

# 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 19, 2005**

**2:00 PM**

#### **Regular Meeting**

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

Gloria L. Young, Clerk of the Board

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

## **APPROVAL OF MEETING MINUTES**

*Motion to approve the March 15, 2005 Board Meeting Minutes.*

## **AGENDA CHANGES**

## **COMMUNICATIONS**

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



Resolution approving the substitution of the letter of credit with respect to the San Francisco Public Utilities Commission's Commercial Paper Notes (Water Series) and related matters. (Public Utilities Commission)

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

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

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

- 4. 050328 [Settlement of Lawsuit - Mary Jane Gregory]**  
Ordinance authorizing settlement of the lawsuit filed by Mary Jane Gregory against the City and County of San Francisco for \$30,000.00; the lawsuit was filed on February 13, 2003 in the San Francisco Superior Court, Case No. 417384; entitled Mary Jane Gregory v. City and County of San Francisco, et al.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 5. 050418 [Settlement of Lawsuit - James Tucker]**  
Ordinance authorizing settlement of the lawsuit filed by James Tucker against the City and County of San Francisco for \$60,000; the lawsuit was filed on September 9, 2003 in San Francisco Superior Court, Case No. 424-256; entitled James Tucker, et al. v. City and County of San Francisco, et al. (City Attorney)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 6. 050581 [Settlement of Claims - Pacific Gas & Electric Company]**  
Ordinance approving the partial settlement of claims asserted by the City and County of San Francisco in the bankruptcy proceeding entitled In Re Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 01-30923-DM, and by Pacific Gas & Electric Company against the City and County of San Francisco in that same proceeding. (City Attorney)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 7. 050389 [Settlement of Claim - Beatrice Mouser]**  
Resolution approving the settlement of the unlitigated claim filed by Beatrice Mouser against San Francisco for \$125,000; claim was filed on October 21, 2004. (City Attorney)

**Question: Shall this Resolution be ADOPTED?**
- 8. 050583 [Appointment - Immigrant Rights Commission]**  
Resolution appointing Elahe Enssani, term ending June 6, 2006, and Anthony Chukwuemeka Eke, term ending June 6, 2005, to the Immigrant Rights Commission, residency requirement waived.

Elahe Enssani, succeeding Houston Zheng, seat 9, resigned, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service,

educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2006.

Anthony Chukwuemeka Eke(residency requirement waived), succeeding Jose Ricardo Bondoc, seat 10, resigned, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2005.

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

**9. 050584 [Appointment - Urban Forestry Council]**

Resolution appointing, Larry Costello, Bonnie Fisher, Carolyn Blair, Kelly Quirke, Stephen Griswold, Michael Sullivan, and Jocelyn Cohen, terms ending April 5, 2007, to the Urban Forestry Council.

Larry Costello, succeeding himself, term expiring, seat 1, must be a representative of the University of California Cooperative Extension or a representative of another educational organization involved with tree management, for a two-year term ending April 5, 2007.

Bonnie Fisher, succeeding herself, term expiring, seat 2, must be a representative of the tree management profession, for a two year-term ending April 5, 2007.

Carolyn Blair, succeeding herself, term expiring, seat 3, must be a representative of a non-profit organization involved in urban forestry or other environmentally-related issues, for a two year-term ending April 5, 2007.

Kelly Quirke, succeeding himself, term expiring, seat 4, must be a representative of a non-profit organization involved in urban forestry or other environmentally-related issues, for a two-year term ending April 5, 2007.

Stephen Griswold, succeeding himself, term expiring, seat 5, must be a representative of the Golden Gate National Recreation Area, for a two year-term ending April 5, 2007.

Michael Sullivan, succeeding himself, term expiring, seat 6, must be a representative of the community, for a two year-term ending April 5, 2007.

Jocelyn Cohen, succeeding herself, term expiring, seat 7, must be a representative of the community, for a two-year term ending April 5, 2007.

