

# 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, August 16, 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*

*Gloria L. Young, 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, Kelly, Wynns

##### **City Operations and Neighborhood Services Committee**

Supervisors McGoldrick, Duffy, 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  
1:00 PM

2nd Monday (Bi-monthly)  
4:00 PM

1st and 3rd Monday  
1:00 PM

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 30

**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 2:06 p.m. On the call of the roll Supervisor Ammiano was noted absent.*

*Supervisor Ammiano was noted present at 2:07 p.m.*

*Quorum present.*

## APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve the July 19, 2005 Meeting Minutes. The motion carried by the following vote:

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

## AGENDA CHANGES

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

- 051220 [Parking Fine Penalty Schedule]  
Ordinance amending San Francisco Traffic Code Section 132 to reference the correct California Vehicle Code subsection for covering a license plate. (Parking and Traffic Department)  
  
Ordinance No. 211-05  
FINALLY PASSED
  
- 051231 [Department of Building Inspection Cash Revolving Fund]  
Ordinance amending San Francisco Administrative Code Section 10.135 to increase the Cash Revolving Fund of the Department of Building Inspection from \$200 to \$600.  
  
Ordinance No. 210-05  
FINALLY PASSED

- 051256** [Sale of Surplus Property located at Manzano Way at Oak Creek Way in the City of Sunnyvale, Santa Clara County]  
Resolution approving the public auction sale of unimproved surplus real property located on Manzano Way at Oak Creek Way in the City of Sunnyvale, Santa Clara County for a purchase price of \$690,000; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)
- Resolution No. 643-05  
ADOPTED

### Recommendation of the Land Use Committee

- 051128** [Designate 1110 Taylor Street, the Glazer-Keating as a Landmark]  
Supervisor Peskin
- Ordinance Designating 1110 Taylor Street, the Glazer-Keating House, As Landmark No. 251 Pursuant To Article 10, Sections 1004 And 1004.4 Of The Planning Code. (Planning Department)
- Ordinance No. 212-05  
FINALLY PASSED

### Recommendations of the Rules Committee

- 051349** [Settlement of Lawsuit - Shao Xi Tan]  
Ordinance authorizing settlement of the lawsuit filed by Shao Xi Tan against the City and County of San Francisco for \$80,000; the lawsuit was filed on August 22, 2003 in the United States District Court, Case No. C03-3907 MMC; entitled Shao Xi Tan, et al. v. City and County of San Francisco, et al. (City Attorney)
- PASSED, ON FIRST READING
- 051350** [Settlement of Lawsuit - San Francisco Bay Area Transit District]  
Ordinance approving settlement of litigation brought by the San Francisco Bay Area Transit District against City and County of San Francisco in the eminent domain action entitled San Francisco Bay Area Transit District v. City and County of San Francisco, et al. (Alameda County Superior Court No. HG03-099024, filed July 7, 2003), for a total value of \$2,750,000. (City Attorney)
- PASSED, ON FIRST READING
- 051377** [Settlement of Lawsuit - Daniel Curiel]  
Ordinance authorizing settlement of the lawsuit filed by Daniel Curiel against the City and County of San Francisco for \$31,420.11; the lawsuit was filed on April 14, 2003 in San Francisco Superior Court, Case No. 419-362; entitled Daniel Curiel, et al., v. City and County of San Francisco, et al. (City Attorney)
- PASSED, ON FIRST READING

- 051376 [Settlement of Claim - David Caimotto]**  
Resolution approving the settlement of the unlitigated claim for disability discrimination filed with the Equal Employment Opportunity Commission (EEOC) by David Caimotto against San Francisco for \$101,000; claim was filed on December 28, 2004. (City Attorney)
- Resolution No.** 640-05  
**ADOPTED**
- 051351 [Settlement of Claim - Andrea Runge]**  
Resolution approving the settlement of the unlitigated claim by Andrea Runge against the City and County of San Francisco and Michael Scott for \$45,000. (City Attorney)
- Resolution No.** 641-05  
**ADOPTED**
- 051269 [Agreement for Tolling of Statute of Limitations Governing Claim]**  
Resolution approving the City Attorney's entry into a tolling agreement governing claim by USDA Forest Service filed February 2, 2005 arising from Stanislaus National Forest fire of August 9, 2004. (City Attorney)
- Resolution No.** 642-05  
**ADOPTED**
- 051423 [Appointment - Treasury Oversight Committee]**  
Resolution appointing Philip Day, Jr., term ending June 5, 2009, to the Treasury Oversight Committee.
- Philip Day, Jr., succeeding himself, term expired, seat 1, must be the Chancellor of the Community College District or his/her designee, for the unexpired portion of a four-year term ending June 5, 2009.
- Resolution No.** 635-05  
**ADOPTED**
- 051424 [Appointment - Commission on the Aging Advisory Council]**  
Resolution appointing William Hollabaugh, term ending March 31, 2007, to the Commission on the Aging Advisory Council.
- William Hollabaugh, succeeding himself, term expired, seat 11, must be nominee of District 9 Supervisor, for the unexpired portion of a two-year term ending March 31, 2007.
- Resolution No.** 634-05  
**ADOPTED**
- 051425 [Appointment - Bicycle Advisory Committee]**  
Resolution appointing Lisa Estrella, term ending November 19, 2006, to the Bicycle Advisory Committee.
- Lisa Estrella, succeeding Janice Voorsluys, seat 4, resigned, must be nominee of District 4 Supervisor, for the unexpired portion of a two-year term ending November 19, 2006.
- Resolution No.** 633-05  
**ADOPTED**

**051428 [Appointment - Arts Task Force]**

Resolution appointing Karen Ames, term ending November 1, 2005, to the Arts Task Force.

