Agenda for April 25, 2006, without reference to committee.

Question: Shall this Resolution be ADOPTED?

41. **060500** [Urging Water Board to Adopt a Water Discharge **Supervisor Maxwell** Permit for Potrero Power Plant that Protects the Bay]

Resolution urging the San Francisco Bay Regional Water Quality Control Board to issue water discharge permit for Potrero Power Plant that enforces the law and protects the Bay, and urging the Regional Water Board to reject the permit proposed by its staff and adopt the Community Permit, and urging the Regional Water Board to require Mirant to bring the plant into compliance immediately once it is not needed for electric reliability.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

42. **060511** [Bessie Carmichael Elementary School/Filipino Education Center Grade Expansion] **Supervisor Daly**

Resolution in Support of a Pre-kindergarten through 8th Grade Program at Bessie Carmichael Elementary School/Filipino Education Center.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

43. **060512** [Urging the United States to take action against the Republic of Sudan to end the genocide in Darfur] **Supervisor Mirkarimi**

Resolution urging the United States to take action against the Republic of Sudan to end the genocide in Darfur.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

44. **060513** [Commending the organizers of the first annual Poem Under the Dome] **Supervisor Mirkarimi**

Resolution commending the organizers of the first annual Poem Under the Dome poetry open mic event in City Hall.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

45. **060514** [Resolution commending the Municipal Transportation Agency (MTA) for providing free MUNI service for the Earthquake Centennial Commemoration] **Supervisors Dufty, Peskin**

Resolution commending the Municipal Transportation Agency (MTA) for providing free MUNI service for the Earthquake Centennial Commemoration.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

46. **060515** [Resolution commending Tony Jasinski for his remarkable dedication to the San Francisco Gay Basketball program] **Supervisors Dufty, Maxwell**

Resolution commending Tony Jasinski for his remarkable dedication to the San Francisco Gay Basketball program.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 47. 060516 [Business Coalition for Benefits Tax Equity] Supervisors Elsbernd, Ammiano**
Resolution supporting repealing the taxation of domestic partner health insurance benefits and joining the business coalition for benefits tax equity.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 48. 060517 [Supporting Community Development Block Grant Program] Mayor, Supervisors Elsbernd, Maxwell, Daly**

Resolution urging the U.S. Congress to allocate \$4.3 billion in funding for the fiscal year 2007 Community Development Block Grant Program.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 49. 060518 [Aneurysm and Arteriovenous Malformation Awareness Day] Supervisor Ma**

Resolution declaring May 7, 2006 as Aneurysm and Arteriovenous Malformation (AVM) Awareness Day.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 50. 060519 [Accept-Expend Bequest of Richard D. May Estate] Supervisor Elsbernd**

Resolution authorizing the San Francisco Public Library to accept and expend a bequest in the amount of \$20,000 from the RICHARD D. MAY estate to digitize, for public service use, unique historical periodicals dealing with the history of construction and architecture in the Bay Area.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 51. 050520 [Support of Cleaner School Buses for the San Francisco Unified School District] Supervisors Maxwell, Ammiano**

Resolution supporting Cleaner School Buses for the San Francisco Unified School District and urging the School District to aggressively pursue a new bus contract that would adhere to all the goals of the city to run clean, low-emission buses.

3/22/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

3/29/2005, ADOPTED.

4/1/2005, RETURNED UNSIGNED.

Question: Shall this Resolution be ADOPTED?

52. 060521 [Accept-Expend Bequest of Edgar Bowers Estate] Supervisor Elsbernd

Resolution authorizing the San Francisco Public Library to accept and expend a bequest in the amount of \$12,403.52 from the EDGAR BOWERS estate for improvements at the Main Library.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

53. 060522 [Accept-Expend Bequest of Lorayne Habata Estate] Supervisor Elsbernd

Resolution authorizing the San Francisco Public Library to accept and expend a bequest in the amount of \$65,627.76 from the LORAYNE HABATA estate for landscape improvements at the Western Addition Branch Library in coordination with the renovation of the library scheduled to begin in summer 2006, with completion in late 2007.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

54. 060523 [Supporting AB 2865, the Healthy Day Cares bill] Supervisor Ma

Resolution supporting Assembly Bill 2865 (Torrico), the Healthy Day Cares bill.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

55. 060525 [SF Fighters Local 798 and SF Fire Department Historical Society Commendation] Supervisors Peskin, Duffy

Resolution commending the San Francisco Fire Fighters Local 798 and the San Francisco Fire Department Historical Society for coordinating a successful parade to commemorate the 1906 Earthquake and Fire.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

56. 060526 [Grant funds to provide a nutrition and fitness program for students at Balboa High School and adding one new position] Supervisor Sandoval

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept retroactively and expend grant funds in the amount of \$34,351 from the San Francisco Public Health Foundation for a nutrition and fitness program for students at Balboa High School, adding one (1.0) new position through these funds; for the period of April 1, 2005, to September 30, 2006.