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

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

## **REGULAR AGENDA**



review and comment

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

4/12/2005, CONTINUED. 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

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

## **NEW BUSINESS**

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

*Present: Supervisors Ammiano, Daly, Elsbernd*

**13. 050369 [2005 Annual Fundraising Drive]**

Resolution designating those agencies qualified to participate in the 2005 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

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

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

*Present: Supervisors Maxwell, McGoldrick*

**14. 050495 [Grant of Regional Funds]**

**Supervisor Peskin**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$4,290,000 of Regional Measure 2 funds for Municipal Railway Capital Project.

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

## **SPECIAL ORDER 3:00 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.*

**15. 050287 [Public Hearing - Appeal of Final Mitigated Negative Declaration for 606-624 Divisadero Street and 1278 Hayes Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department, approving a Final Mitigated Negative Declaration (Case No. 2003.0807E) adopted and issued

on November 29, 2004, for the proposed construction of two mixed-use buildings on Divisadero Street and one all-residential building on Hayes Street after demolition of an existing 12,000 gross-square-foot (gsf) building at 616 Divisadero Street, currently used as a church (currently a Baptist Church and before that the Harding Theater). The two proposed buildings on Divisadero Street would be identical 9,615 gsf, four-story, mixed-use buildings each with approximately 2,500 gsf of commercial use on portions of the first two levels, and four residential dwelling units on the remainder of the four floors. The proposed building on Hayes Street would be a 30,631 gsf, four-story building with 10 dwelling units on all four levels. The entire proposed project would include 18 dwelling units, 18 off-street parking spaces, and approximately 5,000 gsf of commercial space in three buildings that would each be four stories, approximately 46 feet in height. Off-street parking for all three buildings would be located in the Hayes Street building. The project site at 616 Divisadero Street (Assessor's Block 1202, Lot 002J) is an L-shaped lot with frontages on both Divisadero and Hayes Streets and is approximately 13,285 square feet. The project site is zoned NC-2 (Small-Scale Neighborhood Commercial and is within a 65-A height and bulk district. (Appellant: Arthur D. Levy of Levy, Ram & Olson LLP Attorneys representing Central City Progressives.)

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

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

4/12/2005, CONTINUED. Continued to April 19, 2005 at 3:00 p.m.

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

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the final mitigated 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.)**

- 16. 050288 [Finding mitigated negative declaration appeal of 606-624 Divisadero Street/1278 Hayes Street timely]**  
Motion finding the appeal of the mitigated negative declaration issued on November 29, 2004, for 606-624 Divisadero Street/1278 Hayes Street timely filed. (Clerk of the Board)  
3/15/2005, CONTINUED. Continued to April 12,2005  
4/12/2005, CONTINUED. Continued to April 19, 2005 at 3:00 p.m.  
**Question: Shall this Motion be ADOPTED?**
- 17. 050289 [Finding appeal of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street untimely]**  
Motion finding the appeal of the negative declaration issued on November 29, 2004 for 606-624 Divisadero Street/1278 Hayes Street not timely filed. (Clerk of the Board)

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

4/12/2005, CONTINUED. Continued to April 19, 2005 at 3:00 p.m.

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

**18. 050290 [Preparation of findings related to the timeliness of the mitigated negative declaration appeal for 606-624 Divisadero Street/1278 Hayes Street]**

Motion directing the Clerk of the Board to prepare findings related to the timeliness of the mitigated negative declaration appeal for 606-624 Divisadero Street/1278 Hayes Street. (Clerk of the Board)

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

4/12/2005, CONTINUED. Continued to April 19, 2005 at 3:00 p.m.

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

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

**19. 050400 [Affirm approval of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street]**

Motion affirming Planning Department adoption of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street. (Clerk of the Board)

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

4/12/2005, CONTINUED. Continued to April 19, 2005 at 3:00 p.m.

