

Petitions and Communications received from October 25, 2011, through October 31, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on November 8, 2011.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

From Office of the Mayor, submitting letter vetoing the Health Care Security Ordinance. File No. 110998, Copy: Each Supervisor (1)

From State Controller, regarding the State Aid for Peace Officers and Training Program audit. Copy: Each Supervisor (2)

From Office of the Clerk of the Board, the following individual has submitted a Form 700 Statement:

Les Hilger III, Assuming/Leaving - Legislative Aide (3)

From Human Services Agency, submitting the FY2011-2012 Human Services Care Fund Quarter Update. Copy: Each Supervisor (4)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to sport and commercial fisheries. Copy: Each Supervisor (5)

From Department of Elections, regarding the Department's handling and processing of ballots for the November 8, 2011, Consolidated Municipal Election. Copy: Each Supervisor (6)

From Planning Department, submitting notice that the Geary Road Bridge Replacement Project, located in unincorporated Alameda County is under Environmental Review. (7)

From concerned citizens, regarding saving the Sharp Park Wetlands. File No. 110966, Copy: Budget and Finance Committee Clerk, 19 letters (8)

From Public Utilities Commission, submitting request for release of reserved funds for the Calaveras Dam Replacement Water System Improvement Project, a component project within the Sunol Valley Water Region, in the amount of \$27,283,174. Copy: Budget and Finance Chair, Committee Clerk (9)

From Board of Appeals, submitting the FY2010-2011 Annual Report. (10)

From Emil Lawrence, regarding a police report against the Gascon Campaign for District Attorney. (11)

From concerned citizens, submitting support for bird safe buildings. File No. 110785, 4 letters (12)

From concerned citizens, regarding Occupy San Francisco. File No. 111164, 6 letters (13)

From James Chaffee, regarding a false arrest lawsuit. (14)

From Ryan McCaffrey, submitting support for the building of new cell sites in San Francisco. (15)

From Marian Monks, submitting support for proposed ordinance amending the San Francisco Administrative Code by adding Chapter 93, Sections 93.1 through 93.5, to prohibit limited services pregnancy centers from making false or misleading statements to the public about pregnancy-related services the centers offer or perform. File No. 110899 (16)

*From concerned citizens, submitting opposition to proposed ordinance amending the San Francisco Administrative Code by adding Chapter 93, Sections 93.1 through 93.5, to prohibit limited services pregnancy centers from making false or misleading statements to the public about pregnancy-related services the centers offer or perform. File No. 110899, Approximately 75 letters (17)

*(An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is available at the Clerk's Office Room 244, City Hall.)

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

*File 110998
C: COB, BOS-11
Leg Dep. page
Cal. Clerk*

October 25, 2011

Members, Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 OCT 26 AM 8:01
PC

Dear Supervisors:

This letter communicates my veto of the ordinance pending in File Number 110998, finally passed by the Board of Supervisors on October 18, 2011. This ordinance proposes to amend Administrative Code sections related to the Health Care Security Ordinance to mandate that deposits into Health Reimbursement Accounts (HRAs) be irrevocable.

This legislation aims to solve an important problem, but imposes an overly broad approach to solving a discrete set of issues. For this reason, I will not sign this ordinance, and encourage the Board to continue its work towards an appropriate legislative solution.

From the outset of the discussion about unfairly structured HRAs, I have consistently communicated my support for the shared objectives of closing the so-called "January 1st loophole" and to protect against consumer fraud.

I have also steadily urged the Board to adopt amendments that would increase access to health care and protect jobs in our City's small businesses.

The ordinance pending before me today neither improves access to health care services nor does it protect jobs. Instead, it would legally require small businesses with 20 or more employees to set aside cash in an account for the purpose of reimbursing out-of-pocket medical expenses. There is no data to support the assertion that a stockpile of money, ever-growing but with heavy restrictions on reimbursement, leads to better health access. Moreover, this cash, pulled out of our local economy, will not be available to pay wages or grow businesses.

After meeting extensively with many leaders of organized labor, dozens of small business owners and employees, and our City's health care professionals, I am confident there is a legislative path forward that closes all the loopholes, increases health access, and protects jobs.

Instead of this proposed set of amendments to the Health Care Security Ordinance, I support a consensus approach to closing the consumer fraud and "January 1st" loopholes. To this end, I have proposed legislation that would increase access to health care and protect jobs. I am also willing to support a policy similar to that provided by President David Chiu (File Number 111030), with some discreet amendments to encourage greater utilization of HRA fund balances, not just larger fund balances as this ordinance would require.

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200
SAN FRANCISCO, CALIFORNIA 94102-4681
TELEPHONE: (415) 554-6141

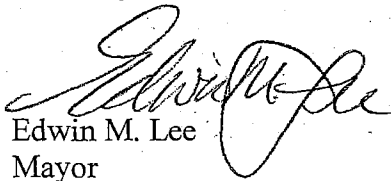
(1)

The ordinance sponsored by David Chiu is currently pending before the Board of Supervisors, and I am encouraged by the conversation that has progressed as this policy develops. If this ordinance eventually passes the Board with amendments to focus on health access and protecting jobs, I will eagerly sign it into law.

My conversations with small business owners around the City convinces me that, working together, we can pull down the most burdensome restrictions on HRAs and in turn increase utilization rates. Employers must notify their workers more frequently and transparently about available HRA fund balances. And we must aggressively pursue cases of consumer fraud by businesses that charge a so-called "Healthy SF Fee" but do not provide these funds to their employees.

By uniting around our shared goals, we can solve these problems, provide better health care, and continue to grow San Francisco's economy.

Sincerely,



Edwin M. Lee
Mayor

cc: Angela Calvillo, Clerk of the Board of Supervisors



JOHN CHIANG
California State Controller

October 21, 2011

BOS-11
COB
cpage

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 OCT 26 PM 3:03
AK

Sergeant James Quanico, Training Manager
San Francisco County Sheriff's Department
120 14th Street
San Francisco, CA 94103

Re: State Aid for the Peace Officer Standards and Training Program
Audit of San Francisco County Sheriff's Department

Dear Sgt. Quanico:

This letter is to confirm, as discussed by telephone between Victor M. Becerra of your staff and Radu Stefan of my staff on October 18, 2011, that we will be at your premises to commence the audit of the State Aid for the Peace Officer Standards and Training Program on Wednesday, November 2, 2011, at 9:00 a.m. The audit will cover the period of October 1, 2010, through September 30, 2011.

The State Controller's Office (SCO) will perform a performance audit engagement conducted in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States and the performance standards established by the American Institute of Certified Public Accountants (AICPA).

We will not audit the San Francisco County Sheriff's Department's financial statements. We will limit our audit scope to planning and performing audit procedures necessary to obtain reasonable assurance that claims filed during the audit period were allowable.

We will review the training reimbursement requests submitted to the Commission on Peace Officer Standards and Training (POST), along with the associated documentation for expenditures incurred under the program. The examination will include a review of your department's internal control procedures, as well as program revenues and expenditures.


2

James Quanico, Training Manager
October 21, 2011
Page 2

The performance audit report is intended for the information and use of the POST, San Francisco County Sheriff's Department, and the SCO. This is not intended to limit distribution of the report, which will be a public record.

We would appreciate your furnishing working accommodations and making the necessary records available to our staff. If you have any questions, please contact me by telephone at (916) 324-5873 or by e-mail at jvintze@sco.ca.gov.

Sincerely,



JOSEPH R. VINTZE, Audit Manager
Local Government Audits Bureau
Division of Audits

JRV/vb

10024

cc: Angela Calvillo, Clerk of the Board of Supervisors
San Francisco County
Ben Rosenfield
San Francisco County Auditor-Controller
Debbie Elayan
Commission on Peace Officer Standards and Training
Steven Mar, Bureau Chief
Division of Audits, State Controller's Office

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

MEMORANDUM

Date:	October 27, 2011
To:	Honorable Members, Board of Supervisors
From:	ACB Angela Calvillo, Clerk of the Board
Subject:	Form 700

This is to inform you that the following individual has submitted a Form 700 Statement:

Les Hilger III, - Assuming-Leaving - Legislative Aide

3

City and County of San Francisco



Edwin M. Lee, Mayor

305-11, COB. cpage
Human Services Agency

Department of Human Services
Department of Aging and Adult Services

Trent Rhorer, Executive Director

MEMORANDUM

October 28, 2011

TO: Angela Calvillo, Clerk of the San Francisco Board of Supervisors
Ben Rosenfield, Controller of the City and County of San Francisco

THROUGH: Human Services Commission

FROM: Trent Rhorer, Executive Director
Phil Arnold, Deputy Director for Administration

SUBJECT: **Human Services Care Fund: FY11-12 1st Quarter Update**

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 OCT 28 PM 3:02
RC

This memo is intended to notify the Board of Supervisors and the Office of the Controller that pursuant to Administrative Code Sections 10.100-77(e), the Human Services Commission has approved the Human Services Agency's final FY10-11 savings for the Human Services Care Fund.

The FY11-12 savings in homeless CAAP aid payments resulting from the implementation of *Care Not Cash* is now projected at \$13,646,048, which is roughly sixty-two thousand less than previously projected. The projected savings for this fiscal year are also approximately sixty-two thousand dollars less than the FY11-12 budgeted amount.

(memo continued on next page)

The table below shows the detailed monthly projections made last quarter and compares them to the actual figures for the first quarter of FY11-12 and the updated projections for the rest of the fiscal year.

Month	Previous	Current	Difference
	Quarterly Update (Q4 FY10-11)	Quarterly Update (Q1 FY11-12)	
Jul-11	\$1,142,360	\$1,139,892	(\$2,468)
Aug-11	\$1,142,360	\$1,138,746	(\$3,614)
Sep-11	\$1,142,360	\$1,136,741	(\$5,619)
Oct-11	\$1,142,360	\$1,136,741	(\$5,619)
Nov-11	\$1,142,360	\$1,136,741	(\$5,619)
Dec-11	\$1,142,360	\$1,136,741	(\$5,619)
Jan-12	\$1,142,360	\$1,136,741	(\$5,619)
Feb-12	\$1,142,360	\$1,136,741	(\$5,619)
Mar-12	\$1,142,360	\$1,136,741	(\$5,619)
Apr-12	\$1,142,360	\$1,136,741	(\$5,619)
May-12	\$1,142,360	\$1,136,741	(\$5,619)
Jun-12	\$1,142,360	\$1,136,741	(\$5,619)
Total FY11-12	\$13,708,322	\$13,646,048	(\$62,274)

NOTE: Shaded figures are *actuals* (versus *projections*).

The FY11-12 budgeted amount for the Human Services Care Fund is \$13,708,531. As shown in the table below, the current savings projection for FY11-12 is \$62,483 less than this budgeted amount.

**FY11-12 Human Services Care Fund
Budget Comparison**

FY11-12 Budget	\$13,708,531
FY11-12 Projected Savings	\$13,646,048
Amount Over-Funded	\$62,483

COMMISSIONERS
Jim Kellogg, President
Discovery Bay
Richard Rogers, Vice President
Santa Barbara
Michael Sutton, Member
Monterey
Daniel W. Richards, Member
Upland
Jack Baylis, Member
Los Angeles

EDMUND G. BROWN, JR.



Governor

STATE OF CALIFORNIA
Fish and Game Commission

Bos-11 - via email

Cpage
Sonke Mastrup
EXECUTIVE DIRECTOR
1416 Ninth Street
Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax

fgc@fgc.ca.gov

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
OCT 27 PM 3:18
ABC

October 28, 2011

To All Interested and Affected Parties,

This is to provide you with a copy of the notice of proposed regulatory action relative to Sections 29.17 and 127, Title 14, California Code of Regulations, relating to Kelle's Whelk (*Kelletia kelletii*) sport and commercial fisheries, which will be published in the California Regulatory Notice Register on October 28, 2011.

Associated documents will also be published to the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/new/2011/proposedregs11.asp>.

Please note, on page two of the attachment, the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Dr. Craig Shuman, Marine Advisor, Fish and Game Commission, (310) 869-6574, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Jon D. Snellstrom
Associate Governmental Program Analyst

Attachment

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 210, 220, 7090 and 8500 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 210, 220, 7090, 7850, 7857, 8140, 8250.5, 8254, 8284, 8500, 8603, 9000, 9001, 9010 and 9011, of said Code, proposes to amend Sections 29.17 and 127, Title 14, California Code of Regulations, relating to Kellet's Whelk (*Kelletia kelletii*) sport and commercial fisheries.

Informative Digest/Policy Statement Overview

Under existing law, Kellet's whelk, *Kelletia kelletii*, may be taken for commercial purposes by hand collecting while diving 1,000 feet beyond the low tide mark of any natural or constructed shoreline (FGC Section 8140, Title 14, CCR §123) and incidentally in lobster and rock crab traps (FGC Sections 8250.5 and 8284). There are no size limits, seasons or catch quotas when fishing for Kellet's whelk by diving or trapping. There is a recreational bag limit of 35 whelk per day, the standard recreational bag limit for species for which there is not a bag limit otherwise established and whelks cannot be taken in any tidepool or the areas between the high tide mark and 1,000 feet seaward and lateral to the low tide mark (Title 14, CCR §29.05).

California Fish and Game Code Section 7090 requires the Commission, based upon the advice and recommendations of the Department, to encourage, manage, and regulate emerging fisheries. Consistent with the policies and criteria outlined in FGC §7090 and the Commission's Policy on Emerging Fisheries, the Department recommended the Commission designate the fishery for Kellet's whelk, as an emerging fishery. On April 7, 2011, based on the advice and input from the Department, a recommendation the Commission's Marine Resources Committee and public testimony the Commission designated the fishery for Kellet's whelk as an emerging fishery. The proposed regulations are designed to manage take in the fishery according to the guidelines set out by the California Marine Life Management Act.

The proposed regulations would manage take in the fishery through three possible mechanisms that can be implemented independently or concurrently: a season where take is prohibited; a total allowable catch (TAC); and a restriction on the method of take.

Option 1: Season where take is prohibited

The proposed regulations would create a seasonal closure from [March 1 – May 1] through [May 31 – July 31] that would prohibit the commercial and recreational take of Kellet's whelk during that time period.

Option 2: Total Allowable Catch

The proposed regulations would create a total allowable catch (TAC) to cap the commercial landings of Kellet's whelk from the period from April 1 through March 31 of the following year. The TAC is proposed to be set at [86,000 to 173,000 pounds] which is based most conservatively on 50% of the most recent five year average landings and least conservatively on 100% of the most recent five year average landings.

When the TAC is met, or expected to be met based on anticipated landings, the fishery will be closed. The Department shall give not less than ten days' notice of the fishery closure to all holders of a current and valid lobster operator permit or southern rock crab trap as well as any other individual who has landed Kellet's whelk within the previous five years via a notification letter, and to the public and Commission via a news release.

Option 3: Prohibit Commercial Take of Kellet's whelk by Diving

The proposed regulations would prohibit the commercial taking of Kellet's whelk by diving. Unlike the take of whelk incidentally in lobster and rock crab traps, there are no limits on the number of individuals who can take Kellet's whelk by diving. Prohibiting diving for Kellet's whelk would help prevent the unrestricted growth of individuals participating in the fishery.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Veteran's Memorial Building, 112 West Cabrillo Blvd., Santa Barbara, California, on Thursday, November 17, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Hubbs Sea World Research Institute, Shedd Auditorium, 2595 Ingraham Street, San Diego, California, on Thursday, December 15, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before December 12, 2011 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on December 12, 2011. All comments must be received no later than December 15, 2011, at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer or Jon Snellstrom at the preceding address or phone number. **Dr. Craig Shuman, Fish and Game Commission, (310) 869-6574, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

Option 1: Season where take is prohibited

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Implementation of a season where take is prohibited would allow individuals to continue to catch and sell Kellet's whelk during other parts of the year. As the majority of Kellet's whelk are caught incidentally in lobster and crab traps, this species does not make up the primary part of any individuals income. Any revenue lost during the closed season could be regained by additional effort during the open season. In addition, the implementation of a closed season may result in a price

premium at certain times of the year during the open season, providing a possible positive economic impact. Finally, any short-term negative economic impacts are expected to be offset by the anticipated positive long-term economic returns that will result from a sustainable fishery.

