

File 091004

Petitions and Communications received from July 28, 2009, through August 3, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on August 11, 2009.

From SF Civil Grand Jury, submitting report entitled "Pensions: Beyond Our Ability to Pay." (1)

From SF Civil Grand Jury, submitting report entitled "Truants Can Be Joyful Learners, Too." File No. 090920 (2)

From Office of the Controller, submitting the Controller's Annual Report of Municipal Code-Mandated Fee Reviews and Schedules for FY 2009-2010. (3)

From Department of the Environment, submitting the Annual Integrated Pest Management Program Report for FY 2006-2007. (4)

From Human Services Agency, submitting waiver of Administrative Code Chapter 12B for Fleetcor Tech dba Chevron. (5)

From Public Utilities Commission, regarding the review of franchise fees NRG Energy Center San Francisco LLC pays to the City and County to use city streets to install, construct, maintain and operate stream pipe conduits. Copy: Each Supervisor (6)

From Police Department, regarding status of removing police barricades left from the 2009 Bay to Breakers race at the corner of Hayes and Pierce. Copy: Supervisor Mirkarimi (7)

From Fontana West Apartment Corporation, regarding the proposed bicycle plan and the traffic congestion at Van Ness and North Point. File No. 090912, Copy: Each Supervisor (8)

From Adams, Broadwell, Joseph & Cardozo, regarding request for continuance of hearing of appeal for 1960-1998 Market Street. File No. 090871, Copy: Each Supervisor (9)

From Charles Cagnon, urging the Board of Supervisors to reject the Bicycle Plan. File No. 090912, Copy: Each Supervisor (10)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from July 30, 2009 until August 3, 2009. Supervisor Elsbernd will serve as Acting Mayor. Copy: Each Supervisor (11)

From Office of Clerk of the Board, submitting Form 700 Statement of Economic Interest for Frank Darby-leaving. (12)

From Project Homeless Connect, submitting support for California Pacific Medical Center's plans to build seismically safe hospitals at the Cathedral Hill site on Van Ness Avenue and at St. Luke's. (13)

From Office of the Controller, submitting report concerning the compliance audit of Virgin America, Inc. (14)

From Department of Public Works, submitting status of repairing potholes at various locations in District 5. (Reference No. 20090630-006) (15)

From Department of Human Resources, submitting "revised" list of City and County employees by gender, age, race and ethnicity, classification, title and department that have been laid off or have received a layoff notice, transferred to a new department, and released before completing their 90 day probationary period within FY 2008-09. (Reference No. 20090616-008) (16)

From Wayne Lanier, commenting on article in the New York Times regarding ways to reduce energy consumption in our homes and businesses. (17)

From concerned citizens, submitting support for preserving the historic 18-hole Sharp Park Golf Course. 3 letters (18)

From Police Commission, submitting resolution regarding election of the President and Vice President of the Police Commission. Copy: Each Supervisor (19)

orig: Joy

C-pages

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
GRAND JURY

OFFICE  
400 MCALLISTER ST., ROOM 008  
SAN FRANCISCO, CA 94102  
TELEPHONE: (415) 551- 3605

July 13, 2009

Ms. Angela Calvillo  
Clerk of the Board  
#1 Dr. Carleton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94122

Dear Ms. Calvillo:

The 2008-2009 San Francisco County Civil Grand Jury will release its report to the public entitled "Pensions: Beyond Our Ability to Pay" on Thursday, July 16, 2009. Enclosed is an advance copy of this report. Please note that by order of the Presiding Judge of the Superior Court, James J. McBride, this report is to be kept confidential until the date of release.

California Penal Coded Section 933.05 requires the responding party or entity identified in the report to respond to the Presiding Judge of the Superior Court, within a specified number of days. You may find the specific day the response is due in the last paragraph of this letter.

For each Finding of the Civil Grand Jury, the response must either:

- (1) agree with the finding; or
- (2) disagree with it, wholly or partially, and explain why.

Further as to each recommendation made by the Civil Grand Jury, the responding party must report either:

- (1) that the recommendation has been implemented, with a summary explanation of how it was implemented;
- (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation;
- (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or4 agency head to be prepared to discuss it (less than six months from the release of the report); or

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2009 JUL 13 PM 4:25  
BY RL

①

# PENSIONS BEYOND OUR ABILITY TO PAY

In reference to the pension scandal in San Diego in recent years, the Pulitzer Prize winning author Roger Lowenstein wrote:

"The unions push for benefits that are beyond the ability of governments to properly fund. The unions get their promises; the politicians get to satisfy a powerful constituency. And by shortchanging their pension funds, they can run their budgets on borrowed time and put off the necessity to tax until later generations." 1

The time to payback the pension commitments made over the past 20 years is today, and the City of San Francisco may be unprepared to meet its obligations, without severe cuts in essential services to the residents of the City and the business interests who employ

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
GRAND JURY

orig: Joy  
cc: AC


C-pages

file 090920

OFFICE  
400 MCALLISTER ST., ROOM 008  
SAN FRANCISCO, CA 94102  
TELEPHONE: (415) 551- 3605

July 27, 2009

Supervisor David Chiu, President  
San Francisco Board of Supervisors  
#1 Dr. Carleton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2009 JUL 27 AM 11:12  
BY 

Dear Supervisor Chiu:

The 2008-2009 San Francisco County Civil Grand Jury will release its report to the public entitled "TRUANTS CAN BE "JOYFUL LEARNERS," TOO: Unless Racism, Classism and/or Systematic Ineffectiveness Prevent Future Progress" on Wednesday, July 29, 2009. Enclosed is an advance copy of this report. Please note that by order of the Presiding Judge of the Superior Court, James J. McBride, this report is to be kept confidential until the date of release.

California Penal Coded Section 933.05 requires the responding party or entity identified in the report to respond to the Presiding Judge of the Superior Court, within a specified number of days. You may find the specific day the response is due in the last paragraph of this letter.

For each Finding of the Civil Grand Jury, the response must either:

- (1) agree with the finding; or
- (2) disagree with it, wholly or partially, and explain why.