Karen Ames, succeeding Ronald Gallman, seat 13, resigned, must serve as a director, staff member or board member of a non-profit arts organization based in San Francisco with an annual budget exceeding five million dollars, for the unexpired portion of a six-month term ending November 1, 2005.

Resolution No. 632-05

ADOPTED

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****Recommendation of the City Operations and Neighborhood Services Committee****050591 [Inclusion of transit, pedestrian, and bicycle improvements as part of street improvement projects]  
Supervisor Mirkarimi**

Ordinance amending the Public Works Code to add Section 2.4.13 to require the integration of transit, pedestrian, and bicycle improvements as part of the planning, construction, reconstruction, or repaving of public right-of-ways.

Ordinance No. 209-05

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval  
Noes: 3 - Alioto-Pier, Elsbernd, Peskin

**Recommendation of the Government Audit and Oversight Committee**

- 051358 [Appropriate General Obligation Bond sale proceeds from the 2005A and 2005I series to fund the Laguna Honda Replacement Program and bond issuance costs for the Department of Public Works]  
Supervisor Elsbernd

Ordinance appropriating \$39,328,014 of General Obligation Bond proceeds from the sale of the 2005A Series and appropriating, and placing on reserve, \$60,111,842 from the General Obligation Bond proceeds from the 2005I Series for a total of \$99,439,856 to fund the Laguna Honda Replacement Program and bond issuance costs for the Department of Public Works for fiscal year 2005-06.

(Fiscal impact.)

Ordinance No. 213-05

FINALLY PASSED by the following vote:

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

### Recommendation of the Land Use Committee

- 051333 [Tourist Hotel Conversion]  
Supervisors Peskin, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Sandoval

Ordinance amending the San Francisco Administrative Code to add Chapter 41F to prohibit the conversion of existing tourist hotel structures with 100 or more tourist guest rooms to condominium projects or dwelling units, with certain exceptions; and adopting findings, including environmental findings.

Ordinance No. 214-05

FINALLY PASSED by the following vote:

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

### Recommendations of the Rules Committee

- 051005 [Cable Television Franchise Amendments]  
Mayor

Ordinance amending Ordinance No. 105-64, as amended by Ordinance Nos. 528-88, 315-89, 42-91, 42-97, and 266-99, by amending sections 1, 9, 24.3, 25, 25.5, 27.2, 31, and 32 and Appendix C to extend the term of the franchise and to clarify and expand the obligations of the Comcast of California III, Inc.

*Continued to September 13, 2005*

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

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

**051006 [Settlement of Claims - Comcast of California III, Inc.]  
Mayor**

Ordinance approving the settlement of certain non-litigated claims on behalf of the City and County of San Francisco against Comcast of California III, Inc.

*Continued to September 13, 2005*

**Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED. The motion carried by the following vote:**

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

## **CLOSED SESSION**

**051408 [Closed Session - Potential Litigation, Comcast of California III]  
Supervisor McGoldrick**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding potential litigation and a settlement involving the City related to the renewal of the cable franchise for Comcast of California III. The settlement resolves the City's unlitigated claims against Comcast California III for \$3.5 million, extends the franchise for 4 years, and modifies the terms of the franchise in several ways, including increasing funding for public access, educational and government programming. Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d) permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the potential litigation.

*September 13, 2005*

**Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:**

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

*Recess*

The Board recessed at the hour of 6:41 p.m. to convene in closed session pursuant to the above motion.

*Reconvening of the Board*

The Board at the hour of 7:18 p.m. reconvened.

*Calling the Roll*

The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin - 10

*Report on Closed Session*

Deputy City Attorney Cheryl Adams, reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9(a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.

Persons in attendance: Supervisors Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Cheryl Adams, Deputy City Attorney  
Theresa Mueller, Deputy City Attorney  
William Lowrey, Miller & Van Eaton, Outside Counsel  
Chris Vein, Acting Director, DTIS  
Brian Roberts, DTIS  
Ron Vinson, Acting Administrator, DTIS  
Gloria L. Young, Clerk of the Board  
Kay Gulbengay, Deputy Clerk

The meeting was informational only and no action was taken.  
Continued to September 13, 2005

*[Elect To Disclose]*

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

*[Elect Not to Disclose]*

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved. The motion carried by the following vote:

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

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

**051257 [Sweatfree Ordinance]**

Mayor, Supervisors Ammiano, Alioto-Pier, Daly, Mirkarimi, Maxwell, McGoldrick, Dufty, Ma, Sandoval

Ordinance amending the San Francisco Administrative Code by adding Chapter 12U, finding that the City would benefit by spending its funds in a manner that would support safe and humane working conditions; requiring contractors and subcontractors providing goods to the City and County to comply with laws and standards affecting labor and employment conditions for employees performing work under the contract and subcontracts, including: not engaging in abusive forms of child labor, foreign convict or forced labor, or slave labor; and compliance with all human and labor rights and labor standards imposed by law or treaty law on the country where the goods are being made or assembled; paying wages that are not less than a minimum wage established by the Director of the Office of Contract Administration; compliance with all applicable laws governing wages, employee benefits, health and safety, labor, environmental conditions, nondiscrimination, freedom of association; creating the Sweatfree Procurement Advisory Group to make recommendations on the implementation, administration or enforcement of this Chapter to the Director of the Office of Contract Administration and the Office of Labor Standards Enforcement; targeting the procurement of garments for enforcement of this Chapter during the first full fiscal year following the effective date of the Chapter, and, thereafter, targeting other goods for enforcement based on recommendations of the Sweatfree Procurement Advisory Group submitted by the Director of the Office of Contract Administration to the Board of Supervisors and approved by ordinance.

(Fiscal impact.)