Option 2: Total Allowable Catch

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

A reduction in total annual catch would have a corresponding reduction in revenue. However, relative to other fisheries, the volume and value of Kellet's whelk are extremely low so the total estimated statewide economic impact is expected to be insignificant. In addition, any short-term negative economic impacts are expected to be offset by the anticipated positive long-term economic returns that will result from a sustainable fishery.

Option 3: Prohibit Commercial Take of Kellet's Whelk by Diving

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

In 2010, diving accounted for less than 1% of the total catch of Kellet's whelk, with a corresponding ex-vessel value of approximately \$1000. There are a very small number of individuals engaged in the dive fishery for Kellet's whelk (seven in 2010) so it is expected that a prohibition of diving would not have a significant economic impact.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None

- (f) Programs mandated on Local Agencies or School Districts:

None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None

- (h) Effect on Housing Costs:

None

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: October 18, 2011

Jon K. Fischer
Deputy Executive Director



John Arntz
Director

BOS-11
COB, Leg Dep
cpage

Memorandum

To: Honorable Edwin M. Lee, Mayor
Honorable Members, Board of Supervisors

From: John Arntz, Director of Elections

Date: October 26, 2011

RE: Preparations for the November 8, 2011 Consolidated Municipal Election

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 OCT 26 AM 11:06
PC

Prior to every election, the Department of Elections (Department) issues a memorandum detailing the Department's handling and processing of ballots. This memorandum continues the Department's efforts to keep the election process as open as possible and will provide an overview of the Department of Elections' plans for receiving, distributing, transporting, and processing ballots, as well as the reporting of election results, for the November 8, 2011 Consolidated Municipal Election.

Ballot

All voters will receive ballots that consist of two cards.

Voter Information Pamphlet

By October 11 the Department organized the mailing of all Voter Information Pamphlets (VIP) for voters who were registered 40 days prior to the November 8 election. The Department will also conduct supplemental VIP mailings to those people who registered to vote on or before the October 24 registration deadline.

Precinct Consolidations

For cost savings, the Department will consolidate precincts in this election. Neighboring precincts in the same district will be combined and share one polling place, reducing the total number of sites from 567 to 406. In choosing the shared polling places, the Department sought to eliminate inaccessible and smaller sites, and to avoid geographic barriers like hills, parks, and freeways. Voters living in consolidated precincts will receive a notification postcard prior to the election. Vote totals and voter turnout in consolidated precincts will be reported as a single precinct.

Permanent Vote-by-Mail Ballots

The Department began mailing ballots to permanent vote-by-mail voters on October 11. Presently, more than 199,000 voters have requested permanent vote-by-mail status, and more than 2,000 voters have requested vote-by-mail ballots to be sent to them at overseas addresses.

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Early Voting in City Hall

Early voting began October 11 in City Hall, and takes place outside the Department's office, City Hall Room 48, each weekday from 8 a.m. until 5 p.m. through Election Day. Weekend voting will be offered from 10 a.m. until 4 p.m. in City Hall the two weekends prior to the election, October 29-30 and November 5-6. On Election Day, voting will begin in City Hall at 7 a.m. and continue until all voters in line by 8 p.m. have cast their ballots. All San Francisco voters can vote in City Hall regardless of their residential addresses.

Posting of Ballot Counts

Beginning with the mailing of military and overseas ballots in early September, the Department has been posting on its website daily reports of the number of ballots issued. The reports are now updated each day with the number of domestic vote-by-mail ballots and early voting ballots issued, as well as the number of ballots returned to date.

The day after the election, the Department will begin to include in this report the number of vote-by-mail and provisional ballots received on Election Day, as well as the number of all ballots counted and remaining to be counted.

Results Reporting

Reporting of Results on Election Day after the Polls Close

The first results released on the night of the election will occur at approximately 8:45 p.m. and will represent results from vote-by-mail ballots, which includes the City's 23 mail-ballot precincts. The next report will be released at approximately 9:45 p.m., and this second report will include votes cast at the polling places. Subsequent updates will be posted online at the Department's website every half hour until approximately midnight.

On the night of the election, the Department will post results on its website, www.sfelections.org, present results on a large-screen television in City Hall's North Light Court, and will provide hardcopies available in the North Light Court and in the Department's office in City Hall Room 48. SFGTV will also provide information on the results.

Reporting of Results after Election Day, Including Ranked-Choice Voting Results

Every day after the election in which more ballots are counted, the Department will release results at approximately 4 p.m. These updates will include results from ballots cast at polling places, vote-by-mail ballots, provisional ballots, and write-in votes.

Alongside these results updates, the Department will release preliminary ranked-choice voting (RCV) results each day on the Wednesday, Thursday, and Friday after the election. The results will include a ballot image file for each contest, which will contain data on first-, second-, and third-choice votes. Further preliminary RCV updates may be released each day more ballots are counted, depending on public interest. These preliminary RCV results will be posted on the Department website and available in printed format at the Department's office.

The preliminary RCV results will display the outcome of the RCV algorithm based on the votes counted up until that point, and are subject to change as more ballots are processed. Candidate

eliminations and advancements in the preliminary results are not permanent. Final RCV results will be released when all ballots are counted.

Also on the Wednesday after the election, the Department will release a preliminary Statement of Vote, which will list votes counted to date by precinct. This will be updated weekly until final results are certified and the official Statement of Votes is published.

Final election results will not be available on Election Day because the Department must still process all vote-by-mail ballots and provisional ballots received on Election Day. The counting process may continue for up to three weeks. As in past elections, candidates, members of the media and the public are welcome to observe the processing of ballots.

Report of Final Election Results

The Department expects to certify the final results no later than 28 days after Election Day, as required by the California Elections Code. The Department will announce the final election results by issuing a press release, and posting notices on its website and at its main office in City Hall, Room 48.

Observing the Elections Process

All election activities are open to public observation. For every election we update our Observers' Guide to explain the various activities taking place during the election and how to observe these activities. The Observers' Guide is posted on our website, www.sfelections.org, and is available in our main office at City Hall, Room 48. To request more information about observing the elections process, please contact our office.

Ballot Storage

Vote-by-Mail Ballots

The Department continues to outsource the preparation and mailing of vote-by-mail ballots to voters who have requested permanent vote-by-mail status. The Department does keep small quantities of vote-by-mail ballots for voters who participate in early voting in City Hall. These ballots are tracked on ballot custody forms from the time of delivery from the printing vendor until they are voted, and are securely stored in City Hall Room 59. At the end of each day, we will account for each ballot in our possession and move the voted ballots to a secure room within our office. The tracking and logging of these ballots will continue through Election Day.

When voted vote-by-mail ballots arrive in the mail to City Hall, or are returned by voters at the early voting counter, the Department secures the envelopes containing the voted ballots in City Hall Room 59. The barcodes on the envelopes are scanned to track the receipt of each voter's ballot. Then, each signature on every vote-by-mail envelope is compared against the electronic image file of the respective voter's signature in the voter-registration database.

It must be noted that voters' signatures and addresses on the envelope are not viewed in conjunction with the voted ballot cards inside. After the signature on each envelope is verified with the image file in the voter registration database, the envelopes are organized so that the addresses and signatures are not visible to the staff removing the voted ballot cards. When the

ballot cards are removed, they remain in precinct order until two staff members move the ballots to the Department's computer room for counting.

Precinct Ballots

Ballots to be used in the polling places are prepared at the Department's warehouse on Pier 48, then staged for distribution in Brooks Hall, which is located underneath Bill Graham Auditorium. For this election, the Department will distribute ballots to the poll workers from the City Hall cafeteria or City Hall Room 34 after poll workers complete their training sessions, which will take place in the Veteran's Memorial located on Van Ness Avenue, across the street from City Hall.

Department staff inspects each box of ballots to ensure the contents match shipping invoices. They then log each set of ballots received from the printing vendor and this log is continually compared to the order placed with the vendor. The Department tracks the ballots at each step of the election process, through the post-election canvass and the archiving of election materials.

The Department distributes the precinct ballots to polling place inspectors beginning November 1, which is seven days before the election. Before inspectors obtain ballots they must have a precinct assignment from the Department and have completed the proper training classes. The inspectors must sign ballot custody logs indicating the number of ballots, the type, and the precinct in which the cards will be voted. Department staff also scans barcodes affixed to the ballot containers to record the transfer of possession of the ballot cards from the Department to the poll workers.

Election Day

Election Day Support

As in past elections, the Department of Elections will dispatch Field Election Deputies (FEDs) throughout the City on Election Day. FEDs provide direct support to polling places by delivering additional ballots and other supplies, addressing technical or staffing problems that arise during the day, and assisting in the opening and closing of polling places.

The Department will train the FEDs to visit each polling site and discern whether the poll workers are providing the best possible service to voters. As in past elections, poll workers receive training that includes assisting voters who are unfamiliar with the elections process or otherwise need assistance when casting their votes.

Transporting and Securing Voted Ballots after the Polls Close

Since the Department has sufficient space at one site at Pier 48 that can support both warehouse and operational activities, the movement of election materials after the polls close is greatly reduced. Once ballots arrive at Pier 48 from the polling places, the ballots will remain in Pier 48 during the canvass and during the retention period required by state election law after an election's results are certified. There is no need to move the ballots from Pier 48 until after the retention period, when the cards are sent for recycling.

The overall process of securing ballots begins when voted ballots are inserted into and stored in the optical scan voting machines used at the polling places. The doors on the machines remain

locked and sealed throughout the day. Voted ballots are not removed from the polling places until after the polls close at 8 p.m. After the polls close, Deputy Sheriffs collect all ballots and the results tapes and printer units used by each touch screen voting machine. During this collection, the Deputy Sheriffs sign a Custody Transfer Form (CTF) in quadruplicate format to confirm receipt of the ballots and give a copy to the polling place Inspector. This form is used later to track the custody of ballots. The Deputy Sheriffs then deliver the ballots to the Elections Processing Center on Pier 48.

Department staff at Pier 48 receives the ballots from the Deputy Sheriffs, and both the Department staff and the Deputy Sheriffs sign the CTF to confirm the receipt of ballots from each precinct and to maintain a record of custody. The Deputy Sheriffs receive copies of the forms and the Department files remaining copies for reference.

Deputy Sheriffs continue to provide security for the ballots at Pier 48 after the polls close. The Sheriff's Office will assign work schedules that allow for two Deputies to be on duty at the Pier until all ballots are canvassed. Whenever the Department transports ballots from Pier 48 to City Hall for processing, Deputies escort the vehicles. The transport of vote-by-mail and provisional ballots to City Hall for processing will take place the night of the election. Department staff will use a Ballot Transfer Form (BTF) to track the transportation of ballots from Pier 48 to City Hall. Department staff will complete and sign the BTF forms when the ballots leave Pier 48, and again when they arrive at City Hall. These forms are retained as a record of the custody of the ballots.

Transporting and Securing Vote-Recording Devices after the Polls Close

Memory Packs

The optical scan voting equipment used at the polling places contains a memory device called a "memory pack" that records votes cast in those specific polling places. After the polls close, poll workers print two copies of a report from the optical scan voting machine of the votes cast at that precinct and one audit log for the machine. After printing these reports, poll workers must break a security seal on the machine and remove the memory pack. Poll workers enclose the memory pack with one copy of the report and the audit log in an anti-static bag and then affix and sign a seal. The second report is posted outside the polling place and left for public inspection. Parking Control Officers (PCOs) from the Department of Parking and Traffic who work under the direction of the Sheriff's Office will retrieve the memory packs from the polling places and transport them to City Hall. At the McAllister entrance, staff logs the arrival of each memory pack and afterwards will upload the vote totals stored in each memory pack for tallying.

Voter Verified Paper Audit Trail and Results Cartridges

Conditions from the Secretary of State placed on the use of the voting system require the Department to transfer the votes cast on the touch screens onto paper ballots and then to process the ballots on the tabulation equipment located in the Department's computer room in City Hall. As well, the touch screens may not tally votes, so the Department will not ask poll workers to post the tallied results from each touch screen at the polling sites. Instead, the poll workers will post the number of people who voted on the touch screen equipment. The Department will transfer votes from the touch screens' paper audit trail onto paper ballots at Pier 48 after Election Day.

After the number of touch screen voters is recorded, the PCOs will retrieve “results cartridges” that the touch screen machines use to record voting results. The PCOs, who travel prearranged routes, will obtain the results cartridges from the poll workers and place them in a special anti-static bag. After completing routes that consist of no more than ten stops, the PCOs will transport the results cartridges along with the memory packs to the McAllister entrance of City Hall.

Ballot Processing

Vote-by-Mail Ballots

The Voter Services Division will verify voters' signatures on the vote-by-mail envelopes for all ballots arriving in the mail or through the early voting counter, and for those that voters deliver to polling places. After this verification, the still-sealed vote-by-mail envelopes are opened and the ballots are removed. Vote-by-mail ballots are extracted from their corresponding envelopes by placing the side with the return address face down to avoid viewing voters' names and information. The ballot cards are moved to the Department's computer room, where they are tallied using optical scan equipment. Although a number of vote-by-mail ballots are read before Election Day, state elections law prohibits the Department of Elections from tallying and reporting any results until after the close of the polls.

Tallied vote-by-mail ballots are secured and stored in City Hall Room 59. Deputy Sheriffs provide security for all vote-by-mail ballots and envelopes until the Department completes the official canvass and the election results are certified.

Damaged or Unreadable Vote-by-Mail Ballots

When ballot cards are damaged or contain stray marks that may interfere with processing by the vote tabulation equipment, Department staff duplicates voters' marks on new ballot cards so that the votes can be counted (California Elections Code § 15210). Each “remade” card is cross-referenced with the original, damaged ballot card, in accordance with state law. The process of remaking vote-by-mail ballots can begin as early as October 28, and is conducted in the Department's conference room until November 3, after which the Department will conduct the remake process in City Hall Room 34. After being remade, the ballots are tabulated on the optical scan machines in the Department's computer room and then stored in City Hall Room 59.

Votes Cast on Accessible Voting Equipment

For this election, the Secretary of State's office has conditionally certified the voting system for use in San Francisco. One of the conditions is that the Department must transfer all votes cast on the touch screen equipment onto paper ballots. This process will be very similar to the remake process except the votes will be remade onto paper ballots from the Voter Verified Paper Audit Trail (VVPAT) and will take place in the Department's warehouse on Pier 48 rather than in City Hall. These remade ballots from the VVPAT will be transported to City Hall under Deputy Sheriff escort for tabulation using the optical scan equipment in the Department's computer room.

Provisional Ballots

Voters whose names do not appear in rosters specific to each precinct can still vote by using a “provisional ballot.” Provisional ballots are identical to the regular precinct ballots, but after voters mark their selections, the ballot cards are sealed in large pink envelopes and placed in a

sealed red ballot box rather than inserted into the optical scan machine and tabulated at the precinct. Before counting provisional ballots, Department staff must verify voters' eligibility to vote according to the information voters provide on the envelope that contains the ballot cards. The verification process is similar to the process described above for verifying vote-by-mail ballots. The Department will tally provisional ballots in its computer room in City Hall after the Department has determined the eligibility of each voter who cast a provisional ballot.

Staging Voted Ballots Before, During, and After Processing

Voted ballots from the polling places arrive at Pier 48 and will remain at Pier 48 for canvassing and for the full retention period required by state election law. After processing the voted vote-by-mail ballots, the Department will send these ballots to Pier 48 for the retention period. After the polls close, Deputy Sheriffs will bring to Pier 48 the Voter Verified Paper Audit Trail (VVPAT) along with the voted and unvoted ballots. During the canvass, in accordance with the conditional certification of the voting system by the Secretary of State, the Department will transfer the results on the VVPAT onto paper ballots and then transport these ballot cards to the Department's computer room in City Hall for processing. All VVPAT records will remain at Pier 48 for the legally-mandated retention period.