Further as to each recommendation made by the Civil Grand Jury, the responding party must report either:

- (1) that the recommendation has been implemented, with a summary explanation of how it was implemented;
- (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation;
- (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of the report); or

2

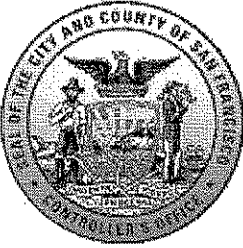
**Document is available  
at the Clerk's Office  
Room 244, City Hall**

## **TRUANTS CAN BE "JOYFUL LEARNERS," TOO:**

**Unless Racism, Classism and/or  
Systemic Ineffectiveness Prevent Future Progress**

If nothing changes, about 20% of our children will continue to drop out of school. Our Black children will continue to be at risk of dropping out at twice the rate of their peers. The waste of human potential that will result is staggering and predictable. The hundreds of millions of dollars that the school district will never receive and that the city will spend because of truancy/dropout rates is staggering and predictable. The resulting increase in crime, welfare expenditures and lost wages that we all will experience is staggering and predictable.

It is time for the Board of Supervisors to join the Mayor and the District Attorney in recognizing its role in taking on one major aspect of this issue: truancy. The San Francisco Unified School District is hampered by structural issues so basal that attempts to take a different approach in addressing truancy would amount to only incremental adjustments. Real change, if it will happen, must come from the City becoming more involved.



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2009 JUL 29 PM 1:29

BY PN

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## **City & County of San Francisco**

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

# **Controller's Annual Report of Municipal Code-Mandated Fee Reviews & Schedules**

## **FY 2009-10**

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Ben Rosenfield  
Controller

Monique Zmuda  
Deputy Controller

## MEMORANDUM

**TO:** The Honorable Board of Supervisors

**FROM:** Leo Levenson, Director of Budget & Analysis  
Controller's Office

**CC:** Clerk of the Board

**DATE:** July 14, 2009

**SUBJECT:** Controller's Annual Report of Municipal Code-Mandated  
Fee Reviews & Schedules – FY 2009-10

This report contains fee information for Fiscal Year 2009-10 as mandated by various San Francisco Municipal Code sections. Attachment A is a summary of departments collecting the fees, fee descriptions, applicable code sections, and the reporting requirements.

The code sections listed in Attachment A summarize legal requirements and authorization to increase fees. Some fees can be increased administratively by the Controller or department. Others require Board or Commission approval and are noted as such. Where authorized, fee adjustments reflect changes in the relevant Consumer Price Index (CPI) as determined by the Controller. The CPI adjustment factor for fee increases effective July 1, 2009 is 0.02%, based upon the CPI-All Urban Consumers for the San Francisco-Oakland-San Jose, CA, MSA. As a result, there is no CPI increase for a number of fees. Some fees, such as the Fire Department's Emergency Medical Services Fees, are adjusted by the medical component of CPI, and others are being adjusted to change the portion of service delivery costs recovered.

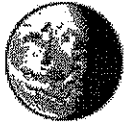
When possible, based on information received from departments, the Controller has certified that (a) fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed in some cases, but not all, and (b) fees do not produce revenue which is materially more than the costs of providing the services for which each fee is assessed.

If you have any questions, please contact me at 554-4809.