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

**20. 050401 [Reversing approval of the negative declaration for 606-624 Divisadero Street/1278 Hayes Street]**

Motion reversing the Planning Department approval of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street. (Clerk of the Board)

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

4/12/2005, CONTINUED. Continued to April 19, 2005 at 3:00 p.m.

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

**21. 050402 [Preparation of findings to reverse approval of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Department's approval of the mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street. (Clerk of the Board)

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

4/12/2005, CONTINUED. Continued to April 19, 2005 at 3:00 p.m.

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

**22. 050087 [Public Hearing - Conditional Use Appeal for 606-624 Divisadero Street and 1278 Hayes Street]**

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

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

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

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

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

4/12/2005, CONTINUED. Continued to April 19, 2005 at 3:00 p.m.

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

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

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

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

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

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

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

4/12/2005, CONTINUED. Continued to April 19, 2005 at 3:00 p.m.

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

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

**24. 050088 [Appeal, Conditional Use - 606-624 Divisadero Street and 1278 Hayes Street]**

Motion approving decision of the Planning Commission by its Motion No. 16921, approving Conditional Use Application 2003.0807CEK on property located at 606-624 Divisadero

Street and 1278 Hayes Street, and adopting findings pursuant to Planning Code Section 101.1.  
(Clerk of the Board)

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

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

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

4/12/2005, CONTINUED. Continued to April 19, 2005 at 3:00 p.m.

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

**25. 050089 [Appeal, Conditional Use - 606-624 Divisadero Street and 1278 Hayes Street]**

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

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

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

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

4/12/2005, CONTINUED. Continued to April 19, 2005 at 3:00 p.m.

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

**26. 050090 [Findings - 606-624 Divisadero Street and 1278 Hayes Street]**

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

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

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

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

4/12/2005, CONTINUED. Continued to April 19, 2005 at 3:00 p.m.

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

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

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

**27. 050481 [Public Hearing - Appeal of Certification of Determination of Exemption/Exclusion from Environmental Review for San Francisco Bicycle Plan Policy Framework]**

Hearing of persons interested in or objecting to the decision of the Planning Department

dated January 11, 2005, Case No. 2004.0420E, exempting from environmental review the proposed project regarding revision of the 1997 San Francisco Bicycle Plan. There are two major components to the San Francisco Bicycle Plan update - the Policy Framework and the Network Improvement Document. The San Francisco Bicycle Plan Policy Framework is a public policy document that provides an overview of the policies and components of a successful bicycle program. The San Francisco Bicycle Framework presents changes to the 1997 Plan by emphasizing updates to: bicycle policy and chapter topics presented in the 1997 Plan; incorporation of new design guidelines for a wide range of bicycle facilities; and a "blueprint" for potential expansion and refinement of the existing Bicycle Network. The San Francisco Bicycle Plan Policy Framework has seven goals and objectives: (1) increase safe bicycle use, (2) refine and expand the existing bicycle route network, (3) ensure plentiful, high-quality bicycle parking to complement the bicycle route network, (4) adopt bicycle-friendly practices and policies, (5) promote safe bicycling, (6) increase enforcement of bicycle-related violations, and (7) prioritize and increase bicycle funding.

The second component of the overall Bicycle Plan is the Network Improvement Document, which identifies potential projects to improve bicycle transportation throughout San Francisco. The Network Improvement Document will be reviewed under a separate environmental review. (Appellants: Mary Miles and Coalition for Adequate Review [CFAR] and Ninety-nine Percent)

(Filed March 15, 2005; companion measure to Files 050482, 050483, 050384.)

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

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the certification of determination of exemption/exclusion from environmental review 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.)**

28.           **050482**       **[Affirming the general rule exclusion issued for the Bicycle Plan: Policy Framework]**  
Motion affirming the determination by the Planning Department that the San Francisco Bicycle Plan: Policy Framework is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)  
**Question: Shall this Motion be ADOPTED?**
29.           **050483**       **[Disapproving the general rule exclusion issued for the Bicycle Plan: Policy Framework]**  
Motion disapproving the determination by the Planning Department that the San Francisco Bicycle Plan: Policy Framework is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)  
**Question: Shall this Motion be ADOPTED?**



indirect costs of \$120,000, and approving expenditure schedules for recipient departments and agencies and for indirect costs.