Additional Information

Online Resources for Voters

The Department of Elections website now features a Voting Toolkit. The Toolkit and website provide many resources for voters, including:

- an online application to request a vote-by-mail ballot;
- a polling place look-up allowing voters to find the location of their polling places;
- a vote-by-mail status look-up to determine when ballots were mailed and if the Department received the voted ballots;
- a registration look-up that indicates whether people are registered in San Francisco;
- a provisional ballot status look-up which indicates whether a voter's provisional ballot was counted;
- an electronic copy of the Voter Information Pamphlet; and,
- ranked-choice voting videos and other educational outreach materials

For more information, please visit www.sfelections.org, or call the Department of Elections' Voter Information Phone Bank: 415-554-4375 (English); 415-554-4367 (Chinese); 415-554-4366 (Spanish).

cc: Dennis Herrera, City Attorney
Ben Rosenfield, Controller
Amy L. Brown, Acting City Administrator
Steve Kawa, Chief of Staff, Mayor's Office
Rick Wilson, Budget Director, Mayor's Office
Angela Calvillo, Clerk of the Board of Supervisors
Albert Waters, Chief, Sheriff's Department
Matthew Freeman, Captain, Sheriff's Department
Ed Manalang, Lieutenant, Sheriff's Department

Michael Kim, Sergeant, Sheriff's Department
Robert Reiter, Building Manager, City Hall
Mollie Lee, Deputy City Attorney
Elections Commission



SAN FRANCISCO PLANNING DEPARTMENT

Notification of Project Receiving Environmental Review

Date: October 26, 2011
Case No.: 2008.0386E
Project Address: **Geary Road Bridge Replacement Project**
Location: Sunol Regional Wilderness, unincorporated Alameda County
Lot Size: 9 acres
Staff Contact: Steven Smith – (415) 558-6373
Steve.Smith@sfgov.org

2011 OCT 27 PM 3:21
 ASB
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 1680 Mission St.
 Suite 400
 San Francisco, CA 94103-2479
 Reception: 415.558.6378
 Fax: 415.558.6409
 Planning Information: 415.558.6377

PROJECT DESCRIPTION:

The San Francisco Public Utilities Commission (SFPUC) proposes to replace the existing Geary Road Bridge with a new bridge at the existing location to accommodate current load requirements and eliminate the need for a low water crossing. The proposed project is on SFPUC property in unincorporated Alameda County, within the Sunol Regional Wilderness. The existing bridge is located on Geary Road, where it crosses Alameda Creek. The bridge alignment is approximately 6 miles south of the intersection of Calaveras Road and Interstate 680 (I-680), and approximately 3 miles south of the intersection of Calaveras Road and Geary Road. The nearest community is the town of Sunol, located approximately 7 miles north of the project site. Access to the existing bridge is controlled by locked gates.

The existing bridge was originally constructed in the 1930s and repaired in 1961, and provides pedestrian access and restricted vehicular access across Alameda Creek. Inspection of the existing bridge in November 2005 found the structure deteriorated, which necessitated repairs to the decking and supports. The existing bridge was constructed with a load capacity of 10 tons, which precludes heavy vehicles such as fire trucks, construction equipment, and livestock trailers from using the bridge. Heavy vehicles currently must cross the creek when stream flow conditions allow at a low-water crossing approximately 60 feet upstream of the existing bridge.

The purpose of the proposed project is to replace the current bridge with a new bridge that would accommodate a 63-ton load (per SFPUC Water Supply and Treatment Division maintenance requirements), and conform to American Association of State Highway and Transportation Officials (AASHTO) and California Department of Transportation (Caltrans) bridge design standards, including seismic and safety requirements. This would result in improved bridge reliability and safety, and eliminate the need for the low-water crossing, thus improving the condition of Alameda Creek. The new bridge would continue to provide pedestrian access within the Sunol Regional Wilderness Area and accommodate vehicles of resident ranchers, staff from the East Bay Regional Park Department (EBRPD), SFPUC, fire department, and other authorized personnel, and vehicles accessing the EBRPD Camp Ohlone.

PURPOSE OF NOTICE:

The project is being studied by the Planning Department's Environmental Planning section to determine its potential environmental effects. No environmental documents have been issued for this project. Public

Notification of Environmental Review
October 26, 2011

CASE NO. 2008.0386E
Geary Road Bridge Replacement Project

comments concerning the potential environmental effects of this project are welcomed. In order for your concerns to be fully considered or to ensure your receipt of future environmental review documents for this project, **please contact Steven Smith (identified above) within 2 weeks from date of notice.** This notice is routinely sent to potentially interested parties. Anyone receiving this notice is encouraged to pass on this information to others who may have an interest in the project.

Environmental review provides information on physical environmental effects and does not make recommendations on the project itself. Other review or approval actions may be required for the project. These actions may involve further public notification and public hearings. If you have comments on the proposed project that pertain to matters other than physical environmental effects, please note the file number and call Craig Freeman at (415) 934-5740.



Restore Sharp Park into a National Park
Ryan Coons to: Board.of.Supervisors
Sent by: Ryan Coons <ryancoonsyh@gmail.com>
Please respond to Ryan Coons

File 110966
BF Clerk

10/24/2011 01:46 PM

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Ryan Coons
Edinboro, Pennsylvania

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.

8



Restore Sharp Park into a National Park

Breanna Barbour to: Board.of.Supervisors

10/25/2011 01:19 PM

Sent by: Breanna Barbour

<stilwaterdogos@hotmail.com@change.org>

Please respond to Breanna Barbour

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Breanna Barbour
homestead, Florida

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.



Restore Sharp Park into a National Park

Patrick McGinnis to: Board.of.Supervisors

10/26/2011 03:01 PM

Sent by: Patrick McGinnis

<patrickbmcginnis@gmail.com@change.org>

Please respond to Patrick McGinnis

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Patrick McGinnis
Vero Beach, Florida

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.



To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110966 Sharp Park

From: Hiroko Jones <hnomichi@sbcglobal.net>
To: board.of.supervisors@sfgov.org
Date: 10/26/2011 01:36 AM
Subject: Support Sharp Park Legislation

I support restoring Sharp Park -- to expand and improve the recreation opportunities at the site and in San Francisco, as well as to help recover endangered species. I hope you share these values and will vote to pass the proposed Sharp Park restoration legislation. Currently, Sharp Park is beset by numerous problems: It loses money and drains funding from the Recreation and Park budget, the operation of the golf course harms endangered species, and the site is threatened by sea-level rise and climate change. Community groups, scientists and restoration experts concur that the major expenditures needed to keep an unsustainable golf course in play here for a few more years can no longer be justified.

The Sharp Park legislation gives us the opportunity to partner with the National Park Service to create a better public park that everyone can enjoy, while allowing San Francisco to redirect scarce recreation dollars back to parks and recreation facilities within the city. The legislation increases access to affordable golf by giving Pacifica residents access to San Francisco's other municipal courses at San Francisco resident rates. The legislation makes sense for the environment, for San Francisco taxpayers and for fuller public enjoyment of Sharp Park. I hope you'll support this important legislation.

Hiroko Jones
440 Davis Ct. 2220
San Francisco, CA 94111

From: Andrea Fleming <FlemingTA@Aol.com>
To: Board.of.Supervisors@sfgov.org
Date: 10/26/2011 06:40 AM
Subject: Please vote YES to Save The Sharp Park Wetlands

Dear Board of Supervisors

As a supporter of SAVE THE FROGS! (www.savethefrogs.com), I am writing to urge you to support Supervisor John Avalos' proposed legislation that would re-purpose the Sharp Park Golf Course to a new public park managed by the National Park Service that all can enjoy. The Sharp Park Wetlands provide critical habitat for the endangered California Red-Legged Frog and a variety of other wildlife. Both frogs and wetlands are rapidly disappearing in California and worldwide, so it is disconcerting that the City of San Francisco is currently using taxpayer dollars to pump the Sharp Park Wetlands dry, killing endangered frogs in the process, and violating state and federal laws.

The Sharp Park Golf Course has a long history of environmental and economic troubles, and the time has clearly come for the City of San Francisco to change course. By closing the golf course and handing the management of the land over to the National Park Service, the City of San Francisco would relieve itself of its current financial, legal and environmental burden, and it would also clearly mark itself as a world leader in environmental protection efforts.

The restored Sharp Park Wetlands would be a safe haven for threatened wildlife and would provide valuable recreational opportunities to San Francisco residents and tourists alike. This would not only improve the quality of life for San Francisco's residents, it would increase the long-term economic value of the property.

Frogs already face an array of threats from climate change to habitat destruction; pesticide use; over-collection for frog legs and dissections; invasive species; and infectious diseases spread by human activity. Frogs eat mosquitoes, provide us with medical advances, serve as food for birds and fish, and their tadpoles filter our drinking water. Plus kids love frogs, and it is our obligation to them to leave this planet in better shape than when we arrived here.

On behalf of all those who enjoy nature and wildlife, thanks for your consideration.

Andrea Fleming

Richboro, PA
US



To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File: 110966 Sharp Park Legislation

From: Lori Conrad <lcmtca@aol.com>
To: Board.of.Supervisors@sfgov.org
Date: 10/25/2011 11:25 AM
Subject: Sharp Park Legislation
Sent by: National Parks Conservation Association <takeaction@npca.org>

Oct 25, 2011

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco, CA 94102-4689

Dear Board of Supervisors,

Please support current legislation to repurpose the failing Sharp Park Golf Course into a better public park in partnership with the National Park Service. Repurposing the Pacifica-based, but San Francisco-owned golf course, which is also located within the boundary of the Golden Gate National Recreation Area, will best protect endangered species, provide more recreational activities and public access, provide flood control for adjacent neighborhoods, and is the least expensive option for San Francisco.

Sharp Park Golf Course loses up to hundreds of thousands of dollars each year, continues to kill endangered species, and prevents other golf courses in San Francisco from receiving adequate maintenance. We can do better. Indeed, repurposing Sharp Park will allow San Francisco to redirect resources to improve the five other courses it manages, which are currently suffering from neglect.

The National Park Service has stated that they will conduct the long-term planning and conversion of the golf course to a new public park with restored wildlife habitat and trail-based recreation. Please help build a better public park at Sharp Park that everyone can enjoy by supporting the legislation.

Thank you for your consideration.

Sincerely,

Ms. Lori Conrad
3031 Bryant Pl
Davis, CA 95618-1613



To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110966: Restore Sharp Park into a National Park

From: Stefano Serpico <johnny76_5@libero.it>
To: Board.of.Supervisors@sfgov.org
Date: 10/26/2011 10:31 PM
Subject: Restore Sharp Park into a National Park
Sent by: Stefano Serpico <johnny76_5=libero.it@change.org>

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Stefano Serpico
Rimini, Italy

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 110966 Please vote YES to Save The Sharp Park Wetlands

From: James Mulcare <xsecretsx@cableone.net>
To: Board.of.Supervisors@sfgov.org
Date: 10/28/2011 04:18 AM
Subject: Please vote YES to Save The Sharp Park Wetlands

Dear Board of Supervisors

As a supporter of SAVE THE FROGS! (www.savethefrogs.com), I am writing to urge you to support Supervisor John Avalos' proposed legislation that would re-purpose the Sharp Park Golf Course to a new public park managed by the National Park Service that all can enjoy. The Sharp Park Wetlands provide critical habitat for the endangered California Red-Legged Frog and a variety of other wildlife. Both frogs and wetlands are rapidly disappearing in California and worldwide, so it is disconcerting that the City of San Francisco is currently using taxpayer dollars to pump the Sharp Park Wetlands dry, killing endangered frogs in the process, and violating state and federal laws.

The Sharp Park Golf Course has a long history of environmental and economic troubles, and the time has clearly come for the City of San Francisco to change course. By closing the golf course and handing the management of the land over to the National Park Service, the City of San Francisco would relieve itself of its current financial, legal and environmental burden, and it would also clearly mark itself as a world leader in environmental protection efforts.

The restored Sharp Park Wetlands would be a safe haven for threatened wildlife and would provide valuable recreational opportunities to San Francisco residents and tourists alike. This would not only improve the quality of life for San Francisco's residents, it would increase the long-term economic value of the property.

Frogs already face an array of threats from climate change to habitat destruction; pesticide use; over-collection for frog legs and dissections; invasive species; and infectious diseases spread by human activity. Frogs eat mosquitoes, provide us with medical advances, serve as food for birds and fish, and their tadpoles filter our drinking water. Plus kids love frogs, and it is our obligation to them to leave this planet in better shape than when we arrived here.

On behalf of all those who enjoy nature and wildlife, thanks for your consideration.

James Mulcare

Clarkston, WA
USA



Support Sharp Park Legislation
Eric Zakin to: board.of.supervisors
Please respond to zippyzakin1964

10/27/2011 10:37 PM

History: This message has been forwarded.

I support restoring Sharp Park -- to expand and improve the recreation opportunities at the site and in San Francisco, as well as to help recover endangered species. I hope you share these values and will vote to pass the proposed Sharp Park restoration legislation. Currently, Sharp Park is beset by numerous problems: It loses money and drains funding from the Recreation and Park budget, the operation of the golf course harms endangered species, and the site is threatened by sea-level rise and climate change. Community groups, scientists and restoration experts concur that the major expenditures needed to keep an unsustainable golf course in play here for a few more years can no longer be justified.

The Sharp Park legislation gives us the opportunity to partner with the National Park Service to create a better public park that everyone can enjoy, while allowing San Francisco to redirect scarce recreation dollars back to parks and recreation facilities within the city. The legislation increases access to affordable golf by giving Pacifica residents access to San Francisco's other municipal courses at San Francisco resident rates. The legislation makes sense for the environment, for San Francisco taxpayers and for fuller public enjoyment of Sharp Park. I hope you'll support this important legislation.

Eric Zakin
4145 George Ave #1
San Mateo, CA 94403



To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110966: Support for Sharp Park Legislation (Avalos 110966)

From: mary keitelman <mkeitelman@hotmail.com>
To: <board.of.supervisors@sfgov.org>, <mayoredwinlee@sfgov.org>
Cc: Noel Blincoe <noelblincoe@msn.com>, Pacificashorebird outreach
<outreach@pacificashorebird.org>
Date: 10/28/2011 07:32 PM
Subject: Support for Sharp Park Legislation (Avalos 110966)

<from Mr. Noel Blincoe for the Pacifica Shorebird Alliance>

October 21, 2011

Via e-mail board.of.supervisors@sfgov.org

Via U.S. Mail:

San Francisco Board of Supervisors
City Hall, Room 244
San Francisco, CA 94102

Mayor Edwin Lee
City Hall, Room 200
San Francisco, CA 94102
Mayoredwinlee@sfgov.org

Re: Support for Sharp Park Legislation (Avalos 110966)

Honorable Mayor Lee and Supervisors:

On behalf of the Pacifica Shorebird Alliance, this is a letter in support of the Sharp Park legislation recently introduced by Supervisor Avalos. This legislation provides the opportunity to partner with Sharp Park's adjacent land owner, the National Park Service, to create a new public park for everyone to enjoy.

Transfer of the property to the National Park Service will expand potential habitat for the endangered western Snowy Plover, protect and preserve habitat already used regularly by Caspian and Elegant Terns, as well as other species. National Park Service control of the area will provide better protection for the over-wintering birds which rely on this habitat for food and shelter during migration. Trails and boardwalks would allow easy access for everyone, including hikers and birdwatchers, to enjoy.

We particularly support this legislation because habitat will be permitted to fluctuate with sea level rise, providing more protection for shorebirds and wildlife. Healthy wetlands provide an excellent buffer against ocean storms and provide food and shelter for wildlife.

This legislation will permit sustainable adaptation to sea level rise and climate change, help save two endangered species, and provide recreational opportunities that match modern recreation demands.

