

# 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 15, 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

##### **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

Wednesday  
1:00 PM

Wednesday  
10:00 AM

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

**Members Present:** Michela Alioto-Pier, Tom Ammiano, Chris Daly, Bevan Duffy, 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 2:08 p.m. On the call of the roll Supervisor Elsbernd was noted absent.*

*There was a quorum.*

*Supervisor Elsbernd was previously excused. (See Infra)*

### Supervisor Elsbernd Excused from Attendance

Supervisor Duffy, seconded by Supervisor Ammiano, moved to excuse Supervisor Elsbernd from attending today's meeting. The motion carried by the following vote:

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

## AGENDA CHANGES

*The President informed the Board that the following items will be heard after the 4:30 p.m. Special Order:  
File Nos. 021250, 051747, and 051748.*

## CONSENT AGENDA

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

**051589 [Traffic Regulations]**  
**Supervisor Daly**

Resolution enacting and rescinding traffic regulations on various streets.

RIGHT TURN ONLY - RESCIND  
RIGHT TURN ONLY ONTO SAN JOSE AVENUE - ESTABLISH  
Brook Street, westbound, at San Jose Avenue

NO TURN ON RED - ESTABLISH  
Sacramento Street, westbound at Stockton Street; and,  
Stockton Street, southbound, at Sacramento Street (to facilitate the installation of pedestrian scramble).

ONE-WAY STREET (NORTHBOUND) - RESCIND  
ONE-WAY STREET (SOUTHBOUND) - ESTABLISH  
Ritch Street, between Brannan and Bryant Streets (200 block). (Parking and Traffic Department)

**Resolution No. 812-05**  
**ADOPTED**

**051597 [Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH  
Alameda Street, both sides, between Potrero Avenue and Utah Street; and,  
Utah Street, west side, between Alameda and 15th Streets.

2-HOUR PARKING, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH  
Marin Street, both sides, from Evans Avenue easterly to the terminus.

RESIDENTIAL PERMIT PARKING AREA "U" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH  
Langton Street, both sides, from Bryant Street to 272 feet southerly (the end of the public right-of-way (300 block)).

SIDEWALK WIDTH - REDUCE  
PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH  
Ingerson Avenue, south side, from 40 feet to 100 feet east of 3rd Street (sidewalk would be reduced from being 25 feet to 15 feet wide).

DIAGONAL (45-DEGREE ANGLE) PARKING - ESTABLISH  
Brannan Street, northeast side, from approximately 103 feet east of Colin P. Kelly, Jr. Street to approximately 36 feet west of Delancey Street.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH  
Folsom Street, north side, from 1st Street to 140 feet westerly. (Parking and Traffic Department)

**Resolution No. 811-05**  
**ADOPTED**

**051680 [STOP Intersections - Cabrillo Street and 4th Avenue]  
Supervisor McGoldrick**

Resolution establishing a STOP sign on Cabrillo Street and 4th Avenue, stopping on Cabrillo Street, making this intersection a 4 way STOP.

STOP SIGNS - ESTABLISH  
Cabrillo Street and 4th Avenue, stopping Cabrillo Street, making this intersection an All-Way STOP.

**Resolution No. 810-05  
ADOPTED**

**051725 [Accept-Expend State Grant - Department of Parking and Traffic]  
Supervisors Ammiano, Ma**

Resolution authorizing the Department of Parking and Traffic to apply for, accept and expend a grant in the amount of \$706,500 from the California Department of Transportation for Safe Routes to School grant funding.

**Resolution No. 809-05  
ADOPTED**

The foregoing items were acted upon by the following vote:

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

**REGULAR AGENDA**

**UNFINISHED BUSINESS**

**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 890.131, to: define medical cannabis dispensaries; prohibit dispensaries in residential-house 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 must cease operations; require dispensaries beginning operation after April 1, 2005 but before the effective date of this legislation to cease operations; 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 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 Sections 1.177 to authorize the Department of Health to issue medical cannabis dispensary permits.

