

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

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

MEETING MINUTES

Tuesday, November 22, 2005 2:00 PM

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

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, FIONA MA, SOPHIE MAXWELL,
JAKE MCGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Ammiano, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Ammiano, Maxwell, Ma, Commissioners Chin, Commissioner Kelly, Commissioner Wynn

City Operations and Neighborhood Services Committee

Supervisors McGoldrick, Dufty, Ma

Government Audit and Oversight Committee

Supervisors Peskin, Elsbernd, Daly

Land Use Committee

Supervisors Maxwell, Sandoval, McGoldrick

Rules Committee

Supervisors Alioto-Pier, Mirkarimi, Peskin

Meeting Days

Thursday
1:30 PM

2nd Monday (Bi-monthly)
3:30 PM

1st and 3rd Monday
10:30 AM

2nd and 4th Monday
1:00 PM

Wednesday
1:00 PM

Wednesday
10:00 AM

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

Volume 100 Number 41

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum.

APPROVAL OF MEETING MINUTES

Supervisor Ammiano, seconded by Supervisor Maxwell, moved to approve the October 18, 2005 and October 25, 2005 Meeting Minutes. The motion carried by the following vote:

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

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

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.

Ordinance No. 270-05
FINALLY PASSED

**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.

Ordinance No. 266-05
FINALLY PASSED

**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.

Ordinance No. 267-05
FINALLY PASSED

**051607 [Mandating the spaying and neutering of pit bulls and prohibiting non-permitted breeding of pit bulls]
Supervisor Dufty**

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.

Ordinance No. 268-05
FINALLY PASSED

Recommendation of the Land Use Committee

**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.

**Ordinance No. 269-05
FINALLY PASSED**

Recommendations of the Rules Committee

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)

**Ordinance No. 272-05
FINALLY PASSED**

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)

**Ordinance No. 274-05
FINALLY PASSED**

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

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.)

Motion No. M05-147

APPROVED by the following vote:

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

Recommendations of the Budget and Finance Committee**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.

Ordinance No. 275-05

FINALLY PASSED by the following vote:

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

**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.

Ordinance No. 271-05

FINALLY PASSED by the following vote:

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

**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.

Ordinance No. 273-05

FINALLY PASSED by the following vote:

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

From the Land Use Committee Without Recommendation

**051462 [Condominium conversion lottery based on seniority of participation]
Supervisors Dufty, Ma, Alioto-Pier**

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.

Supervisor Dufty, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

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

Supervisor Alioto-Pier requested to be added as a co-sponsor.

RE-REFERRED to the Land Use Committee by the following vote:

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

NEW BUSINESS

From the Land Use Committee Without Recommendation**Appointment of President Pro Tempore**

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

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, Daly

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)

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Rules Committee

051285 [Report of Revenue Recovery for Damage to City Property]

Supervisor Ma

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.

Supervisor Ma, seconded by Supervisor Duffy, moved that this Ordinance be AMENDED. The motion carried by the following vote:

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

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Duffy, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Absent: 1 - Maxwell

Supervisor Maxwell was noted present 2:24 p.m.

Supervisors Duffy and McGoldrick were noted absent at 3:40 p.m.

**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.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Absent: 2 - Duffy, McGoldrick

**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.

Resolution No. 822-05

ADOPTED by the following vote:

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

**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, Ma**

Motion to establish a Select Committee on Ending Gun and Gang Violence pursuant to Board of Supervisors Rules of Order, Rule 5.26.

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

Motion No. M05-146

APPROVED by the following vote:

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

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

Privilege of the Floor

Supervisor Ma, seconded by Supervisor Maxwell, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

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

Supervisor Ma introduced, welcomed and presented a Certificate of Honor to members of the CalWIN .IT Team from the Department of Human Services.

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

Marcia Rosen, Executive Director, Redevelopment Agency, Mike Grisso, Redevelopment Agency presented a presentation on the South of Market Redevelopment Agency Plan.

The President inquired as to whether or not any member of the public wished to address the Board members.

Mrs. Genie Bowie, concerned about not being included in the process

Antoinetta III, support of proposed plan, Karl Olson, attorney for the Chronicle, opposed to the proposed plan, Richard Strong, expressed concern with the project, Henry Karnilowicz, support of the proposed plan, Gerry Gunn, expressed concern for lack of notification to homeowners; Jeoflin D. Roh, support of proposed plan, Male speaker, support of proposed plan, Brian Egg, concern with property owner participation and notification, Bill Wang, concerned with proposed project, Wilma Parker, Marty Cerles, support of proposed plan;

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

Recommendation of the Budget and Finance Committee**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.)