Please support this important legislation, which is a clear "win" for all parties concerned.

Noel Blincoe, Director
Pacifica Shorebird Alliance

Engage and educate the public about the protection of local coastal birds and their eco-communities.

www.pacificashorebird.org
PO Box 1442, Pacifica, CA 94044A



outreach@pacificashorebird.org SupportForSharpParkLegislation.pdf



To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: ile 110966: Surfrider Foundation Support for Avalos Legislation to Restore Sharp Park

From: Angela Howe <ahowe@surfrider.org>
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>,
"mayoredwinlee@sfgov.org" <mayoredwinlee@sfgov.org>
Cc: Michael Stewart <contact.mstewart@gmail.com>
Date: 10/31/2011 09:36 AM
Subject: Surfrider Foundation Support for Avalos Legislation to Restore Sharp Park

Dear Mayor Lee and San Francisco Board of Supervisors,
Please see attached letter of support from the Surfrider Foundation for the Avalos legislation to Restore Sharp Park.

Sincerely,
Angela T. Howe, Esq.
Managing Attorney / Surfrider Foundation / p. 949.492.8170 x414 / f. 949.492-8142 / e.
ahowe@surfrider.org

Show the ocean some love - [Become a member of Surfrider Foundation!](#)

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Surfrider support letter Restore Sharp Park Avalos Legislation.pdf ATT00001.htm



October 31, 2011

San Francisco Board of Supervisors
City Hall, Room 244
San Francisco, CA 94102
Via: Board.of.Supervisors@sfgov.org

Mayor Edwin Lee
City Hall, Room 200
San Francisco, CA 94102
Via: mayoredwinlee@sfgov.org

RE: Surfrider Support for Sharp Park Restoration Legislation (Avalos)

Dear Board of Supervisors and Mayor Lee:

Surfrider Foundation is a grassroots, environmental non-profit organization dedicated to the protection and enjoyment of our oceans, waves and beaches through a powerful activist network. Surfrider Foundation San Francisco Chapter is writing to express our support for recently introduced legislation by Supervisor John Avalos to restore Sharp Park wetlands and create a new public park in partnership with the National Park Service. We believe this legislation is necessary to ensure that the Sharp Park coastal areas are protected in the face of sea level rise, that endangered species in the area are protected from harm, and the 3,000 foot seawall does not persist in this area. We believe repurposing Sharp Park demonstrates a sustainability opportunity to this sensitive coastal area and is the best option for allocating scarce recreation funding back to our neighborhood parks. The National Park Service is our nation's most trusted steward for ensuring protection and enjoyment of our public spaces. Their ability to fund restoration and engage in sound management efforts will best support the goal of Surfrider Foundation and the community to support a sustainable approach to protecting our coasts through implementation of a sustainable shoreline management strategy.

As you know, Sharp Park has been mismanaged in recent years to the detriment of the coastal ecosystems and beaches, as well as endangered wildlife. Restoring Sharp Park in partnership with the National Park Service will not only save San Francisco money, but it will also preserve the coastal environment and two of the Bay Area's most imperiled animals, the San Francisco garter snake and the California red-legged frog. The proposed legislation can work to create a more sustainable landscape through an integrated Managed Retreat strategy, which allows for adaptation to the growing pressures of climate change and sea level rise.



Surfrider Foundation is advocating for successful coastal management, as we have done with several other successful campaigns along our coasts. Surfrider led efforts, like the Ventura Chapter's - Surfer's Point Restoration project, support an ecosystem friendly and sustainable approach to protecting our coasts as well as endangered species, through an implementation of a sustainable shoreline management strategy. (See www.surferspoint.org for more information on this campaign).

The proposed dredging of the main lagoon at Sharp Park and physical manipulation of the coastal lands is of the utmost concern for Surfrider Foundation. Not only do these activities critically endanger the sensitive species living in the area, but they also affect the natural shoreline processes and water quality that Surfrider Foundation works to protect along the 1,100-mile shoreline of California and all over the world. Under the current management plan, there is dredging planned for the lagoon and pumphouse at Sharp Park, which are adjacent to an existing seawall and beach. In 2010, the San Francisco Recreation and Park Department working group on Sharp Park found that as a long-term goal "a naturally managed system is the most sustainable approach to manage the property's coastal acreage." However, maintaining the existence of the seawall will continue to accelerate beachfront erosion and will change the natural beach profile. Surfrider is concerned that the dredge and fill of the lagoon will negatively impact the existing seawall, leading to required reinforcement of the seawall. Any reinforcement of the seawall or additional armoring of the beach will significantly contribute to erosion of the adjacent beach, and will result in the loss of enjoyment of the beach resources. The current infrastructure maintenance regime merely leads to more unnatural and unsustainable actions on this coastline.

Clearly, there are urgent environmental and infrastructure needs that must be addressed and a financial roadmap must be developed for the successful future of Sharp Park. Surfrider Foundation supports the transition of the oceanfront park space into a natural hiking area that is most congruent with the changing oceanfront environment. The viability of this type of sustainable change to restore Sharp Park depends on the success of the current ordinance as introduced by Supervisor John Avalos and the critical partnership with the National Park Service in order to best serve the current community and the future generations to come.

We urge your support for the legislation to Restore Sharp Park!

Sincerely,

Michael Stewart, Vice-Chair San Francisco Chapter of Surfrider Foundation



To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110966: Please support John Avalos' Sharp Park legislation

From: Kerry Kriger <kerry@savethefrogs.com>
To: Board.of.Supervisors@sfgov.org, mayoredwinlee@sfgov.org
Date: 10/31/2011 11:27 AM
Subject: Please support John Avalos' Sharp Park legislation

Dear Mayor Edwin Lee and the San Francisco Board of Supervisors,

I represent all the members of SAVE THE FROGS! (www.savethefrogs.com), America's first and only public charity dedicated to protecting amphibians. I also write on behalf of all Californians who rely on healthy ecosystems, and all those who enjoy nature and wildlife for its intrinsic values and its ability to bring peace and inspiration to us – qualities that are increasingly fleeting in urban areas, especially in the computer age.

I am writing to express support for recently introduced legislation by Supervisor John Avalos and to urge you to shut down the Sharp Park Golf Course and turn the management of the Sharp Park Wetlands (www.savethefrogs.com/sharp-park) over to the National Park Service.

Frogs are the world's most rapidly disappearing group of animals, and wetlands are one of the most rapidly disappearing ecosystems. Currently the city of San Francisco's Sharp Park Golf Course is responsible for the illegal killing of frogs, through the draining of the Sharp Park Wetlands, which leaves hundreds of Federally Endangered California Red-Legged Frogs' egg masses stranded on land, where many of them desiccate and die; while the City does relocate some of the egg masses, no human can find a better place to lay frog eggs than the female frog who specifically chose the location, and thus the relocation introduces a major impediment to survival. To make matters worse, tadpoles are likely pumped out to sea in the process, as the pumps are located in the most important breeding pond on the property. Furthermore, the golf courses' mowing activities destroy habitat that frogs rely on, and can directly kill frogs by inadvertently slicing the frogs. All this is

being
subsidized by taxpayers. This is ethically wrong.

If San Francisco, California cannot act to save its own namesake endangered species, the California Red-Legged Frog and the San Francisco Garter Snake, how and why would we expect any other place on the planet to protect their native wildlife? San Francisco is emulated and admired by people all around the world, because San Francisco has a long history of taking the lead in numerous programs that benefit society and bring us into the modern era.

I write you to urge you to turn the management of the Sharp Park Wetlands over to the National Park Service:

- The National Park Service can properly manage the endangered species.
- The new public park would be accessible to the multitude of people who enjoy walking in coastal areas, and not just the comparatively small number of people who can afford and want to play golf.
- The new park would be much more picturesque than the man-made golf course with its monotony of manicured greens.
- The city would unleash itself of a money-losing operation that has no chance of being financially successful in the near future. This money can be directed to important programs back home in San Francisco.

Sincerely,
Kerry Kriger, Ph.D.
Save The Frogs - Founder, Executive Director, Ecologist
www.savethefrogs.com
www.savethefrogs.com/kerry-kriger

303 Potrero Street #51
Santa Cruz, CA 95060 USA
Office: [831-621-6215](tel:831-621-6215)
kerry@savethefrogs.com

Save The Frogs is America's first and only public charity dedicated to amphibian conservation. Our mission is to protect amphibian populations and to promote a society that respects and appreciates nature and wildlife.

Save The Frogs Day - April 28th, 2012
<http://savethefrogs.com/day>



To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110966 Sharp Park

From: Frank Clemente <frankjcclemente@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 10/29/2011 07:05 AM
Subject: Restore Sharp Park into a National Park
Sent by: Frank Clemente <frankjcclemente@gmail.com@change.org>

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Frank Clemente
Bronx, New York

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.

From: bruce davis <onebruce@fastmail.fm>
To: Board.of.Supervisors@sfgov.org
Date: 10/29/2011 11:25 AM
Subject: Restore Sharp Park into a National Park
Sent by: Bruce Davis <onebruce@fastmail.fm@change.org>

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a

glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

bruce davis
fort bragg, California

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.

From: MOHAMED EL AMINE BENMOUAZ <Mohamedelaminebenmouaz@hotmail.fr>
To: Board.of.Supervisors@sfgov.org
Date: 10/30/2011 07:50 AM
Subject: Restore Sharp Park into a National Park
Sent by: Mohamed El Amine Benmouaz <Mohamedelaminebenmouaz@hotmail.fr@change.org>

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

MOHAMED EL AMINE BENMOUAZ
hay el hamadia, Algeria

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and

include a link to this petition.

From: Ruth Rogers <sandstar578@yahoo.com>
To: Board.of.Supervisors@sfgov.org
Date: 10/30/2011 07:10 PM
Subject: Restore Sharp Park into a National Park
Sent by: Ruth Rogers <sandstar578=yahoo.com@change.org>

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Ruth Rogers
Fort Collins, Colorado

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and

include a link to this petition.

From: Robert Andrade <rga1987@yahoo.com>
To: Board.of.Supervisors@sfgov.org
Date: 10/30/2011 09:50 PM
Subject: Restore Sharp Park into a National Park
Sent by: Robert Andrade <rga1987=yahoo.com@change.org>

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides

recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Robert Andrade
Foresthill, California

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.

From: Michael Moore <Michael.moore04@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 10/31/2011 10:20 AM
Subject: Restore Sharp Park into a National Park
Sent by: Michael Moore <Michael.moore04@gmail.com@change.org>

Greetings

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Michael Moore
Maineville, Ohio

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/restore-sharp-park. To respond, email responses@change.org and include a link to this petition.



San Francisco Water Power Sewer

Services of the San Francisco Public Utilities Commission

Orig: Joy
C: BF Chair
BF Clerk
cpage

1155 Market Street, 11th Floor
San Francisco, CA 94103
T 415.554.3155
F 415.554.3161
TTY 415.554.3488

October 25, 2011

Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 OCT 26 PM 4:38
AK

**Subject: Water System Improvement Program (WSIP) Project
Release of Reserve CUW374 - \$27,283,174**

Dear Ms. Calvillo:

I would like to request your assistance to have calendared a release of reserve on WSIP Project CUW374 - Calaveras Dam Replacement, a component project within the Sunol Valley Water Region.

As part of the \$1.9 billion and \$1.6 billion WSIP Supplemental Appropriations, new project appropriations that exceed \$100 million were placed on Board of Supervisors reserve.

Release of reserve funding is needed at this time to fund approved WSIP projects within the Sunol Valley Water Region.

Regards,

Ed Harrington
General Manager

- Edwin M. Lee
Mayor
- Anson Moran
President
- Art Torres
Vice President
- Ann Moller Caen
Commissioner
- Francesca Vietor
Commissioner
- Vince Courtney
Commissioner
- Ed Harrington
General Manager

9





Board of Appeals Annual Report for Fiscal Year 2010-2011

Goldstein, Cynthia

to:

Board of Supervisors

10/27/2011 04:25 PM

Hide Details

From: "Goldstein, Cynthia" <cynthia.goldstein@sfgov.org>

To: Board of Supervisors <board.of.supervisors@sfgov.org>

1 Attachment



BOA Annual Report FY10-11.pdf

Please find attached a copy of the FY 2010-11 Annual Report for the Board of Appeals, submitted pursuant to the requirements of Charter Section 4.103.

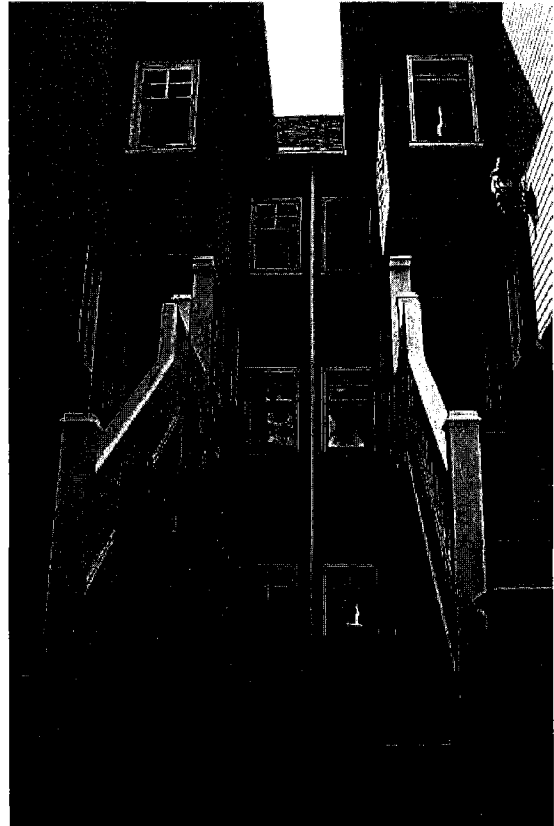
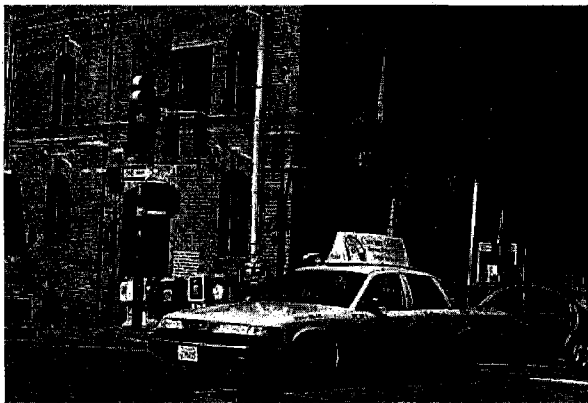
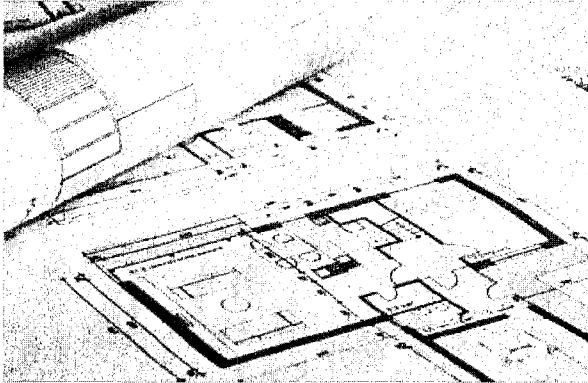
Thank you.

Cynthia G. Goldstein
Executive Director
San Francisco Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94131
phone: 415-575-6881
fax: 415-575-6885
www.sfgov.org

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**CITY AND COUNTY OF
SAN FRANCISCO**

BOARD OF APPEALS



ANNUAL REPORT

July 1, 2010 – June 30, 2011



HIGHLIGHTS OF FISCAL YEAR 2010-11

CASES HEARD

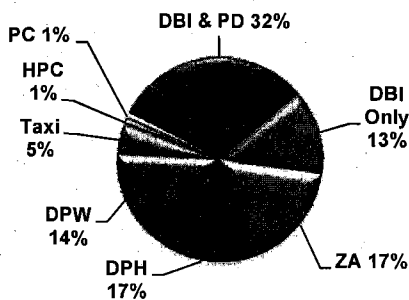
The Board held 30 regular meetings at which 151 matters were heard:

- 105 Appeals
- 29 Jurisdiction Requests
- 17 Rehearing Requests

SUBJECT MATTER

Nearly two-thirds (64%) of the appeals heard by the Board were of land use determinations, made by the Department of Building Inspection (DBI), Planning Department (PD), Zoning Administrator (ZA), Planning Commission (PC) and Historic Preservation Commission (HPC). The Board also heard appeals of determinations made by the Department of Public Health (DPH), Department of Public Works (DPW), and the Taxi Division of the Municipal Transportation Authority.