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

**35. 050600 [Federal Funding - Emergency Shelter Grants Program] Mayor**

Resolution approving the 2005 Emergency Shelter Grants Program and Expenditure Schedule; and authorizing the Mayor on behalf of the City and County of San Francisco to accept and expend a \$923,756 entitlement grant under the Emergency Shelter Grants Program from the U.S. Department of Housing and Urban Development.

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

**36. 050599 [Accept-Expend Federal Funding - HOME Program] Mayor**

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend the City's 2005 HOME Program entitlement grant from the U.S. Department of Housing and Urban Development (HUD) and Program Income of \$10,804,442 for the HOME Program authorized under TITLE II of the National Affordable Housing Act of 1990, Public Law Number 101-625, and approving the HOME Program description as described in the 2005 Action Plan for San Francisco's Consolidated Plan.

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

**37. 050609 [Rejecting Sewer Rate Increase] Supervisors McGoldrick, Mirkarimi**

Resolution rejecting the Public Utilities Commission's most recent sewer rate increase.

**Question: Shall this Resolution 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*

**APPROVAL OF REQUESTS TO THE LEGISLATIVE**

# ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

40.        **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.

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

## 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 41 through 56

41.        **050390**        **[Opposing H.R. 298]**        **Supervisors Peskin, Ammiano, Daly, Elsbernd**

Resolution opposing H.R. 298, a bill sponsored by Rep. Richard Pombo to require the Secretary of the Interior to provide public access to the Farallon National Wildlife Refuge.

3/1/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

3/15/2005, CONTINUED. Continued to April 19, 2005 Supervisor Elsbernd requested to be added as a co-sponsor.

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

42.        **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.

4/12/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

43.        **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**        **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.

4/12/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 44. 050631 [California Million Solar Roofs Initiative] Supervisors Ammiano, Daly, Mirkarimi**
- Resolution supporting the California Million Solar Roofs initiative (SB 1).
- 4/12/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 45. 050632 [Honoring the Legacy of Pope John Paul II] Supervisors Alioto-Pier, Elsbernd**
- Resolution honoring the legacy of Pope John Paul II and the profound impact he had on all citizens of the world.
- 4/12/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 46. 050647 [Legislative bill number SB 521: Transit Village Plans] Supervisor Sandoval**
- 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.
- 4/12/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 47. 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.
- 4/12/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 48. 050649 [Earthquake Preparedness Month] Supervisors Ma, Dufty**

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

4/12/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 49. 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.

4/12/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 50. 050651 [Support the Efforts of the Exploratorium in Obtaining Increased Funding] Supervisor Alioto-Pier**  
Resolution supporting the Exploratorium in their efforts to continue and expand its essential work in educating the children of the San Francisco and the Bay Area.

4/12/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 51. 050652 [Child Development Centers Funding] Supervisor Peskin**  
Resolution urging the State of California to increase reimbursement rates for child development centers contracting with the California Department of Education through Title V.

4/12/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 52. 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.

4/12/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 53. 050654 [Supporting State Legislation AB 1296, San Francisco Bay Water Trail Act] Supervisors Peskin, Maxwell, Daly**  
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.

4/12/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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



*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

## **OFF-AGENDA LEGISLATION**

### **PROPOSED ORDINANCES**

*Proposed ordinances received from April 5, 2005 to April 11, 2005, for reference by President to appropriate committee on April 19, 2005.*

**050571 [Settlement of Lawsuit - Teri Smith]**

Ordinance authorizing settlement of the lawsuit filed by Teri Smith against the City and County of San Francisco for an agreement to spend an amount not to exceed \$1,100,000.00 to make certain disability access improvements at the San Francisco Zoo; the lawsuit was filed on June 19, 2002 in US District Court (Case No C02-2936 PJH).