PASSED ON FIRST READING by the following vote:

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

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

The President inquired as to whether or not any member of the public wished to address the Board members. Janet Carpinelli, Dogpatch Neighborhood Association, Appellant

Sue Hestor, support of appellant

Larry Badiner, Planning Department Representative

John Sanger, Attorney for the project sponsor informed the Board that an agreement has been made and requested the Board to deny the appeal.

Bill Schwartz, support of project sponsor

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

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.)**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)

Motion No. M05-145

Supervisor Maxwell, seconded by Supervisor Ma, moved that this Motion be **APPROVED**. The motion carried by the following vote:

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

Absent: 1 - Mirkarimi

- 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)

Supervisor Maxwell, seconded by Supervisor Ma, moved that this Motion be TABLED. The motion carried by the following vote:

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

- 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)

Supervisor Maxwell, seconded by Supervisor Ma, moved that this Motion be TABLED. The motion carried by the following vote:

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

SPECIAL ORDER 4:00 P.M.

- 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 involving 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.)

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

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

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.)

Supervisors Daly and Maxwell were noted absent at 5:22 p.m.

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)

Motion No. M05-144

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be **APPROVED**. The motion carried by the following vote:

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

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)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be **TABLED**. The motion carried by the following vote:

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

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)

Motion No. M05-138

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be **APPROVED**. The motion carried by the following vote:

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

SPECIAL ORDER 4:30 P.M.

Supervisor Ammiano was noted absent at 5:35 p.m.

Supervisor McGoldrick was noted absent at 5:39 p.m.

Supervisor McGoldrick was noted present at 5:42 p.m.

Supervisor Daly was noted present at 5:45 p.m.

Supervisor Sandoval was noted absent at 6:55 p.m.

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.)

The President inquired as to whether or not any member of the public wished to address the Board members.

Robert Garcia, Save Our Streets, Appellant

David Fong, Architect

Robert Edmonson, On Lok Association; support of appellant

Thomas Ferriole, support of appellant

Daniel Markarian, Save Our Streets; support of appellant

Eleanor Errante, On Lok Association; support of appellant

Anne Lawrence, On Lok Association; support of appellant

Wanda Chin, On Lok Association; support of appellant

Sue Wong, On Lok Association; support of appellant

Christina Chan, On Lok Association; support of appellant

Susanna Chan, On Lok Association; support of appellant

Dwight Munson, Halsted Funeral Home; support of appellant

Greg Nikitas, Planning Department reviewed the Planning Department's recommendation.

Scott Emblede, Attorney for Project Sponsor, Rudy Colombini

Robert Alvarado, Charles Salter Associates

Randy Shaw, Tenderloin Housing; support of project sponsor

Bill Thompson, Manager, Jefferson Airplane; support of appellant

Lee Housekeeper; SF Stories; support of project sponsor

Theo McKinney; support of project sponsor

Keith Bollinger; support of project sponsor

David Brown; support of project sponsor

Peggy Dohrman, Loews Theaters; support of project sponsor

Gordon Grislan; support of project sponsor

Jon Hendricks; support of project sponsor

Sandra Smith; support of project sponsor

Alex Clemens; support of project of sponsor

Reverend Ray Richardson; support of project sponsor

Robert Garcia, Appellant, rebuttal period.

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

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.)

- 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)

Motion No. M05-143

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

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

- 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)

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

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

- 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)

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

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

SPECIAL ORDER 5:00 P.M.

- 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.)

The President inquired as to whether or not any member of the public wished to address the Board members.

Betty Jean Wilkinson, Appellant requested a continuance.

There was no motion made to continue this matter.

Betty Jean Wilkinson, Appellant

Bruce Storrs, Department of Public Works and Barbara Moy, Dan Sider, Planning Department and John Malamut, Deputy City Attorney reviewed with the Board Members DPW's recommendation and permit process.

John Sanger, Attorney for project sponsor.

Betty Jean Wilkinson, Appellant rebuttal period.

The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

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.)