*Supervisor Sandoval requested to be added as a co-sponsor.*

**PASSED ON FIRST READING** by the following vote:

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

**051122 [IHSS Contract Modification Approval – San Francisco IHSS Public Authority]**

Resolution retroactively approving the modification of the contract between the City and County of San Francisco and San Francisco In-Home Supportive Services (IHSS) Public Authority, which expires on June 30, 2006, for the provision of health and dental benefits to IHSS Independent Providers, in the amount of \$11,872,058, for a total contract amount of \$68,190,161. (Human Services Department)

(Fiscal impact.)

**Resolution No.** 645-05

**ADOPTED** by the following vote:

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

- 051123 [IHSS Contract Approval – IHSS Consortium of San Francisco]**  
Resolution retroactively approving the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from July 1, 2005 to June 30, 2008, in the amount of \$51,433,291. (Human Services Department)

(Fiscal impact.)

**Resolution No.** 644-05

**ADOPTED by the following vote:**

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

### **From the Budget and Finance Committee Without Recommendation**

- 051239 [Lease of Real Property at One South Van Ness Avenue]**  
Resolution authorizing the exercise of an option to lease 66,351 square feet of space on the fifth floor at One South Van Ness Avenue for the Mayor's Office of Housing and the Mayor's Office of Community Development and authorizing a 39,644 square foot sublease of such area to the San Francisco Redevelopment Agency. (Real Estate Department)

**Resolution No.** 647-05

**ADOPTED by the following vote:**

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin  
Noes: 3 - Ammiano, Daly, Sandoval

### **Recommendations of the Land Use Committee**

- 050739 [SLI Zoning District - Allowing Certain Financial Services]**  
**Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending Table 817 to add Section 817.32 allowing a financial service use in an SLI (Service/Light Industrial) Zoning District under certain circumstances; adopting findings.

**PASSED ON FIRST READING by the following vote:**

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

- 051121 [Street Encroachment at 815 Francisco Street]**  
Resolution granting revocable permission to Launce E. Gamble, Trustees, to occupy a portion of the public right-of-way to construct and maintain a new two-car garage, to encroach approximately 28 feet into the unimproved public sidewalk right-of-way, as per existing neighborhood pattern, fronting 815 Francisco Street (Block 0048, Lot 019), conditioned upon the payment of an annual assessment fee of \$4,800, and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

**Resolution No.** 646-05

**ADOPTED by the following vote:**

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

**SPECIAL ORDER 3:00 PM****Board of Supervisors Sitting as a Committee of the Whole****051434 [Public Hearing]**

Hearing of persons interested in or objecting to a proposed Ordinance amending the San Francisco Police Code, by adding a new Article 11.1, beginning with Section 788, to prohibit the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin. (Clerk of the Board)

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

*Jeff Adachi; Public Defender, expressed concern with the exhibit*

*John Sun, expressed concern with the exhibit*

*Male speaker, expressed concern with the exhibit*

*Victor Yu, Chinese News reporter; expressed concern with Chinese Labor issues and human remains*

*The President declared the public hearing closed.*

*Department of Public Health representative reviewed with the Board their investigation.*

*Chief Medical Examiner reviewed with the Board both the San Francisco and the State policies relating to procedures relating to body donations.*

**HEARD AT PUBLIC HEARING.**

**Committee of the Whole Adjourn and Report Without Recommendation****Called From the City Operations and Neighborhood Services Committee****051034 [Prohibiting the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin]**

**Supervisors Ma, Dufty, Daly, Sandoval**

Ordinance amending the San Francisco Police Code, by adding a new Article 11.1, beginning with Section 788, to prohibit the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin.

**PASSED ON FIRST READING by the following vote:**

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

Noes: 1 - McGoldrick

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

**Privilege of the Floor**

Supervisor Mirkarimi, 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, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

*Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Ruth Dewsom in recognition of her co-production of the play "Crowns" and for her community activism.*

*Supervisor Maxwell introduced, welcomed and presented a Certificate of Honor to San Francisco Police Captain Rick Bruce in recognition of his retirement.*

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

**051226 [Public Hearing - Appeal of Final Mitigated Negative Declaration for 800 Brotherhood Way]**

Hearing of persons interested in or objecting to the decision of the Planning Department, certified on May 19, 2005, approving a Final Mitigated Negative Declaration (Case No. 2003.0536E), for the proposed construction of up to 182 dwelling units on an approximately 7.7 acre undeveloped site located on the north side of Brotherhood Way, west of Chumasero Drive, east of Lake Merced Boulevard. The project would involve subdividing the site into about 121 lots and constructing 60 single-family homes and 61 2-unit dwellings. The 121 buildings would be between 3 and 4 stories tall, with heights up to 40 feet, and would total about 444,273 gross square feet. A mix of independently accessible and tandem parking spaces would be provided, for a total of 364 off-street parking spaces. Twenty-one on-street parking spaces would also be created along a new two-way internal private loop road. Access to the site would be via a new driveway on the unimproved portion of the north side of Brotherhood Way abutting the site. There would be a traffic signal at the new access driveway and Brotherhood Way intersection that would be interconnected with the existing signals at Brotherhood Way/School (Church) Access Road, located about 330 feet to the west, and the Chumasero Drive/Brotherhood Way intersection, about 560 feet to the east. The project site is located in an RM-1 (Mixed Residential, Low Density) District and a 40-X Height and Bulk District. The proposed project would require approval of a Conditional Use Authorization for a Planned Unit Development and exceptions for minimum lot sizes, minimum rear yards depths, and bay window dimension. (Appellants: June 17, 2005, filed by Julian P. Lagos on behalf of ParkMerced Residents Association; June 20, 2005, filed by Adena Rosmarin on behalf of Lakeshore Acres Improvement Club.)

(Companion measure to Files 051227, 051228, 051229; District 7.)