Attachments

cc: Budget Analyst  
Mayor's Budget Office





Environment/ENV/SFGOV

08/03/2009 10:07 AM

To Board of Supervisors/BOS/SFGOV@SFGOV

cc

bcc

Subject IPM Report to Board of Supervisors

Pursuant to Chapter 3 of the Environment Code, attached please find the annual Integrated Pest Management annual report.

~~~~~  
Department of the Environment  
City and County of San Francisco  
11 Grove Street (between Larkin & Hyde)  
Tel: (415) 355-3700  
Fax: (415) 554-6393  
Hotline: (415) 554-4333  
[www.sfenvironment.org](http://www.sfenvironment.org)



Final IPM AnnRpt 2006-07 VER 4 WITH NEW p4.pdf

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

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JUL-28-2009 08:53

P.002

**CITY AND COUNTY OF SAN FRANCISCO  
HUMAN RIGHTS COMMISSION****S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B****WAIVER REQUEST FORM**

(HRC Form 201)

**► Section 1. Department Information**Department Head Signature: [Signature]

Name of Department: Human Services Agency

Department Address: 170 Otis Street, San Francisco, CA 94103

Contact Person: Philip Wong

Phone Number: 415-557-5115

Fax Number: 415-557-6504

| FOR HRC USE ONLY      |
|-----------------------|
| Request Number: _____ |
|                       |
|                       |
|                       |
|                       |

**► Section 2. Contractor Information**

Contractor Name: Fleetcor Tech dba Chevron

Contact Person: Dave MacFarlane

Contractor Address: 655 Engineering Drive, Suite 300, Norcross, GA 30092

Vendor Number (if known): 76065

Contact Phone No.: 800-877-9019

**► Section 3. Transaction Information**

Date Waiver Request Submitted: 07-27-09

Type of Contract: BPO

Contract Start Date: 07-01-09  
\$20,000.00

End Date: 06-30-10

Dollar Amount of Contract:

**► Section 4. Administrative Code Chapter to be Waived (please check all that apply)**

- ☒ Chapter 12B
- ☐ Chapter 14B Note: Employment and LBE subcontracting requirements may still be in force even when a 14B waiver (type A or B) is granted.

**► Section 5. Waiver Type (Letter of Justification *must* be attached, see Check List on back of page.)**

- ☒ A. Sole Source
- ☐ B. Emergency (pursuant to Administrative Code §6.60 or 21.15)
- ☐ C. Public Entity
- ☒ D. No Potential Contractors Comply – Copy of waiver request sent to Board of Supervisors on: 07-28-09
- ☐ E. Government Bulk Purchasing Arrangement – Copy of waiver request sent to Board of Supervisors on: \_\_\_\_\_
- ☐ F. Sham/Shell Entity – Copy of waiver request sent to Board of Supervisors on: \_\_\_\_\_
- ☐ G. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)
- ☐ H. Subcontracting Goals

| HRC ACTION                                                                                               |                               |
|----------------------------------------------------------------------------------------------------------|-------------------------------|
| 12B Waiver Granted: _____                                                                                | 14B Waiver Granted: _____     |
| 12B Waiver Denied: _____                                                                                 | 14B Waiver Denied: _____      |
| Reason for Action: _____                                                                                 |                               |
|                                                                                                          |                               |
| HRC Staff: _____                                                                                         | Date: _____                   |
| HRC Staff: _____                                                                                         | Date: _____                   |
| HRC Director: _____                                                                                      | Date: _____                   |
| <b>DEPARTMENT ACTION</b> – This section must be completed and returned to HRC for waiver types D, E & F. |                               |
| Date Waiver Granted: _____                                                                               | Contract Dollar Amount: _____ |

TOTAL P.002

5

JUL-28-2009 08:53

P.001

## City and County of San Francisco



Gavin Newsom, Mayor

## Human Services Agency

Department of Human Services  
Department of Aging and Adult Services

Trent Rhorer, Executive Director

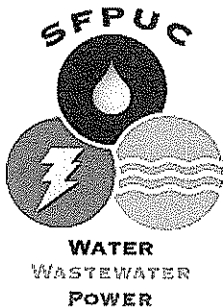
Office of Contract Management

1650 Mission Street, Suite 300, San Francisco, CA 94103

# Fax

|               |                                                         |               |                                                                   |
|---------------|---------------------------------------------------------|---------------|-------------------------------------------------------------------|
| <b>To:</b>    | Board of Supervisors                                    | <b>From:</b>  | Philip Wong<br>HSA Purchasing<br>415-557-5115, (fax) 415-557-6504 |
| <b>Fax:</b>   | 415-554-5163                                            | <b>Date:</b>  | July 28, 2009                                                     |
| <b>Phone:</b> |                                                         | <b>Pages:</b> | 2 including this cover sheet                                      |
| <b>Re:</b>    | HRC Request for Waiver for Fleetcor Tech dba<br>Chevron | <b>CC:</b>    |                                                                   |

**Comments:**



**SAN FRANCISCO PUBLIC UTILITIES COMMISSION**

POWER ENTERPRISE

1155 Market St., 4th Floor, San Francisco, CA 94103 • Tel. (415) 554-0725 • Fax (415) 554-3280 • TTY (415) 554.3488



July 27, 2009

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

Dear Ms. Calvillo,

The San Francisco Public Utility Commission (SFPUC) has completed its report on the review of franchise fees NRG Energy Center San Francisco LLC (NRG) pays to the City and County of San Francisco (City) to use city streets to install, construct, maintain and operate steam pipe conduits. NRG is required to report annual gross receipts and to pay two percent of the gross receipts subject to the City's franchise fee. Pursuant to Chapter 11 – Franchises of the San Francisco Administrative Code, the SFPUC is responsible for overseeing the franchise.

**Reporting Period:** Verify January 1, 2003 through December 31, 2005 payment  
Review December 31, 2006 through December 31, 2008

**Results:**

For the period of January 1, 2003 through December 31, 2005, NRG paid the City on a timely basis, but used a lower re-valued asset basis to compute its franchise fees. In working with the Controller's Office, the SFPUC has been provided verification that NRG has paid the additional franchise fee based on their historical cost of its operating plant assets.

For the period of December 31, 2006 through December 31, 2008, SFPUC through the Controller's Office confirms that NRG is current and in compliance with the Franchise Fees requirements and is currently paying based on the required methodology.

Sincerely,

Camron Samii  
San Francisco Public Utilities Commission  
Manager, Strategic & Resource Planning, Power Enterprise

cc: Barbara Hale

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2009 JUL 28 PM 3:33  
BY

6



GAVIN NEWSOM  
MAYOR

POLICE DEPARTMENT  
CITY AND COUNTY OF SAN FRANCISCO

THOMAS J. CAHILL HALL OF JUSTICE  
850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103-4603



HEATHER J. FONG  
CHIEF OF POLICE

Friday, July 24, 2009

Ms. Angela Calvillo, Clerk of the Board  
City Hall of San Francisco  
#1 Dr. Carlton B. Goodlett Place, Rm. #244  
San Francisco, California 94102-4689

Ref. #20090714-002

Dear Ms. Calvillo:

On Monday July 13, 2009, I received a telephone call from Mr. Brett Thurber, an Intern assigned in Supervisor Ross Mirkarimi's office. Mr. Thurber informed me that one of Supervisor Mirkarimi's constituents reported that post Bay to Breakers foot race, two (2) police barricades were inadvertently left behind next to the bus shelter located at Hayes Street and Pierce Street.