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)

Motion No. M05-142

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

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

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)

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

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

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)

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

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

SPECIAL ORDER 5:30 P.M.

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.)

Continued to December 6, 2005

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

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

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

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

Continued to December 6, 2005

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

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

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)

Continued to December 6, 2005

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

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

- 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)

Continued to December 6, 2005

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

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

COMMITTEE REPORTS

- 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).

Resolution No. 817-05

ADOPTED by the following vote:

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

- 051887 [Amendments to Administrative Code Section 10B]**
 Supervisors Peskin, Mirkarimi

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 street closure permit while being in arrears more than 90 days for payment required shall not be eligible for a future permit.

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

PASSED ON FIRST READING by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

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.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to suspend the Rules of Order of the Board of Supervisors.

Motion to suspend the Rules of Order of the Board of Supervisors passed without objection.

Rubin David Goodman; showed interest in the youth in San Francisco

Abdullah Megaheed; expressed concern with the Iraq War

Walter Paulsen; showed interest with general issues

Yolando Consulto; expressed concern with general assistance workers payment and in support of the Living Wage Ordinance

Bruce Allison, support of Living Wage Ordinance

Rich Strong; expressed concern with the census taking process

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.

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.

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

Absent: 2 - Ammiano, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

051892 [Bill O'Reilly]
Supervisors Daly, Maxwell, Mirkarimi, Peskin, Ammiano

Resolution urging Fox News Corporation and Westwood One to terminate the employment of news show host Bill O'Reilly for speech condoning acts of terrorism.

Resolution No. 818-05

ADOPTED

051893 [Urging Federal Communications Commission to closely examine KNEW 910 AM license renewal application]
Supervisor Daly

Resolution urging the Federal Communications Commission to closely examine radio station KNEW 910 AM's license renewal application in light of a public petition from Media Alliance, the Youth Media Council and Accion Latina to deny KNEW's application for breach of "the public interest".

Resolution No. 819-05

ADOPTED

051894 [Hepatitis Screening Month]
Supervisors Ma, Dufty

Resolution declaring November 2005 to be "Hepatitis Screening Month" in the City and County of San Francisco.

Resolution No. 820-05

ADOPTED

051895 [Commending Congresswoman Nancy Pelosi and San Francisco Businessman Lou Giraudo]
Supervisors Peskin, Elsbernd, Alioto-Pier, McGoldrick, Ma

Resolution commending Congresswoman Nancy Pelosi and San Francisco businessman Lou Giraudo for their roles in the resolving the labor dispute between SEIU United Healthcare Workers -- West and the California Pacific Medical Center (CPMC) in San Francisco and St. Luke's.

Supervisors Elsbernd, Alioto-Pier, McGoldrick and Ma requested to be added as co-sponsors.

Resolution No. 821-05

ADOPTED

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.

Motion No. M05-141

APPROVED

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.)

Motion No. M05-140

APPROVED

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.)

Motion No. M05-139

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the Without Reference to Committee Agenda

Supervisor Ammianno requested that this matter be severed so that it could be considered separately

051891 [Bartlett Garage Contract]
Supervisor Ammiano

Resolution urging the Board of Directors of the San Francisco Metropolitan Transportation Agency to delay finalizing the Bartlett Garage contract and to consider dividing the contract between Mission Economic Development Association, a Mission District-based non-profit organization, and Pacific Park Management.

Supervisor Ammiano, seconded by Supervisor Daly, moved that this Resolution be TABLED. The motion carried by the following vote:

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

OFF-AGENDA LEGISLATION

Introduced by Supervisors or Mayor

Ordinances

- 051901 [Requiring City departments to bill private parties who contract for additional police, street-cleaning, and traffic control services within 30 days, and to extend the deadline for payment from 10 to 14 days]
Supervisor Alioto-Pier**

Ordinance amending the San Francisco Administrative Code by amending Sections 10B.2, 10B.12, and 10B.17, to require City departments to submit a bill within 30 days to private parties who contract for additional police, street-cleaning, and traffic control services, and to extend the deadline for payment from 10 to 14 days.

11/22/05, ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 12/22/2005.

- 051902 [Aggressive union busting tactics in San Francisco]
Supervisor McGoldrick**

Hearing on the aggressive union busting tactics used during recent labor struggles in San Francisco and the San Francisco region.

