

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, November 22, 2005

2:00 PM

Regular Meeting

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

Gloria L. Young, Clerk of the Board

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Motion to approve Board Meeting Minutes for October 18, 2005 and October 25, 2005.

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 7

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors

- 1. 051459 [Parking Restrictions] Supervisor McGoldrick**

Ordinance amending the San Francisco Traffic Code by amending Section 3.6.1 to redefine the Downtown Core area, by amending 38.B to prohibit no stopping except for the loading or unloading of passengers or freight in the Downtown Core, by amending 38.B.1 to prohibit no stopping except for the loading or unloading of passengers or freight outside of the Downtown Core, by amending 201.1 to revise the boundaries for Parking Meter Area Number One, and by amending 201.2 to revise the boundaries for Parking Meter Area Number Two.

9/27/2005, RE-REFERRED to City Operations and Neighborhood Services Committee.
11/15/2005, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?
- 2. 051605 [Penalties related to dog licensing] Supervisor Dufty**

Ordinance amending Article 1, Section 41.25 of the San Francisco Health Code by increasing penalties imposed for failing to license a dog or obtain a young dog certificate from not less than \$25 nor more than \$50 to exactly \$100; and making environmental findings.

11/15/2005, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?
- 3. 051606 [Penalties related to vicious and dangerous dogs] Supervisor Dufty**

Ordinance amending Article 1, Section 42.2 of the San Francisco Health Code to transfer authority for registration of vicious and dangerous dogs from the Department of Public Health to the Department of Animal Care & Control, increase the vicious and dangerous dog registration fee from \$50 to \$250, allow for microchipping as an alternative form of permanent identification for dogs, and clarify standards for outdoor enclosures; amending Section 42.3 to adjust hearing deadlines for vicious and dangerous dog hearings; and amending Section 42.4 making a second or subsequent violation within any 12-month period from the initial incident punishable as a misdemeanor, and to allocate dog registration fees

and fines collected for violations of Sections 42 through 42.3 to the Department of Animal Care & Control for enforcement of the vicious and dangerous dog program; and making environmental findings.

11/15/2005, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. 051607 [Mandating the spaying and neutering of pit bulls and prohibiting non-permitted breeding of pit bulls] Supervisor Duffy

Ordinance amending Article 1 of the San Francisco Health Code by: adding Section 43, to define pit bull and to create a procedure for determining breed; adding Section 43.1, to require every pit bull in the City and County of San Francisco to be spayed or neutered unless one of the enumerated exceptions apply; adding Section 43.2, to establish fines of \$100 to \$1000 for failing to spay or neuter, to limit an owner from redeeming an impounded unspayed or unneutered pit bull, to provide a procedure for the Department of Animal Care and Control to spay or neuter a pit bull upon a deposit of \$100 with an ultimate fee of the actual expenses incurred, and to set a fee of \$60 for Animal Care and Control to transport a pit bull to a private veterinarian for spaying or neutering; adding Section 43.3, to allocate fines to the Department of Animal Care and Control; adding Section 43.4 to provide an operative date; adding Section 44, to provide permit requirements for the breeding and/or transferring ownership or possession of pit bull puppies within the City and County of San Francisco; adding Section 44.1, to create a permit procedure including standards for granting or denying a permit and establish a permit fee of \$100; adding Section 44.2, to create a procedure for revoking a permit; adding Section 44.3, to require posting of permit numbers on any offer of sale, trade or adoption and to require permit holders to inform the Department of Animal Care and Control of the number of puppies born and transfer of ownership or possession of puppies; adding Section 44.4, to create fines of \$100 to \$1000 for failure to comply with permit requirements; adding Section 44.5, to allocate fines to the Department of Animal Care and Control; adding Section 44.6, to define exceptions to the breeding permit posting requirements; adding Section 44.7 to provide an operative date; and making environmental findings.

