

# 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, February 28, 2006  
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 Board Meeting Minutes for January 10, 24, and 31, 2006.*

## **AGENDA CHANGES**

## **COMMUNICATIONS**

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

- 1) Legislation
- 2) Budget Analyst report
- 3) Legislative Analyst report
- 4) Department or Agency cover letter and/or report
- 5) Public correspondence

*These items will be available for review at City Hall, Room 244, Reception Desk.*

## **CONSENT AGENDA**

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

### **Items 1 through 10**

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

*Present: Supervisors Daly, Dufty, Peskin*

1.       **060087**       **[Administrative Code Revision: Health Service System]**       **Supervisors Elsbernd, Ammiano**  
Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.  
(Fiscal impact.)  
  
2/14/2006, PASSED ON FIRST READING. Supervisor Ammiano requested to be added as a co-sponsor.  
**Question: Shall this Ordinance be FINALLY PASSED?**

#### **Recommendations of the City Operations and Neighborhood Services Committee**

*Present: Supervisors McGoldrick, Dufty, Ma*

2.       **051715**       **[Better Streets Policy]**       **Mayor, Supervisors McGoldrick, Dufty**  
Ordinance amending the Administrative Code to add Chapter 98, the Better Streets Policy; making environmental findings; authorizing and urging official acts in furtherance of this Ordinance; and requesting General Plan amendments to incorporate the Better Streets Policy and its supporting principles.  
  
2/14/2006, PASSED ON FIRST READING.  
**Question: Shall this Ordinance be FINALLY PASSED?**



7.           **060099**    **[Settlement of Lawsuit and Grievance - Gary Thompson]**  
Ordinance authorizing settlement of the lawsuit filed by Gary Thompson and the grievance filed by his Union, Service Employees Service Employees International Union, Local 790, against the City and County of San Francisco for \$199,000; the lawsuit was filed on May 14, 2003 in United States District Court, Northern District of California, Case No. CV-03-02243-WDB and is entitled Gary Thompson v. City and County of San Francisco, et al; the grievance was filed on August 28, 2003 and is entitled Service Employees International Union, Local 790 v. City and County of San Francisco, ERD No. 12-03-1143. (City Attorney)

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

8.           **052044**    **[Settlement of Lawsuit - Mary Williams]**  
Ordinance authorizing settlement of the matter of Mary Williams v. City and County of San Francisco for \$225,000. The lawsuit was filed on November 5, 2004 in San Francisco Superior Court, Case No. 436-121; entitled Mary Williams v. City and County of San Francisco, et al. (City Attorney)

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

9.           **060176**    **[Appointment - Veterans Affairs Commission]**  
Resolution appointing Edwin Wilkerson, term ending January 31, 2007, to the Veterans Affairs Commission.  
  
Edwin Wilkerson, succeeding Aaron Zeff, resigned, seat 11, must be an at large appointment, for the unexpired portion of a four-year term ending January 31, 2007.

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

*Present: Supervisors Mirkarimi, Elsbernd*

10.          **060177**    **[Appointment - In-Home Supportive Services Public Authority]**  
Resolution appointing Anita Aaron, term ending March 1, 2009, to the In-Home Supportive Services Public Authority.  
  
Anita Aaron, succeeding Ray del Portillo, term expiring March 1, 2006, seat 7, must be a member of the Commission on the Aging, recommended to the Board by the Commission, for a three-year term ending March 1, 2009.

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

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

## **REGULAR AGENDA**

# UNFINISHED BUSINESS

## From the Clerk

11.       **060238**       **[Adopting findings related to affirming the categorical exemption issued for the 1 La Avanzada Street project]**

Motion adopting findings related to affirming the determination by the Planning Department that the 1 La Avanzada Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

(Companion measure to Files 060007, 060008, 060009, 060010.)

2/17/2006, REFERRED to Board of Supervisors.

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

## Recommendations of the Budget and Finance Committee

*Present: Supervisors Daly, Dufty, Maxwell*

12.       **051792**       **[Regulating Deemed Approved Off-Sale Alcohol Uses and Establishing An Annual Fee]**       **Supervisors Maxwell, Dufty, Peskin, Ma, Mirkarimi**

Ordinance amending the Administrative Code to add Chapter 26, ("Deemed Approved Off-Sale Alcohol Use Nuisance Regulations"), deeming all existing non-conforming and permitted off-sale alcohol uses "approved;" establishing an administrative hearing process to abate nuisance activities by deemed approved off-sale alcohol uses; creating a list of performance standards that reflect existing local nuisance and related state and federal laws; providing for an education and outreach program; authorizing penalties for violation of performance standards including administrative penalties from \$500 to \$1000 or revocation of deemed approved status; providing for appeals of conditions or administrative penalties to the Board of Appeals; providing for appeals of the revocation of deemed approved status to the Board of Supervisors or the Board of Appeals; setting an annual fee of \$264 for deemed approved off-sale alcohol uses; establishing a deemed approved off-sale alcohol use nuisance regulation continuing project accounts within the City's General Fund; and making environmental findings.