*Supervisor Mirkarimi, seconded by Supervisor Daly, moved an amendment of the whole bearing new title. Motion to amend passed by the following vote:*

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

*Absent: 1 - Sandoval*

*Excused: 1 - Elsbernd*

*Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved to amend on page 54, line 12, to include specific language referring to wheelchair accessibility.*

*Motion to amend passed by the following vote:*

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

*Absent: 1 - Sandoval*

*Excused: 1 - Elsbernd*

*Supervisor Dufty, seconded by Supervisor Maxwell, moved to amend by inserting language in Planning Code Sections 209.3, (k) (j), 217 (k) (j), 790.141 (j), 890.133 (j), 209.3 (k) (i), 217 (k) (i), 790.141 (i) and 890.133 (i) by "notwithstanding the foregoing, in no case shall a dispensary that has had or has a suspended or revoked permit be considered to be in continuous operation."*

*Motion to amend passed by the following vote:*

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

*Absent: 1 - Sandoval*

*Excused: 1 - Elsbernd*

*Supervisor Mirkarimi, seconded by Supervisor Daly, moved to amend by inserting language on pages 11, 20, 37, and 39 relating to medical cannabis dispensary located not less than 1000 feet from school "unless not required by State Law."*

*Motion to amend passed by the following vote:*

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

*Absent: 1 - Sandoval*

*Excused: 1 - Elsbernd*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:**

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

*Absent: 1 - Sandoval*

*Excused: 1 - 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 890.133, 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 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.

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

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

*Absent: 1 - Sandoval*

*Excused: 1 - Elsbernd*

*Supervisors Daly and McGoldrick were noted absent at 4:52 p.m.*

**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.

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

*Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, Mirkarimi, Peskin, Sandoval*

*Absent: 2 - Daly, McGoldrick*

*Excused: 1 - Elsbernd*

- 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.

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

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

### Recommendation of the Government Audit and Oversight Committee

- 051414 [Board review required for annual or otherwise recurring grant applications of \$5,000,000 or more]  
Supervisor Maxwell

Ordinance amending Section 10.170 of the Administrative Code to require Board review of proposed annual or otherwise recurring grant applications of \$5,000,000 or more prior to their submission.

**Ordinance No.** 265-05

**FINALLY PASSED** by the following vote:

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

## NEW BUSINESS

### 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.

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

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

**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.

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

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

**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.

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

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

**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.

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

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



**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 Fremont Streets  
Main Street, between Harrison and Folsom Streets  
Spear Street, between Folsom and Harrison Streets  
Townsend Street, between 2nd and 3rd Streets

**TOW-AWAY NO PARKING - RESCIND**

Folsom Street, south side, between Main and Spear Streets

*Supervisor Ammiano, seconded by Supervisor Maxwell, moved to further amended by inserting a policy statement.*

**Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED. The motion carried by the following vote:**

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

**Resolution No. 813-05**

**ADOPTED AS AMENDED by the following vote:**

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

**Recommendations 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.

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

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

**051769 [Zoning - 16 Month and 15 Day Extension of Interim Moratorium on Medical Cannabis Dispensaries]  
Supervisor Mirkarimi**

Urgency ordinance approving a 16 month and 15 day extension of the interim zoning moratorium throughout the City on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

**Ordinance No.** 262-05

**FINALLY PASSED by the following vote:**

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

*Recess*

*The Board recessed at the hour of 3:34 p.m.*

*Reconvening of the Board*

*The Board reconvened at the hour of 4:04 p.m.*

*Calling the Roll*

*The following Supervisors were noted present: Alioto-Pier, Ammiano, Daly, Dufty, Ma, Mirkarimi, Peskin - 7*

*Supervisor Maxwell was noted present at 4:05 p.m.*

*Supervisor Elsbernd was excused.*

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

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

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

**051836 [Hearing - Emergency ordinance reenacting a Disadvantaged Business Enterprise Program]**

Hearing to consider the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency. (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board.*