11/15/2005, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Land Use Committee

Present: Supervisors Maxwell, McGoldrick

5. 050496 [Increasing height exemption for elevator penthouses from 10 feet to 16 feet] Supervisor Alioto-Pier

Ordinance amending the San Francisco Planning Code by amending Section 260 to increase the height exemption for elevator penthouses from 10 feet to 16 feet so long as the penthouse is limited to the footprint of the elevator shaft, to require that the design of all elevator penthouses in Residential districts be consistent with the "Residential Design Guidelines," to allow the Zoning Administrator to, after a public hearing, grant further exemptions for buildings with height limits of more than 65 feet where such an exemption is required to meet state or federal laws or regulations, and after providing neighborhood notice, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

11/15/2005, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Alioto-Pier, Mirkarimi, Peskin

6. **051586** **[Settlement of Lawsuit - Microsoft Corporation, et al.]**
Ordinance authorizing settlement of the class-action lawsuit filed by the City and County of San Francisco against Microsoft Corporation for \$1,000,000; the lawsuit was filed on August 27, 2004 in San Francisco Superior Court; entitled City and County of San Francisco, et al., v. Microsoft Corporation, et al.; Microsoft removed the action to federal court and then transferred the action to the United States District Court for the District of Maryland. (City Attorney)

11/15/2005, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?
7. **051811** **[Settlement of Lawsuit - Lucia Wong]**
Ordinance authorizing settlement of the lawsuit filed by Lucia Wong against the City and County of San Francisco for \$440,000; the lawsuit was filed on May 5, 2004 in San Francisco Superior Court, Case No. 431-126 and waiver of San Francisco General Hospital lien. (City Attorney)

11/15/2005, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

8. **051872** **[Adopting findings related to affirming the exemption determination issued for the Medical Cannabis Dispensary Code Amendments]**
Motion adopting findings related to affirming the determination by the Planning Department that the Medical Cannabis Dispensary Code Amendments are exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

(Companion measure to Files 051801, 051802, 051803, 051804, 051747, and 051748.)

Question: Shall this Motion be ADOPTED?

Recommendations of the Budget and Finance Committee

Present: Supervisors Ammiano, Mirkarimi, Elsbernd

9. 051250 [Medical cannabis guidelines and medical cannabis dispensary zoning and permitting] Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 209.3, 217, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 810, 811, 812, 813, 814, 815, 816, 817, and 818, and by adding Sections 790.141, and 890.133, to: define medical cannabis dispensaries; prohibit dispensaries in residential-house, and residential-mixed zoning districts, industrial districts, and certain mixed use districts; prohibit new medical cannabis dispensaries in neighborhood commercial cluster (NC-1) districts; permit dispensaries elsewhere subject to restrictions based on a dispensary's proximity to schools, community centers, and facilities providing substance abuse services that are licensed or certified by the State of California or funded by the Department of Public Health; require adequate ventilation in dispensaries; prohibit the sale or distribution of alcohol at dispensaries; require Planning Department notice to interested individuals and properties within 300 feet of proposed dispensaries; require the Planning Commission to hold a discretionary review hearing on each medical cannabis dispensary application; require dispensaries operating as of April 1, 2005 to obtain a permit within 18 months of the effective date of this legislation or cease operations; require dispensaries beginning operation after April 1, 2005 but before the effective date of this legislation to cease operations; require dispensaries seeking to begin operations after the effective date of this legislation to obtain a permit; require a notice that permits for dispensaries are not intended to and do not authorize the violation of State or Federal law; and make environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan; Amending the San Francisco Health Code by adding Sections 3200 through 3221, to: set medical cannabis possession guidelines; require a permit, business license, and business registration certificate for a medical cannabis dispensary; set out the application process for a medical cannabis permit; set out operating requirements for medical cannabis dispensaries including signage and advertising requirements; and set out the administrative process for imposing penalties and/or permit suspension or revocation for violations; Amending the San Francisco Traffic Code by amending Sections 53 and 132, to create an infraction for double parking in front of a medical cannabis dispensary and set the fine at \$100; and, Amending the San Francisco Business and Tax Regulations Code by amending Section 1, to add Section 1.177, to authorize the Department of Health to issue medical cannabis dispensary permits.

9/27/2005, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing new title.

10/18/2005, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

10/18/2005, CONTINUED. Continued as amended to October 25, 2005.

10/25/2005, CONTINUED. Continued to November 15, 2005

11/15/2005, PASSED ON FIRST READING AS AMENDED.