2/14/2006, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

2/14/2006, CONTINUED. Continued as amended to February 28, 2006.

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

*Present: Supervisors Daly, Dufty, Peskin*

13.       **060205**       **[Requiring Notice to Potential Buyers of Certain Deemed Approved Off-Sale Alcohol Uses Where the Use Has Violated the Performance Standards.]**       **Supervisors Daly, Ammiano**

Ordinance amending the ordinance Regulating Deemed Approved Off-Sale Alcohol Uses and Establishing An Annual Fee (Board File No. 051792) by amending Section 26.20 to require that the seller of a Deemed Approved Off-Sale Alcohol Use ("Use") provide certain notice to potential buyers of the Use if the Use has, within the past three years, been the subject of an administrative hearing at which a finding of violation of the Performance Standards was made, at which conditions were imposed on the Use's continued operations, and/or at which administrative penalties were imposed on the Use for violation of the Performance Standards; and making environmental findings.

2/14/2006, CONTINUED. Continued to February 28, 2006 Supervisor Ammiano requested to be added as a co-sponsor.

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

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

*Present: Supervisors Sandoval, McGoldrick, Peskin*

**14. 051453 [Off-Street Parking In C-3 Zoning Districts] Supervisors Peskin, Daly**

Ordinance amending the San Francisco Planning Code by amending Sections 151, 151.1, 154, 155, 155.5, 161,166, and 167 to impose new requirements in C-3 Zoning Districts regarding permitted off-street parking and loading, allowed off-street freight loading and service vehicle spaces, bicycle parking, car sharing, to separate parking costs from housing costs, to exempt from the legislation projects that received final Planning Department or Planning Commission approval and submitted complete site permit applications prior to the effective date of the legislation, to require the Planning Department to undertake a study of downtown parking issues, and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

2/7/2006, PASSED ON FIRST READING.

2/14/2006, AMENDED. Amended by changing the effective date of the legislation to June 1, 2006.

2/14/2006, PASSED ON FIRST READING AS AMENDED.

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

### **From the Land Use Committee Without Recommendation**

*Present: Supervisors Sandoval, McGoldrick*

**15. 050601 [Better Neighborhoods Plus Planning and Implementation Process] Supervisors McGoldrick, Maxwell**

Ordinance amending the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Plus Planning and Implementation Process"); amending Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plus Plan budget documents; amending Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plus Plan areas; and Section 312B to establish permit review procedures for certain projects within Better Neighborhoods Plus Plan areas; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

12/13/2005, CONTINUED. Supervisor Ma, seconded by Supervisor Mirkarimi, moved to continue this matter to January 17, 2006 pending Board action on reinstating the January 17, 2006 Board meeting.

1/17/2006, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

1/17/2006, RE-REFERRED to Land Use Committee. Rereferred to Committee as amended.

2/7/2006, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

2/7/2006, CONTINUED ON FIRST READING. Continued to February 14, 2006.

2/14/2006, CONTINUED. Continued to February 28, 2006

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

## **NEW BUSINESS**

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

*Present: Supervisors Daly, Peskin*

16.        **060076**        **[To appropriate \$5,216,754 to fund the maintenance and reconstruction of public streets, roads, and the 4th Street Bridge for DPW for Fiscal Year 2005-06]**        **Mayor**
- Ordinance appropriating \$5,216,754 of Fiscal Year 2005-2006 State Traffic Congestion Relief Funds to fund the maintenance and reconstruction of public streets, roads, and the 4th Street Bridge for the Department of Public Works for Fiscal Year 2005-2006.
- (Fiscal impact.)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
17.        **051960**        **[Authorizing the Committee on Information Technology to amend its contract with En Pointe Technologies to exceed \$10 million]**        **Supervisor Daly**
- Resolution authorizing the Committee on Information Technology to enter into the Third Amendment between the City and En Pointe Technologies (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract's anticipated expenditures to over \$10 million.
- Question: Shall this Resolution be ADOPTED?**
18.        **051961**        **[Authorizing the Committee on Information Technology to amend its contract with Xtech to exceed \$10 million]**        **Supervisor Daly**
- Resolution authorizing the Committee on Information Technology to enter into the Third Amendment between the City and Xtech (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract's anticipated expenditures to over \$10 million.
- Question: Shall this Resolution be ADOPTED?**





existing and ongoing funds from a recurring State grant, for the period of July 1, 2005 through June 30, 2007.