*The President declared the public hearing closed.*

**HEARD AT PUBLIC HEARING.**

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

**051821 [Reenacting a Disadvantaged Business Enterprise Program]  
Supervisor Ma**

Emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

**Ordinance No.** 261-05

**FINALLY PASSED** by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin

Absent: 2 - McGoldrick, Sandoval

Excused: 1 - Elsbernd

## **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 any member of the public wished to address the Board.*

*Alex Lansberg, representative of the appellant indicating the withdrawal of the appeal*

*John Sanger, attorney for project sponsor requested that this matter be heard today or requested a shorter continuance be granted*

*Susan Oslich, Dogpatch Association*

*Supervisor Maxwell, moved to continue this matter to December 6, 2005*

*Motion failed for lack of a second.*

*Continued to November 22, 2005*

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

Ayes: 7 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin

Noes: 1 - Ma

Absent: 2 - McGoldrick, Sandoval

Excused: 1 - Elsbernd

*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)  
*Continued to November 22, 2005*  
Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:  
Ayes: 7 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin  
Noes: 1 - Ma  
Absent: 2 - McGoldrick, Sandoval  
Excused: 1 - Elsbernd
- 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)  
*Continued to November 22, 2005*  
Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:  
Ayes: 7 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin  
Noes: 1 - Ma  
Absent: 2 - McGoldrick, Sandoval  
Excused: 1 - Elsbernd
- 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)  
*Continued to November 22, 2005*  
Supervisor Maxwell, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:  
Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin  
Absent: 2 - McGoldrick, Sandoval  
Excused: 1 - Elsbernd

*Recess*

*The Board recessed at the hour of 4:23 p.m.*

*Reconvening of the Board*

*The Board reconvened at the hour of 4:30 p.m.*

*Calling the Roll*

*The following Supervisors were noted present: Alioto-Pier, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin - 7*

*Supervisor Ammiano was noted present at 4:36 p.m.*

*Supervisor McGoldrick was noted present at 4:41p.m.*

**SPECIAL ORDER 4:30 P.M.**

**051801 [Public Hearing - Appeal of Categorical Exemption issued for the Medical Cannabis Dispensary ordinances]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated August 25, 2005, Case No. 2005.0664E, exempting from environmental review under General Rule Exclusion (State CEQA Guidelines Section 15061(b)(3)), the proposed legislation relating to the San Francisco Medical Cannabis Dispensary Code Amendments. This matter is a companion measure to Board File Nos. 051747, 051748, and 051250. (Appellant: Mr. Bill Barnes).

Version.

(Filed October 21, 2005).

*The President inquired as to whether any member of the public wished to address the Board.*

*Bill Barnes, Appellant indicating proposed amendment to the ordinance will address his concerns.*

*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.)**

- 051802 [Affirming the categorical exemption issued for the Medical Cannabis Dispensary ordinances]**  
Motion affirming the determination by the Planning Department that the Medical Cannabis Dispensary ordinances are categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
- Motion No.** M05-137
- Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:
- Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin  
Absent: 2 - McGoldrick, Sandoval  
Excused: 1 - Elsbernd
- 051803 [Disapproving the categorical exemption issued for the Medical Cannabis Dispensary ordinances]**  
Motion disapproving the determination by the Planning Department that the Medical Cannabis Dispensary ordinances are categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
- Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:
- Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin  
Absent: 2 - McGoldrick, Sandoval  
Excused: 1 - Elsbernd
- 051804 [Preparation of findings related to the categorical exemption issued for the Medical Cannabis Dispensary ordinances]**  
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Medical Cannabis Dispensary ordinances are categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
- Motion No.** M05-136
- Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:
- Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin  
Absent: 2 - McGoldrick, Sandoval  
Excused: 1 - Elsbernd

## COMMITTEE REPORTS

- 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)
- PASSED ON FIRST READING by the following vote:**
- Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval  
Excused: 1 - Elsbernd