I informed Mr. Thurber that in conjunction with the Department of Public Works, Tri California, which is a private company, were responsible for the deployment and retrieval of the barricades for that event; not the Police Department. With that being said, I then told Mr. Thurber that on this one occasion, I would handle the complaint and have the barricades picked up. I contacted Park Police Station and spoke with Lieutenant Stasko requesting assistance. Lieutenant Stasko subsequently dispatched a unit (Officer Tom Tang) to Hayes Street and Pierce Street and there were no barricades at that location.

On July 16, 2009, I received an e-mail from Deputy Chief Cashman with regard to a Board of Supervisors Inquiry specific to two (2) abandoned barricades that were located at Hayes Street and Pierce Street. Although I believed this was relevant to the call for service that I already handled, I contacted Park Police Station and requested that a unit drive by and check that location again. A short time later, I was informed that the intersection of Hayes Street and Pierce Street were free and clear of barricades. In the interim, I contacted the respective event coordinators from Park and Northern Stations and reconfirmed that neither station deployed barricades for the Bay to Breakers event.

On today's date, I was informed that you were requesting information specific to this complaint and prepared this letter for clarification. While doing so, I learned that Lt Orkes, who is our department's liaison to 311, was also working on this issue. Lt. Orkes contacted Sergeant Dacre at Park Station on July 20, 2009 and requested to have "a barricade" removed from Hayes Street and Pierce Street. Sergeant Dacre directed a unit to respond and canvass the area for stray barricades, and they did not locate any.

On today's date, Friday, July 24, 2009, I responded to Hayes Street and Pierce Street. It should be noted that there are two (2) MUNI bus shelters at that location: One (1) is located on the north side of the street by Alamo Square Park and the other is juxtapose to Ida B. Wells High School. After searching both locations and the surrounding area, I did not find any abandoned barricades.

As of this date, this barricade issue has been resolved and the complaint should be closed.

Sincerely,

Lieutenant Mark Solomon  
Field Operations Bureau

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2009 JUL 29 AM 10:50  
BY [Signature]

7

FONTANA WEST  
Apartment Corporation

1050 North Point  
San Francisco CA 94109

Doorman 415/775-5242 or 415/775-5020 Office 415/775-5264 FAX 415/775-0924 Email: [fontanawest@sbcglobal.net](mailto:fontanawest@sbcglobal.net)  
C/o Chandler Properties  
415/921-5733 Fax 415/921-0841 Email: [kc@chandlerproperties.com](mailto:kc@chandlerproperties.com)

Plk # 090912

e: Bos-11  
cpage

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2009 AUG -3 AM 11:19

BY KC

July 15, 2009

To All Interested Parties:

On June 11, 2009, the San Francisco Planning Department issued the "Comments and Responses On The Environmental Impact Report of the San Francisco Bicycle Plan Case No. 2007.0347E" publication, and included responses to a variety of issues raised by Fontana West in its letter to District 2 Supervisor Michela Alioto-Pier dated October 22, 2008. The San Francisco Bicycle Plan, with revisions, was subsequently approved June 26, 2009.

The format of the detailed responses cross-references paragraphs by a coded numbering scheme applied by the San Francisco Planning Department to our original letter. I have added the paragraph numbers to the letter (following) and the associated responses in bold. Text in [] supplied by me, is a clarification or definition extracted from related City documents.

To recap the major points of acknowledgement and/or mitigation, these include but are not limited to:

- That there will be a Loss of Service with increased time delays at Van Ness and North Point.
- That it will be more difficult to enter and exit the Fontana driveways.
- That Golden Gate transit will experience delays in service.
- Notice that the Kirkland Bus Yard is scheduled for relocation in 2012 which will result in a decrease of some Bus traffic.
- The mitigation recommended is the signalization of Van Ness and North Point by the year 2025.

We respectfully disagree with some of the conclusions in the report, especially a wait of 15 years to address the nexus of traffic congestion at Van Ness and North Point. We will be working with District 2 Supervisor Michela Alioto-Pier and the Aquatic Park Neighbors Association to develop a traffic dampening strategy for our neighborhood, with an associated Public Hearing at City Hall in Fall 2009.

Regards,

Mr. Claudio Micor  
Treasurer, Fontana West Board of Directors

(f)

FONTANA WEST  
Apartment Corporation

---

1050 North Point

San Francisco CA 94109

Doorman 415/775-5242 or 415/775-5020 Office 415/775-5264 FAX 415/775-0924 Email: [fontanawest@sbcglobal.net](mailto:fontanawest@sbcglobal.net)

C/o Chandler Properties

415/921-5733 Fax 415/921-0841 Email: [kc@chandlerproperties.com](mailto:kc@chandlerproperties.com)

October 22, 2008

Supervisor Michela Alioto-Pier  
District 2  
City Hall Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94012  
[Michela.Alioto-Pier@sfgov.org](mailto:Michela.Alioto-Pier@sfgov.org)

(Delivered Via Email)

Dear Supervisor Alioto-Pier,

**(Response Code 1.11)**

First of all the owners and residents of Fontana West thank you for your continuing support and your office's assistance in navigating the myriad of governmental agencies, departments, and committees to have our issues and concerns heard and addressed.

**Response: Introductory, Closing, or General Information Comments  
Acknowledgement Only.**

**(Response Code 5.10)**

As I noted in my letter of October 10, 2008 to Judson True of the MTA on which you were copied, in 2008 Fontana West started to participate in the Aquatic Park Neighbors Association and the Fisherman's Wharf Community Benefit District (both of which span District 2 and District 3), through which many converging impacts regarding Van Ness and North Point have come to light. To us it seems that a disturbing trend is developing to load more traffic onto North Point, using outdated or non-existent traffic volume studies to justify each constituency's initiatives.

**Responses: The commentator believes that there is a trend developing to load more traffic onto North Point Street using out dated or non-existent traffic volume studies to justify constituency initiatives. [Response Code 5.8 is repeated here with the following clarification]. The data used to determine LOS [Loss of Service, further defined in response code 5.8] conditions for this intersection was collected from field surveys conducted between August 2007 and December 2007. The intersection currently operates at LOS B and would operate at LOS C with implementation of the near term improvements. The intersection would operate at LOS B under 2025 Cumulative conditions and would operate at LOS E under 2025 Cumulative plus Project conditions. Signalizing the intersection would result in LOS B under 2025 Cumulative plus Project conditions.**

**(Response Code 5.8)**

At the City Operations and Neighborhood Services Committee that was held Monday, January 22, 2007, you asked the MTA to "think outside the box" regarding pedestrian safety, bus traffic, rest stop locations, and general traffic congestion at the intersection of Van Ness and North Point adjacent to Fontana West. The redesign and repaving of Van Ness north of North Point earlier this year with its associated

pedestrian island was a major improvement, but safety and traffic challenges remain at the intersection. To this date we have not heard from any City Department commenting on the situation at the intersection or if any formal studies were undertaken.