4/18/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference

Agenda: _____

57. **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 ordinance received from April 11, 2006 through April 17, 2006, for reference by President to appropriate committee on April 25, 2006.

060530 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Donald Sargeant against the City and County of San Francisco for \$225,000; the lawsuit was filed on March 25, 2005 in San Francisco Superior Court, Case No. 439-805; entitled Donald Sargeant v. City and County of San Francisco, et al.

4/18/2006, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from April 11, 2006 through April 17, 2006, for reference by President to appropriate committee on April 25, 2006.

None.

060528 [Petitions and Communications]

Petitions and Communications received from April 11, 2006 through April 17, 2006, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on April 25, 2006.

From Ethics Commission, submitting an amendment to the Campaign Finance Reform Ordinance. File 060267, Copy: Each Supervisor(1)

From Supervisor Dufty, submitting his resignation from the Mental Health Board effective immediately.(2)

From Department on the Status of Women, regarding appropriation of \$800,000 to fund violence prevention programs in the areas of domestic violence and sexual assault. File 060412, Copy: Each Supervisor(3)

From Kimo Crossman, regarding the Department of Telecommunication and Information Services and the Mayor's Office of Community Development not responding to his request about the Tech Connect RFP process. 2 letters(4)

From S.F. Medical Society and California Medical Association, submitting a joint statement on safeguarding healthcare access for the Chinese Community. File 060459, Copy: Each Supervisor(5)

From Department of Elections, submitting notification of cancellation of the 2006 Health Service Board Election. Copy: Each Supervisor(6)

From Office of the Legislative Analyst, submitting report on the policies universities and colleges have in place to ensure the peaceful co-existence of students, universities and area residents. File 060144, Copy: Each Supervisor(7)

From concerned citizens, submitting support for closing JFK Drive in Golden Gate to motor vehicles on Saturdays. File 060250, Copy: Each Supervisor, 7 letters(8)

From concerned citizens, submitting opposition to closing JFK Drive in Golden Gate to motor vehicles on Saturdays. File 060250, Copy: Each Supervisor, 10 letters(9)

From Regina Sneed, responding to a mailing she received from the Fine Arts Museum Director urging her to oppose closing JFK Drive in Golden Gate Park on Saturdays to motor vehicles. File 060250, Copy: Each Supervisor(10)

From Mayor's Office of Housing, submitting request to release reserved funds in the amount of \$200,000 (\$150,000 in a Community Development Block Grant and \$50,000 in HOME funds) to fund enhancements to a loan and asset management database for the Mayor's Office of Housing and Redevelopment Agency. Files 050598 and 050599, Copy: Supervisor Ammiano(11)

From Mayor's Office of Housing, regarding the time frame to carry out recommendations of the SRO Health and Safety Task Force by the Mayor's Office of Housing and the Planning Department.(Reference No. 20060228-10) Copy: Supervisor Ammiano(12)

From Department of Public Works, responding to request to remove graffiti from various locations in District 5.(Reference No. 20060328-001) Copy: Supervisor Mirkarimi(13)

From Department of Public Works, responding to request to clean the grates at the intersection of Eddy and Laguna Streets. (Reference No. 20060321-003) Copy: Supervisor

Mirkarimi(14)

From Department of Public Works, reporting that the graffiti has been removed from the ADA ramp at the southwest corner of Waller and Steiner Streets. (Reference No. 20060328-008) Copy: Supervisor Mirkarimi(15)

From Department of Public Works, reporting that the graffiti has been removed from the phone box at the southwest corner of Steiner and Page Streets. (Reference No. 20060328-009) Copy: Supervisor Mirkarimi(16)

From Department of Public Works, regarding graffiti removal at Pierce Street between Grove and McAllister Streets. (Reference No. 20060328-004) Copy: Supervisor Mirkarimi(17)