*Adena Rosmarin, on behalf of Lakeshore Acres Improvement, appellant*

*Julian Lagos, on behalf of Park Merced Residents, appellant*

*Honorable Quentin L. Kopp, support of appellant*

*Charlie Abrams, traffic engineer; support of appellant*

*David Bishio, West of Twin Peaks Council; support of appellant*

*Carlos; support of appellant*

*Nick Davis; support of appellant*

*Andrew Danas; support of appellant*

*Beth Wiesberg, President of Beth Israel; support of appellant*

*Aran Collegian, Armenian Community; support of appellant*

*Linda Shaw, support of appellant*

*Marie Brooks, Lake Merced Church of Christ; support of appellant*

*Pastor of St. Thomas Moore Church; support of appellant*

*Male speaker; support of appellant*

*Male speaker; support of appellant*

*Gail Meadows; support of appellant*

*Male speaker; support of appellant*

*Male speaker; support of appellant*

*Pat Fitzgerald; support of appellant*

*Maria Alcada; support of appellant*

*Roseann Cashian, Bay Area Armenian Community; support of appellant*

*Rabbi Goodman; support of appellant*

*Maria Alcada; support of appellant*

*Male speaker; support of appellant*

*Resident of Park Merced; support of appellant*

*Resident; support of appellant*

*Robert Damlian, Calvary Armenian Church; support of appellant*

*Denise La Pointe; support of appellant*

*Paul Maltzer, Environmental Officer, and Bill Wycko, Planning Department representative reviewed with the Board the recommendation of the Planning Department.*

*Steve Vittel, Attorney for project sponsor*

*Steve Rider, Mission Valley Properties; support of project sponsor*

*Tim Colon, San Francisco Action Coalition; support of project sponsor*

*Ricardo Wallace, member of Lakeshore Acres, support of project sponsor*

Robert Pender; support of project sponsor  
Bert Hill; Bicycle Advisory Committee, support of project sponsor

Rebuttal Period by appellant:  
Adena Rosmarin and Charlie Abrams

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

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.)**

**051227 [Affirming adoption of the negative declaration for 800 Brotherhood Way]**

Motion affirming Planning Commission adoption of the final negative declaration for 800 Brotherhood Way.  
(Clerk of the Board)

Motion No. M05-112

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

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin  
Noes: 3 - Daly, Mirkarimi, Sandoval

**051228 [Reversing adoption of the negative declaration for 800 Brotherhood Way]**

Motion reversing the Planning Commission adoption of the final negative declaration for 800 Brotherhood Way. (Clerk of the Board)

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

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin  
Noes: 3 - Daly, Mirkarimi, Sandoval

**051229 [Preparation of findings to reverse adoption of the negative declaration for 800 Brotherhood Way]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the negative declaration for 800 Brotherhood Way. (Clerk of the Board)

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

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin  
Noes: 3 - Daly, Mirkarimi, Sandoval

## COMMITTEE REPORTS

**051379 [Liquor License, 572 Castro Street]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Ken McDonald, for Friendly Spirits located at 572 Castro Street, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with section 23958.4 of the California Business and Professions Code with conditions.

**Resolution No.** 639-05

**ADOPTED** by the following vote:

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

## ROLL CALL FOR INTRODUCTIONS

## PUBLIC COMMENT

*James Chaffee; expressed concern with issues relating to the SF Library*

*Walter; showed interest in tigers and SFGOV TV*

*Eugene Gordon, Jr. showed interest in general issues*

*Michael Dane; showed interest in medical cannabis issues*

*B.J. Anthony Cabahug-Garcia; showed interest in general issues*

*Robert Pender, Vice President of Park Merced Association; showed interest in the possible sale of Park Merced*

## 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.*

**051418 [Committee of the Whole - August 16, 2005 at 3:00 PM]**

**Supervisor Daly**

Motion to sit as a Committee of the Whole on August 16, 2005 at 3:00 PM to hear File Number 051034 prohibiting the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin.

**Motion No.** M05-114

**APPROVED** by the following vote:

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

**051409 [Issuance and Sale of Revenue Bonds - 1030 Post Street Apartments]  
Supervisor Peskin**

Resolution approving the issuance and sale of revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$7,000,000 for the financing of the acquisition and rehabilitation of the 1030 Post Street Apartments.

**Resolution No.** 638-05

**ADOPTED by the following vote:**

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

**051419 [Endorsing the Regional Measure 2 Late Night Owl Bus Service Proposal]  
Supervisor Dufty**

Resolution endorsing the Regional Measure 2 Late Night Owl Bus Service Proposal.

**Resolution No.** 629-05

**ADOPTED by the following vote:**

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

**051420 [Urging the DPT to install a stop light at the intersection of Market and Hattie Streets]  
Supervisor Dufty**

Resolution urging the Department of Parking and Traffic to install a stop light at the intersection of Market and Hattie Streets.

**Resolution No.** 637-05

**ADOPTED by the following vote:**

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

**051421 [Honoring Dr. Donald Abrams and the Community Consortium for their outstanding contributions to HIV/AIDS healthcare and research upon the 20th anniversary of the Consortium's establishment]  
Supervisor Dufty**

Resolution honoring Dr. Donald Abrams and the Community Consortium for their outstanding contributions to HIV/AIDS healthcare and research upon the 20th anniversary of the Consortium's establishment.

**Resolution No.** 625-05

**ADOPTED by the following vote:**

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

**051422 [Accept-Expend Private Grant - Department on the Status of Women]  
Supervisor Ma**

Resolution authorizing the Department on the Status of Women to accept retroactively and expend unexpended funds from a grant from The California Endowment, in the amount of \$40,000, which funds shall be used to fund the design and implementation of a customized plan for raising multiple year operating funds by Woman Organized to Make Abuse Nonexistent, Inc. (W.O.M.A.N., Inc.)