**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)

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

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

**ROLL CALL FOR INTRODUCTIONS**

*Pursuant to the Board of Supervisors Rule No. 3.9*

*Supervisor Duffy provided the Board with an update on the Golden Gate Bridge Board District on which he represents the Board of Supervisors.*

**PUBLIC COMMENT**

*Kimo Crossman; expressed concern with public hearings relating to TechConnect initiatives*

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

*Walter; expressed sympathy for the death of Lucille Ramstetter*

*John di Donna; showed interest in gay men issues*

*Ahimsa Porter Sumshai, MD.; requested the Board introduce a resolution for San Francisco to divest from companies doing business in the Sudan*

*Eugene Gordon, Jr. expressed concern with human right issues*

*Denise Dianne; expressed concern with the statements made by Bill O'Reilly*

*Abdullah Megaheed; expressed concern with homeless and general issues*

*Female speaker; showed interest in the medical cannabis clubs*

**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.*

*Supervisors McGoldrick and Sandoval were noted absent at 3:30 pm.*

**051862 [Averting SFUSD Strike]**

**Supervisor Ammiano**

Resolution urging the San Francisco Unified School District and SEIU to come to an agreement that averts a potential strike that would be harmful to the children and youth of San Francisco and rely on information provided by the City Controller where this can be helpful.

**Resolution No. 815-05**

**ADOPTED**

**051863 [American Indian Heritage Month]  
Supervisor Ma**

Resolution declaring November 2005 as "American Indian Heritage Month" in the City and County of San Francisco.

**Resolution No. 808-05  
ADOPTED**

**051864 [Extending the term of service for the Power Plant Task Force]  
Supervisor Maxwell**

Resolution to extend the expiration date of the Power Plant Task Force from November 1, 2005 to November 1, 2006.

**Resolution No. 807-05  
ADOPTED**

**051865 [Issuance and Sale of Revenue Bonds - Jewish Home of San Francisco]  
Supervisor Sandoval**

Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed \$38,000,000 for the financing of the remodeling of and construction of additions to a residential and care facility owned by the Jewish Home of San Francisco.

**Resolution No. 806-05  
ADOPTED**

**051866 [Commending Rabbi Kenneth R. Leitner]  
Supervisors Sandoval, Dufty, Peskin**

Resolution commending Rabbi Kenneth R. Leitner for his exceptional qualities as a religious leader and congratulating him on his installation as the new senior rabbi at the Congregation Beth Sholom.

**Resolution No. 805-05  
ADOPTED**

**The foregoing items were acted upon by the following vote:**

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

## **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.*



*[Purely Commendatory Finding]*

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

**Supervisor Dufty, seconded by Supervisor Daly, moved ADOPTION of the purely Commendatory Finding. The motion carried by the following vote:**

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

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. 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 Daly, moved ADOPTION of the Brown Act Finding. The motion carried by the following vote:**

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

**051794 [Commending outgoing San Francisco Examiner City Hall reporter Jo Stanley]  
Supervisors Peskin, Daly, Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, Mirkarimi**

Resolution commending outgoing San Francisco Examiner City Hall reporter Jo Stanley, and wishing her the best in her future endeavors.

**Resolution No. 814-05**

**ADOPTED by the following vote:**

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

## **OFF-AGENDA LEGISLATION**

### **Introduced by Supervisors or Mayor**

#### **Ordinances**

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

Ordinance amending the Administrative Code to add Chapter 26, ("Deemed Approved Off-Sale Alcohol Use Nuisance Regulations") deeming all existing non-conforming and permitted off-sale alcohol uses "approved;" establishing an administrative hearing process to abate nuisance activities by deemed approved off-sale alcohol uses; creating a list of performance standards which reflect existing local nuisance and related state and federal laws; providing for an education and outreach program; authorizing penalties for violation of performance standards including administrative penalties from \$500 to \$1000 or revocation of deemed approved status; providing for appeals of conditions or administrative penalties to the Board of Appeals; providing for appeals of the revocation of deemed approved status to the Board of Supervisors or the Board of Appeals; setting an annual fee of \$264 for deemed approved off-sale alcohol uses; and amending the Administrative Code to add Sections 10.19-5 and 10.19-6 to establish deemed approved off-sale alcohol use nuisance regulation project accounts within the City's General Fund and making environmental findings.