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

### **Recommendations of the Land Use and Economic Development Committee**

*Present: Supervisors Maxwell, Sandoval, McGoldrick*

- 24. 051562 [Zoning Map Amendment in connection with Third Street and Oakdale Avenue Affordable Housing Special Use District] Supervisor Maxwell**

Ordinance amending Zoning Map Section 10 and 10SU of the City and County of San Francisco for the property at 4800 Third Street (Lot 45, Assessor's Block 5322), located at the southwest corner of the block bounded by Oakdale Avenue, Third Street, Palou Avenue, and Newhall Street; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

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

- 25. 051563 [Third Street and Oakdale Avenue Affordable Housing Special Use District] Supervisor Maxwell**

Ordinance adding Planning Code Section 249.30 to establishing the Third Street and Oakdale Avenue Affordable Housing Special Use District for property at 4800 Third Street (Lot 45, Assessor's Block 5322), located at the southwest corner of the block bounded by Oakdale Avenue, Third Street, Palou Avenue, and Newhall Street, and making findings including findings under the California Environmental Quality Act and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

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

*Present: Supervisors Maxwell, McGoldrick*

- 26. 060054 [MUNI Operator restrooms at various locations]**  
Resolution granting revocable permission to Municipal Transportation Agency (MTA), to occupy a portion of the public right-of-way to install and maintain one (1) MUNI Operator Restroom at each of the following locations: within an existing traffic island on Geneva Avenue at Munich Street; on the westerly sidewalk of Main Street, southerly of Howard Street; on the easterly sidewalk of Main Street, northerly of Mission Street, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

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

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

*Present: Supervisors Mirkarimi, Elsbernd, Ammiano*

27. **060156** [Investigate and Impeach President Bush and Vice President Cheney] **Supervisor Daly**
- Resolution calling for a full investigation, impeachment or resignation of President George W. Bush and Vice President Richard B. Cheney.
- (Supervisor Elsbernd Dissented in Committee)
- 2/7/2006, REFERRED to Government Audit and Oversight Committee. 2/9/06- Transferred to the Rules Committee.
- Question: Shall this Resolution be ADOPTED?

## SPECIAL ORDER 3:00 P.M.

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

28. **060211** [Charter amendment (Fourth Draft) to add Section 16.126]
- Hearing to consider a charter amendment (Fourth Draft) to add Section 16.126 to: establish a San Francisco Homicide Prevention Plan and Homicide Prevention Planning Council; create a Survivors' Advocate and a City fund to help pay specified expenses for survivors of homicide victims; appropriate an additional \$10 million per year for the next three years to fund violence prevention programs identified in the Plan; and, set an expiration date. (Clerk of the Board)
- Action: \_\_\_\_\_

### Committee of the Whole Adjourn and Report Without Recommendation

29. **052009** [Charter Amendment - Homicide Prevention Plan; Survivor Assistance; Funding for Violence Prevention Programs] **Supervisors Daly, Ammiano, Maxwell, Mirkarimi**
- Charter amendment (Fourth Draft) to add Section 16.126 to: establish a San Francisco Homicide Prevention Plan and Homicide Prevention Planning Council; create a Survivors' Advocate and a City fund to help pay specified expenses for survivors of homicide victims; appropriate an additional \$10 million per year for the next three years to fund violence prevention programs identified in the Plan; and, set an expiration date.
- 2/7/2006, CONTINUED. Continued to February 14, 2006.
- 2/14/2006, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.
- 2/14/2006, CONTINUED AS AMENDED. Continued to February 28, 2006 Board to Sit as a Committee of the Whole
- Question: Shall this Charter Amendment be SUBMITTED?