**Response:** The commentator states that safety and traffic challenges still remain at the intersection of Van Ness Avenue and North Point Street and asks if any formal studies were undertaken at the intersection. Pages V.A.3-200 to V.A.3-207 of the Draft EIR provide a discussion of the Proposed Project's impacts including safety, on the intersection of North Point and Van Ness with respect to traffic, pedestrians, transit, and bicyclists.

The Draft EIR evaluated one design option for Project 1-3 [Modified North Point Street Bicycle Lanes, The Embarcadero to Van Ness Avenue, Thresholds: Traffic=Potential Significant Impact, Feasible Mitigation Available, Parking=Less Than Significant Impact, Transit=Less Than Significant Impact, Pedestrian=No Impact, Bicycle=Less Than Significant Impact, Loading=Potentially Significant and Unavoidable Impact]. SFMTA has refined the project design to better manage traffic and transit flow. The preferred project design chosen by the SFMTA is consistent with the option analyzed in the Draft EIR with the following changes. The modified project would not eliminate bus zones in both directions at Larkin Street. However, six bus zones along North Point Street would still be extended. The proposed project would result in a loss of 8 parking spaces rather than a loss of 1 parking space as was discussed in the Draft EIR. The complete text changes to the Draft EIR for the preferred project option are described in Section D of this document on p. C&R-228 [Modified Project 1-3 would remove one westbound travel lane on North Point Street between Stockton Street and Van Ness Avenue, and remove one eastbound lane between Stockton Street and The Embarcadero. Modified Project 1-3 would extend the existing six bus zones along North Point Street by approximately 5-50 feet for each bus zone for a total of approximately 170 feet along this segment of North Point Street. Parking changes to accommodate bus zone changes would result in a loss of 8 parking spaces].

As noted on pp. V.A.3-200 and V.A.3-201 of the Draft EIR, the average intersection delay at the Van Ness Avenue/North Point Street intersection would increase from 14.1 seconds in the existing condition LOS B [LOS or Loss of Service is a qualitative description of the performance of an intersection based of the average delay per vehicle. Intersection LOS ranges from LOS A, which indicates free flow or excellent conditions with short delays, to LOS F, which indicates congested or overloaded conditions with extremely long delays] to 28.4 seconds LOS D under Existing plus Project conditions. On p. V.A.3-209, the Draft EIR proposes that the intersection be signalized in order to mitigate year 2025 Cumulative plus Project conditions. With signalization, the intersection would operate at LOS B in 2025 with the proposed bicycle lanes on North Point and cumulative traffic growth. Therefore, with mitigation, the intersection would perform adequately with the Proposed Project and cumulative traffic growth. The 2025 cumulative traffic growth accounts for traffic increases on North Point Street resulting from other land use changes in the vicinity. This traffic analysis would not change as a result of the preferred project (Modified Project 1-3) because there would be no changes to the configuration of the traffic lanes from what was analyzed in the Draft EIR as a result of this modification....

In addition, using established methodology and the City's significance criteria, the Draft EIR concluded that the Proposed Project would not have significant impact on pedestrians, transit, or bicyclists. The preferred project differs from the option analyzed in the Draft EIR only in that two bus zones would not be eliminated, and therefore, no parking spaces would be gained from their elimination. The analysis of the Draft EIR with respect to pedestrians, transit, and bicycles would not change.

#### **(Response Code 5.9)**

The San Francisco Planning Department's City Design Group Fisherman's Wharf Public Realm Plan shows their definition of North Point, with a clear indication of the importance of the Van Ness and North Point intersection by labeling it a "Gateway Opportunity". (Reference attachments Base-Street Types & Base Map – Open Space).

**Response:** The commentator states that the San Francisco Planning Department has indicated the importance of the Van Ness Avenue and North Point Street intersection as a Gateway Opportunity.



The comment is acknowledged and may be considered by the SFMTA Board as part of its decision to approve, disapprove, or modify the Project.

**(Response Code 5.11)**

We attended the Fisherman's Wharf Community Benefit District's Urban Planning Committee Meeting that was held on October 2, 2008. Jeremy Nelson from Nelson/Nygaard (a world renowned traffic planning company hired by the CBD) discussed average daily traffic patterns in the area. Unfortunately he was using data from a four year old MTA study. As input we suggested that though the major flow of traffic arrives at Fisherman's Wharf via the Embarcadero near Pier 39, another major flow comes from Lombard / Van Ness via North Point. Fontana West is very concerned that the planners feel that North Point has capacity to carry more traffic. I asked Nelson/Nygaard to contact the MTA to ascertain if any traffic flow study was conducted at Van Ness and North Point as part of the 2007 redesign and repaving project to bolster their position.

**Response:** The commentator states that Van Ness Avenue/North Point Street intersection carries major flows of traffic destined to Fisherman's Wharf and questions whether North Point Street has capacity to carry more traffic. [Response Code 5.8 and 5.10 repeated here].

**(Response Code 5.15)**

The "Elephant in the Room" is the San Francisco Bicycle Plan Major Environmental Analysis. Project 1-3 of said plan states: "This project would remove one westbound travel lane on North Point Street between Stockton Street and Van Ness Avenue, and remove one eastbound travel lane between Stockton Street and The Embarcadero". (Reference attachment 1.3NorthPointStreetTheEmbarcadero to Van Ness Avenue\_Proposed). Besides the obvious impacts to the Fontana West driveways, the Valet Parking of Fairmont Heritage Place at 900 North Point, and Golden Gate transit, there does not seem to be a coordinated effort to mitigate these impacts and support the City's transit first and bicycle plan policies while acknowledging the needs of our residential neighborhood now being advocated by the Aquatic Park Neighbors Association.

**Response:** One commentator states that Project 1-3 would remove one lane of traffic from North Point Street and that he is concerned about impacts of this lane removal on the Fontana West driveways, valet operations at 900 North Point Street, and Golden Gate Transit buses. In addition, the commentator expresses concern that there appears to be a lack of coordinated effort to balance transit and bicycle improvements with the needs of the neighborhood. [Response Code 5.8 repeated here].

The proposal to re-stripe North Point Street would result in one of the two westbound traffic lanes of North Point Street being replaced with a five-foot-wide bicycle lane between Stockton Street and Van Ness Avenue. The Fontana West residential complex has four driveways on the north side of North Point Street between Polk Street and Van Ness Avenue serving this residential site. Drives turning right into the Fontana West driveways would need to be observant for bicyclists to their right when making right turns into the Fontana West driveways. Because there is existing bicycle traffic on westbound North point Street, this is something drivers already address under regular operating conditions. According to California Vehicle Code Section 21717, drivers making a right turn across an adjacent bicycle lane should drive into the bicycle lane prior to making right turns in order to prevent conflicts with bicyclists who are proceeding straight ahead in the bicycle lane. Traffic turning left into these driveways from eastbound North Point Street would do so from a slightly wider traffic lane than currently exists on eastbound North point Street. The traffic would likely have to wait a few seconds longer for a gap to develop in the westbound traffic along North Point Street before making these left turns because westbound traffic would be concentrated into one lane instead of two. Similarly, traffic exiting the Fontana West driveways and turning right onto westbound North Point Street would likely have to wait a few seconds longer to find a gap in the remaining single lane of the westbound traffic on North Point Street. However, the existing traffic signal at North Point Street/Polk Street would effectively meter westbound traffic on North point Street so that there would be regular gaps in westbound traffic flow.