**Resolution No. 636-05**

**ADOPTED by the following vote:**

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

**051429 [Urging the MTA to approve the Arthur H. Coleman Medical Center community's request for sidewalk width reduction to establish perpendicular parking on Ingerson Street]  
Supervisor Maxwell**

Resolution urging the Municipal Transportation Authority to approve the Arthur H. Coleman Medical Center community's request for sidewalk width reduction to establish perpendicular parking on Ingerson Street.

**Resolution No. 631-05**

**ADOPTED by the following vote:**

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

**051430 [Authorizing Application for BEGIN Funds]  
Supervisor Maxwell**

Resolution authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the BEGIN Program; the execution of a standard agreement if selected for such funding and any amendments thereto; the execution of a designation agreement if selected for such funding and any amendments thereto; the execution of any related documents necessary to participate in the BEGIN Program.

**Resolution No. 624-05**

**ADOPTED by the following vote:**

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

**051431 [Commending Catholic Healthcare West, Saint Francis, and St. Mary's hospitals]  
Supervisors McGoldrick, Daly, Elsbernd, Alioto-Pier**

Resolution commending Catholic Healthcare West (CHW), Saint Francis, and St. Mary's hospitals for their commitment to working with the Department of Public Health to protect and enhance the provision of health care services to vulnerable populations.

**Resolution No. 627-05**

**ADOPTED by the following vote:**

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

**051432 [Support of House Resolution 367 Condemning bigotry, violence and discrimination against Iranian-Americans]**

**Supervisor Mirkarimi**

Resolution in support of House Resolution 367 condemning bigotry, violence and discrimination against Iranian-Americans.

**Resolution No. 628-05**

**ADOPTED by the following vote:**

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

**051433 [Commending Habitat for Humanity San Francisco]**

**Supervisor Sandoval**

Resolution commending Habitat for Humanity San Francisco for its extraordinary work providing affordable housing in San Francisco and celebrating the groundbreaking of twelve new homes at the De Long Terrace Project.

**Resolution No. 626-05**

**ADOPTED by the following vote:**

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

**051407 [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. M05-113**

**APPROVED by the following vote:**

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

## 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). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[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."*

**Supervisor Dufty, seconded by Supervisor Elsbernd, moved ADOPTION of serious injury finding. The motion carried by the following vote:**

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

*[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.*

Supervisor Dufty, seconded by Supervisor Elsbernd, moved ADOPTION of Brown Act finding. The motion carried by the following vote:

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

**051451 [Urging the United States Department of State to condemn the Islamic Republic of Iran's execution of juveniles]**

**Supervisors Dufty, Mirkarimi, Ammiano, Sandoval, Daly**

Resolution urging the United States Department of State to condemn the Islamic Republic of Iran's execution of two teenagers [ Mahmoud Asgari, Ayaz Marhoni], and the impending execution of two young men [Farid Mostaar, Ahmad Chooka], for conducting homosexual acts allegedly charged as "rape."

**Resolution No. 630-05**

**ADOPTED by the following vote:**

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

## OFF-AGENDA LEGISLATION

### Ordinances

**051452 [Annual Joint Fundraising Drive]**

**Supervisor Peskin**

Ordinance amending San Francisco Administrative Code Section 16.93-2 to include Donor Choice as an option for employee contributions during the Annual Joint Fundraising Drive.

8/16/05, RECEIVED AND ASSIGNED to Rules Committee.

**051453 [Off-Street Parking In C-3 Zoning Districts]**

**Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending Sections 151, 151.1, 154, 155, 155.5, 166, and 167 to impose new requirements in C-3 Zoning Districts regarding permitted off-street parking and loading, allowed off-street freight loading and service vehicle spaces, bicycle parking, car sharing, to separate parking costs from housing costs and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

8/16/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/15/2005.

**051454 [Authorizing a Change in Use of Grant Funds]  
Supervisor Daly**

Ordinance authorizing a change in the use of San Francisco Convention and Facilities Department grant funds to permit the funds to be used for an affordable housing development without a proposed pavilion.  
8/16/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**051455 [Medical cannabis guidelines and medical cannabis dispensary zoning and permitting]  
Supervisor Elsbernd**

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 890.131, to: define medical cannabis dispensaries; prohibit dispensaries in residential-house and residential-mixed zoning districts; permit dispensaries elsewhere subject to restrictions based on a dispensary's proximity to other dispensaries, schools, community centers and institutions for the treatment of addictive diseases; 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 dispensaries operating before April 1, 2005 to obtain a permit within 18 months of the effective date of this legislation or cease operation; 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 3220, to: set medical marijuana 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; limit the time period for submitting applications for medical cannabis dispensary permits; require an annual report from the Director of Public Health to the Board of Supervisors; set out operating requirements for medical cannabis dispensaries; 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, and by adding Sections 1.177 and 249.17, to authorize the Department of Health to issue medical cannabis dispensary permits and to set out the license fees for medical cannabis dispensaries.

(Fiscal impact.)

8/16/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/15/2005.

**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.

8/16/05, RECEIVED AND ASSIGNED to Rules Committee.

**051457 [Settlement of Claims - Comcast of California III, Inc.]  
Supervisor McGoldrick**

Ordinance approving the settlement of certain non-litigated claims on behalf of the City and County of San Francisco against Comcast of California III, Inc.  
8/16/05, RECEIVED AND ASSIGNED to Rules Committee.

**051458 [Public Works Code - landmark trees and penalties for violations]  
Supervisor McGoldrick**

Ordinance amending the Public Works Code by amending Section 802 to modify various definitions; amending Sections 802, 806, and 809 to redefine nuisance trees as hazard trees; amending Sections 802 and 803 authorizing the Urban Forestry Council to succeed to the powers and duties of the Tree Advisory Board; amending Sections 804, 807, 808, and 810 concerning landmark trees and procedures to designate, nominate, and remove landmark trees; amending Section 811 to create civil penalties and fines and to modify provisions on administrative penalties; and making environmental findings.  
8/16/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/15/2005.