11/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 051903 [Paratransit Reimbursement – Taxi Meter Rates]
Supervisor Alioto-Pier**

Ordinance amending Article 16, Section 1137.5 of the San Francisco Police Code to extend the taxi meter rate offset for the paratransit program to December 31, 2007.

11/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 051907 [Minimum Compensation Ordinance]
Supervisors Ammiano, McGoldrick, Mirkarimi**

Ordinance amending the San Francisco Administrative Code by amending Sections 12P.2, 12P.3, 12P.4, 12P.5, 12P.6, 12P.7 and 12P.8, and by adding Sections 12P.5.1, 12P.6.1 and 12P.6.2, to amend the Minimum Compensation Ordinance by making both substantive and clarifying changes with respect to: the obligations imposed on Contractors; notification, investigation, auditing, inspection, enforcement and settlement procedures; the withholding of contract payments; provisions relating to waivers; certain definitions, including the definition of Covered Employees; an increase in the hourly wage rate for all employees; the assessment of liquidated damages; and the process for determining whether a Contractor has violated the Ordinance and for the administrative appeal of such determinations.

(Fiscal impact.)

11/22/05, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 12/22/2005.

**051908 [Health Care Accountability Ordinance]
Supervisors Ammiano, McGoldrick**

Ordinance amending the San Francisco Administrative Code by amending Sections 12Q.2.1, 12Q.2.2, 12Q.2.9, 12Q.3, 12Q.4, 12Q.5 and 12Q.6, and adding Sections 12Q.5.1 and 12Q.5.2, to: change the requirements of the Health Care Accountability Ordinance with respect to health benefit plans, exemptions for certain categories of employees and agreements, and the payment rates due from employers; authorize the Health Commission to increase the payment rates; authorize the withholding of contract payments; make both substantive and clarifying changes with respect to obligations imposed on Contracting Parties for notification, investigation, auditing, inspection, enforcement, and settlement procedures; revise procedures for the assessment of liquidated damages; establish a process for determining violations and for the administrative appeal of such determinations; and ratify certain administrative actions.

(Fiscal impact.)

11/22/05, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 12/22/2005.

**051916 [Increasing liquidated damages and civil penalty provisions from up to \$2,500.00 to up to \$5,000.00 for violations of the First Source Hiring Program]
Supervisor Mirkarimi**

Ordinance amending the San Francisco Administrative Code by amending sections 83.10 and 83.12 of the First Source Hiring Program to increase the liquidated damages and civil penalty provisions from up to \$2,500.00 to up to \$5,000.00 for every new hire for an entry level position improperly withheld from the first source hiring process.

11/22/05, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 12/22/2005.

**051917 [Amending Community Court Program Administrative Fee]
Supervisor Daly**

Draft ordinance repealing Administrative Code Sections 10.100-95 and 10.183 to authorize the District Attorney to collect Administrative Fees from persons who are determined by the District Attorney to be eligible for the community courts program.

11/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**051919 [San Francisco Health Care Security Ordinance]
Supervisors Ammiano, Daly**

Ordinance amending the San Francisco Administrative Code by adding Sections 14.1 through 14.10, to require that employers operating within San Francisco make health expenditures on behalf of employees, set penalties and provide for enforcement, and creating a health security task force to analyze among other related issues, the desirability and feasibility of imposing a fee on employers to provide health care for employees.

11/22/05, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 12/22/2005.

06/23/06 - Economic Impact Report received.

**051920 [Granting parking privileges on Baker Street for official vehicles of the Russian Consulate]
Supervisor Alioto-Pier**

Ordinance amending Section 32.6.30 of the San Francisco Traffic Code to grant parking privileges for official vehicles of the Russian Consulate along fifty three feet of the east side of Baker Street near the corner of Green Street.

12/13/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3094.)

11/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 01/06/06- Parking and Traffic notified to post notices in affected locations and ad place in the 1/11/06 edition of the SF Chronicle for the 1/23/06 meeting date.

01/19/06 - Parking and Traffic notified to post notices in affected locations and ad placed in the 1/24 edition of the SF Chronicle for the 2/6/06 meeting date.

**051921 [Planning Code - Protection of significant trees in the public right-of-way and on private property within Telegraph Hill Historic District]
Supervisor Daly**

Draft Ordinance amending Planning Code by amending Appendix G, Article 10, Section 6 and Section 7(c)(2) to add certain criteria for the removal or significant alteration of trees in public rights-of-way or on privately-owned property.