(Fiscal impact.)

11/15/05, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/15/2005. 01/31/06 - Referred to the Small Business Commission

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

Ordinance amending section 10B.2 of the Administrative Code to eliminate the provisions allowing the Mayor to waive payment for services under this chapter, and amending section 10B.20 of the Administrative Code to provide that any person, firm or corporation who receives a permit under section 10B and who is in arrears more than 90 days for payment required shall not be eligible for a future permit.

11/15/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**051889 [Policy that the City should supply electricity to new City developments where feasible]  
Supervisor Mirkarimi**

Ordinance establishing as the policy of the City and County of San Francisco that, where feasible, the City shall be the electricity provider for new City developments, including military bases and redevelopment projects.

11/15/05, RECEIVED AND ASSIGNED to Land Use Committee.

## Resolutions

**051794 [Commending outgoing San Francisco Examiner City Hall reporter Jo Stanley]  
Supervisors Peskin, Daly, Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, Mirkarimi**

Resolution commending outgoing San Francisco Examiner City Hall reporter Jo Stanley, and wishing her the best in her future endeavors.

11/15/05, ADOPTED.

**051795 [Supporting plug-in hybrid vehicle technology]  
Supervisors Daly, Ma, Ammiano**

Resolution urging the Director of Administrative Services and the Director of Contract Administration to purchase plug-in hybrid vehicles for the city fleet, and committing the City and County of San Francisco to support local, state and federal programs that support these vehicles and promote plug-in electric hybrid vehicles.

11/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051888 [Rescind Tow-away on Columbus Avenue]  
Supervisor Peskin**

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

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

11/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051890 [Traffic Regulations - 18th Street]  
Supervisor Dufty**

Resolution rescinding No Parking 7am-4pm except Saturday and Sunday on 18th Street, north side, between Dolores and Church Streets.

NO PARKING 7A-4P EXCEPT SATURDAY AND SUNDAY- RESCIND  
18th Street, north side, between Dolores and Church Streets

11/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

11/16/05 - Referred to Parking and Traffic for environmental review.

11/16/05 - Parking and Traffic notified to post required notices and placed in the 11/19/05 edition of the SF Chronicle.

11/23/05 - Response received from Parking and Traffic, Categorically exempt from environmental review.

**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.

11/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**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.

11/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 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".

11/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 051894 [Hepatitis Screening Month]  
Supervisors Ma, Dufty**

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

11/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 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.

11/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### Requests for Hearing

- 051793 [SOMA Stabilization Fund]  
Supervisor Daly**

Hearing on MOCD's proposed regulations and administration of the SOMA Stabilization Fund.

11/15/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 051796 [Status of the City's only owned apartment building (Midtown Park Corporation)]  
Supervisor Mirkarimi**

Hearing on the status of the City's only owned apartment building (Midtown Park Corporation), and any possible plans for selling or converting said property and how those plans implicate existing tenants and strategies.

(Hearing participants require the Mayor's Office on Housing, Mid-Town Park Apartment Association, and Redevelopment Agency.)

11/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee. Time sensitive hearing.

**051797 [San Francisco's Emergency Warning System and 65 Emergency Sirens]  
Supervisors Peskin, Alioto-Pier**

Hearing regarding San Francisco's Emergency Warning System, specifically the City's 65 emergency sirens, to investigate the following questions:

- (1) In the light of recent news regarding the existence of numerous "acoustic shadows" or dead spots in the siren network, what is the current system capability? Where is it currently audible? Where is it not audible?
- (2) Why has the City chosen not to pre-record warning messages for a variety of catastrophic events?
- (3) What preparations have been made to have live messages in real-time in various languages at the time of a catastrophic disaster in San Francisco? What are the written protocols for such? What language capacity is there for such? During what hours of the day?
- (4) Did the current contractor fail to fulfill the original scope of work? If so, when did the City realize the system was not working per the specifications in the original proposal?
- (5) If upgrades or repairs are necessary to remedy shortfalls in the existing siren system, what is the estimated cost and funding source for these repairs? Will this additional funding be subject to the budgetary authority of the Board of Supervisors? When would these upgrades be completed?