11/15/2005, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

11/15/2005, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

10. 051747 [Setting a permit application fee and an annual license fee for medical cannabis dispensaries] Supervisor Mirkarimi

Ordinance amending the San Francisco Health Code to add Section 3204 setting an application fee for a medical cannabis dispensary permit and amending the Business and Tax Regulations Code to add Section 249.17 to provide for an annual license fee for permitted medical cannabis dispensaries.

10/18/2005, AMENDED. Amended by replacing "\$6,110 with \$6,691".

10/18/2005, CONTINUED. Continued as amended to October 25, 2005.

10/25/2005, CONTINUED. Continued to November 15, 2005

11/15/2005, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

11. 051748 [Medical cannabis dispensary application fee increase and adjustment of application and annual license fees based on changes in CPI] Supervisor Mirkarimi

Ordinance amending the San Francisco Health Code to amend Section 3204 to provide for adjustments of the application fee for medical cannabis dispensary permits based on changes to the consumer price index and amending the Business and Tax Regulations Code to amend Section 249.17 to provide for adjustments in the medical cannabis dispensaries annual license fees based on changes to the consumer price index.

10/25/2005, CONTINUED. Continued to November 15, 2005

11/15/2005, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

From the Land Use Committee Without Recommendation

Present: Supervisors Maxwell, Sandoval, McGoldrick

12. 051462 [Condominium conversion lottery based on seniority of participation] Supervisors Dufty, Ma

Ordinance amending Subdivision Code Section 1396.1 to prioritize the condominium conversion lottery based on seniority of participation in prior lotteries and making environmental findings.

11/8/2005, CONTINUED.

Question: Shall this Ordinance be PASSED ON FIRST READING?

NEW BUSINESS

From the Land Use Committee Without Recommendation

Present: Supervisors Maxwell, Sandoval

13. 051590 [Designating a portion of Lot 1 in Assessor's Block 1700 (Golden Gate Park), the Music Concourse, as a Landmark under Planning Code Article 10] Supervisors Mirkarimi, Maxwell, Sandoval, Ammiano
- Ordinance designating a portion of Lot 1 in Assessor's Block 1700 (Golden Gate Park), the Music Concourse, as Landmark No. 249, pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code. (Planning Department)
- Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Alioto-Pier, Mirkarimi

14. 051285 [Report of Revenue Recovery for Damage to City Property] Supervisor Maxwell
- Ordinance amending the San Francisco Administrative Code by adding Section 4.26 to require each department to report annually on the value of damage sustained to City real and personal property under its control and the amount of revenue recovered from those responsible for damaging the property.
- Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Alioto-Pier, Mirkarimi, Peskin

15. 051456 [Creating a Foster Care Improvement Task Force] Supervisor Maxwell
- Ordinance amending the San Francisco Administrative Code by adding Sections 5.300 and 5.305 to establish a Foster Care Improvement Task Force charged with implementing the recommendations of the Disproportionality Project, and to examine and address the overrepresentation of African American children in foster care.
- Question: Shall this Ordinance be PASSED ON FIRST READING?

16. 051766 [Confirming the reappointment of Ramon Romero to the San Francisco Redevelopment Agency] Mayor
- Resolution confirming the reappointment of Ramon Romero, term ending September 3, 2009, to the San Francisco Redevelopment Agency.
- Question: Shall this Resolution be ADOPTED?

17. 051722 [Establishing a Select Committee on Ending Gun and Gang Violence Pursuant to Board of Supervisors Rules of Order, Rule 5.26] Supervisors Maxwell, Mirkarimi
- Motion to establish a Select Committee on Ending Gun and Gang Violence pursuant to Board of Supervisors Rules of Order, Rule 5.26.
- Question: Shall this Motion be ADOPTED?

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

SPECIAL ORDER 4:00 P.M.

18. 051886 [Public Hearing - Ordinance adopting the Redevelopment Plan Amendment for the South of Market Earthquake Recovery Redevelopment Project Area]

Hearing to consider the possible adoption of an ordinance approving and adopting findings pursuant to the California Environmental Quality Act and a Statement of Overriding Considerations for the Redevelopment Plan Amendment for the South of Market Earthquake Recovery Redevelopment Project Area; amending Ordinance No. 234-90 to adopt the Redevelopment Plan Amendment for the South of Market Redevelopment Project Area; adopting findings that the Redevelopment Plan Amendment and related documents are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; and authorizing official acts in furtherance of this ordinance. (Clerk of the Board)