Valet operators in the white zone serving 900 North Point Street on the north side of North Point Street between Larkin and Polk Streets could legally use the bicycle lane to maneuver into and out of parallel parking spaces on the north side of North Point Street. Valet parkers would be prohibited from parking in the bicycle lane just as they are currently prohibited from double parking in the existing northern traffic lane of North Point Street. Project 1-3 would not have a significant impact on the users of the Fontana West driveways or the 900 North point valet parking facilities.

As noted on p. V.A.3-205, "For GGT bus lines (2, 4, 8, 24, 26, 27, 38, 44, 54, 56, 58, 60, 72, 73, 74, and 76) operating on North Point Street in the westbound direction, approximately 96 seconds (1.6 minutes) of total delay per vehicle would be added in the PM peak hour." A delay of 1.6 minutes is not considered a significant impact to transit because it is less than the transit delay threshold of six minutes. As such, the removal of the traffic lanes would result in less-than-significant impact on transit, and no mitigation would be required.

**(Response Code 5.17)**

Other pressures on North Point include what we believe is a redundant cable car stop at Hyde and North Point just one block away from the beginning of the line at Aquatic Park. The stop light at Hyde and North Point is set to stop traffic on North Point when a cable car approaches. As the free-for-all of riders try to embark in the middle of the intersection onto the usually packed car, the light remains red causing huge backups in either direction of North Point. Our naïve suggestion is to just keep the light as is to give the cable car the right of way, but remove the cable car stop thus easing the disruption to North Point.

**Response:** The commentator suggests that the Cable Car stops on Hyde Street at North Point Street be eliminated in order to reduce traffic impacts of stopped cable cars on North Point Street traffic. The Proposed Project does not include changes to the operations of the cable cars on Hyde Street, and therefore, the Draft EIR does not analyze changes to the locations where cable cars stop. The comment is acknowledged. This suggestion to eliminate cable car stops on Hyde Street at North Point Street was forwarded for consideration to Helen Kwan of the TEP staff at the SFMTA on April 15, 2009.

**(Response Code 5.14)**

Besides other modes of transport, MUNI vehicles themselves contribute major congestion in the area. An obvious question is why the MTA reversed its intent to sell or lease the property on which the Kirkland Bus Yard sits, and not relocate the operation to Cesar Chavez and I-280?

**Response:** The commentator states that Muni buses contribute to congestion in Cluster 1 and questions why the SFMTA will not relocate the Kirkland Bus Yard to Cesar Chavez Street near I-280. The commentator also states that the Van Ness Avenue Bus Rapid Transit Feasibility Study projects that increased movement of Muni vehicles are planned if that Project is implemented.

The Proposed Project would not relocate Kirkland Yard from its current location on the north side of North Point Street between Stockton and Powell Streets. Therefore the Draft EIR does not analyze the impacts of such relocation. The Kirkland Yard is currently scheduled to be relocated to the new Islais Creek Bus Facility near Cesar Chavez Street and I-280 when that facility is completed; anticipated completion is in 2012. When the Kirkland Yard is relocated it would most likely be replaced with land uses that would generate vehicular trips of their own. At this time, it is not known what the replacement land uses would be or how many vehicle trips they would generate. However, it is clear the redevelopment of the Kirkland Yard would result in a decline in bus trips generated by this site. A separate environmental review would be required for land uses developed at this site after the bus yard has been relocated.

More frequent transit service is envisioned on Van Ness Avenue as a result of the Van Ness Avenue Bus Rapid Transit project. The purpose of the more frequent service is to increase transit ridership in order to decrease the percentage of trips made by private automobile, thereby decreasing traffic congestion in the Van Ness corridor. However, it should be noted that Proposed Bus Rapid Transit improvements are not part of the proposed project.

**(Response Code 5.22)**

Also per the Van Ness Avenue Bus Rapid Transit (BRT) Feasibility Study (Reference attachment BRTsection1\_2006me) more frequent movement of more MUNI vehicles is planned for. In addition the study notes that the Polk Street bike lanes are the preferred routes for bicycle traffic instead of Van Ness, contradicting the San Francisco Bicycle Plan which extends the bike lanes to Van Ness instead of terminating at Polk to connect with the existing bike lanes on that street.

**Response:** The commentator states that the Van Ness Avenue Bus Rapid Transit Feasibility Study notes that Polk Street is a better street for bicycles than Van Ness Avenue, and that this contradicts the Proposed Project, which would extend bicycle lanes of North Point Street to Van Ness Avenue, rather than terminating them at Polk Street.

...The Proposed Project encourages north-south bicycle travel on Polk Street rather than on Van Ness Avenue south of North Point Street so it does not contradict the Van Ness Feasibility study. However as shown on Figure IV.B.1-1 on p. IV.B-5 of the Draft EIR, Bicycle Route 2 on North Point continues west of Polk Street to Van Ness Avenue where it continues to the north to accommodate bicyclists riding between Fisherman's Wharf and Fort Mason, the Marina, the Presidio, and the Golden Gate Bridge. Therefore the portion of North Point between Polk Street and Van Ness Avenue provides an important east-west connection between the Fisherman's Wharf area and destinations to the west of Fisherman's Wharf.

**(Response Code 5.18)**

Other concerns of Fontana West revolve around plans for Van Ness north of the City property line where Van Ness extends to the Muni Pier on National Park Service land. The proposed historic F-Line extension (E-Line) would continue three blocks west to the San Francisco Maritime NHP and then through the Fort Mason Tunnel, crossing Van Ness. We testified at the Public Scoping meetings which ended on May 29, 2006, that though supportive of the concept we were concerned about trolley noise and traffic backing up Van Ness to the North Point intersection. The E-line would compete for right-of-way with the Bocce Ball courts, reserved NPS on street parking, and vehicle and pedestrian traffic.

**Response:** The commentator states that the National Park Service (NPS) proposal to extend the historic F-line streetcar operations between Fisherman's Wharf and Fort Mason by way of the Fort Mason tunnel would cross Van Ness Avenue and could back up traffic on Van Ness Avenue, as well as compete with the bocce ball courts, reserved NPS parking and vehicle and pedestrian traffic for right-of-way.

The comment does not address issues pertinent to the environmental review in the Proposed Project. The comment is acknowledged. Proposals to extend the existing F-Line streetcar service from its current terminal at Jones and Beach Streets to Fort Mason are currently being studied by the NPS as part of an ongoing environmental impact study. That study will analyze potential land use, traffic, pedestrian and parking impacts and develop mitigation measures for that project as necessary. City staff is coordinating with NPS staff on this ongoing study.