The percentage breakdown by the entity issuing the underlying determination was:



Appeals Heard by Issuing Entity

BOARD ACTION

During the year, the Board upheld half of the appeals heard, overturned or modified forty percent, and the rest were pending (7%), dismissed due to a lack of jurisdiction (1%), continued to the Call of the Chair, or withdrawn (1%).

Board of Appeals

APPEAL VOLUME

For the third year in a row, the Board's appeal volume was lower than the norm, down 32% when compared to the average number of appeals filed annually over the past ten years.

BUDGET

At the outset of the year, the Board's surcharge rates were increased to address continued projections of suppressed City-wide permit application volume. Despite this rate increase, revenue from surcharges was lower than projected by 7%. Fees paid when a new appeal is filed generated revenue in excess of projections by 15%. However, since proceeds from these fees represent only 5% of the department's budget, the surplus in that revenue stream didn't outpace the shortfall in surcharge revenue and the Board ended the year with a 6% revenue deficit. To keep the budget balanced, expenditures were reduced by a variety of means, ultimately allowing the Board to end the year with a surplus of almost \$40,000.

RULES REVISION

The Board successfully undertook an effort to update and fine-tune its rules of procedure, bringing more efficiency and clarity to its operating protocols.

ELECTION OF OFFICERS

Commissioner Tanya Peterson served as President and Commissioner Kendall Goh as Vice President for the first half of the fiscal year. In January 2011, Vice President Goh was elected President and Commissioner Michael Garcia was elected Vice President.



REPORT DETAIL

MISSION

Created under the San Francisco Charter of 1932, the Board of Appeals is a quasi-judicial body that provides the public with a final administrative review process for a wide range of City determinations. These determinations involve the granting, denial, suspension, revocation or modification of permits, licenses, and other use entitlements by various departments and other entities of the City & County of San Francisco.

As it processes, hears and decides cases, the Board of Appeals strives to provide an efficient, fair and expeditious public hearing and decision-making process before an impartial panel as the last step in the City's review process.

JURISDICTION

The Board's jurisdiction is derived from San Francisco Charter Section 4.106, portions of the San Francisco Business and Tax Regulations Code¹ and other City ordinances. Specific rights of appeal to the Board are also set forth in the Planning, Building, Plumbing, Electrical, Public Works, Police and Health Codes, among others.

The most common types of appeals heard by the Board involve:

- Building permits issued or denied by the Department of Building Inspection (DBI), including many that are subject to Planning Department review or result from discretionary review decisions of the Planning Commission
- Actions by the Zoning Administrator (ZA), including variance decisions, Letters of Determination, Stop Work Order Requests and Notices of Violation and Penalty
- Taxi-related permits issued by the Municipal Transportation Authority
- Tree planting and removal permits issued by the Department of Public Works (DPW)
- Tobacco sales permits issued by the Department of Public Health (DPH)

Less common but routinely heard by the Board are appeals related to:

- DPH-issued permits for massage, tattoo and body piercing establishments
- DPW-issued permits for minor sidewalk encroachments and wireless equipment
- DBI-issued electrical permits for the installation of solar modules
- Certificates of Appropriateness issued by the Historic Preservation Commission

This year, the Board heard its first appeal of a Historic Preservation Commission decision on a Certificate of Appropriateness.² These Certificates authorize a specific scope of work to be performed on designated City landmarks and buildings within historic districts.

¹ See Article 1, Section 8, et seq.

² Recent legislation allows some appeals of Certificates of Appropriateness to be heard by the Board of Appeals. Certificates of Appropriateness for projects subject to Board of Supervisor approval are appealable to the Board of Supervisors. See Planning Code Section 1006.8(b).

Pursuant to the Charter, the jurisdiction of the Board of Appeals excludes permits issued by the Port Commission or the Recreation and Park Department or Commission, as well as appeals of building or demolition permits issued pursuant to a Conditional Use Authorization granted by the Planning Commission.³ The Board has no authority to make amendments to the Planning Code or the Zoning Map and also does not hear appeals of criminal or domestic relations matters, or other areas regulated by the State or federal law.

BOARD MEMBERSHIP

The Board of Appeals is comprised of five members appointed to staggered four-year terms. Three members are appointed by the Mayor and two by the President of the Board of Supervisors. All appointments are subject to the approval (by majority vote) of the full Board of Supervisors. Board officers are elected for one-year terms at the first regular Board meeting held after January 15 each year.⁴ Current Board membership is as follows:

Commissioner	Appointing Authority	Dates of Service
Kendall Goh President, January 2011 – Present Vice President, January 2010 – January 2011	Board of Supervisors	June 10, 2008 to July 1, 2012
Michael Garcia⁵ Vice President, January 2011 - Present President, January 2008 – January 2009 Vice President, January 2007 – January 2008	Mayor	March 22, 2005 to July 1, 2014
Frank Fung President, January 2009 – January 2010 Vice President, March 2008 – January 2009	Mayor	October 19, 2004 to July 1, 2012 January 30, 1986 to June 8, 1988
Chris Hwang	Board of Supervisors	May 12, 2010 to July 1, 2014
Tanya Peterson President, January 2010 – January 2011 Vice President, January 2009 – January 2010	Mayor	February 26, 2008 to July 1, 2012

MEETINGS OF THE BOARD

During fiscal year 2010-2011, the Board held 30 meetings for a total of 122 hours. The Board had a 90% attendance record, with one member absent at half of the meetings. Regular meetings are held on Wednesday nights, starting at 5:00 p.m. in City Hall.⁶

³ Appeals of the underlying Conditional Use Authorization may be made to the Board of Supervisors but the building or demolition permit may not be appealed.

⁴ Rules of the Board of Appeals, Article I, Section 1.

⁵ Commissioner Garcia was reappointed by Mayor Gavin Newsom on September 1, 2010.

⁶ An annual meeting schedule is developed prior to the start of each calendar year and is available at the Board office and on the web at: <http://www.sfgov3.org/index.aspx?page=775>.

In addition to the appeals heard at each meeting, the Board also:

- Adopted revisions to the Rules of the Board of Appeals (December 15, 2010)
- Elected officers (January 19, 2011)
- Adopted the Board's fiscal year 2010-2011 budget (February 16, 2011)
- Heard an update on new rules regulating the City's taxi industry, presented by Christiane Hayashi, Deputy Director of Taxis at the Municipal Transportation Authority, (October 13, 2010)

Meetings of the Board are open to the public except as otherwise legally authorized and are conducted in accordance with the Rules of the Board of Appeals. Typically, the appellant will address the Board first, then the permit holder, the respondent department(s) and members of the public. An opportunity for rebuttal is given to the parties. Board meetings are broadcast live on San Francisco's Government Television Station (SFGTV), cable television channels 26 and 78, and may also be viewed by computer, live and on-demand at: http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=6. Closed captioning is provided for these broadcasts as well as in the City Hall hearing room during Board meetings. Meeting agenda and approved minutes are posted on the Board's website at: www.sfgov.org/boa.

RULES REVISION

In an effort to update and streamline the Board's operating protocols, a review of the Rules of the Board of Appeals was undertaken. The revisions made by the Board, which took effect in December 2010, include eliminating the reply brief previously submitted by the appellant, reducing to one page the submittal allowed at the time an appeal is filed, and specifying how submittals are to be treated when they are late, exceed the page limit, or are inconsistent with the Board's formatting requirements. The Board also added new language articulating its due process requirements, giving guidance to members of the public who may seek to communicate with a Board member (orally or in writing) outside of the public process and advising that any such communication must be made part of the public record. Also, language was added to clarify the Board's policy that agents and other representatives of a party should speak during that party's allotted time and not during public comment, and articulating parameters on who is considered by the Board to be a representative.

APPEAL PROCESS

Appeals must be filed within the legally prescribed appeal period, which varies depending upon the underlying determination being appealed. For most matters, the appeal period is fifteen days from the date the determination is issued, but other appeal periods may apply (for example, variance decisions must be appealed within ten days, and appeals of Certificates of Appropriateness must be filed within thirty days). On occasion, and based on the vote of a supermajority of Board members, when a City error has caused a would-be appellant to miss the appeal period, the Board may allow an appeal to be filed late.

When an appeal is filed, a briefing schedule is established, allowing the parties to submit written arguments and other evidence for the Board's consideration. Members of the public also may submit briefs, letters and other evidence in support of their position on an appeal. As a way of notifying the public about pending appeals, the Board mails out

postcards to all property owners and occupants within a 150 feet radius of any property that is the subject of an appeal.⁷

After reviewing the written file, Board members conduct a public hearing on the appeal at which they consider the testimony of the parties (including the issuing department) and from interested neighbors and other members of the public. After deliberation, the Board may vote to uphold or overrule the underlying departmental determination, or may impose conditions on the determination.⁸

Conditions imposed by the Board are wide-ranging, and most typically include:

- Modifications to building plans, for example:
 - Setting back a deck or other structure so it is further from a protesting neighbor's property line
 - Obscuring glass in neighbor-facing windows
 - Establishing 'good neighbor' policies such as limiting when construction may take place and how construction-related complaints will be handled
- Qualifications made to Zoning Administrator determinations, for example:
 - Requiring the filing of a Notice of Special Restrictions, such as to specify a limit on the number of dwelling units at a property
 - Limiting the type, location or hours of operation of a commercial use
- Changes to the length of a suspension, such as on taxi driving or tobacco sales permits
- Reductions in penalties imposed for performing work without or in excess of a permit
- Specifying the number or size of replacement trees when permitting trees to be removed

The Charter⁹ requires that a supermajority of Board members must agree in order to overturn or place conditions on a department's decision. When fully seated, this means four out of five votes are needed. If there is a vacancy on the Board, three votes are needed. A supermajority also is needed to grant a rehearing request or a request for late jurisdiction.

APPEAL EXPERIENCE

During the year, 201 new cases were filed with the Board: 155 appeals, 17 rehearing requests and 29 requests for late jurisdiction. The Board heard 151 cases: 128 filed during the year and an additional 23 cases that had been filed previously. The 151 matters heard consisted of 105 appeals, 29 requests for late jurisdiction and 17 rehearing requests. The remaining fifty cases filed during the year were either withdrawn by the appellant, rejected by the Board¹⁰ or were filed late enough in the year that they will be heard in the subsequent year.

⁷ See San Francisco Business and Tax Regulations Code Article 1, §12.

⁸ On occasion, the Board will decide to continue a matter, typically to allow additional information to be prepared and submitted to the Board, or to give the parties time to negotiate a resolution. In rare instances a matter may be continued indefinitely (to the Board's "Call of the Chair" calendar) because an unknown amount of time is needed before the Board may move forward with a determination, for instance, to await the outcome of litigation affecting the subject matter of an appeal.

⁹ See San Francisco Charter Section 4.106(d).

¹⁰ Cases may be rejected after filing when further research determines that the Board lacks jurisdiction over the subject matter being appealed, for instance, where a Conditional Use Authorization was issued for a project related to a permit.

Geographic Distribution

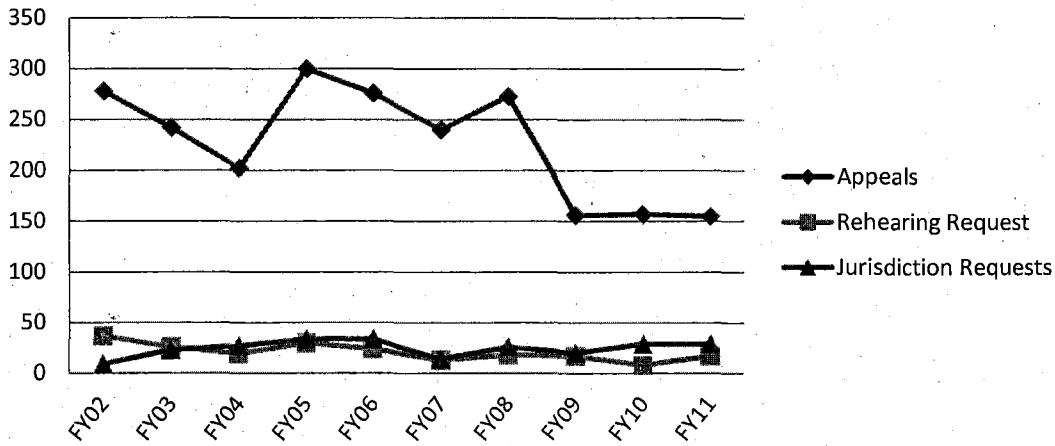
As depicted on the map below, the Board heard appeals about properties located in a wide range of City neighborhoods. Properties in the Southern and Western portions of the City generated the fewest appeals, with the Northeast quadrant seeing the highest concentration. This year, the Board heard one appeal associated with a property located on Treasure Island, stemming from the suspension of a convenience store's tobacco sales permit.



Volume

Over the past ten years, the Board received an average of 228 appeals annually. As seen in the graph below, while the number of rehearing and jurisdiction requests has remained relatively constant, the 155 appeals filed this year represent a 32% decline from the norm, clearly reflective of the economic downturn currently taking place.

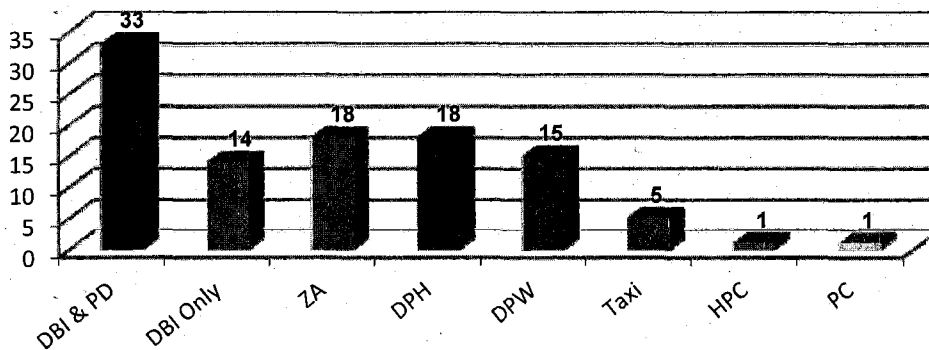
Number of Cases Filed with the Board Over Time



Subject Matter

Nearly two-thirds (64%) of the appeals heard during fiscal year 2010-11 were of land use determinations. These determinations were made by the Planning Department, Department of Building Inspection, Zoning Administrator, Historic Preservation Commission and/or Planning Commission. Department of Public Health determinations comprise the next largest group of appeals (17%), followed by determinations of the Department of Public Works (14%) and Taxi-related determinations made by the Municipal Transportation Authority (5%). The chart below illustrates the number of appeals heard by the Board, identified by the department, Commission or other entity¹¹ issuing the underlying determination:

Number of Appeals Heard by Issuing Entity



Department of Building Inspection and Planning Department

One-third (33) of the 101 appeals heard during the year stemmed from determinations made by the Department of Building Inspection (DBI) that also involved Planning Department review. These appeals focused on both Planning Code and Building Code issues, and include:

¹¹ DBI = Department of Building Inspection; PD = Planning Department; ZA = Zoning Administrator; DPH = Department of Public Health; DPW = Department of Public Works; Taxi = Municipal Transportation Authority Division of Taxis and Accessible Services; HPC = Historic Preservation Commission; PC = Planning Commission.