## SPECIAL ORDER 3:00 P.M.

# Board of Supervisors Sitting as a Committee of the Whole

*(Pending approval of File 060230.)*

30.       **060213**       **[Hearing - 22-Month and 15 Day Extension of Interim Moratorium on New Check Cashing and Pay Day Lender Uses]**

Hearing to consider the possible adoption of an urgency Ordinance approving a 22 month and 15 day extension of the interim zoning moratorium on new check cashing and pay day lender uses and making required findings, including findings related to the imposition of an interim moratorium, findings of consistency with the priority policies of Planning Code Section 101.1, and environmental findings. (Clerk of the Board)

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

## Committee of the Whole Adjourn and Report Without Recommendation

31.       **060212**       **[Zoning - 22 Month and 15 Day Extension of Interim Moratorium on New Check Cashing and Pay Day Lender Uses]**       **Supervisor Ammiano**

Urgency Ordinance approving a 22 month and 15 day extension of the interim zoning moratorium on new check cashing and pay day lender uses and making required findings, including findings related to the imposition of an interim moratorium, findings of consistency with the priority policies of Planning Code Section 101.1, and environmental findings.

Question: Shall this Ordinance be FINALLY PASSED?

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

### COMMITTEE REPORTS

*Reports from committees, if any, recommending emergency or urgent measures.*

*The following item will be considered by the Government Audit and Oversight Committee at a Regular Meeting on Monday, February 27, 2006 at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, February 28, 2006.*

32.       **060078**       **[Capital Expenditure Plan; timeline amendments for initial submission and approval]**       **Supervisor Elsbernd**

Ordinance amending Administrative Code Section 3.20 to provide that the initial ten-year capital expenditure plan to be prepared thereunder shall be submitted to the Mayor and the Board of Supervisors by May 1, 2006 and that the Mayor and the Board of Supervisors shall review, update, amend and adopt such plan by resolution by August 1, 2006.

Question: Shall this Ordinance be PASSED ON FIRST READING?

### 33. **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.*

### 34. **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 speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

*Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.*

## **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 35 through 45**

35.        **060121**        **[Incorporating Street Performers into the Street Artist Program and designating sound appropriate sales areas for certified Street Artists]**        **Supervisor McGoldrick**

Resolution recognizing that qualified Street Performers are eligible to participate in the Street Artist Program and urging the designation of sales areas within the Program that are appropriate for amplified sound.

1/24/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

1/31/2006, CONTINUED. Continued to February 7, 2006

2/7/2006, CONTINUED. Continued to February 28, 2006

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

36.        **060229**        **[Report for Interim Zoning Moratorium on New Check Cashing and Payday Lender Uses]**        **Supervisor Ammiano**

Motion adopting and issuing the Planning Department's report concerning the Board's urgency Ordinance that imposed a 45-day interim moratorium on new check cashing and

payday lender uses.

2/14/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 37. 060230 [Board of Supervisors Committee of the Whole - February 28, 2006 3:00 p.m. - Extension of interim zoning moratorium New Check Cashing and Payday Lenders Uses] Supervisor Ammiano**

Motion for the Board of Supervisors to convene as a committee of the whole on February 28, 2006, at 3:00 p.m. to accept public testimony concerning the possible adoption of an urgency ordinance extending the interim zoning moratorium for 22 months and 15 days on new check cashing and payday lender uses and making required findings, including findings related to the imposition of an interim zoning moratorium, findings of consistency with the priority planning policies of Planning Code Section 101.1, and environmental findings.

2/14/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 38. 060231 [Commending Lucille Burlew-Lawler] Supervisor Dufty**

Resolution commending Lucille Burlew-Lawler for 28 years of outstanding and dedicated service to the Department of Public Health and the people of San Francisco.

2/14/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 39. 060232 [Commending Eugene Coleman] Supervisor Maxwell**

Resolution commending Eugene Coleman for his dedication and exemplary service to the residents of San Francisco and proclaiming February 21, 2006 as Eugene Coleman Day in San Francisco.

2/14/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 40. 060233 [Accept-Expend Grant - Juvenile Probation Department] Supervisor Maxwell**

Resolution authorizing the Juvenile Probation Department to accept and expend a grant in the amount of \$50,000 from the Zellerbach Family Foundation to support organizational development activities at the Juvenile Probation Department and to fund technical assistance for planning for such organizational change.

2/14/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 41. 060234 [Supporting Eddy Zheng's application to remain Supervisors McGoldrick,**

**lawfully in the United States]**

**Peskin, Ammiano**

Resolution urging the Department of Justice to grant Xiao Fei ("Eddy") Zheng's application to remain lawfully in the United States and calling on the Department of Homeland Security to exercise its discretion not to appeal the grant of a waiver that would allow Eddy Zheng to remain in the United States.

2/14/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**42. 060235 [California Seismic Safety Commission] Supervisor Peskin**

Resolution urging California Governor Arnold Schwarzenegger to withdraw his proposal to eliminate funding for the California Seismic Safety Commission.