Action: _____

Recommendation of the Budget and Finance Committee

Present: Supervisors Ammiano, Mirkarimi, Elsbernd

19. 050871 [Adopting the Redevelopment Plan Amendment for the South of Market Earthquake Recovery Redevelopment Project Area] Mayor, Supervisor Daly

Ordinance approving and adopting findings pursuant to the California Environmental Quality Act and a Statement of Overriding Considerations for the Redevelopment Plan Amendment for the South of Market Earthquake Recovery Redevelopment Project Area; amending Ordinance No. 234-90 to adopt the Redevelopment Plan Amendment for the South of Market Redevelopment Project Area; adopting findings that the Redevelopment Plan Amendment and related documents are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; adopting other findings pursuant to the California Community Redevelopment Law; and authorizing official acts in furtherance of this ordinance.

(Fiscal impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An

appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm.

20. 051740 [Public Hearing - Appeal of Final Mitigated Negative Declaration for 680 Illinois Street/2075 Third Street]

Hearing of persons interested in or objecting to the decision of the Planning Department adopted and issued on September 22, 2005, approving the Final Mitigated Negative Declaration (Case No. 2004.0546E), for the proposed demolition of two concrete warehouse/garage structures at 680 Illinois Street and 550 18th Street and construct one 50-foot tall building consisting of 35 dwelling units, 7,000 square feet of retail/commercial space, and about 41 off-street parking spaces. The project fronts on Illinois, Third and 18th Streets. The project would include a total of 74,012 square feet in five-stories, including four commercial spaces totalling 7,000-gsf on the ground floor - two facing Illinois Street, and one facing 18th and Third Streets. The 50,966-sf residential uses would have open space provided through a second story deck. The 10,580-sf parking garage would be at the ground floor and accessed from Illinois Street. The two warehouse structures located at 680 Illinois Street (or 2075 Third Street) and 550 18th Street are included in the Central Waterfront Cultural Resource Survey, the M-2 Zoning district and a 50-X height and bulk district, Assessors Block 3994, Lots 3 and 7. (Appellant: Mark R. Wolfe, Attorney for Patrick Mulligan, Financial Secretary, Carpenters Union Local 22 and Tom McCarthy, member, Carpenters Union Local 22.)

(Filed 10/19/05; companion measure to Files 051741, 051742, 051743; District 10.)

11/15/2005, CONTINUED. Continued to November 22, 2005

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.)

21. 051741 [Affirm adoption of the final negative declaration for 680 Illinois Street/2075 Third Street]

Motion affirming Planning Commission adoption of the final negative declaration for 680 Illinois Street/2075 Third Street. (Clerk of the Board)

11/15/2005, CONTINUED. Continued to November 22, 2005

Question: Shall this Motion be ADOPTED?

22. 051742 [Reversing adoption of the final negative declaration for 680 Illinois Street/2075 Third Street]

Motion reversing the Planning Commission adoption of the final negative declaration for 680 Illinois Street/2075 Third Street. (Clerk of the Board)

11/15/2005, CONTINUED. Continued to November 22, 2005

Question: Shall this Motion be ADOPTED?

23. 051743 [Preparation of findings to reverse adoption of the final negative declaration for 680 Illinois Street/2075 Third Street]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final negative declaration for 680 Illinois Street/2075 Third Street. (Clerk of the Board)

11/15/2005, CONTINUED. Continued to November 22, 2005

Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 4:00 P.M.

24. 051222 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 899 North Point Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 22, 2005, exempting from environmental review under Categorical Exemption, State CEQA Guidelines Sections 15303(b) and General Rule Exclusion, under CEQA Guidelines Section 15061(b)(3). The proposed project would involve the demolition of a vacant gas station building, approximately 1,650 square feet in size, and construction of a four-story, five-unit residential building. The proposed project would provide seven off-street parking spaces on the ground floor. Entrance and access to the residential units would be from Larkin Street and vehicular entrance and access would be from North Point Street. The project site at 899 North Point Street (Assessor's Block 0026, Lot 020) is approximately 5,469 square feet in size and located on the southeastern corner of North Point and Larkin Streets in the Russian Hill neighborhood on the block bounded by Larkin, North Point, Hyde and Bay Streets. The project site is zoned RH-3 (Residential, House, Three-Family) and is within a 40-X height and bulk district. The project site is also located in the Waterfront Special Use District No. 2, per Section 240.2 of the San Francisco Planning Code. (Appellant: Stephen M. Williams.)