11/15/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**051798 [Public oversight for TechConnect, the Mayor's proposed City-wide universal wireless broadband network]  
Supervisor Daly**

Hearing to discuss how the City can have a more consumer-driven rather than tech industry-driven process for establishing a TechConnect network in San Francisco. What is the DTIS' plan to ensure that TechConnect will bridge the digital divide and not simply serve people who are already connected to wireless technology? What criteria is the DTIS using to decide upon a tech provider? How will DTIS provide valuable public forums to assure the broadest possible discussion for TechConnect programs that meet the needs of underserved communities?

11/15/05, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**051799 [Status of the Agreement protecting the public interest in certain improvements and developments of Parcel 4 at the corner of Balboa Street and the Great Highway]  
Supervisor McGoldrick**

Hearing to determine the status of the April 10, 2003 Agreement protecting the public interest in certain improvements and developments of Parcel 4 at the corner of Balboa Street and the Great Highway.

(The agreement is intended to provide for the completion of the development of Parcel 4, its maintenance by the City and subsequently the Golden Gate National Recreation Area and ultimately the transference of the parcel to the National Parks Service.)

11/15/05, RECEIVED AND ASSIGNED to Land Use Committee.

- 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)  
11/15/05, ASSIGNED to Board of Supervisors.

### Motions

- 051790 [Needle Exchange Emergency]**  
**Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi**  
  
Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.  
11/15/05, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 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.  
11/15/05, ASSIGNED to Board of Supervisors. Scheduled for Board consideration November 22, 2005. Sponsor requests a very detailed and in-depth report to be delivered as promptly as possible.
- 051800 [Canceling January 3, 2006, Board of Supervisors meeting]**  
**Supervisor Peskin**  
  
Motion canceling January 3, 2006, meeting of the Board of Supervisors.  
11/15/05, RECEIVED AND ASSIGNED to Rules Committee.

### **PROPOSED ORDINANCES**

- 051812 [Settlement of Lawsuit - Theresa Koenig]**  
Ordinance authorizing settlement of the lawsuit filed by Theresa Koenig against the City and County of San Francisco for \$190,000; the lawsuit was filed on November 16, 2001 in San Francisco Superior Court, Case No. 401-374; entitled Theresa Koenig, et al., v. City and County of San Francisco, et al. (City Attorney)  
11/4/05, RECEIVED AND ASSIGNED to Rules Committee.

- 051813 [Settlement of Lawsuit - Tania Tavasieff Foley]**  
Ordinance authorizing settlement of the lawsuit filed by Tania Tavasieff Foley against the City and County of San Francisco for \$75,000; the lawsuit was filed on September 7, 2004 in San Francisco Superior Court, Case No. 434-496; entitled Tania Tavasieff Foley v. City and County of San Francisco, Mortimer John Joyce, Jr., and Stephen Waichi Wong. (City Attorney)  
11/4/05, RECEIVED AND ASSIGNED to Rules Committee.
- 051814 [Settlement of Lawsuit - Aircraft Service International, DHL Express (USA) as successor in interest to Airborne Express ("Airborne"), Atlantic Richfield Co., ChevronTexaco, Shell, Signature Flight Support, and Unocal]**  
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against Aircraft Service International, DHL Express (USA) as successor in interest to Airborne Express ("Airborne"), Atlantic Richfield Co., ChevronTexaco, Shell, Signature Flight Support, and Unocal, for the payment to the Airport of environmental clean-up costs with regard to City and County of San Francisco v. ARCO et al., Case No. C-97-2965 MMC (N.D. Cal). (City Attorney)  
11/4/05, RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