2/14/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**43. 060236 [Gift-In-Place to Recreation and Park Department] Supervisor Peskin**

Resolution accepting and expending a gift-in-place valued at \$40,000 from the Union Square Association to the Recreation and Park Department for use in Union Square.

2/14/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**44. 060237 [Commending the "Love Your Playground" volunteers and the Neighborhood Parks Council] Supervisors Sandoval, Dufty**

Resolution commending the volunteers who participated in the "Love Your Playground" program and the Neighborhood Parks Council for conducting the survey.

2/14/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**45. 060207 [Final Map for a 23 Unit Commercial/Residential Condominium Project - 380 Alabama Street/2095 Harrison Street]**

Motion approving Final Map of 380 Alabama Street/2095 Harrison Street, a Commercial/Residential Condominium Project, being a subdivision of Lot 4 in Assessor's Block No. 3967, and adopting findings pursuant to Planning Code Section 101.1. Version. (Public Works Department)

(DPW Order No. 175,896; District 6.)

2/17/2006, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

## 46. **IMPERATIVE AGENDA**

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).*

*[Serious Injury Finding]*

*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*

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

*[Brown Act Finding]*

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

## **OFF-AGENDA LEGISLATION**

## **PROPOSED ORDINANCES**

*Proposed ordinances received from February 14, 2006 through February 24, 2006, for reference by President to appropriate committee on February 28, 2006.*

### **060162 [Amending the Traffic Code to establish a single consolidated list of weight-restricted streets]**

Ordinance amending the Traffic Code by repealing Sections 28.4 and 28.5, amending Sections 28.1 and 28.1.19, renumbering Sections 28.5.1 through 28.5.59 as 28.1.110 through 28.1.165, and adding new Sections 28.1.166 through 28.1.170 to: correct obsolete references

to Army Street; establish a consolidated list of weight-restricted streets on which vehicles with a gross vehicle weight of 6000 pounds or more are, with specified exceptions, prohibited; add Ledyard Street between Silver Avenue and Thornton Avenue, Vesta Street between Thornton Avenue and Williams Avenue, Scotia Avenue between Silver Avenue and Thornton Avenue and Thornton Avenue between Bayshore Boulevard and 3rd Street the list of restricted streets; and clarify the exceptions applicable to weight restricted-street requirements. (Parking and Traffic Department)

2/13/2006, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 3/28/2006.

**060164 [Settlement of Lawsuit - CCSF v. ARCO et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against Airport Group International (AGI) for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)

2/15/2006, RECEIVED AND ASSIGNED to Rules Committee.

## **PROPOSED RESOLUTIONS**

*Proposed resolutions received from February 14, 2006 through February 24, 2006, for reference by President to appropriate committee on February 28, 2006.*

**060137 [Report of assessment costs for sidewalk and curb repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

(DPW Order No. 175,878; Locations: 220 Jones Street and 1101 Persia Avenue.)

2/7/2006, ASSIGNED to Board of Supervisors.

**060163 [Settlement of Claim - James Mead]**

Resolution approving the settlement of the unlitigated claim filed by Mr. James Mead, against San Francisco for \$77,500; claim was filed on June 22, 2005.

2/13/2006, RECEIVED AND ASSIGNED to Rules Committee.

**060208 [Authorize payment of performance fees and for final closeout of the Water Infrastructure Partners contract for an amount not to exceed \$734,670]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to pay performance fees for Contract Year No. 4 and Year 5 and for final closeout of the Agreement with the Water Infrastructure Partners for an amount not to exceed



\$734,670. (Public Utilities Commission)

2/17/2006, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**060284 [Petitions and Communications]**

Petitions and Communications received from February 7, 2006 through February 17, 2006, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on February 28, 2006.

From Kimo Crossman, regarding TechConnect: WIFI Mayor announces a Project TechConnect Task Force, ignores 800-pound elephants in the room.  
Kimo@webnetic.netwww.webnetic.net(1)

From Kimo Crossman, commenting that SFGTV exercises editorial control, no presenter live feedback, kimo@webnetic.net www.webnetic.net(2)

From concerned citizens, commenting on proposed resolution calling for a full investigation or resignation of President Bush and Vice-President Cheney. File 060156, Copy: Each Supervisor(3)

From SF Labor Council, AFL-CIO, submitting support for amendments to the Living Wage Ordinance, the Minimum Compensation Ordinance and the Health Care Accountability Ordinance. File 051907, Copy: Budget and Finance Committee(4)