11/22/05, RECEIVED AND ASSIGNED to Land Use Committee.

**051924 [Establishing Maximum Work Hours For General Assistance Programs]
Supervisors McGoldrick, Ammiano**

Ordinance amending Chapter 20, Article VII, to add Section 20.58.6 to provide that the maximum number of hours the Department may require General Assistance recipients to work shall be calculated by dividing the Maximum Monthly Assistance Grant under Section 20.57 of this Chapter by the hourly wage rate established under Section 12P.3(b)(3) of the Administrative Code and by amending Chapter 20, Article VIII, Section 20.77.6 to provide that the maximum number of hours of activities the Department of Human Services may require of participants in the Personal Assisted Employment Service Program shall be calculated by dividing the Maximum Monthly Assistance Grant by the Minimum Compensation Wage Rate.

11/22/05, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 12/22/2005.

**050494 [Moratorium on Condominium Conversions]
Supervisor Daly**

Ordinance amending Section 1396 of the Subdivision Code to impose a moratorium on condominium conversions others than those performed by a qualifying community land trust until the City and County of San Francisco studies the impact of "tenancy in common" condominium conversions on the City's rental housing stock and the impact of such conversions on the policies of the San Francisco Subdivision Code; and making environmental findings.

3/22/05, RECEIVED AND ASSIGNED to Land Use Committee.

4/5/05, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.

4/5/05, ASSIGNED to Land Use Committee.

4/12/05, REFERRED TO DEPARTMENT. Referred to Department of Public Works for review and comments.

5/30/05, FILED PURSUANT TO RULE 5.37.

11/1/05, FILED PURSUANT TO RULE 5.37.

11/22/05, REACTIVATED PURSUANT TO RULE 5.23. Supervisor Daly requested this matter be reactivated.

11/22/05, ASSIGNED to Land Use Committee.

**051685 [Increasing the requirements of the Inclusionary Affordable Housing Program.]
Supervisor Daly**

Ordinance amending Planning Code Sections 315.1, 315.2, 315.4 and 315.5 related to the Inclusionary Affordable Housing Program to increase the percentage of affordable housing required for all residential developments of 10 units or more, and to adjust the way low and median income is calculated from a method using Metropolitan Statistical Area calculations to City and County of San Francisco calculations; and making findings including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

10/11/05, RECEIVED AND ASSIGNED to Land Use Committee.

10/14/05, REFERRED TO DEPARTMENT. Referred to City Attorney's Office to be approved as to form.

11/22/05, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance approved as to form, bearing new title.

11/22/05, ASSIGNED to Land Use Committee.

Resolutions

**051909 [Grant for mosquito control to reduce the threat of West Nile virus]
Supervisors Ma, Dufty**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of \$175,426.20 from the California Department of Health Services (CDHS) for mosquito control to mitigate the threat of West Nile virus transmission, and to enter into an agreement for the use of these funds; for the period of July 1, 2005 to June 30, 2006.

11/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. Sponsor requests this item be heard at the December 5, 2005 meeting.

- 051910 [Grant to develop training resources and a support network for injury prevention professionals in California, Kids' Plates initiative]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new grant in the amount of \$55,000 from the San Diego State University Research Foundation (SDSU) for the injury prevention leadership initiative, Kids' Plates, and to enter into an agreement for the use of these funds; for the period of August 15, 2005, to June 30, 2007.

11/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

- 051911 [Approve a no-cost extension of grant funds from the prior (third) year of the grant, extend the term of the grant; and change grant-funded positions]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to approve a no-cost extension of grant funds from the Substance Abuse and Mental Health Services Administration (SAMHSA) in the amount of \$309,049 in funds left over from the prior grant year of September 30, 2004 to September 29, 2005, extending the term from September 29, 2005, to September 29, 2006, and changing grant-funded positions; for the new period of September 30, 2005, to September 29, 2006.

11/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. Sponsor requests this item be calendared at the December 5, 2005 meeting.

- 051912 [Grant to establish an enhanced STD Surveillance Network to better understand trends in gonorrhea and other sexually transmitted diseases and develop appropriate interventions in collaboration with other programs throughout the United States]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a new grant in the amount of \$80,000 from the Centers for Disease Control and Prevention (CDCP), to establish an enhanced STD Surveillance Network, to enter into an agreement for the use of these funds, and to add one 1.0 new position funded through this grant; for the period of September 30, 2005, to September 29, 2006.