(Filed June 17, 2005; companion measure to Files 051223, 051224, 051225; District 2.)

7/26/2005, CONTINUED. Continued to August 9, 2005

8/9/2005, CONTINUED. Continued to September 20, 2005

9/20/2005, CONTINUED. Continued to October 11, 2005

10/11/2005, CONTINUED. Continued to October 25, 2005

10/25/2005, CONTINUED. Continued to November 22, 2005

Action: _____

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

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

- 25. 051223 [Affirming the categorical exemption issued for 899 North Point Street]**
Motion affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
- 7/26/2005, CONTINUED. Continued to August 9, 2005
8/9/2005, CONTINUED. Continued to September 20, 2005
9/20/2005, CONTINUED. Continued to October 11, 2005
10/11/2005, CONTINUED. Continued to October 25, 2005
10/25/2005, CONTINUED. Continued to November 22, 2005
- Question: Shall this Motion be ADOPTED?**
- 26. 051224 [Disapproving the categorical exemption issued for 899 North Point Street]**
Motion disapproving the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
- 7/26/2005, CONTINUED. Continued to August 9, 2005
8/9/2005, CONTINUED. Continued to September 20, 2005
9/20/2005, CONTINUED. Continued to October 11, 2005
10/11/2005, CONTINUED. Continued to October 25, 2005
10/25/2005, CONTINUED. Continued to November 22, 2005
- Question: Shall this Motion be ADOPTED?**
- 27. 051225 [Preparation of findings related to the categorical exemption issued for 899 North Point Street]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
- 7/26/2005, CONTINUED. Continued to August 9, 2005
8/9/2005, CONTINUED. Continued to September 20, 2005
9/20/2005, CONTINUED. Continued to October 11, 2005
10/11/2005, CONTINUED. Continued to October 25, 2005

Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 4:30 P.M.

28. 051492 [Public Hearing - Conditional Use Appeal for 1353 - 1355 Bush Street ("MUSIC CITY")]

Hearing of persons interested in or objecting to the Planning Commission by its Motion No. 17063 dated July 14, 2005 authorizing a conditional use authorization pursuant to Application No. 2004.0130CV subject to certain conditions, for a use size in excess of 3,000 square feet, for a music training facility ("MUSIC CITY"), with a full-service restaurant and bar, with live entertainment, also requiring a variance for off-street parking and usable open space (pursuant to conversion of "Tourist" hotel rooms to "Residential" hotel rooms), in the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District, on property located at 1353-1355 Bush Street, south side between Larkin and Polk Streets, with additional frontage on Fern Street; Lot 13, Assessor's Block 669. (Appellant: Robert Garcia, on behalf of Save our Streets).

(Filed August 15, 2005; companion measure to Files 041493, 041494, 041495; District 3.)

Action: _____

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

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

29. 051493 [Approving Planning Commission decision related to Conditional Use Appeal for 1353-1355 Bush Street]

Motion approving decision of the Planning Commission by its Motion No. 17063, approving Conditional Use Application 2004.0130CV on property located at 1353-1355 Bush Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

30. 051494 [Disapproving Planning Commission decision related to Conditional Use Appeal for 1353-1355 Bush Street]

Motion disapproving decision of the Planning Commission by its Motion No. 17063, approving Conditional Use Application 2004.0130CV on property located at 1353-1355 Bush Street. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

31. 051495 [Preparation of findings related to the Conditional Use

Appeal for 1353-1355 Bush Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2004.0130CV on property located at 1353-1355 Bush Street, for action by the Board at its next meeting. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 5:00 P.M.

32. 051780 [Public Hearing - Appeal of Tentative Parcel Map for 554 Valley Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated October 20, 2005, approving the Tentative Parcel Map for a 2-lot subdivision project located at 554 Valley Street, Lot 081 in Assessor's Block No. 6611. (Appellant: Betty Jean Wilkinson).

(Filed October 28, 2005; companion measure to Files 051781, 051782, 051783; District 8.)

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Parcel Map 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.)