**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.  
8/16/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 9/15/2005. 08/22/05 - Referred to Parking and Traffic for determination of environmental impact. 08/26/05 - Response received from Parking and Traffic, Exempt from Environmental Review.

**051460 [Subdivision Code fees]  
Supervisor Dufty**

Ordinance amending the Subdivision Code section 1315 concerning fees and making environmental findings.  
(Fiscal impact.)  
8/16/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**051461 [Survey Monument Preservation Fee and Fund]  
Supervisor Dufty**

Ordinance amending the San Francisco Administrative Code by adding Section 8.24-6, to authorize the imposition of a \$10 grant deed recordation user fee and by adding Section 10.100-50, to create the County Surveyor's Survey Monument Preservation Fund for the deposit and collection of the fee for use by the County Surveyor for the retracement or remonument survey of major historical vertical or horizontal land division lines; amending the San Francisco Subdivision Code by adding Section 1340.1, to authorize the County Surveyor to use the proceeds collected from imposition of the fee to pay for the retracement or remonument survey of major historical vertical or horizontal land division lines; and making environmental findings.

(Fiscal impact.)

8/16/05, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 9/15/2005.

**051462 [Condominium conversion lottery based on seniority of participation]  
Supervisor Dufty**

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.

8/16/05, RECEIVED AND ASSIGNED to Land Use Committee.

**051463 [Prohibiting issuance of permits that would limit public access to parks for more than one day]  
Supervisor Peskin**

Ordinance amending the San Francisco Park Code by adding Section 7.03-A, to prohibit the Recreation and Park Department from issuing permits for use of park property that would result in the exclusion of the public from the park for more than one calendar day or for a second consecutive day following another permitted event.

(Fiscal impact.)

8/16/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 9/15/2005.

**051151 [Application of the City's Conflict of Interest Laws to Members of the Landmarks Preservation  
Advisory Body]  
Supervisor Peskin**

Ordinance amending the San Francisco Campaign and Governmental Conduct Code by adding section 3.203 to apply the City's conflict of interest laws to members of advisory bodies who are required to file statements of economic interests.

6/14/05, RECEIVED AND ASSIGNED to Rules Committee.

7/14/05, REFERRED TO DEPARTMENT. Referred to Ethics Commission for review and recommendation.

8/9/05, RESPONSE RECEIVED. Approved by Ethics Commission with an additional amendment.

8/16/05, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

8/16/05, ASSIGNED to Rules Committee.

**050689 [Public Works Code - significant trees, landmark trees, and penalties for violations]  
Supervisor Daly**

Ordinance amending the Public Works Code by amending Sections 802, 804, 807, and 808 and adding Section 810A to address removal, maintenance, and nomination of significant trees as defined herein; amending Sections 802, 806, and 809 to redefine nuisance trees as hazard trees; amending Sections 802 and 803 authorizing the Urban Forestry Council to succeed to the powers and duties of the Tree Advisory Board; amending Section 810 to allow the City to landmark any tree within its territorial limits; amending Section 811 to create civil penalties and fines and to modify provisions on administrative penalties; and making environmental findings.

4/19/05, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 5/19/2005.

6/7/05, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.

6/7/05, ASSIGNED to City Operations and Neighborhood Services Committee.

8/16/05, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.

8/16/05, ASSIGNED to City Operations and Neighborhood Services Committee. 08/22/05 - Referred to Planning for determination of environmental impact.

09/06/05 - Response received from Planning, exempt from CEQA.

## Resolutions

**051464 [Traffic Regulations]  
Supervisor Ammiano**

Resolution enacting and rescinding traffic regulations on various streets

MID-BLOCK CROSSWALK - ESTABLISH  
Alabama Street, between 24th and 25th Streets.

(8/15/05: 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.)

8/16/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051465 [Grant of Federal Funds - Municipal Transportation Agency]  
Supervisor Peskin**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$9,920,000 of Federal New Starts Capital Assistance for the Third Street-Phase II - New Central Subway project, excluding administrative overhead costs.

8/16/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051466 [Grant of Federal Funds - Municipal Transportation Agency]  
Supervisor Ammiano**

Resolution authorizing the Municipal Transportation Agency to accept and expend \$497,050 of TEA 21 Section 3015 (Research, Development, Demonstration, and Training Projects) capital assistance for an Alternative Fuel Technology Project, excluding administrative overhead costs.

8/16/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051467 [CalHome Application]**  
**Supervisor Elsbernd**

Resolution authorizing the submittal of an application to the California Department of Housing and Community Development for funding under the CalHome Program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the CalHome Program.

8/16/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051474 [Parking Regulations]**  
**Supervisor McGoldrick**

Resolution enacting and rescinding parking regulations at various locations.

PARKING METERS (TO BE IN EFFECT 9 AM TO 6 PM, MONDAY THROUGH SATURDAY, 2-HOUR TIME LIMIT) - ESTABLISH

2nd Street, between Bryant and Townsend Streets

Brannan Street, between 4th and 2nd Street

Folsom Street, between 1st and Spear Streets

Fremont Street, between Folsom and Harrison Streets

Harrison Street, between 2nd and Spear Streets

Main Street, between Harrison and Folsom Streets

Spear Street, between Folsom and 140 feet south of Harrison Street

Townsend Street, between 2nd and 3rd Streets

TOW-AWAY NO PARKING - RESCIND

Folsom Street, south side, between Main and Spear Streets

8/16/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. 08/22/05 - Referred to Parking and Traffic for determination of environmental impact.