4/11/2005, RECEIVED AND ASSIGNED to Rules Committee.

**050616 [Water Rates]**

Ordinance approving revised schedule of rates to be charged by the San Francisco Public Utilities Commission for water service to its retail customers inside and outside the City and County of San Francisco. (Public Utilities Commission)

4/6/2005, RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **PROPOSED RESOLUTIONS**

*Proposed resolutions received from April 5, 2005 to April 11, 2005, for reference by President to appropriate committee on April 19, 2005.*

**050617 [Airport Concession Lease]**

Resolution approving the Boarding Areas "B" and "C" Books and News Stores Lease between DeLaVe, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

4/6/2005, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050619 [Accept and Expend Federal Grant Funds Under the Airport Improvement Program (AIP)]**

Resolution authorizing the Airport Commission to accept and expend grant funds in a total amount of \$20,066,423 from the Federal Aviation Administration: \$6,066,423 (A.I.P 28, Project No. 3-06-0221-28); \$8,250,000 (A.I.P 31, Project No. 3-06-0221-31), and \$5,750,000 (A.I.P 32, Project No. 3-06-0221-32) for Airport standard and security improvements. (Airport Commission)

4/6/2005, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**050669 [Petition and Communications]**

Petitions and Communications received from April 5, 2005 through April 11, 2005, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on April 19, 2005.

From Department of Public Health, submitting an updated list of all property under jurisdiction and/or control of the Department. Copy: Each Supervisor (1)

From San Francisco Public Utilities Commission, submitting Barbara Hale, as their selection to be appointed to the Community Choice Aggregation Citizen's Advisory Taskforce. (2)

From Office of the Treasurer/Tax Collector, submitting the Cash Difference Fund/Details of Overage and Shortages report for the period ending March 31, 2005. (3)

From Clerk of the Board of Supervisors, submitting memo to San Francisco Redevelopment Agency regarding Board of Supervisor's Action on the Transbay Redevelopment Plan. File 050184, Copy: Each Supervisor (4)

From Office of the Treasurer, submitting report of the City's investment portfolio as of March 31, 2005. (5)

From Leanne Edwards, seeking the Board of Supervisor's support for a voter-initiated amendment that the Office of Patient's Rights become the entry point for the grievance process of the CCSF CMHS. (6)

From Siu Ling Chen, submitting Appeal of Categorical Exemption for Sutro Tower Antennas, Satellite Dishes and Emergency Generator, 1 La Avanzada Street (AKA 250 Palo Alto Avenue). (7)

From Twin Peaks Improvement Association, submitting support for the Appeal of Categorical Exemption for Sutro Tower Antennas, Satellite Dishes and Emergency Generator, 1 La Avanzada Street (AKA 250 Palo Alto Avenue). (8)

From Planning Department, submitting response to Appeal of the Categorical Exemption for the Sutro Tower Antennas, Satellite Dishes and Emergency Generator, 1 La Avanzada Street (AKA 250 Palo Alto Avenue). Copy: Each Supervisor (9)

From Supervisor Daly, submitting support for Natalie Bonnewit's appointment to the Treasure Island Development Authority Citizens Advisory Board. Copy: Supervisors Maxwell,

McGoldrick, and Sandoval (10)

From San Francisco Tenants Network, expressing opposition to amending the Condominium Ordinance. (11)

From Supervisor Alioto-Pier, requesting to be excused from the Board of Supervisors meeting on April 19, 2005. Copy: Each Supervisor (12)

From Concerned Citizens, submitting opposition to proposed legislation regarding the registration of blog sites. File 041489, received 6 Letters. Copy: Each Supervisor (13)