33. 051781 [Approving decision of the Director of Public Works and approving the Tentative Parcel Map for 554 Valley Street]

Motion approving the decision of the Director of Public Works, approving the Tentative Parcel Map for a 2-lot subdivision project located at 554 Valley Street, Lot 081 in Assessor's Block 6611, and making environmental and General Plan findings. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

34. 051782 [Disapproving decision of the Director of Public Works and disapproving the Tentative Parcel Map for 554 Valley Street]

Motion disapproving the decision of the Director of Public Works and disapproving the Tentative Parcel Map for a 2-lot subdivision project located at 554 Valley Street, Lot 081 in Assessor's Block 6611. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

35. **051783** **[Preparation of findings related to the Tentative Parcel Map appeal for 554 Valley Street]**
Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Parcel Map for a 2-lot subdivision located at 554 Valley Street, Lot 081 in Assessor's Block 6611. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

SPECIAL ORDER 5:30 P.M.

36. **051784** **[Public Hearing - Conditional Use Appeal for 80 West Portal Avenue]**
Hearing of persons interested in or objecting to the Planning Commission by its Motion No. 17117 dated October 6, 2005 (Case No. 2005.0698C), approving, subject to certain conditions, a conditional use authorization pursuant to Planning Code Section 729.53 to establish mortgage brokerage as a business or professional service (Guarantee Mortgage), in a vacant ground floor commercial space approximately 2,318 gross square feet in the West Portal Avenue Neighborhood Commercial District and 26-X Height and Bulk District, on property located at 80 West Portal Avenue, Lot 008, in Assessor's Block 2931. (Appellant: Kenneth D. Kruszka, representing the Greater West Portal Neighborhood Association).
(Filed November 1, 2005; companion measure to Files 051784, 051785, 051786, 051787; District 7.)

Action: _____

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

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

37. **051785** **[Approving Planning Commission decision related to Conditional Use Appeal for 80 West Portal Avenue]**
Motion approving decision of the Planning Commission by its Motion No. 17117, approving Conditional Use Application 2005.0698C on property located at 80 West Portal Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

38. **051786** **[Disapproving Planning Commission decision related to Conditional Use Appeal for 80 West Portal Avenue]**
Motion disapproving decision of the Planning Commission by its Motion No. 17117, approving Conditional Use Application 2005.0698C on property located at 80 West Portal

Avenue. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

39. 051787 [Preparation of findings related to the Conditional Use Appeal for 80 West Portal Avenue]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2005.0698C on property located at 80 West Portal Avenue, for action by the Board at its next meeting. (Clerk of the Board)

Question: Shall this Motion be ADOPTED?

COMMITTEE REPORTS

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

The following item will be considered by the Budget and Finance Committee at a Regular Meeting on Thursday, November 17, 2005 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, November 22, 2005.

40. 051823 [Multifamily Housing Revenue Bonds - Alabama Street Family/Senior Housing] Supervisor Daly

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed \$33,000,000 for Alabama Street Family/Senior Housing; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$33,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

Question: Shall this Resolution be ADOPTED?

The following item will be considered by the Government Audits and Oversight Committee at a Special Meeting on Monday, November 21, 2005 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, November 22, 2005.

41. 051887 [Amendments to Administrative Code Section 10B] Supervisor Peskin

Ordinance amending section 10B.2 of the Administrative Code to eliminate the provisions allowing the Mayor to waive payment for services under this chapter, and amending section 10B.20 of the Administrative Code to provide that any person, firm or corporation who receives a permit under section 10B and who is in arrears more than 90 days for payment

required shall not be eligible for a future permit.

Question: Shall this Ordinance be PASSED ON FIRST READING?

42. **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.

43. **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.

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.

44. **051791 [Legislative Analyst Request - First-time homebuyer prequalification programs] Supervisor Ma**

Motion requesting the Legislative Analyst to identify and describe current first-time homebuyer prequalification programs, review the best practices and analyze the feasibility of adopting a program in conjunction with the City and County of 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 45 through 52

50. 051790 [Needle Exchange Emergency] Supervisors Ammiano, Daly,
Peskin, McGoldrick, Maxwell,
Dufty, Mirkarimi

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

11/15/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

51. 051867 [Final Map for a 20 Unit Residential Condominium Project - 900 Gilman Avenue]

Motion approving Final Map of 900 Gilman Avenue, a Residential Condominium Project, being a subdivision of Lot 019 in Assessor's Block No. 4936, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,721; District 10.)