- Thirty appeals protesting the issuance of a building permit
 - Protest appeals are often filed by neighbors concerned that proposed construction will infringe upon the enjoyment of their property. For instance, when a new deck may create sightlines into a neighbor's windows, or when a rear yard addition may obstruct the mid-block open space.
- Three appeals of denied building permits
 - Property owners appeal permit denials seeking permission for a project that has been disapproved by DBI and/or Planning. These disapprovals are often made by DBI at the request of the Planning Department, based on a determination that the proposed project is inconsistent with provisions of the Planning Code or Residential Design Standards.¹²

The Board upheld 52% (17) of these determinations and overruled 39% (13), placing conditions on the underlying permits in eleven of these cases. Of the remaining three cases (9%), one appeal was pending at the close of the year, one was withdrawn and one was administratively dismissed by the Board after the underlying environmental determination was rescinded causing the permit to become moot and the Board to lose jurisdiction over it.

Department of Building Inspection Only

Fourteen appeals were heard of determinations made solely by the Department of Building Inspection:

- Eight appeals protesting the issuance of a building permit
- Six appeals protesting the imposition of penalties
 - Penalty appeals typically are filed by property owners who have been assessed fines for performing work without a permit or for exceeding the scope of a permit. In some cases, the Board reduces penalties where it finds that the property was purchased after the unpermitted work was performed or upon other extenuating circumstances.

The Board upheld 43% (6) of the DBI determinations and overruled 43% (6), imposing conditions on five of the overruled matters, all of which involved the reduction of penalties. Of the remaining 14% (2) one appeal was pending at the close of the year and the other was continued to the Board's Call of the Chair calendar.

Zoning Administrator

The Board heard eighteen appeals of Zoning Administrator (ZA) determinations:

- Eight appeals of Variance decisions, six of which protested variances that were granted and two were appeals of variances that were denied
- Five appeals of Notices of Violation and Penalties, dealing with issues such as alleged construction beyond the scope of a permit or the unauthorized use or expansion of commercial property
- Three appeals of Requests for Release of Suspension, all of which dealt with construction on commercial property with historic elements

¹² The Residential Design Standards (formerly known as the Residential Design Guidelines) promote residential building design that protects neighborhood character, preserves historic resources and promotes the goal of environmental sustainability.

- One appeal protesting a Letter of Determination (LOD)
 - LODs are written interpretations of how certain sections of the Planning Code should be applied to specific factual situations. This appeal addressed the construction of a roof deck and related structures where the subject property exceeded the height limit set for the relevant zoning district.
- One appeal of a Request for Revocation, related to a permit to install a painted wall general advertising sign that was issued by the Department of Building Inspection over-the-counter, without Planning Department review

The Board upheld the determination of the Zoning Administrator in eleven cases (61%), overruled the ZA five times (28%) and two cases (11%) remained pending at the close of the fiscal year. Conditions were placed on all five of the overruled determinations.

Department of Public Health

Eighteen appeals were of determinations made by the Department of Public Health (DPH), all but two of which related to the suspension of tobacco sales permits where the permit holder was charged with selling tobacco to a minor. These suspensions resulted from an ongoing operation conducted by DPH in conjunction with the San Francisco Police Department, using underage decoys attempting to buy cigarettes. The length of the DPH-imposed suspension was upheld in six cases and reduced in ten cases. The two remaining DPH-related appeals were of revocations of permits to operate a massage establishment and a tattoo and body piercing parlor. Both revocations were upheld.

Department of Public Works

Fifteen appeals were heard relating to determinations made by the Department of Public Works (DPW). Ten appeals were of tree removal permits, two were of wireless site permits, and the remaining three appeals were of a minor sidewalk encroachment permit, a street occupancy permit and a permit for sidewalk tables and chairs. The Board upheld the DPW determination in half of the fourteen cases decided, and overruled half, with conditions imposed in all of the overruled cases. The one remaining case was pending at the close of the fiscal year.

Municipal Transportation Authority – Division of Taxis and Accessible Services

The Board heard five taxi-related appeals, four of which were of the Municipal Transportation Authority's (MTA) decision to deny the appellant a medallion or ramp medallion. The fifth appeal was of the revocation of both a medallion and color scheme¹³ permit. The Board upheld the MTA in three cases, overruled one and one appeal was pending at year's end.

Historic Preservation Commission

The Board heard its first appeal of a decision by the Historic Preservation Commission during the year. The appeal was of a denial of a Certificate of Appropriateness sought for the reconstruction of a landmarked carriage house located behind a landmarked home originally constructed in 1885. The HPC's denial was based on an assessment that the proposal would not appropriately reflect the historicism of the main house. The case was not decided during the year, but continued to allow the parties more time to work with Planning Department staff to come up with a mutually agreeable design.¹⁴

¹³ A color scheme permit allows the permit holder to operate a taxi company.

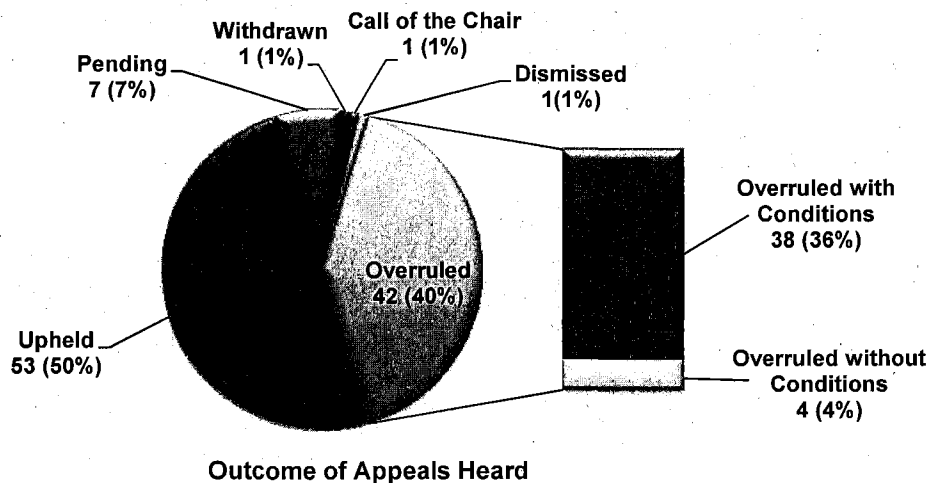
¹⁴ With no compromise reached, the case returned to the Board on July 27, 2011, and the Board upheld the HPC denial.

Planning Commission

The one Planning Commission decision appealed to the Board was a Motion that allowed a reduced setback in a proposed large office building at 350 Mission Street. Owners of an adjoining office building objected to the encroachment and the Board upheld the Planning Commission's decision.

Action Taken

Overall, the Board upheld the underlying departmental decision in 53 of the appeals heard and overruled the department in 42 cases. Conditions were imposed by the Board in 38 of the departmental determinations it overruled. One case was withdrawn, one sent to the Call of the Chair calendar, and one dismissed due to a lack of jurisdiction. The remaining seven cases were pending at the close of the fiscal year.



Other Matters Heard

In addition to appeals, the Board routinely considers Rehearing Requests and Jurisdiction Requests.

Rehearing Requests

Once an appeal is heard and decided by the Board, the parties associated with the case have ten days within which they may request that the Board reconsider its decision.¹⁵ Pursuant to the Board's Rules, upon the vote of a supermajority of Board members, a motion for rehearing may be granted based on a showing that "new or different material facts or circumstances have arisen" since the Board's consideration of the matter that, if known at the time, "could have affected the outcome of the original hearing."¹⁶ The Board considered seventeen rehearing requests during the fiscal year; two were granted and the remaining fifteen were denied.

Jurisdiction Requests

The Board may allow an appeal to be filed after the relevant appeal period has expired where the reason for the failure to file on time is due to some error on the part of the

¹⁵ See, S. F. Business and Tax Regulations Code, Article 1, §16; and Rules of the Board of Appeals, Article V.9.

¹⁶ Rules of the Board of Appeals, Article V.9(b).

City.¹⁷ For example, if the City didn't issue a required notice to neighbors of a permit application or issuance, or the notice did not accurately describe what is being permitted, allowing late jurisdiction might be considered. Again, a supermajority of votes is needed for such a request to be granted. Of the twenty-nine Jurisdiction Requests heard during the year, eighteen (62%) were denied by the Board and six (21%) were granted. Four requests (14%) were withdrawn and one (3%) was pending at the close of the fiscal year. By granting a Jurisdiction Request, the Board provides the requestor with a new five-day appeal period within which to file an appeal.

Call of the Chair

During the year, the Board began an effort to reduce the number of matters pending on its Call of the Chair calendar. The Call of the Chair calendar is used to place cases on hold because some factor suggests that the matter is best decided at a later time. Typical reasons include allowing related litigation to resolve, providing time for the parties to seek other necessary approvals or review from the City, and when the parties ask for an extended stay of the proceedings in order to attempt a negotiated resolution of the underlying dispute.

Of the 38 cases sitting on the Board's Call of the Chair calendar, some dated back as much as thirteen years. Eleven of the pending cases were resolved as of the close of the fiscal year. Of the 27 remaining cases, twelve are pending due to ongoing litigation, six are awaiting Planning Department action, five are awaiting action by the appellant (e.g., to decide what changes to make to a project) and four are awaiting changed circumstances (e.g., for a tenant to move out of a unit or for a temporarily disabled taxi medallion applicant to be able to drive more).

LITIGATION

Parties dissatisfied with a Board determination may seek further review and relief in Superior Court. During this year, the following appeals were the subject of new or ongoing court proceedings:

- **Clear Channel Outdoor, Inc. v. Board of Appeals of the City & County of San Francisco**, challenging the issuance of a permit to reconstruct a sign located at 2283-2297 Market Street. Clear Channel filed a permit application to remove a billboard. The permit was issued, and the property owner appealed. On October 28, 2008, the Board granted the appeal, revoked Clear Channel's permit and authorized a revision of the building permit to allow the property owner to reinstall a billboard. The City won this case on demurrer at the trial court. On February 25, 2011, the Court of Appeal reversed the trial court, in part, concluding that Clear Channel had standing to challenge the Board's decision to overturn its permit, but not its decision to grant the property owner the right to reinstall and maintain a sign on their property. Clear Channel has not yet indicated whether it intends to pursue this ruling further.
- **50 Beale Street LLC v. City & County of San Francisco, et. al.**, challenging the Board's decision on April 20, 2011 to uphold a Planning Commission Motion allowing a reduced setback on a proposed 24-story office building at 350 Mission Street. A hearing in Superior Court has not yet been scheduled.

¹⁷ See, Franklin v. Steele, 131 Cal. App. 3d 558 (1982); Rules of the Board of Appeals, Article V.10.

- **Robert Michael Friedman v. San Francisco Taxi Commission, et. al.**, challenging the Board's decision on July 23, 2008 to uphold the Taxi Commission's revocation of a taxi driver permit and taxi medallion. A hearing in Superior Court has not yet been scheduled.
- **Friends of the Landmark Filbert Street Cottages, et. al., v. City & County of San Francisco, et. al.**, challenging, among other matters, the Board's denial on March 16, 2011 of late jurisdiction on three permits for a project that was given Conditional Use Authorization by the Planning Commission. The underlying writ petition has not been briefed or heard.
- **Wes Hollis v. San Francisco Municipal Transportation Authority, et. al.**, challenging the Board's decision on August 18, 2010 to revoke Mr. Hollis' color scheme permit and to suspend his taxi medallion for one year. The MTA had revoked both entitlements and the Board overturned the MTA with respect to the medallion, suspending it instead. On October 8, 2010, the Court granted Mr. Hollis' request to stay the Board's decision while his legal claims are pending. The underlying writ petition has not yet been briefed or heard.
- **NextG Networks of California, Inc. v. City & County of San Francisco, et. al.**, challenging the Board's decision on April 20, 2011 to revoke a wireless site permit issued by the Department of Public Works to a telecommunications services provider. On July 18, 2011, the City filed a motion to dismiss the appeal along with its opposition to NextG's petition to enjoin the City from removing the wireless facility at issue pending resolution of the underlying lawsuit. On September 29, 2011, the Court of Appeal granted NextG Networks' request for a stay. Briefing and a hearing on the merits have not yet been scheduled.
- **Nob Hill Association, et. al., v. City & County of San Francisco, et. al.**, challenging the Board's decision on January 13, 2010 that effectively affirmed a Letter of Determination issued by the Zoning Administrator stating that the existing entertainment-related use of the California Masonic Memorial Temple is a lawful non-conforming use and that the operators of the Temple may apply for a conditional use authorization which could intensify the entertainment-related use of the property. On June 29, 2011, the Superior Court issued a decision overturning the Board's decision that the proposed renovation of the Masonic Memorial Temple could be approved through conditional use authorization. The City and Masonic Temple have appealed; a briefing and hearing schedule has not yet been established.
- **San Francisco Architectural Heritage v. City & County of San Francisco, et. al.**, challenging the Board's decision on April 15, 2010 to uphold the issuance of permits that allow the demolition of the building located at 1450 Franklin Street and the construction of a new 13-story mixed-use project at that site. This project was part of a Redevelopment Agency Plan that expired shortly before the Board heard this appeal. A hearing in Superior Court has not yet been scheduled.
- **Greg Schoepp, dba Bay Area Compassion Health Care Center v. City & County of San Francisco, et. al.**, challenging the Board's decision on February 9, 2011 to deny a building alteration permit for the construction of a medical cannabis dispensary. A hearing in Superior Court has not yet been scheduled.

- **350 Beach LLC v. City & County of San Francisco, et. al.**, challenging the Board's decision on March 3, 2010 to uphold a Zoning Administrator's Letter of Determination regarding a Notice of Special Restrictions recorded against the petitioner's property that requires the provision of parking for the benefit of a neighboring property. On August 23, 2011, the Superior Court denied the writ petition finding that the Board did not abuse its discretion and relied on substantial evidence when it upheld the Zoning Administrator's decision. Issuance of the final Superior Court order is pending, which will be followed by a sixty day appeal period.

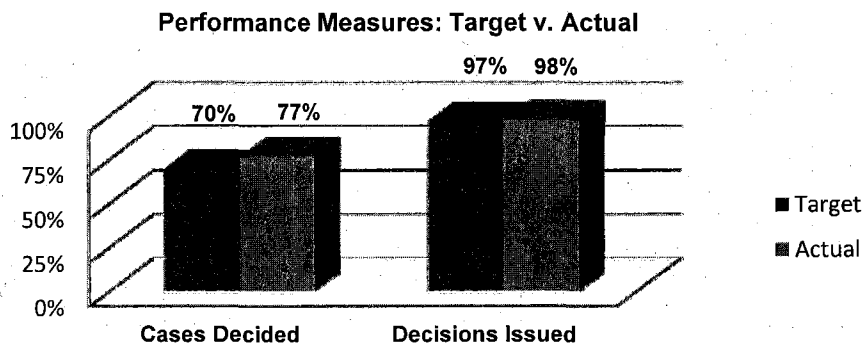
- **Tu Lam v. San Francisco Municipal Transportation Authority, et. al.**, challenging the Board's decision on May 29, 2009 to revoke Mr. Lam's taxi driving permit and taxi medallion. On December 7, 2009, the Court denied the petitioner's request for a stay of the revocation of his driving permit and medallion while his legal claims are pending. A hearing on the merits of the underlying writ petition has not yet been scheduled.

PERFORMANCE MEASURES

All City departments are required to report on specific statistical measures as a way of assessing and reporting on performance. The two measures unique to the work of the Board of Appeals look at how quickly the Board decides cases, and the timeliness with which Board staff issues written decisions.

The speed at which the Board decides cases is measured by looking at how often cases are decided within 75 days of filing. Before the start of the year, a seventy percent target was set for this measure, which the Board exceeded by seven percent. Most often, when cases are decided beyond the 75 day window, it is because of continuances requested by the parties to allow time for settlement negotiations or further case preparation. On occasion, Board decisions are delayed when additional evidence is needed in order for the Board to make a fully informed decision, for instance, when a permit holder fails to provide architectural plans and the Board cannot accurately assess the impact of a project without them.