From Clerk of the Board, submitting resolution from the San Francisco Local Agency Formation Commission and the report from Nixon Peabody LLP, regarding legal and financing issues for the Community Choice Aggregation Implementation Plan. Copy: Each Supervisor(5)

From SF Local Agency Formation Commission (LAFCO), requesting response from the Mayor, Board of Supervisors and Department of Telecommunications and Information Services, indicating its interest in the City and County of San Francisco pursuing a municipally-owned WIFI system and requesting that various issues be addressed. Copy: Each Supervisor(6)

From Planning Department, regarding the closure and re-use plan for the AMC Kabuki Theater. (Reference No. 20061110-001) Copy: Supervisor Mirkarimi(7)

From Municipal Transportation Agency, regarding the Metro Subway Overhead Reconstruction Project.(Reference No. 20060110-013) Copy: Supervisor Ammiano(8)

From San Luis Obispo County Board of Supervisors, submitting support for the California Energy Commission's recommendation to evaluate the long-term implications associated with the continuing accumulation of spent fuel at California's operating nuclear power plants. Copy: Each Supervisor(9)

From Guo Wen, describing his unpleasant experience while applying for a CCSF job as a parking control officer on February 8, 2006. Copy: Muni(10)

From Graffiti Advisory Board, requesting Marc Bruni be removed as a member of the Graffiti Advisory Board. Copy: Rules Committee(11)

From Department of Human Resources, regarding disclosure of conviction history on job

applications for City and County jobs.(12)

From Municipal Transportation Agency, regarding the installation of wildfire crossing signs along Laguna Honda Boulevard, between Lawton Street and Clarendon Avenue.(Reference No. 20060110-010) Copy: Supervisor Elsbernd(13)

From Office of the Controller, submitting a review of a selection of nonprofit agencies that hold contracts with the City and County of San Francisco.Copy: Government Audit and Oversight Committee(14)

From Veterans Affairs Commission, submitting resolution-opposing plans to terminate the long tradition of hearings by veteran's service organizations before joint sessions of the House and Senate Veterans Affairs Committees. Copy: Each Supervisor(15)

From James Chaffee, submitting copy of letter sent to SFGTV regarding videotape coverage of the Board of Supervisors meetings.(16)

From SFGTV, submitting copy of letter sent to constituent regarding videotape coverage of the Board of Supervisors meetings.(17)

From Conrad House, submitting appointment of Damian Ochoa to the Shelter Monitoring Committee. Copy: Rules Clerk(18)

From Planning Department, submitting support for proposed ordinance that creates the Third Street and Oakdale Avenue Affordable Housing Special Use District located at 4800 Third Street, Lot 45 in Assessor's Block 5322. File 51563, Copy: Land Use and Economic Development Committee(19)

From Christian Holmer, submitting copy of letter sent to the City Attorney regarding request for outside counsel. Copy: Each Supervisor(20)

From Corinne de Ciofalo-Guell, regarding the graffiti and homeless individuals at the southeast corner of Van Ness Avenue and Sutter Street, the old AMC Theater Building. (2 photos included)(21)

From the Port, submitting the Port's second quarterly report of as-needed professional services contracts for fiscal year 2005-06.(22)

From Office of the Controller, submitting the 2005 Taxi Commission Survey Report.(23)

From Robert Greco, regarding the Select Committee on Ending Gun and Gang Violence meeting held on February 6, 2006. Copy: Ending Gun and Gang Violence Committee(24)

From Mesha, submitting press release announcing the "Bang4Change 2006" SF Human Rights and Civil Rights Revival Fest on February 25, 2006, from noon to 5 p.m. at Civic Center Plaza. (25)

From Planning Department, regarding appeal of categorical exemption for Sutro Tower Antennas, Satellite Dishes and Emergency Generator at 1 La Avanzada Street. File 060007, Copy: Each Supervisor(26)

From Office of the Controller, submitting report concerning the review of the agreement between the Water Infrastructure Partners and the Public Utilities Commission to provide program management and construction management services that support PUC's water, power

and sewer capital improvement program.(27)

From Department of Public Works, reporting that the pothole at the intersection of Laguna and Waller Streets has been filled. (Reference No. 20060207-004) Copy: Supervisor Mirkarimi(28)

From Department of Public Works, reporting that the pothole at the intersection of Willard and Carl Streets has been filled. (Reference No. 20060131-006) Copy: Supervisor Mirkarimi(29)