08/26/05 - Response received from Parking and Traffic, Exempt from Environmental Review.

**051475 [Approval of Amendment to Design Agreement for the Laguna Honda Hospital Replacement Program]**  
**Supervisor Elsbernd**

Resolution authorizing the Director of Public Works to execute amendment to the Design Agreement for the Laguna Honda Hospital Replacement Program modifying the total contract amount from \$32,595,782 to \$33,706,892.

(Fiscal impact.)

8/16/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**051476 [Accept-Expend Federal Grant - Port Commission]**  
**Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of \$100,000 from the United States Environmental Protection Agency for the San Francisco Bay Cruise Liner Emissions Reductions Incentives Grant (SF Bay CLEARING) Program.

8/16/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051477 [50th Anniversary Celebration of CSI]  
Supervisor Ammiano**

Resolution recognizing the 50th Anniversary Celebration of the San Francisco Chapter of the Construction Specifications Institute and commending that Chapter and its many volunteers on this 17th day of September, 2005, for contributing to the advancement of construction technology and education in the City and County of San Francisco.

8/16/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051478 [Opposing federal legislation that unduly restricts the local role in telecommunications and video policy]  
Supervisors Ammiano, Mirkarimi, Peskin, Maxwell, Daly, Dufty, Alioto-Pier**

Resolution urging the United States Congress to reject legislation that would unduly restrict the role of local governments in providing broadband Internet access, managing public rights of way, or awarding franchises to video providers and to approve legislation that would preserve the option for local governments to participate in the provision of communications services.

8/16/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051479 [Continuing the Ongoing work of the Utility Undergrounding Task Force]  
Supervisor Dufty**

Resolution continuing the ongoing work of the Utility Undergrounding Task Force to advise the City and County of San Francisco on the future of the utility undergrounding process in San Francisco and to complete its work by June 1, 2006.

8/16/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051480 [Honoring Trevor Hailey]  
Supervisor Dufty**

Resolution honoring Trevor Hailey upon her retirement, for 16 years leading the "Cruisin' the Castro" walking tour, using her gift for storytelling to inspire and educate both tourists and native San Franciscans on the history of the world-famous Castro District.

8/16/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051481 [Commending the 85th Anniversary of the 19th Amendment]  
Supervisor Ma**

Resolution commending the 85th anniversary of the 19th Amendment to the United States Constitution, extending the right of suffrage to women.

8/16/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051482 [Homeland Security Grants]  
Supervisor Ma**

Resolution amending Resolution No. 385-04 to authorize designated City and County officials to execute and file on behalf of the City and County of San Francisco applications for federal and state financial assistance under the Emergency Management Performance Grant Program, the renamed State Homeland Security Grant Program, Public Law 107-206 and any other federal funding programs that are passed through the State of California.

8/16/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051483 [Accept-Expend Federal Grant - Office of Emergency Services]  
Supervisor Ma**

Resolution authorizing the Office of Emergency Services to retroactively accept and expend a Federal Grant in the amount of \$280,000 from the United States Department of Homeland Security for the purpose of providing financial assistance to San Francisco's Metropolitan Medical Response System (MMRS).

8/16/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051484 [Supporting the Amendment of the Million Solar Roofs Initiative Program]  
Supervisor Mirkarimi**

Resolution urging the California Assembly Appropriations Committee, the Assembly and the Senate to amend SB1 in order to allow a Community Choice Aggregator the option to administer its own solar roofs program, and to receive solar incentives that will be funded by their ratepayers under SB1; to guarantee the right of Community Choice Aggregators to use existing lawful financing instruments, such as H bonds and government-owned solar as is required for the City and County's 31 Megawatt Community Choice photovoltaic program pursuant to Ordinance 86-04.

8/16/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051488 [Consolidation of Special Statewide Election and special Community College District election with the Consolidated Municipal Election scheduled for November 8, 2005]  
Supervisor Peskin**

Resolution consolidating the Special Statewide Election and special Community College District election, to be held in the City and County of San Francisco on November 8, 2005, with the Consolidated Municipal Election to be held in the City and County of San Francisco on the same date, and providing that the election precincts, voting places and officers for the Special Statewide Election and special Community College District election shall be the same as for the Consolidated Municipal Election.

8/16/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051489 [Meeting Schedule]  
Supervisor Peskin**

Resolution revising the regular meeting schedule of the Board of Supervisors by canceling the October 4, 2005 meeting and scheduling a Board Meeting on October 11, 2005.

8/16/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **Requests for Hearing**

**051468 [Home Improvement District on Bayshore Boulevard from Cesar Chavez Boulevard to Industrial Road]  
Supervisor Ammiano**

Hearing to inquire into establishing a Home Improvement District on Bayshore Boulevard from Cesar Chavez Boulevard to Industrial Road.

8/16/05, RECEIVED AND ASSIGNED to Land Use Committee.

**051469 [Mosquito abatement and prevention of the West Nile Virus.]  
Supervisor Peskin**

Hearing regarding departmental jurisdiction for issues relating to vector control, specifically mosquito abatement and prevention of the West Nile Virus.

8/16/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051470 [Local Agency Formation Commission (SF LAFCO)]  
Supervisors Mirkarimi, Ammiano**

Hearing requesting the Local Agency Formation Commission (SF LAFCO) to examine options for San Francisco's pursuit of a municipal cable, television, high speed internet, and broadband infrastructure.

8/16/05, RECEIVED AND ASSIGNED to Board of Supervisors. Sponsor requests this item be referred to LAFCO.

**051471 [Affordable Housing Policy]  
Supervisors Maxwell, Mirkarimi**

Hearing on the City's affordable housing goals and what City policy and programs are needed to achieve those goals.