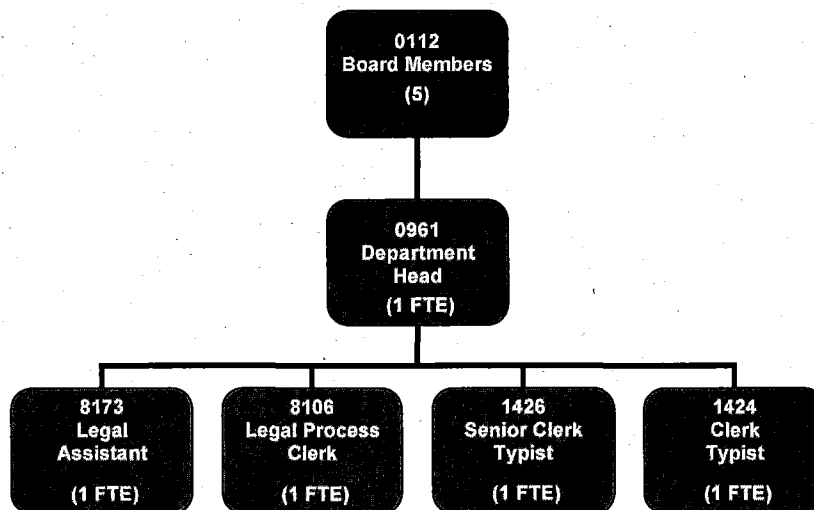
The Board's second performance measure looks at how often written decisions are released within 15 days of final Board action. A 97% target was set for this measure, which the Board exceeded by one percent; with one decision released beyond the 15 day timeframe. This decision was for an appeal of a Variance that had also been appealed by a second party. This second party filed a rehearing request, which had to be considered before both written decisions could be released, since any decision in one case would impact the other.



BOARD STAFF

The work of the Board is supported by an Executive Director, Legal Assistant, two Clerk Typists and a Legal Process Clerk. The Legal Process Clerk position is new to the Board, filled at the start of the fiscal year after a vacant third Clerk Typist position was upgraded. Candidates for the Legal Process Clerk position are required to have administrative experience in a legal setting and familiarity with processing and managing the types of appeal-related documents frequently in use at the Board. Hiring from a pool of applicants with this experience strengthened the department's skill base in support of the law-oriented work of the Board. Depicted below is the Board's current organization structure:

Organizational Chart



BUDGET

Fiscal year 2010-11 presented the Board with its third consecutive year of budgetary challenges. As the national and local economies continued to struggle back to health, the Board's revenue streams continued to suffer.

The Board's budget is derived from two sources. The majority (95%) comes from surcharges placed on permit applications for those types of permits that have a recent history of being appealed to the Board.¹⁸ The remainder (5%) comes from fees paid by individuals, community groups and businesses at the time a new appeal is filed.¹⁹ Legislation allows for the adjustment of the surcharge rates each year, if necessary to provide sufficient income to cover the Board's actual operating expenses.²⁰ Having experienced a deficit in surcharge revenue in the prior two fiscal years, the surcharge rates were adjusted slightly upward at the start of fiscal year 2010-11, in an effort to

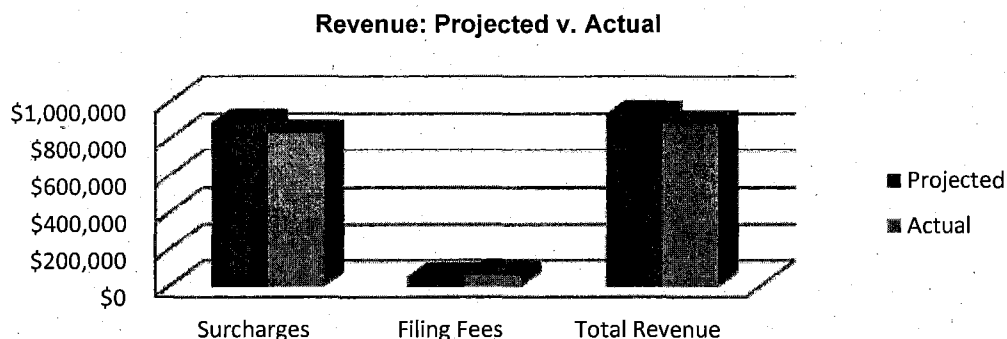
¹⁸ Surcharges are calculated by (1) determining the number of appeals filed in the prior fiscal year that originated with actions taken by each funding department, (2) applying the percentage of appeals for each department to the Board's budget to determine the dollar amount each funding department should contribute, and (3) dividing this dollar amount by the anticipated number of appealable permits issued by each funding department.

¹⁹ The Board's fees are found in S.F. Business and Tax Regulations Code Article 1, Section 8.

²⁰ San Francisco Administrative Code Chapter 10G.

mitigate another deficit. Filing fees were not increased, since they had been raised (some significantly) at the start of the prior fiscal year.

The Board's revenue budget of \$931,631 was based on projected surcharge revenue of \$885,594 and filing fee revenue of \$46,037. As depicted below, the Board ended the year having realized \$878,828 in total revenue (94% of projected); with \$825,953 from surcharges (reflecting a \$59,641 or 7% shortfall) and \$52,875 from filing fees (reflecting a \$6,838 or 15% surplus). On balance, this left the Board with a 6% revenue deficit of \$52,803.

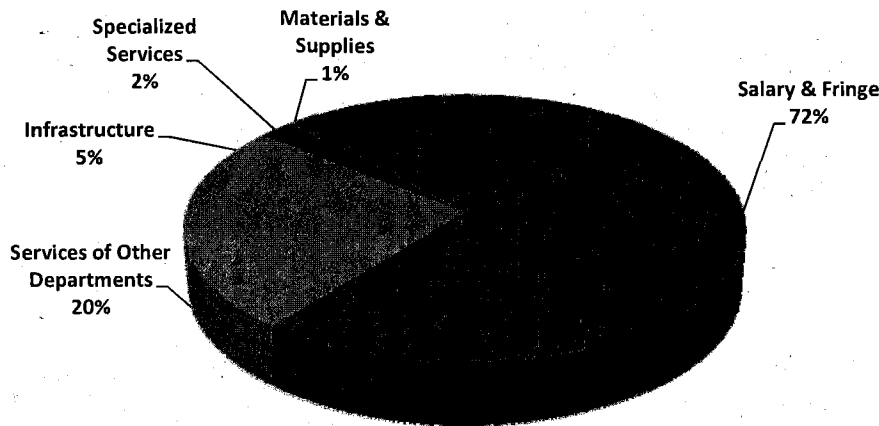


While still challenging, this deficit is smaller than those of the past two years, down from 9% (\$71,805) in fiscal year 2009-10 and from 16% (\$125,949) in 2008-09.

During the fiscal year, the Board's expenditure budget was increased to \$971,926 to account for additional fringe benefit costs, with no corresponding increase made on the revenue side. This imbalance, in conjunction with the surcharge revenue shortfalls experienced in prior years, and the City's slow economic recovery, prompted the Board to take steps throughout the year to limit its expenditures wherever possible. When a member of the Board's staff took a six month leave of absence, the position was left unfilled in order to recoup available salary savings. Since appeal volume continued to be lower than average, the Board was able to reduce spending on neighborhood notification services and other non-personnel expenses associated with the processing of appeals. Decreased appeal volume also allowed the Board to reduce its utilization of services provided by other City departments, including the services of the Department of Technology personnel involved with recording and broadcasting Board meetings, as well as the services of the City Attorney. Overall, expenses were reduced by 13.6% (\$132,921). Offset by the revenue shortfall described above and the increase in the department's expenditure budget, these savings allowed the Board to end the year with a surplus of \$39,823.

As the chart below reflects, nearly three-quarters (72% or \$602,808) of the Board's total expenditures of \$839,005 were used to pay for the salaries and fringe benefits of its employees. Twenty percent (\$168,280) paid for services provided by other City departments, including advice and assistance provided by the City Attorney, the broadcasting and closed captioning of Board meetings by the Department of Technology's SFGTV services, and support provided by the Department of Technology for the Board's computer systems, website and the construction of a database to track and report on Board cases. The expenditures for infrastructure costs such as rent, phones and the rental of a photocopier, represented 5% (\$40,705) of the Board's total

expenditures. Two percent (\$18,788) paid for specialized services such those of a contractor who researches and prepares the neighborhood notification labels, couriers delivering meeting materials to Board members and interpreters who attend Board meetings to assist limited-English speaking parties. Materials and supplies represented one percent (\$8,424) of the Board's expenditures, paying for commodities such as postage, paper and other office supplies.



Expenditures by Category

IMPROVEMENTS TO INFRASTRUCTURE

During fiscal year 2010-2011, the Board undertook a variety of initiatives to increase the accessibility of its services to the public and to improve its operating systems:

- The Board continued working with the Department of Technology on the development of an automated case tracking system that will streamline the process for filing appeals, improve the Board's ability to track and report on its cases, and provide a platform for conveying case-related information to other City departments and the public. Due to ongoing staffing reductions at the Department of Technology, this project's completion has been delayed; the system is now slated for implementation in early 2012.
- The Board improved accessibility to its services for limited-English speakers:
 - Working with the Office of Civic Engagement and Immigrant Affairs, the Board translated its key informational materials into Spanish and Chinese and made this information available on the Board's website and in its offices.
 - To assist limited-English speaking members of the public who come to the Board for assistance, the Board began contracting with Language Line Services to provide as-needed interpretation services in over 170 languages.
- Board member biographies were added to the department's website.

- The Board continued to create electronic versions of historical Board decisions for public access and inclusion in the Planning Department's Parcel Information Database.
- A critically out-of-date clerical workstation was upgraded.

LOOKING AHEAD

In the coming year, the Board will continue to make operational and programmatic improvements to enhance the Board's ability to provide the public with an efficient, fair and expeditious appeal review process. This includes:

- Implementing the case tracking database currently in development;
- Working with other City departments, in particular Planning and the Department of Building Inspection, to continue to develop electronic methods of sharing and tracking Board decisions to ensure ongoing enforcement;
- Continuing to review and update the department's resource materials to better assist the public with filing and responding to appeals and in understanding the appeal process.



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Police Report 110-854-137 against Gascon Campaign for District Attorney.

From: "Emile Lawrence" <emilelawrence@juno.com>
To: Board.of.supervisors@sfgov.org
Date: 10/24/2011 04:22 PM
Subject: Police Report 110-854-137 against Gascon Campaign for District Attorney. ey.

October 24, 2011

Interim Mayor Ed Lee
Members of the Board
City hall, Room 400
One Carlton Goodlett Plaza
San Francisco, CA 94102

Interim Mayor Lee & the Board of Supervisors:

SUBJECT: George Garcon District Attorney Campaign Violations and Criminal Acts Under Present Laws: Police Report Case # 110-854-137

This letter is being sent to your office due to the civil and criminal violations under the present campaign laws and statutes, which pertain to my election of a San Francisco Mayor and George Garcon as San Francisco District Attorney. I am accusing the George Garcon campaign of political campaign violations.

My run-in with this phony COP goes back to 20 months ago, to when Garcon was top COP and started sucking up a paycheck for \$310,000 a year as SFPD Police Chief. This was after his failing to make an income as an attorney. And, in that capacity as TOP COP in this CCSF he caused me to file an Office of Citizen's Complaint against one SFPD officer Woods, who threatened me with harm and assault inside the Hall of Justice, when I attempted to deliver a letter to Gascon. In that case and incident, two DMV tab registration violations, which were paid on my personal Peugeot 504 in San Mateo County, were listed as not paid at Superior Court at the Hall of Justice in San Francisco County and were on the CCSF Court's Docket in Criminal Court. These highly irregular and illegal listings caused me to lose my driver's license and income for up to sixty days.

Now, I am a candidate for the Office of San Francisco Mayor, and in this capacity, I have filed police report against the man and Campaign of George Garcon for the Elective District Attorney's Office. I feel, the facts will show, that with this man's complete approval and total and authorization he and his campaign officials have attempted to undermine my the LawrenceSFMayorCampaign by destroying or removing and signs, tables, chairs sitting in/on open public space in San Francisco. Pertaining to my campaign for office.

The Evidence

The evidence shows, on the morning of the 22nd of October, a Saturday, prior to a big meeting of Gascon Campaign District Attorney Officials, Lawrence

11

Campaign equipment was removed and destroyed. In front of the Marina Safeway, in a very a very legal public spot, three tables, six chairs and five signs that displayed, Emil Lawrence for San Francisco Mayor were removed. The displays were used daily by the LawrenceSfMayorCampaign and were anchored by cables and pad locks, with the locked

signs and tables together on CCSF public property. The locks were cut with torches and cable cutters. All of this equipment was quickly removed on the orders of George Gascon, or his henchmen with an ok by him, prior to his Campaign kickoff at this same

Marina Safeway, which is adjacent to his rental home and the Marina murder which was next to the Starbucks coffee shop. Also, used as a LawrenceSfMayorCampaign location. District Attorney Gascon authorized the either the DPT, the SFPD, the nearby Park and Rec Department or his own campaign officials to do this despicable act.

And, due to the timing and nature of Mr. Gascon's office, I am calling for an official investigation of this crime. Mr. Gascon should not be able to use his office to manipulate election proceedings.

Sincerely,

Emil Lawrence MBA
P.O. Box 281287
San Francisco, CA 94128

CA Department of Real Estate
Agent License - 0138873

IRS Registered Tax Preparer,
Agent License - PO1364976

SF Taxi Driver, Badge/License #47921
SF Ramp Taxi Medallion Owner 9015

SF Wheelchair Access Taxi 9015
1-415-513- 7705 PCS (Voicemail)

emilelawrence@juno.com

60-Year-Old Mom Looks 27
Mom Reveals Free Wrinkle Trick That Has Angered Doctors!
<http://thirdpartyoffers.juno.com/TGL3131/4ea5f3326ff72a25b9est03vuc>



Mayor Lee GASCON COMPLAINT.doc



Support Bird-Safe Building Standards
Melissa Knoeferl to: Board of Supervisors
Defenders of Wildlife
Sent by: <ecommunications@defenders.org>
Please respond to Melissa Knoeferl

10/30/2011 03:47 PM

Oct 30, 2011

Clerk of the Board of Supervisors

Dear Board of Supervisors,

As a San Francisco resident and a supporter of Defenders of Wildlife, I am writing today to urge you to support the Standards for Bird-Safe Buildings.

Tens of millions of birds are killed each year when they collide with buildings and windows. Many are night-migrating species that migrate from Central and South America to breeding grounds in the U.S. and Canada. These include federally listed species and birds of conservation concern.

Millions of birds depend on the San Francisco Bay estuary system, not only during migration but throughout the winter. San Francisco's Standards for Bird-Safe Buildings direct the most serious efforts to those areas that are most at risk.

The Standards for Bird-Safe Buildings are based on sound scientific research, are well founded and are strongly supported by many architects and other members of the construction industry.

These standards provide guidance to help make smart choices when it comes to designing buildings. They also offer guidance on other remedies such as window treatments, lighting design, and lighting operation.

Please support the Standards for Bird-Safe Buildings to prevent the deaths of thousands of migratory birds each year in the Bay Area.

Sincerely,

Miss Melissa Knoeferl
908 43rd Ave
Rock Island, IL 61201-6725
(309) 737-6263

12



Support Bird-Safe Building Standards

Mary Carufe to: Board.of.Supervisors

10/29/2011 07:49 AM

Defenders of Wildlife

Sent by: <ecommunications@defenders.org>

Please respond to Mary Carufe

Oct 29, 2011

Clerk of the Board of Supervisors

Dear Board of Supervisors,

As a San Francisco resident and a supporter of Defenders of Wildlife, I am writing today to urge you to support the Standards for Bird-Safe Buildings.