From Department of Public Works, reporting that the sidewalk repair at 200 Fillmore Street has been repaired. (Reference No. 20051213-006) Copy: Supervisor Mirkarimi(30)

From Department of Parking and Traffic, regarding request to consider prohibiting delivery trucks parking within fifty feet of the entrance of Lakeshore Plaza on Sloat Boulevard. (Reference No. 20051213-008) Copy: Supervisor Elsbernd(31)

From Office of the Controller, submitting audit report of the statement of net assets/changes in net assets of CCSF's investment pool held by the Office of the Treasurer and Tax Collector as of June 30, 2005.(32)

From Small Business Commission, regarding proposed ordinance "Deemed Approved Off-Sale Alcohol Use Nuisance Regulations" deeming all existing non-conforming and permitted off-sale alcohol uses "approved" establishing an administrative hearing process to abate nuisance activities by deemed approved off-sale alcohol uses. File 051792, Copy: Each Supervisor(33)

From Law Offices of Stephen Williams, withdrawing the appeal of Categorical Exemption for the proposed project at 730 Great Highway. File 051852, Copy: Each Supervisor, City Attorney(34)

From Public Library Commission, responding to request related to a community meeting at the Public Library concerning the planned renovation of the Bernal Heights Branch Library. (Reference No. 200601110-017) Copy: Supervisor Ammiano(35)

From concerned citizens, submitting support for continued funding of the Neighborhood Training Response Team (N.E.R.T.) program taught by the Fire Department.(36)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapters 12B and 12C for wheel assemblies from the Penn Machine Company.(37)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapters 12B and 12C for tire kits from the Penn Machine Company.(38)

From Coalition for San Francisco Neighborhoods, urging the Board not to take any action today (2/7/06) on the proposed amendment of the whole regarding the Better Neighborhoods Planning and Implementation Process. File 050601, Copy: Each Supervisor(39)

From Supervisor McGoldrick, submitting memorandum regarding amendments to the Better Neighborhoods Plus (BN+) Ordinance. File 050601, Copy: Each Supervisor(40)

From San Francisco Beautiful, submitting several principles that should be addressed in proposed legislation regarding C-3 Parking. File 051453, Copy: Each Supervisor(41)

From Harold Becker, submitting press release announcing the 3rd Annual "Global Love Day" on May 1, 2006. Copy: Each Supervisor(42)

From San Francisco Beautiful, commenting on proposed legislation regarding the Better Neighborhoods Plus Ordinance. File 050601, Copy: Each Supervisor(43)

From Walter Caplan, regarding appeal of categorical exemption for proposed project at 1 La Avanzada Street. File 060007, Copy: Each Supervisor(44)

From Pfeffer & Williams, submitting request for transfer of a Type 21 off-sale general liquor license for Numan Zeidan dba Nob Hill Liquors #2 at 1552 Polk Street.(45)

From Clerk of the Board, submitting the 2005-06 mid-year report for the Whistleblower Program.(46)

From Bakersfield Council member Jacquie Sullivan, regarding the display of our national motto "In God We Trust" in every City Hall of America. Copy: Each Supervisor, Mayor(47)

From Jack Cargas, commenting on the status of disrepair of the roads in Golden Gate Park.(48)

**060286 [Petitions and Communications, Part 2]**

Petitions and Communications received from February 7, 2006 through February 17, 2006, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on February 28, 2006. Part 2.

From Office of the Treasurer, submitting the investment activity (for fiscal year to date) of the portfolios under the Treasurer's management.(49)

From Department of Public Works, submitting corrected letter for project at 283 Cresta Vista.(50)

From Unite Here Local 2, submitting support for amendments to the Living Wage Ordinance, the Minimum Compensation Ordinance and the Health Care Accountability Ordinance. File 051907, Copy: Budget and Finance Committee(51)

From Irene Estrada, submitting copy of letter sent to Supervisor Daly inviting him to a letter writing campaign event for Filipino World War II Veterans on February 18, 2006 at the Filipino Community Center located at 35 San Juan Avenue. (52)

From Ahimsa Sumchai, submitting correspondence regarding Nancy Pelosi and family at the Hunters Point Shipyard.(53)

From concerned citizens, commenting on proposed legislation regarding off street parking. File 051453, Copy: Each Supervisor(54)

From concerned citizens, commenting on statements about the military and the USS Iowa made by San Francisco Supervisor Sandoval on the Hannity and Colmes show. Copy: Each Supervisor(55)

From Ellman, Burke, Hoffman & Johnson, filing notice of appeal from action of the Planning