**(Response Code 4.6)**

Of more concern, but difficult to find specific planning documents, is the rumored relocation option of the Alcatraz Tour boats to the Alcatraz Pier (the small pier adjacent to the foot of the Muni Pier), once the lease is up with Horn Blower tours now located at Pier 3.

**Response:** The commentator expresses concern that Alcatraz tour boats may relocate from their current location at Pier 3 to the Muni Pier at the north end of Van Ness Avenue, thereby increasing traffic demand on Van Ness Avenue north of North Point Street. Such relocation would require a separate environmental review and approval from a variety of public agencies. The Proposed Project does not include the relocation of Alcatraz tour boats, and the Draft EIR does not analyze the impacts of such relocation.

**(Response Code 1.11)**

We at Fontana West are by no means traffic engineers, nor have we conducted formal studies regarding these topics, but only offer anecdotal observations that there is a continuing trend of negative impacts on our residential community with perceived conflicts and contradictions within San Francisco urban

planning and transit objectives for the area. This letter is an attempt, via the associated cc's on its distribution (our apologies if they are misdirected or for others who may have been omitted), with some guidance from your office, on how best to work constructively and in partnership with the City of San Francisco and the National Park Service to better understand and address these concerns.

**Response: Introductory, Closing, or General Information Comments  
Acknowledgement Only.**

Regards,

Mr. Claudio Micor  
Treasurer, Fontana West Board of Directors

Attachments:

Base - Street Types  
Base Map -- Open Space  
1.3NorthPointStreet\_TheEmbarcaderotoVanNessAvenue\_Proposed  
BRTsection1\_2006me

CC: Via Email

Mr. Judson True  
Manager, Local Government Relations  
External Affairs Division  
One South Van Ness Avenue, Seventh Floor  
San Francisco, CA 94103-5417  
[judson.true@sfmta.com](mailto:judson.true@sfmta.com)

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[betfoote@hotmail.com](mailto:betfoote@hotmail.com)

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Fisherman's Wharf Public Realm Plan  
Neil Hrushowy, *Project Manager*  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
[Neil.Hrushowy@sfgov.org](mailto:Neil.Hrushowy@sfgov.org)

Debra Dwyer  
Bicycle Plan EIR Coordinator

San Francisco Planning Department  
Office of Major Environmental Analysis  
1650 Mission Street, Suite 400  
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Karen Collingwood -- Chandler Properties  
[kc@chandlerproperties.com](mailto:kc@chandlerproperties.com)

Board of Directors of the Fontana West Apartment Corporation

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c: BOS-11, cpage

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

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SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350  
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MARC D. JOSEPH  
ELIZABETH KLEBANER  
RACHAEL E. KOSS  
LOULENA A. MILES  
ROBYN C. PURCHIA

OF COUNSEL  
THOMAS R. ADAMS  
ANN BROADWELL  
GLORIA D. SMITH

July 31, 2009

By E-Mail and U.S. Mail

President David Chiu  
San Francisco Board of Supervisors  
San Francisco City Hall  
#1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
David.Chiu@sfgov.org

Re: Continuance of the Hearing on Appeal of Mitigated Negative  
Declaration for 1960-1998 Market Street (August 4, 2009; Items 14-17)

Dear President Chiu:

At the request of Supervisor Bevan Dufty, the San Francisco Building and Construction Trades Council agrees to a continuance of the hearing on the Council's appeal of the Mitigated Negative Declaration for the 1960-1998 Market Street Project from August 4, 2009 to September 15, 2009. Based on our understanding that the hearing will be continued, we will not attend on August 4<sup>th</sup>.

Please do not hesitate to call me if you have any questions. Thank you for your attention to this matter.

Sincerely,

  
Tanya A. Gulesserian

TAG:bh

cc: Supervisor Bevan Dufty (Bevan.Dufty@sfgov.org)  
Boe Hayward (Boe.Hayward@sfgov.org)  
David Noyola (David.Noyola@sfgov.org)  
Angela Calvillo (Angela.Calvillo@sfgov.org)

2018-039a

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File #090912  
CC: BOS-11, cpage

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BR  
RE

San Francisco, CA 94115  
July 30, 2009

Board of Supervisors  
City and County of San Francisco  
City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

RE: Bicycle Plan Environmental Impact Report

To the Board of Supervisors:

Please reject the Environmental Impact Report on the Bicycle Plan.

From my reading of the Plan, a good deal of the plan is yet to be specified, such as the treatment of 17<sup>th</sup> Street. You cannot assess the impact of a plan that does not yet exist.

Furthermore, the damage that the plan will do to the City has been not been estimated. Losing nearly 1,000 parking spaces and inconveniencing thousands of motorists and trucks per day creates costs to the people the City that have not been calculated.

Where will the cars park without the parking spaces? How long will the average trip take once streets lose lanes? How can it be calculated if the plans for lost lanes do not yet exist? What is the economic cost of drivers spending much longer looking for places to park or taking longer to travel? What is the emotional cost to drivers who lose those benefits? The Environmental Impact Report does not do justice to these points.

Some raise the point that narrower streets and longer travel times and less parking creates "traffic calming." How can a driver be calmer if the streets are narrower and more treacherous, they spend more time tied up in traffic, and they can't park when they arrive? Typically, these are characteristics of stress, not relaxation. "Traffic calming" is a myth. The Bike Plan will make traffic conditions much more competitive, anxious, and costly economically and emotionally.

The current bicycle paths in the City are fine. Sharrows are fine. This City is hilly, and as such, only a small portion of the population has the physical ability to use bicycles. To damage a major portion of City life simply to benefit a small number of residents is a lopsided and bad policy.

10

Office of the Mayor  
City & County of San Francisco



orig: cpage

c: BDS-11  
ML, RC, NJ  
CA, Renee C.  
Gavin Newsom AC

July 30, 2009

Ms. Angela Calvillo  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94109

Dear Ms. Calvillo,

Pursuant to Charter Section 3.100, I hereby designate Supervisor Sean Elsbernd as Acting-Mayor from the time I leave the state of California at 11:55AM on Thursday, July 30, 2009, until 8:30PM Monday, August 3, 2009.

In the event I am delayed, I designate Supervisor Elsbernd to continue to be the Acting-Mayor until my return to California.

Sincerely,

  
Gavin Newsom  
Mayor, City and County of San Francisco

cc: Mr. Dennis Herrera, City Attorney

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SAN FRANCISCO  
2009 JUL 30 AM 11:37  
BY Re

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BOARD of SUPERVISORS



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

Date: July 30, 2009

To: Members of the Board of Supervisors

From: Angela Calvillo, Clerk of the Board 

Subject: Form 700

This is to inform you that the following individual has submitted a Form 700 Statement of Economic Interests to my office.