From Supervisor Dufty, submitting Thank You to Supervisors for supporting the legislation to take 100% owner-occupied TICS out of the condo lottery. File 050177. Copy: Each Supervisor (14)

From concerned citizens, expressing support for proposed Tenancies-in-common legislation. File 050177, received 3 letters. Copy: Each Supervisor (15)

From Florence Fung, requesting a new "No Skate Board" sign at 910-970 block of Ulloa Street. Copy: Supervisor Elsbernd (16)

From Supervisor Mirkarimi, advising that the City Attorney has ruled that he be recused from voting on Tenancies-in-common legislation. File 050177. Copy: Each Supervisor (17)

From Brian Rovner, expressing concern over the shut down of King Street for a street concert. Copy: Each Supervisor (18)

From concerned citizen, submitting support for the passing of the humane treatment of all companion dogs legislation. File 041494. (19)

From Ahimsa Sumchai, submitting press release "City Wide protest \$40 Million Bonds, New Taxes for Shipyard Construction!". Copy: Each Supervisor (20)

From Human Services Agency, submitting a copy of the Priority Panel Applicant Information Form and the Priority Panel Impartiality/Conflict of Interest form for the 2005 HUD McKinney Priority Panel. Copy: Each Supervisor (21)

From Molly Dunham, expressing concern over the location of the community recycling center along Market Street. Copy: Each Supervisor (22)

From Allen Ross Warmington, seeking assistance in locating his grandfather. Copy: Supervisor Peskin (23)

From City Administrator, following-up on request that property records be updated via the City's web tool on the Intranet to comply with Ordinance #227-02. Copy: Each Supervisor (24)

From the Archdiocese of San Francisco, commenting on the lack of response by City officials to the invitation of the Archbishop of San Francisco to honor and remember Pope John Paul II on April 5, 2005. Copies: Each Supervisor (25)

From Office of Contract Administration, submitting the Non-Profit Contracting Task Force

Progress Report Supplemental to October 13, 2004 Report. Copies: Supervisor Maxwell (26)

From Peter Schumacher, submitting opposition to the proposed grocery bag tax, stating that the 17-cent grocery bag tax ignores litter law enforcement in favor of taxation on non-littering citizens, etc. (27)

From Residential Rent Stabilization and Arbitration Board, submitting the Annual Report on Eviction Notices for period from March 2004 through February 2005. (28)

From Office of the Controller, submitting report concerning the Statement of Cash and Investments of the Office of the Treasurer and Tax Collector (Treasurer) as of December 31, 2004. (29)

From concerned citizens, regarding pole litter and mini billboards throughout the City on public streets and sidewalks. Received 9 letters. Copies: Each Supervisor (30)

From San Francisco Arts Commission, responding to inquiry regarding how much the Department spends on postage, courier/messenger services, off-site document storage and how many printers the Department has. (Reference No. 20050222-006) Copy: Supervisor Ma (31)

From Employee's Retirement System, responding to inquiry regarding how much the Department spends on postage, courier/messenger services, off-site document storage and how many printers the Department has. (Reference No. 20050222-024) Copy Supervisor Ma (32)

From Supervisor Daly, urging Board Members to reject the Mayor's conditional waiver of \$245,872 in Police costs for San Francisco Cycling, LLC. File No. 050435, Copy: Each Supervisor (33)

From Department of Parking & Traffic, responding to inquiry regarding installing an all-way stop control at the intersection of Fulton and Octavia Streets. (Reference No. 20050301-002), Copy: Supervisor Mirkarimi (34)

From Bay Area United Against War, concerning their displeasure with Richmond District Police visit to a community meeting in the Mission District. Copy: Each Supervisor (35)

From Planning Department, submitting Draft Environmental Impact Report Comments and Responses for Rincon Hill Plan, Department File No. 2000.1081E. Copy Each Supervisor (36)

From Jim Jarbor, submitting support for the recently approved legislation, regarding the interim moratorium on medical cannabis dispensaries. File No. 050512 (37)