8/16/05, RECEIVED AND ASSIGNED to Land Use Committee.

### **Motions**

**051450 [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.

8/16/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**051472 [Amending the Rules of the Board]  
Supervisor Peskin**

Motion amending the Board's Rules of Order to amend Rules 3.12 and 6.20 to delete requirement for Office of Legislative Analyst to respond to research requests made by the full Board of Supervisors and deleting requirements that the full Board of Supervisors take legislative action to approve or disapprove requests made to the Office of Legislative Analyst on behalf of the full Board.

8/16/05, RECEIVED AND ASSIGNED to Rules Committee.

**051473 [Rule Amendment – Recessed Meetings]  
Supervisor Peskin**

Motion amending the Rules of Order of the Board of Supervisors by adding Rule 4.39, which provides that when the Board of Supervisors, or one of its committees, recesses a meeting to a time more than twelve hours after the decision to recess, the members shall identify the items being recessed, and direct the Clerk of the Board to process the remaining, decided items on the agenda as completed business; during the reconvened meeting, the Board or the committee shall not consider those items already processed by the Clerk as completed business; and amending Rule 4.37 to provide that Rule 4.39 may not be suspended.

8/16/05, RECEIVED AND ASSIGNED to Rules Committee.

## **PROPOSED ORDINANCES**

**051378 [Sale of City Property located at 425 Mason Street, San Francisco]**

Ordinance ordering the sale at public auction of City-owned property located at 425 Mason Street; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance. (Real Estate Department)

(Fiscal impact.)

8/5/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

## **PROPOSED RESOLUTIONS**

**051406 [Lease of Real Property at One South Van Ness Avenue]**

Resolution authorizing the exercise of an option to lease 34,683 square feet of space at One South Van Ness Avenue for the Municipal Transportation Agency of the City and County of San Francisco. (Real Estate Department)

8/8/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**Requests Granted**

*From: Supervisor Mirkarimi*

*To: City Attorney*

*Requesting/Inquiring: Pursuant to Article 1, Section 47.2 of the Police Code, Supervisor Mirkarimi requests the City Attorney to review and propose changes to City and County Ordinance governing Recreation and Park Department sound policy and its enforcement procedures for permitted events that occur in proximate distance to residential and merchant neighborhoods where amplified open field events do not benefit from the preventative cover of trees or natural park boundaries [e.g. Sharon Meadows]; Further requests proposed language reflecting a proportionate fee and rate structure for permitted events that distinguish between profit and nonprofit admission and/or commercial vendor sales and its nexus to attendance, and its nexus to revenue percentages earmarked for nonprofit charities; Further request proposed language designating an improved fee recovery program and policy from event promoters, and scofflaw event promoters who seek future Recreation and Park permits; Further requests proposed language of instituting a citizens' appeals process in response to Recreation and Park Department/Commission modifications to permitted events.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Parking and Traffic*

*Requesting/Inquiring: Requesting that the Department of Parking & Traffic report on the status of extending the application of Residential Parking Permit Area R to include weekend enforcement.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Parking and Traffic*

*To: Director, Municipal Transportation Agency*

*Requesting/Inquiring: Requesting that the Department of Parking and Traffic and Municipal Transportation Agency report on the status of repainting the faded crosswalks at the intersection of Fulton Street and Lyon Street.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Parking and Traffic*

*To: Director, Municipal Transportation Agency*

*Requesting/Inquiring: Requesting the Department of Parking and Traffic and Municipal Transportation Agency report on the feasibility of installing pedestrian crosswalk signals and left turn signals at the intersection of Divisadero Street and California Street.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

*Requesting/Inquiring: Requesting that the Department of Public Works report on the status of installing a public trash can on Haight Street between Webster Street and Buchanan Street.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Parking and Traffic*

*Requesting/Inquiring: Requesting that the Department of Parking and Traffic report on the feasibility of installing 4-way stop signs at the intersection of Pierce Street and Fulton Street.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

*Requesting/Inquiring: Requesting that the Department of Public Works report on the status of the repair of the pothole in the middle of the intersection of 8th Avenue and Judah Street.*

*From: Supervisor Mirkarimi*

*To: Director, San Francisco Housing Authority*

*Requesting/Inquiring: Requesting that the San Francisco Housing Authority report on the status of cleaning up the trash accumulated on the sidewalk in front of 629-839 Buchanan Street at Hayes Street.*

*From: Supervisor Elsbernd*

*To: Director, Department of Parking and Traffic*

*Requesting/Inquiring: Requesting the Department of Parking and Traffic to study the possibility of installing a left turn green arrow signal at the intersection of Bosworth and Congo (left turn from Bosworth onto Congo).*

*Due to the amount of traffic and speeding issues at this intersection, drivers find it very difficult making this left turn on a green light signal.*

*From: Supervisor Daly*

*To: City Attorney*

*To: Director, Ethics Commission*

*Requesting/Inquiring: Pursuant to Campaign & Governmental Conduct Code Section 1.168(c), I am asking for your advice about the San Francisco Sentinel:*

*Specifically, given the fact that the San Francisco Sentinel hosted a political fundraiser on April 1, 2005, and had previously filed as a political committee, are they in fact a committee under the definition of state law, and are they required to file reports under state and local law?*

### **In Memoriams**

*Donato Rossi - Supervisor Peskin*

*Angela Catherine Marie deVere Hinckle - Supervisor Peskin*

## ADJOURNMENT

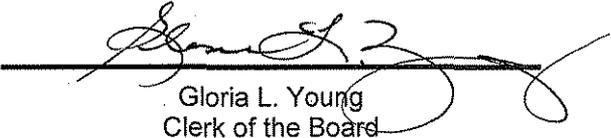
*There being no further business the Board adjourned at the hour of 7:23 p.m.*

*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 September 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