Tens of millions of birds are killed each year when they collide with buildings and windows. Many are night-migrating species that migrate from Central and South America to breeding grounds in the U.S. and Canada. These include federally listed species and birds of conservation concern.

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Please support the Standards for Bird-Safe Buildings to prevent the deaths of thousands of migratory birds each year in the Bay Area.

Sincerely,

Mrs. Mary Carufe
5920 Standing Oaks Ln
Naples, FL 34119-1232
(239) 594-7051



Support Bird-Safe Building Standards

John Lewis to: Board.of.Supervisors

10/29/2011 03:44 AM

Sent by: Defenders of Wildlife
<ecommunications@defenders.org>

Please respond to John Lewis

Oct 29, 2011

Clerk of the Board of Supervisors

Dear Board of Supervisors,

As a San Francisco resident and a supporter of Defenders of Wildlife, I am writing today to urge you to support the Standards for Bird-Safe Buildings.

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Please support the Standards for Bird-Safe Buildings to prevent the deaths of thousands of migratory birds each year in the Bay Area.

Sincerely,

Mr. John Lewis
3 Everett Rd
Carmel, NY 10512-2001
(845) 225-4328

110785



Support Bird-Safe Building Standards

Melissa Wise to: Board.of.Supervisors

Sent by: Defenders of Wildlife
<ecommunications@defenders.org>

10/25/2011 06:07 PM

Please respond to Melissa Wise

Oct 25, 2011.

Clerk of the Board of Supervisors

Dear Board of Supervisors,

As a San Francisco resident and a supporter of Defenders of Wildlife, I am writing today to urge you to support the Standards for Bird-Safe Buildings.

Tens of millions of birds are killed each year when they collide with buildings and windows. Many are night-migrating species that migrate from Central and South America to breeding grounds in the U.S. and Canada. These include federally listed species and birds of conservation concern.

Millions of birds depend on the San Francisco Bay estuary system, not only during migration but throughout the winter. San Francisco's Standards for Bird-Safe Buildings direct the most serious efforts to those areas that are most at risk.

The Standards for Bird-Safe Buildings are based on sound scientific research, are well founded and are strongly supported by many architects and other members of the construction industry.

These standards provide guidance to help make smart choices when it comes to designing buildings. They also offer guidance on other remedies such as window treatments, lighting design, and lighting operation.

Please support the Standards for Bird-Safe Buildings to prevent the deaths of thousands of migratory birds each year in the Bay Area.

Sincerely,

Ms. Melissa Wise
5928 Beverly Dr W
Apt 1214
Benbrook, TX 76132-2773
(817) 377-2305



To: BOS Constituent Mail Distribution, Gail Johnson/BOS/SFGOV,
Cc:
Bcc:
Subject: File 111164: OWS

From: mxyz <mxyz@earthlink.net>
To: board.of.supervisors@sfgov.org
Cc: mayoredwinlee@sfgov.org
Date: 10/29/2011 08:32 AM
Subject: OWS

Do any of you ever consider the actual taxpaying residents of this city? Of course not. Here we have hordes of lawbreakers camping out in the city and you all side with them. Or say nothing. None of you have any respect for the law, or public health. I sincerely hope that a group, that has in the past paid the city to hold a rally, will be suing soon for reimbursement.

Somehow I have a feeling you would not be so indulgent if the "protesters" were Christian pro-lifers in SF to rally for change to abortion laws. Would it would be fine for them to camp out anywhere in the city? For as long as they like. And if not, why not?

You're all just political hacks, who would do anything to continue slurping at the public trough.

M & R Recker
S.F.



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Occupy San Francisco

From: P Segal <mspsegal@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 10/25/2011 08:41 PM
Subject: Occupy San Francisco

I'm not certain if this is the best way to get a personal message through to the board, but I thought I'd try it. I read today about John Avalos proposing that the city support the Occupy protest, and I just wanted to say that I am wholeheartedly supportive of this idea.

I'm a city native, and throughout my life, I've witnessed social changes that swept the world germinate here. The spirit of activism is alive, even now that it is harder than ever for poor people to survive here and the cost of living escalates every day. Most of the people I grew up with can't afford to own a house here or find jobs in the city. Corporate interests ruin out neighborhoods, driving out businesses that have thrived for years. One successful business in my neighborhood that had been here for decades just lost its chance to renew its lease because Chase Bank offered the landlord more than they could afford. This is shameful.

The Occupy protest is out there in this increasingly chilly weather to speak for everyone who is troubled by the state of the economy, which is the work of greedy corporate interests. We should be thanking them, rewarding them, and facilitating their efforts, not arresting, harassing, and driving them out, for speaking for the welfare of the people.

The city as a whole has suffered from this economic downturn, and they are working for it as well as for the individuals who have suffered. Cities and states are getting less funding to meet their needs in this crisis. In this city, our mental health services are sadly diminished, for example, just when we need them most. Our politicians, the people who represent us, should be out there in the front lines protesting against the corporate stranglehold on our economy, and the police, who are supposed to be protecting the public interest, should be supporting them too, because they're as much a part of the 99% as the rest of us.

As for the legislation to create a city bank, that's a great idea-- or just switch to the SF Federal Credit Union.

Sincerely,

Roberta Segal



To: Gail Johnson/BOS/SFGOV,
Cc:
Bcc:
Subject: File 111164: OCCUPYSF. PRECEDENT & PERSPECTIVE

From: patnlisa@sbcglobal.net
To: ED LEE <mayoredwinlee@sfgov.org>, "Shih-Wei.Lu@sfgov.org" <Shih-Wei.Lu@sfgov.org>, Avalos John <John.Avalos@sfgov.org>, AVALOS JOHN <JOHN.AVALOS@sfgov.org>, Campos David <David.Campos@sfgov.org>, CAMPOS DAVID <DAVID.CAMPOS@sfgov.org>, CAVILLO ANGELA <board.of.supervisors@sfgov.org>, Chan Connie <connie.chan@sfgov.org>, Chin Lin-Shao <LinShao.Chin@sfgov.org>, CHIU DAVID <David.Chiu@sfgov.org>, CHIU DAVID <DAVID.CHIU@sfgov.org>, CHU CARMEN <carmen.chu@sfgov.org>, CHU CARMEN <CARMEN.CHU@sfgov.org>, Chung Rose <Rose.Chung@sfgov.org>, COHEN MALIA <MALIA.COHEN@sfgov.org>, Costello Cassandra <Cassandra.Costello@sfgov.org>, FARRELL MARK <MARK.FARRELL@sfgov.org>, Hsieh Frances <Frances.Hsieh@sfgov.org>, KIM JANE <JANE.KIM@sfgov.org>, King Nicolas <Nicolas.King@sfgov.org>, Krell Rebekah <rebekah.krell@sfgov.org>, Mar Eric <Eric.L.Mar@sfgov.org>, MIRKARIMI ROSS <ROSS.MIRKARIMI@sfgov.org>, Ross MIRKARIMI <ross.mirkarimi@sfgov.org>, Scanlon Olivia <olivia.scanlon@sfgov.org>, Sean ELSBERND <Sean.Elsbernd@sfgov.org>, St Croix John <john.st.croix@sfgov.org>, Stefani Catherine <catherine.stefani@sfgov.org>, Tang Katy <katy.tang@sfgov.org>, vicki leidner <vleidner@astound.net>, WIENER SCOTT <SCOTT.WIENER@sfgov.org>
Date: 10/28/2011 11:11 PM
Subject: OCCUPYSF. PRECEDENT & PERSPECTIVE

I am reminded that yesterday, Oct 27th, marked the anniversary of that day back in 1985, when Steve Russell PLAZA, 24x7, for almost TEN YEARS; setting up tents; sleeping in a public space; setting up a kitchen; preparing food; and climbing hourly, that has already been paid out in tens of thousands of dollars, and petition, we would have avoided these problems and confrontations, and the money saved could have been used to help how recently they were deprived of their rights, the long fight many of us waged to end that discrimination, and just my 2c.
Patrick Monk.RN. Noe Valley.



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: File 111164: Occupy SF

From: " " <lgoodin1@mindspring.com>
To: ericamaybaum@sfgov.org, "board.of.supervisors" <board.of.supervisors@sfgov.org>, "MayorEdwinLee" <MayorEdwinLee@sfgov.org>, "john.avalos" <john.avalos@sfgov.org>, "David.Chiu" <David.Chiu@sfgov.org>, "david.campos" <david.campos@sfgov.org>
Date: 10/28/2011 06:24 PM
Subject: Occupy SF

I am unable to attend the hearing, however I fully support and urge approval of the resolution as written. The Occupy movement is trying to return economic and social justice to this country. Instead of sending in storm troopers to beat up and arrest these largely peaceful protester, the city of Saint Francis should do all it can to assist Occupy SF by setting up safety, sanitation, food preparation and other facilities. Using violent police tactics will only lead to more violence.

Lee Goodin Major USAF (Retired)
600 Chestnut Street #408
SF 94133
415 346-4335
lgoodin1@mindspring.com



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: thanks!

From: P Segal <mspsegal@gmail.com>
To: Board.of.Supervisors@sfgov.org
Date: 10/27/2011 03:00 PM
Subject: thanks!

Two nights ago, I wrote to commend the supervisors (particularly Avalos) for introducing a measure to support the Occupy protest, and to encourage the supervisors to get out there in the front line, as our citizens and our city have all suffered from the economic situation. Last night, several of the supervisors showed up at the protest to give their personal support. I know it had nothing to do with my email. However, I would just like to send my congratulations and thanks to them for their courageous participation. With the potential for police action rumored, it showed a genuine commitment to serving the needs of the public-- and they just got my votes.

Bravo!
Roberta Segal



Thank you!

Chris Miller

to:

Board.of.Supervisors

10/27/2011 10:05 AM

Hide Details

From: Chris Miller <screamingcheetah1212@gmail.com>

To: Board.of.Supervisors@sfgov.org

History: This message has been forwarded.

Thank you those **SF Board of Supervisors** members who stood their ground to the Mayor Ed "\$1-dollar bill" Lee and the Police Raid last night.

-D.S.



Chaffee -- False Arrest Suit -- Chaffee v. David Chiu, et al. Moved to Federal Court
James Chaffee

to:

board.of.supervisors, Carmen.Chu, David Campos, David Chiu, Eric L. Mar, Jane Kim,
John.Avalos, Malia Cohen, Mark Farrell, Ross.Mirkarimi, Scott Wiener, Sean.Elsbernd
10/24/2011 04:14 PM

Hide Details

From: "James Chaffee" <chaffeej@pacbell.net> Sort List...

To: <board.of.supervisors@sfgov.org>, <Carmen.Chu@sfgov.org>, "David Campos"
<David.Campos@sfgov.org>, "David Chiu" <David.Chiu@sfgov.org>, "Eric L. Mar"
<Eric.L.Mar@sfgov.org>, "Jane Kim" <Jane.Kim@sfgov.org>,
<John.Avalos@sfgov.org>, "Malia Cohen" <Malia.Cohen@sfgov.org>, "Mark Farrell"
<Mark.Farrell@sfgov.org>, <Ross.Mirkarimi@sfgov.org>, "Scott Wiener"
<Scott.Wiener@sfgov.org>, <Sean.Elsbernd@sfgov.org>

Dear Friends,

Actually the term is "Removed" to Federal court. This was once just technical legal terminology, but it certainly has political overtones now.

At face value the decision of the San Francisco City Attorney to move the case to Federal Court can be considered straight forward – the case includes First Amendment issues and those are federal questions. In fact the City is going "forum shopping" and their advantages in Federal court are complex.

There is a chance that it is a blessing in disguise. The silver lining is that transfer to Federal Court exponentially increases the number of people who have something at stake if I lose. The question is whether unreconstructed slime like David Chiu can use state police power whenever it suits them. If David Chiu can established that precedent in Federal Court it will be a foundation stone out of our already unstable democratic structure.

As a legal matter there is a different set of immunities and defenses available to public entities and agents of the state. At this point I don't know what defenses the City and David Chiu will offer. One of the reasons that you can't see the light at the end of the legal tunnel is because you don't know how many bends and twists there are in the tunnel. This is why everyone hates lawyers. You should be

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able to stand at the entrance to the courthouse and see the glimmer of justice at the other end. No chance of that. In the meantime, I have thirty days to figure out whether I am better off in State Court and object if I can.

There are two curious side issues. The City Attorney has requested a jury trial. The City Attorney almost never does this. Second, the City Attorney has not automatically appeared for David Chiu or the Sheriff's office. Mayoral political being what it is in this city, the City Attorney probably wants a process server to show up at David Chui's door.

Probably the most important factor is the unmitigated arrogance of the federal judges. If you think of the social distance between Billionaire hedge fund managers and those who sleep on subway grates to keep from freezing to death, that is one percent of the social distance between Federal District Court judges and those who come into court without attorneys and don't even know they have fools for clients. As a matter fact, their attitude is that those who are in prison and have nothing to do but hang out in the law library all day, and those who are not yet in prison and have nothing to do but hang in the law library all day is a distinction that will soon be remedied anyway. To a Federal judge, an ordinary citizen is just a criminal in waiting. But that is the attitude of a Supervisor.

James Chaffee



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: SF as a Tech Hub Needs to Support Wireless Technology and Infrastructure

From: ryanjm10014@gmail.com
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>
Date: 10/30/2011 07:59 PM
Subject: SF as a Tech Hub Needs to Support Wireless Technology and Infrastructure

October 30, 2011
Clerk of the Board Angela Calvillo
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Dear Angela Calvillo,

Being so close to the Silicon Valley, we San Franciscans have come to love and rely on our wireless devices. Whether it's our smartphones, laptops or tablets, we have become accustomed to real-time interaction that is flexible and convenient. I expect and depend on reliable service when I go to work, to baseball games or even to dinner. This is why maintaining and building new wireless infrastructure is so important and why I support the building of new cell sites in our city. I welcome with open arms anything that can improve my existing wireless service.

Sincerely,

Ryan J. McCaffrey
172 Ellsworth St.
San Francisco, CA 94110-5641

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SUPPORT item # 6, File #110899

David.chiu, john.avalos, david.campos,
Marian Monks to: carmen.chu, malia.cohen, sean.elsbernd,
mark.farrell, jane.kim, eric.l.mar,

10/24/2011 05:19 PM

Please SUPPORT item # 6, File #110899. First Report is preying on young confused women with their false advertising.

Thank you,
Marian Monks

**Document is available
at the Clerk's Office
Room 244, City Hall**



Please OPPOSE Item # 6, File #110899

David.Chiu, John.Avalos, David.Campos,
Roger Knopf to: Carmen.Chu, Malia.Cohen, Sean.Elsbernd,
Mark.Farrell, Jane.Kim, Eric.L.Mar,

10/24/2011 10:08 PM

Dear Supervisor Chiu and Members of the Board of Supervisors:

I urge your NO vote on Supervisor Cohen's ordinance entitled "False Advertising by Limited Services Pregnancy Centers".

On October 18, 2011, the Board of Supervisors approved an ordinance which unequally applies the law to regulate and restrict speech by pregnancy centers which are not abortion minded.

By doing so, the local supervisors have improperly targeted and potentially harmed First Resort and other pregnancy help centers in San Francisco - and thus will potentially harm the many women who might be helped by the medical services and support provided by First Resort.

First Resort provides all clients with *full disclosure* on the types of services they provide. The ordinance is vague about what constitutes "untrue and misleading" speech, but has draconian penalties for what the government may view as a violation. The baseless charges against First Resort aren't a basis for new, heavy handed legislation. Neither the Committee hearing, nor the added material from Supervisor Cohen provides any example of First Resort misleading, manipulating or deceiving women or their clients.

Simply stated, the Board disagrees with the services provided by abortion alternative centers, and therefore seeks to limit what they say and how they say it to the women served.

It's hard to believe that an attack on one group of pregnancy resource providers, but not another group with a competing message, would garner the support of the Board of Supervisors. It is unfair and unnecessary and will have a chilling effect on those who value free speech and respect a woman's right to choose.

Roger Knopf