11/10/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

52. 051868 [Final Map for a 5 Unit Commercial/Residential Condominium Project - 5700 Mission Street]

Motion approving Final Map of 5700 Mission Street, a Commercial/Residential Condominium Project, being a subdivision of Lot 001 in Assessor's Block No. 7109, and adopting findings pursuant to Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 175,722; District 11.)

11/10/2005, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be ADOPTED?

*Questions on the For Adoption Without Committee Reference
Agenda: _____*

53. 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 November 8, 2005 through November 14, 2005, for reference by President to appropriate committee on November 22, 2005.

051871 [Settlement of Lawsuit - Kristen Odlaug v. City and County of San and Robert Palu]

Ordinance authorizing settlement of the lawsuit filed by plaintiff Kristen Odlaug against the City and County of San Francisco for payment of \$400,000, including all damages, attorneys' fees and costs; the lawsuit was filed on April 13, 2004, in San Francisco Superior Court, Case No. 430-509, entitled Kristen Odlaug v. City and County of San and Robert Palu.

11/14/2005, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from November 8, 2005 through November 14, 2005, for reference by President to appropriate committee on November 22, 2005.

051840 [Contract funds from a new primary contractor to evaluate the impact of a resource center for drug users, Year 3]

Resolution authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (SFDPH,CBHS), to enter retroactively into Year 3 of an agreement with a new primary contractor, the Research Triangle Institute (RTI), and expend funds in the amount of \$6,004 to provide research evaluation services; for the period of July 1, 2005 to December 31, 2005. (Public Works Department)

11/9/2005, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

051869 [Approval of Port Lease with Miller Kelly Architects, Inc. at the Roundhouse One Building located at 150 Sansome Street]

Resolution approving Lease between the San Francisco Port Commission and Miller Kelly Architects, Inc., a California corporation, dba MK Think for the lease of the Roundhouse One Building located at 150 Sansome Street, for a term of ten (10) years and one hundred eighty (180) days with one (1) option to renew for an additional five (5) years. (Port)

11/10/2005, RECEIVED AND ASSIGNED to Budget and Finance Committee.

051905 [Petitions and Communications]

Petitions and Communications received from November 8, 2005 through November 14, 2005, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on November 22, 2005.

From Department of Public Works, submitting notice that appellants' signature with respect to 80 West Portal Avenue represent owners of more than 20% of the area involved and is therefore sufficient for appeal. File 051784(1)

From the Treasury Oversight Committee, submitting notice that the Treasury Oversight Committee met twice during 2005, first on April 7, 2005 and again on October 21, 2005.(2)

From Joan Goodman Zimmerman, regarding the square footage of the former Goodman Lumber store on Bayshore Boulevard. File 051445, Copy: Each Supervisor(3)

From Sue Hestor, submitting support for appeal of proposed site of a Home Depot store at 491 Bayshore Boulevard. File 051447, Copy: Each Supervisor (4)

From Greater West Portal Neighborhood Association, submitting support for the concept of the proposed Better Neighborhoods Plan legislation. File 050601, Copy: Each Supervisor(5)

From Cassidy, Shimko & Dawson, regarding revisions to the Home Depot project application. File 051445, Copy: Each Supervisor(6)

From Planning Department, regarding appeal of the General Rule Exclusion for the Medical Cannabis Dispensary Code Amendments. File 051250, Copy: Each Supervisor, City Attorney(7)

From Office of the Treasurer, submitting the investment activity (for fiscal year to date) of the portfolios under the Treasurer's management.(8)

From Department of Parking and Traffic, reporting on the feasibility of installing bulb-out curb extensions at the intersection of Fell and Broderick Streets, adjacent to the new Broderick Plaza. (Reference No. 20050906-003) Copy: Supervisor Mirkarimi(9)

From Department of Public Works, reporting on the status of removing graffiti at various locations. (Reference No. 20051018-006) Copy: Supervisor Mirkarimi(10)

From Department of Public Works, reporting on the status of repairing potholes at 590 and 710 Steiner Streets. (Reference No. 20051018-007) Copy: Supervisor Mirkarimi(11)