11/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. Sponsor requests this item be calendared at the December 5, 2005 meeting

- 051913 [Grant of Regional Funds - Municipal Transportation Agency]**
Supervisor Dufty

Resolution authorizing the Municipal Transportation Agency to accept and expend \$11,283,000 of Regional Measure 2 funds for the Automatic Vehicle Location System project.

11/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051914 [Grant to improve pedestrian safety in Bayview Hunters Point San Francisco]
Supervisor Maxwell**

Resolution authorizing the San Francisco Department of Public Health (SFPDH), to accept and expend a new grant in the amount of \$157,541 from the California Department of Transportation (CDOT) to improve pedestrian safety in Bayview Hunters Point, San Francisco, and to enter into an agreement for the use of these funds; for the period of January 1, 2006, to June 30, 2007.

11/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. Sponsor requests this item be calendared at the December 5, 2005 meeting.

**051915 [Rescind Tow-away on Columbus Avenue]
Supervisor Peskin**

Resolution rescinding parking regulations on the 200 Block of Columbus Avenue.

TOW-AWAY NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
Columbus Avenue, east side, between Pacific Avenue and Broadway

12/13/05: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 3094.)

11/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 01/06/06- Parking and Traffic notified to post notices in affected locations and ad place in the 1/11/06 edition of the SF Chronicle for the 1/23/06 meeting date.

**051918 [SoMa Senior Community Committee for Livable Streets]
Supervisor Daly**

Resolution urging the creation of the SoMa Senior Community Committee for Livable Streets.

11/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051922 [Grant for the Let's Be Healthy! Project to promote healthy living and prevent and manage chronic health conditions among Russian-speaking newcomers in San Francisco]
Supervisors McGoldrick, Ma**

Resolution authorizing the San Francisco Department of Public Health (SFPDH) to accept and expend retroactively a new four year grant, in the amount of \$18,813 for the first year, from Bay Area Community Resources (BACR), for the Let's Be Healthy! Project and to enter into an agreement for the use of these funds; for the period of October 1, 2005, to June 30, 2006.

11/22/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051923 [Authorization for Loan from SFCTA]
Supervisor McGoldrick**

Resolution authorizing the City and County of San Francisco, through its Municipal Transportation Agency, to borrow \$22.57 million of Proposition K Sales Tax Funds from the San Francisco County Transportation Authority to allow the Third Street Light Rail Transit – Muni Metro East Maintenance and Operations Facility Project to proceed in advance of receiving anticipated state grant funds.

(Fiscal impact.)

11/22/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**051925 [Resolution initiating designation to amend the Telegraph Hill Historic District]
Supervisor Alioto-Pier**

Resolution initiating designation to amend the Telegraph Hill Historic District and to include additional properties in this Historic District pursuant to sections 1004 and 1004.1 of the Planning Code.

11/22/05, RECEIVED AND ASSIGNED to Land Use Committee.

**051926 [Urging Low-Income Heating Oil Assistance Program]
Supervisors Peskin, Dufty, Daly**

Resolution commending Citgo Petroleum Group for its plan to provide low-income communities in the United States of America with discounted home heating oil, inviting Citgo to engage in a similar program with San Francisco's low-income residents, and urging other major oil companies to invest a portion of record profits in low-income assistance programs.

11/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051927 [Accept-Expend State Grant - Police Department]
Supervisor Alioto-Pier**

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of \$45,000.00 (Forty-Five Thousand dollars) from the California Department of Boating and Waterways to purchase miscellaneous boating equipment for use in boating safety and law enforcement activities.

11/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051928 [Bernal Heights preschool]
Supervisor Ammiano**

Resolution urging that the Bernal Preschool return to the Bernal Branch Library upon completion of the Branch Library Renovation.

11/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 051929 [Proclaiming that the San Francisco Lesbian/Gay Freedom Band as the Official Band of the City and County of San Francisco]
Supervisors Dufty, Ammiano**

Resolution proclaiming that the San Francisco Lesbian/Gay Freedom Band as the Official Band of the City and County of San Francisco.