From SF Conservatory of Music, submitting support for the Arts Task Force, the year-long study to find ways to improve San Francisco's existing arts support system and to stabilize funding for arts organizations and agencies. File 060470, Copy: Government Audit and Oversight Committee(18)

From concerned citizens, submitting support for the Film Rebate Program. File 060065, 2 letters(19)

From concerned citizens, submitting various comments against the recently passed resolution urging Cardinal Levada to withdraw his directive to Catholic Charities forbidding the placement of children in need of adoption with same-sex couples. File 060356, 20 letters(20)

From Michael Harkin, urging the Board of Supervisors to pass a resolution to rename Bush Street.(21)

From concerned citizens, suggesting closing Transverse Drive west to the ocean for six months on Saturdays instead of JFK Drive in Golden Gate Park. File 060250, Copy: Each Supervisor(22)

From Ahimsa Sumchai, concerning ethics complaint against Supervisor Maxwell allegedly soliciting campaign funds during deliberations before a Land Use and Economic Development Committee.(23)

From Jessica Ainsworth, regarding the number of Ellis Act evictions in San Francisco.(24)

From George Chrisman, regarding the economic benefits of berthing Navy ships in San Francisco Port. Copy: Each Supervisor(25)

From Jeffrey Reiken-Johnson, submitting support for additional City services including a community-wide Detox Center, AIDS/HIV services including essential health and hygiene services.(26)

From Tom Battipaglia, submitting opposition to proposed smoking ban in bus shelters. File 051669, Copy: Each Supervisor(27)

From Ingrid Sarembe, regarding the use of Veteran's space in the War Memorial Veteran's Building.(28)

From Clerk of the Board, regarding an in-kind contribution from the Chamber of Commerce for three-City officials or employees to join the Chamber's delegation to New York as part of City Trip New York, May 2-6, 2006. Copy: Each Supervisor(29)

From Owner, Mollie Stone's Markets, submitting opposition to proposed legislation regarding the "Grocery Worker Retention Ordinance". File 060395, Copy: Each Supervisor(30)

From California Grocers Association, submitting request for an economic analysis of the Grocery Worker Retention Ordinance. File 060395, Copy: City Operations and Neighborhood Services Committee(31)

From North Beach Neighbors, submitting copy of letter sent to the Telegraph Hill Dwellers regarding proposed changes to the current boundaries of the Telegraph Hill Dwellers. Copy: Supervisor Peskin(32)

From Department of Child Support Services, regarding Ordinance 227-05 which requires City departments to report annually for the previous three fiscal years on the value of damages sustained to City real and personal property under its control and the amount of revenue recovered from those responsible for damaging the property.(33)

From Office of the Controller, submitting report concerning the review of selected contracts between the Department of Public Health and nonprofit organizations.(34)

From Office of the Treasurer, submitting the investment activity (for fiscal year to date) of the portfolios under the Treasurer's management.(35)

From Carl Noe, submitting support for legislation banning smoking in bus shelters. File 051669, Copy: Each Supervisor(36)

From Jeff Webster, submitting opposition to proposed tax break for landlords that allow tenants with pets. Copy: Each Supervisor(37)

From Municipal Transportation Agency, reporting on graffiti removal from garbage cans at various locations in District 5. (Reference No. 20060411-012) Copy: Supervisor Mirkarimi(38)

From Municipal Transportation Agency, reporting on graffiti removal from utility poles at various locations in District 5. (Reference No. 20060411-013) Copy: Supervisor Mirkarimi(39)

From Municipal Transportation Agency, reporting on graffiti removal from emergency boxes, newsracks, a Viacom billboard and phone booth in District 5. (Reference No. 20060411-014) Copy: Supervisor Mirkarimi(40)

From Department of Public Works, regarding graffiti removal from the Chronicle, Bay Guardian and SF Weekly newspaper dispensers at Haight and Ashbury and Haight and Clayton. (Reference No. 20060404-005) Copy: Supervisor Mirkarimi(41)

From concerned citizens, submitting support to increase funding for the Arts Task Force, but not for creating a new City department of arts and culture. File 060470, Copy: Each Supervisor, 4 letters(42)

From Clerk of the Board, submitting Form 700 Statement of Economic Interest for Alice Guidry, Legislative Assistant to Supervisor Maxwell.(43)

From Thomas Master, regarding the cost of a street cleaning citation.(44)

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.

THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs_index.asp?id=4383

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 assist the City's efforts 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 perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

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 Frank Darby 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

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

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