- 051789 [Prevailing wages for workers on public works/improvement projects, workers doing janitorial services, workers in public off-street parking lots, garages, or auto storage facilities, workers in theatrical services; and workers performing moving services]**  
Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers performing work under City contracts for janitorial services; (3) workers in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; (4) workers engaged in theatrical or technical services for shows on property owned by the City; and (5) workers performing moving services under City contracts at facilities owned or leased by the City. (Civil Service Commission)  
  
(Fiscal impact.)  
11/3/05, RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 051815 [Additional contract funds to evaluate the integration of buprenorphine treatment into the SFGH AIDS Program]**  
Resolution authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (SFDPH, CBHS), to enter retroactively into an agreement with the University of California San Francisco (UCSF), the primary contractor, and expend additional funds in the amount of \$351,939 to provide local and multi-site evaluation of the integration of buprenorphine treatment into the SFGH AIDS Program, and to add one (1.0) new position funded through this agreement; for the period of September 1, 2004 to August 31, 2009. (Public Health Department)  
11/1/05, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**Requests Granted**

*From: Supervisor Mirkarimi*

*To: City Attorney*

*Requesting/Inquiring: Supervisor Mirkarimi requests the City Attorney to draft legislation on the institution of enforceable guidelines for making certain that the civil liberties and constitutional rights of San Franciscans are not abused or compromised as a result of the operation of public "security" surveillance cameras, rather they be permanent or activated on a pilot basis - strongly encourages the solicitation of guidelines from the ACLU and other civil liberty advocates.*

*From: Supervisor Mirkarimi*

*To: Director, Metropolitan Transportation Agency*

*Requesting/Inquiring: Supervisor Mirkarimi requests that the Metropolitan Transportation Agency report on the feasibility of establishing a separate turn light for N-Judah at the intersection of 9th Avenue and Irving Street.*

*From: Supervisor Mirkarimi*

*To: City Librarian, San Francisco Public Library*

*Requesting/Inquiring: Supervisor Mirkarimi requests that the San Francisco Public Library report on the status of repair of the elevator lift at the Park Branch Library on Page Street.*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

*Requesting/Inquiring: Supervisor Mirkarimi requests that the Department of Public Works report on the status of graffiti removal at:*

- Blue Post Office Mailbox at the Northeast corner of Divisadero Street and Haight Street*
- Green Mailbox at Northwest corner of Webster and Sutter*
- Green Mailbox at the Northwest corner of Fillmore and McAllister*
- Emergency Call Box on Southeast California Street and Scott*

*From: Supervisor Mirkarimi*

*To: Director, Department of Public Works*

*Requesting/Inquiring: Supervisor Mirkarimi requests that the Department of Public Works report on the status of the sidewalk repair at 200 Fillmore Street.*

*From: Supervisor Maxwell*

*To: City Attorney*

*Requesting/Inquiring: Supervisor Maxwell requests the City Attorney draft legislation requiring city contractors who provide insurance, financial and other services to the city to research and disclose to the city records evidencing benefits from the American slave trade; and (2) establishing a fund to include but not be limited to support for education and economic development.*

*From: Supervisor Ammiano*

*To: City Attorney*

*Requesting/Inquiring: Requesting the City Attorney investigate the economic and social impact of big box retail chains on San Francisco's small business community and to further inquire into the feasibility of the City imposing a mitigation fee and zoning requirements to ameliorate the economic and social impact on San Francisco's small business community caused by big box retail chains.*



**In Memoriams**

*Christian Rodriguez - Supervisor Ammiano  
Mary Jeanne Forster - Supervisor Ma  
David Slocombe - Supervisor Dufty  
Carolyn Ross Fichter - Supervisor Peskin  
Ken Graddick - Supervisors Maxwell, Dufty, and Mirkarimi*

**ADJOURNMENT**

*There being no further business the Board adjourned at the hour of 4:54 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