11/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 051930 [Declaring December 10th, 2005 as Dance-Along Nutcracker Day in the City and County of San Francisco]
Supervisors Dufty, Ammiano**

Resolution declaring December 10th, 2005 as Dance-Along Nutcracker Day in the City and County of San Francisco.

11/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 051931 [National Family Week]
Supervisor Ma**

Resolution declaring November 20 – 26, 2005 as “National Family Week” in the City and County of San Francisco.

11/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 051932 [Supporting the Department on the Status of Women proposal for a Domestic Violence Cross-Training Institute]
Supervisor Maxwell**

Resolution supporting the Department on the Status of Women’s proposal to the Blue Shield Foundation for funding to support the development of a Domestic Violence Cross-Training Institute.

11/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 051933 [Commending Thrasher Magazine on their 25th Anniversary]
Supervisor Mirkarimi**

Resolution commending Thrasher Magazine on the occasion of their 25th anniversary.

11/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051934 [Grant to improve pedestrian safety awareness in San Francisco]
Supervisor Mirkarimi**

Resolution authorizing the San Francisco Department of Public Health (SFDPH), to accept and expend a new grant in the amount of \$337,725 from the California Office of Traffic Safety (COTS) to improve pedestrian safety awareness in San Francisco, and to enter into an agreement for the use of these funds; for the period of October 1, 2005, to December 31, 2007.

11/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

**051904 [New Conservatory Theatre]
Supervisors Ammiano, Dufty**

Hearing to inquire into the current status of the New Conservatory Theatre, a San Francisco-based community non-profit theatre company located at 25 Van Ness Avenue.

11/22/05, RECEIVED AND ASSIGNED to Land Use Committee.

Motions

051900 [Needle Exchange Emergency]

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

11/22/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

PROPOSED ORDINANCES

051871 [Settlement of Lawsuit - Kristen Odlaug v. City and County of San Francisco 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.

11/14/05, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

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)

11/9/05, 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 1500 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)

11/10/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from:

- Green electric box at Judah and 12th Avenue*
- Green mailbox and green electric box at Judah and 13th Avenue*
- Green Post box at 10th and Irving*
- Mailbox at Rivoli and Stanyan*
- Mailboxes at southwest corner of Laguna and Hayes*

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of the repair of a pothole at 1423 Irving Street.

From: Supervisor Mirkarimi

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to report on the status of removing graffiti from:

- Stop sign at northeast corner of 17th and Stanyan*
- Children Playing sign at the Southeast corner of Stanyan and Rivoli*
- No Parking and Permit Parking signs on Stanyan between Rivoli and Alma*
- No Parking and Permit Parking signs at 228 Parnassus*
- Stop Sign at Irving and 17th Street*
- Grove street sign at the northwest corner of Grove and Laguna*

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the Department of Motor Vehicles building and sign at the intersection of Fell Street and Baker Street.

From: Supervisor McGoldrick

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation to extend condominium conversion priority to applicants who have extended the following protections to tenants, (1) tenants who purchase some or all of the units, (2) tenants who are offered the first right of refusal to purchase their units, (3) senior disabled tenants who are given lifetime leases, and (4) non-senior/disabled tenants who receive a 1 year lease extension and relocation benefits.

From: Supervisor Maxwell

To: Director, Department of Parking and Traffic

Requesting/Inquiring: Requesting the Department of Parking and Traffic to provide her office with a timeline of when stop signs will be installed at the following intersections:

- On Hunters Point Blvd and Innes Ave*
- On 26th Street and Kansas Street*
- On San Bruno Ave and Felton Street*

We request that the Department of Parking and Traffic respond to her office with a timeline of the installations by December 22, 2005.

From: Supervisor Ammiano

To: San Francisco Police Commission

Requesting/Inquiring: Requesting the San Francisco Police Commission to furnish a copy of the San

Francisco Police Department's Annual Report and Statement of Purpose to the Board of Supervisors.

In Memoriams

Steven Tierney - Supervisor Dufty

Margaret "Peggy" McMiller - Supervisor Maxwell

Wayne Bernard Jr. - Supervisor Mirkarimi

Dante Benedetti - Supervisor Peskin

ADJOURNMENT

There being no further business the Board adjourned at the hour of 7:08 p.m.

Gloria L. Young, Clerk of the Board

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

Approved by the Board of Supervisors on December 13, 2005.

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

Gloria L. Young
Clerk of the Board