From Department of Public Works, reporting on the status of removing graffiti on the mailboxes at Grove Street and Octavia Boulevard, Grove Street and Laguna Street and the Green box and light post near Oak and Scott Streets. (Reference No. 20051025-002) Copy: Supervisor Mirkarimi(12)

From Building Inspection Commission, submitting copy of response sent to Presiding Judge Robert Dondero regarding the recent Continuity Report.(13)

From Clerk of the Board, regarding passage of Proposition H "Firearm Ban" passed by San Francisco voters November 2005.(14)

From Edith McMillan, submitting copy of letter sent to the Mayor regarding mistaken ownership of property.(15)

From Municipal Transportation Agency, regarding safety on the N-Judah and L-Taraval Metro lines. (Reference No. 20051011-001) Copy: Supervisor Ma(16)

From Municipal Transportation Agency, regarding the feasibility of establishing motorcycle parking on the north end of Hayes Green. (Reference No. 20051018-013) Copy: Supervisor Mirkarimi(17)

From Public Utilities Commission, submitting request in expediting release of reserved funds \$16,875,000 for the Power Enterprise's capital project budget. (18)

From Office of Emergency Services & Homeland Security, responding to request for a full investigation into the fire at 359 Capp Street on September 15, 2005. (Reference No. 20050920-014) Copy: Supervisor Ammiano(19)

From SF General Hospital, submitting request for waiver of Chapters 12B and 12C of the Administrative Code for Sara Lee Bakery Group.(20)

From Recreation and Park Department, submitting the 1st quarter report in response to the requirements of the Lead Poisoning Prevention legislation.(21)

From concerned citizens, commenting on the recent passage of Prop H, the ban on handguns in San Francisco.(22)

From concerned citizens, urging the Board to approve landmark status for the Music Concourse in Golden Gate Park with protection for the bandshell and the grid of pollard trees.File 051590(23)

From concerned citizens, submitting support for enforcement of the leash law in the Golden Gate National Recreation Area.(24)

From Shawn Roberts, regarding dog licensing enforcement.File 051607, Copy: Each Supervisor(25)

From concerned citizens, regarding comments made about San Francisco by talk show host Bill O'Reilly.(26)

From Department of Parking and Traffic, regarding request made for ensuring the maintenance of sidewalks. (Reference No. 20051108-005) Copy: Supervisor Mirkarimi(27)

From concerned citizens, urging the Board of Supervisors to guarantee safe access for all

medical cannabis patients by supporting regulations that allow dispensaries to operate responsibly through all districts of San Francisco. File 051250(28)

From United States Department of the Interior, submitting notice that the U.S. Fish and Wildlife Service published a notice in the Federal Register of intent to conduct 5-year reviews of 31 species in California and Nevada currently listed as endangered or threatened under the Endangered Species Act.(29)

From Joseph O'Shea, submitting copy of letter sent to Greg Fortner regarding alleged incompetence and lack of strong supervision of Senior Development Custodians and Maintenance crew.(30)

From Michael Nulty, regarding lack of response from City representatives about various concerns from residents of District 6. Copy: Supervisor Daly(31)

From Liaison to District 6, submitting copy of letter sent to Mr. Nulty regarding response to various concerns from residents of District 6. Copy: Supervisor Daly(32)

From Phoebe Williams, regarding change in her prescription drug coverage.(33)

From Florence Fung, submitting request for information and investigation into posting religious symbols, chain fence location and removal, noise reduction and graffiti removal along the 900 block of Ulloa Street.(34)

From David Agostino, concerning the increase in the homeless population in the outer Sunset district of San Francisco.(35)

From Peter Pisciotta, urging the Board to urge the Department of Parking and Traffic to enforce the 2-hour parking zones on the side streets near 3rd/4th & Folsom (across Folsom from Moscone Center - Mabini, Lapu Lapu and Rizal Streets) especially on weekends.Copy: Supervisor Daly(36)

From Dana Smith, submitting request to file an injunction against the SFSPCA Feral Cat Assistance Program.(37)

From concerned citizens, submitting support for the proposed Home Depot store on Bayshore Boulevard.File 051445(38)

From Russian Hill Community Association, regarding appeal of Categorical Exemption for proposed project at 1135-1139 Green Street. File 051858(39)

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.

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