From Department of Public Works, responding to inquiry requesting a report on the status of the two empty sidewalk squares at 701 Shrader Street. (Reference No. 20050322-004), Copy: Supervisor Mirkarimi (38)

From Department of Public Works, responding to inquiry requesting a report on the status of

replacing three empty sidewalk squares in front of Gateway School at 1350 - 7th Avenue. (Reference No. 20050222-003), Copy: Supervisor Mirkarimi (39)

From Department of Public Works, responding to inquiry requesting a report on the status of the repair on the sidewalk squares on the west side on the block of 800 Webster Street. (Reference No. 20050329-001), Copy: Supervisor Mirkarimi (40)

From Airport Commission, responding to inquiry regarding how much the Department spends on postage, courier/messenger services, off-site document storage and how many printers the Department has. (Reference No. 20050222-005), Copy: Supervisor Ma (41)

From Planning Department, submitting letter which rescinds its prior determination of Categorical Exemption for 1212 15th Avenue. Copy: Each Supervisor (42)

From Branch Library Improvement Program, submitting 2000 Branch Library Improvement Bond Quarterly Report for the Fourth Quarter 2004, October - December 2004. Copy: Each Supervisor (43)

From GCA Strategies, submitting their response to the Appellants brief submitted to the Board of Supervisors regarding the Appeal of Sutro Tower Cat Ex. File No. 050380. Copy: Each Supervisor (44)

From Greenwood Earth Alliance, urging the City not to buy any redwood or wood from any other endangered forest, FSC-certified or not stating that there is no guarantee that FSC-certified products come from sustainably-managed forests. Copy: Each Supervisor (45)

From Police Department, responding to request for disclosure of any security breaches at the following locations: Golden Gate Bridge, Bay Bridge, and Port of San Francisco. File No. 050454, Copy: City Operations & Neighborhood Services Committee (46)

From Stacey Selinger, concerning the appraisal and sale of parcels of Bay front land acquired by Shipyard Holdings LLC. Copy: Each Supervisor (47)

From Arts Commission, submitting revised response to inquiry regarding how much the Department spends on postage, courier/messenger services, off-site document storage and how many printers the Department has. (Reference No. 20050222-006), Copy: Supervisor Ma (48)

From Johannes Stahl, expressing concern over bicyclists utilizing the sidewalk, causing a hazard to pedestrians. Copy: Each Supervisor (49)

From Mark Berry, concerning his displeasure with the noise from helicopters and small airplanes flying over his neighborhood. File No. 041594, Copy: Each Supervisor (50)

From Office of the City Attorney, responding to request from Clerk's Office regarding Appeal of Categorical Exemption for 1400-1402 Cole Street. (51)

From Dina Boyer, urging the Board to intervene to prevent Muni's proposed layoffs and fare raises. Copy: Each Supervisor (52)

From Ahimsa Sumchai, submitting copy of correspondence to SF Bayview Newspaper, regarding the Fair Political Practices Commission's investigation into shipyard development. Copy: Each Supervisor (53)

From Patti Chern, seeking bone marrow donors for a West Tisbury police office who needs a transplant. (54)

From Clifford S. McBride, regarding vehicle vandalism and air quality in his neighborhood. Copy: Supervisor Daly (55)

From Rob Anderson, submitting support for the San Francisco Bicycle Plan to be subject to CEQA review. Copy: Each Supervisor (56)

From Public Utilities Commission, regarding water rates for retail service within and outside of the City and county of San Francisco. Copy: Each Supervisor (57)

## **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.

Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

**THE AGENDA PACKET IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK.**

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

**AVISO EN ESPAÑOL:** La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



### **Disability access**

The Legislative Chamber of the Board of Supervisors is in Room 250 of City Hall, 1 Dr. Carlton B. Goodlett Place. The Chamber is wheelchair accessible.

The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting.

This advance notice will help ensure availability.

ú For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

ú For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

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

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)

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