Department for the Katherine Delmar Burke School addition at 229 32nd Avenue. Copy: Each Supervisor(56)

From Law Offices of Stephen Williams, filing notice of appeal from action of the Planning Department for the Bernal Heights Park Open Space Improvements - Phase 2. File 060198(57)

From Kim Makoi, submitting support for proposed resolution to allow Eddy Zheng to stay in the United States. Copy: Each Supervisor(58)

From Coalition for San Francisco Neighborhoods, urging the Board of Supervisors to refer proposed legislation regarding the Better Neighborhoods Plus Plan back to the Planning Commission for review. File 050601, Copy: Each Supervisor(59)

From Department of Elections, regarding implementation of the new voting system for the June 6, 2006 election and the implementation of ranked-choice voting for the November 7, 2006 election. Copy: Each Supervisor(60)

From Department of Elections, submitting update #2: implementation of new voting system for June 6, 2006 election and the implementation of ranked-choice voting for the November 7, 2006 election. Copy: Each Supervisor(61)

From Planning Department, recommending the Board defer action on proposed ordinance that would modify and update Planning Code related to the inclusionary affordable housing program amendment. File 051685, Copy: Each Supervisor(62)

From Office of the Controller, submitting report concerning the review of selected grant agreements between the City and County of San Francisco and the nonprofit corporation, Women Organized to Make Abuse Nonexistent, Inc.(63)

From Edith McMillan, submitting copy of letter sent to the Assessor/Recorder regarding the misspelling of her last name on her tax bill, etc.(64)

From Mark Tully, submitting complaint of how the Office of Contract Administration handled a minimum wage complaint.(65)

From Planning Department, submitting support for proposed ordinance relating to General Advertising Sign Enforcement with certain amendments. File 051884, Copy: Land Use Committee(66)

From Planning Department, recommending the Board defer action on proposed ordinance related to the inclusionary affordable housing program amendments. File 051685, Copy: Each Supervisor(67)

From Clerk of the Board, submitting the election schedules which pertain to the various actions and deadlines for the November 7, 2006, election to be held in the City and County of San Francisco.(68)

From Mary Ann Ring, submitting her concerns about the operations of the city funded San Francisco Community Access Channel 29. Copy: Each Supervisor(69)

From Robert Bunker, expressing his opinion of San Francisco. Copy: Each Supervisor(70)

From concerned citizens, submitting opposition to proposed ordinance "Deemed Approved Off-Sale Alcohol Use Nuisance Regulations" deeming all existing non-conforming and

permitted off-sale alcohol uses "approved" establishing an administrative hearing process to abate nuisance activities by deemed approved off-sale alcohol uses. File 051792, Copy: Each Supervisor(71)

From Asian Art Museum, regarding the Museum's policy on barring the security guards' union representative from entering the museum without the purchase of a ticket.(Reference No. 20060207) Copy: Supervisor Daly(72)

From Planning Department, submitting support for proposed ordinance that allows bar use within a movie theater under specified circumstances in the Haight Street Alcohol Restricted Use Subdivision. File 051841, Copy: Land Use and Economic Development Committee(73)

From concerned citizens, commenting on the in-depth series about the San Francisco Police Department in the San Francisco Chronicle. Copy: Each Supervisor(74)

From John Copeland, submitting support for the decision of the Board of Supervisors not to allow the war ship from World War II to be put in the San Francisco Bay. Copy: Each Supervisor(75)

From Bill Lawrence, regarding the increased fee for residential parking permits. Copy: Each Supervisor(76)

From Hugh Gurin, regarding the Biodiesel Access Taskforce. File 060193, Copy: Each Supervisor(77)

From Jane Wong, commenting on the lack of public service provided by Muni. Copy: Muni (78)

From Tatiana Sepulveda, regarding using Fast Track on the Bay Bridge. Copy: Each Supervisor(79)

From Phoebe Williams, submitting copy of letter she received from Brayton & Purcell regarding contract information on the status of an asbestos bill.(80)

## **ADJOURNMENT**

### **Meeting Procedures**

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

**USING LAPTOP COMPUTERS FOR PRESENTATIONS:** Please contact City Hall Media Services at (415) 554-

4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. Agenda are available on the internet at [www.sfgov.org/bdsupvrs.bos.htm](http://www.sfgov.org/bdsupvrs.bos.htm).

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

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

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

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

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



### **Disability access**

The Legislative Chamber 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.

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

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 Frank Darby Jr. 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 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](http://www.sfgov.org/ethics)

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