Frank Darby

12



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2009 JUL 30 AM 11:36

July 28, 2009

BY: PC

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

Dear Supervisors:

Project Homeless Connect is an organization dedicated to helping create lasting solutions to homelessness. While our mission is rooted in San Francisco, where we began in October 2004, the model that we created has since been replicated in more than 200 cities across the U.S., as well as in Puerto Rico, Canada, and Australia. The core of our work is the volunteers and supporters who turn out at each event to help us help those most in need.

Since our inception California Pacific Medical Center has been a strong supporter of PHC, the work that we do, and the people that we help. CPMC has provided doctors and nurses to help treat our clients, medical supplies to treat them with, and mammograms for at-risk women. The hospital has also made PHC part of its Leadership Development program, requiring hundreds of CPMC's managers and administrators to take part in a PHC event at least once a year.

Project Homeless Connect supports CPMC in its plans to build seismically safe hospitals at the Cathedral Hill site on Van Ness and at St. Luke's. Both hospitals are in communities that are historically underserved, low-income neighborhoods. These new facilities will make CPMC's expertise and high quality health care available to people who have traditionally not been able to access this level of care.

CPMC is proposing spending some \$2.5 billion on these projects, creating hundreds of much needed jobs. At a time when our city, state and country are in the grips of a severe recession, this kind of investment could help so many people in our City. That is why we support CPMC's plans, and why we hope you will also support CPMC in its efforts to improve health care in our community.

Kindest regards,

A handwritten signature in black ink, appearing to read "Edward DeMasi", written over a horizontal line.

Edward DeMasi  
Deputy Director

# City and County of San Francisco

Office of the Controller – City Services Auditor

To: Angela Calvillo,  
Clerk of the Board  
From: Office of the Controller  
City Services Auditor

## AIRPORT COMMISSION:

Compliance Audit of  
Virgin America, Inc.

By h

2009 JUL 29 AM 10:47

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BOARD OF SUPERVISORS  
SAN FRANCISCO



July 29, 2009

14

**CONTROLLER'S OFFICE  
CITY SERVICES AUDITOR**

The City Services Auditor was created within the Controller's Office through an amendment to the City Charter that was approved by voters in November 2003. Under Appendix F to the City Charter, the City Services Auditor has broad authority for:

- Reporting on the level and effectiveness of San Francisco's public services and benchmarking the city to other public agencies and jurisdictions.
- Conducting financial and performance audits of city departments, contractors, and functions to assess efficiency and effectiveness of processes and services.
- Operating a whistleblower hotline and website and investigating reports of waste, fraud, and abuse of city resources.
- Ensuring the financial integrity and improving the overall performance and efficiency of city government.

The audits unit conducts financial audits, attestation engagements, and performance audits. Financial audits address the financial integrity of both city departments and contractors and provide reasonable assurance about whether financial statements are presented fairly in all material aspects in conformity with generally accepted accounting principles. Attestation engagements examine, review, or perform procedures on a broad range of subjects such as internal controls; compliance with requirements of specified laws, regulations, rules, contracts, or grants; and the reliability of performance measures. Performance audits focus primarily on assessment of city services and processes, providing recommendations to improve department operations.

We conduct our audits in accordance with the Government Auditing Standards published by the U.S. Government Accountability Office (GAO). These standards require:

- Independence of audit staff and the audit organization.
- Objectivity of the auditors performing the work.
- Competent staff, including continuing professional education.
- Quality control procedures to provide reasonable assurance of compliance with the auditing standards.

Audit Team: Elisa Sullivan, Audit Manager  
Edwin De Jesus, Associate Auditor



**CITY AND COUNTY OF SAN FRANCISCO**  
**OFFICE OF THE CONTROLLER**

**Ben Rosenfield**  
**Controller**

**Monique Zmuda**  
Deputy Controller

July 29, 2009

San Francisco Airport Commission  
P.O. Box 8097  
San Francisco International Airport  
San Francisco, CA 94128

President and Members:

The Controller's Office, City Services Auditor, presents its report concerning the compliance audit of Virgin America, Inc. (Virgin America). Virgin America has an airline operating permit from the Airport Commission of the City and County of San Francisco to use the landing facilities at the San Francisco International Airport (SFO) for its air transportation business.

**Reporting Period:** July 1, 2007, through December 31, 2008

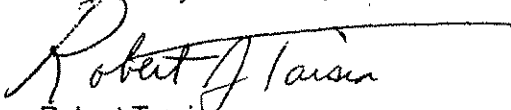
**Landing Fees Paid:** \$4,387,732

**Results:**

Virgin America over reported six aircraft landings during the audit period, resulting in an overpayment of \$2,553 to the Airport. Five of the over reported landings were non-revenue flights that Virgin America did not exclude from the total aircraft landings it reported in August 2007, its first month of operations at SFO. The remaining over reported landing was due to reporting aircraft departures instead of aircraft landings.

Virgin America's response and the Airport's response are attached to this report. The Controller's office, City Services Auditor, will follow up on the status of the recommendations made in this report.

Respectfully submitted,

  
Robert Tarsia  
Deputy Audit Director

cc: Mayor  
Board of Supervisors  
Civil Grand Jury  
Budget Analyst  
Public Library

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# INTRODUCTION

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## **Audit Authority**

The Office of the Controller (Controller) has authority under the San Francisco Administrative Code, Chapter 10, Article 1, Section 10.6-2 to audit, at regular intervals, all leases of city-owned real property where rent of \$100,000 or more a year is to be paid to the City. In addition, the City Charter provides the Controller, City Services Auditor (CSA), with broad authority to conduct audits. This audit was conducted under that authority and pursuant to an audit plan agreed to by the Controller and the Airport.

## **Background**

Virgin America, Inc. (Virgin America) has an airline operating permit (permit) from the Airport Commission (Commission) of the City and County of San Francisco to use the landing facilities at the San Francisco International Airport (SFO) for its air transportation business. The permit, which commenced on July 1, 2007, requires Virgin America to submit to the Airport Department (Airport) a monthly report showing Virgin America's actual revenue aircraft landings by aircraft type and other landing data necessary to calculate the landing fees. The Airport charges Virgin America a landing fee based on the maximum landing weight of its revenue aircraft landings at SFO. These landings are those for which Virgin America has received or made a monetary fee or charge. For every 1,000 pounds of aircraft landed, the Commission sets a fee that it may change annually. During the audit period, the Airport's fee per 1,000 pounds was \$3.01 for fiscal year 2007-08, and \$3.00 for fiscal year 2008-09.

## **Scope and Methodology**

The purpose of this audit was to determine whether Virgin America complied with the reporting and payment provisions of its permit. The audit covered the period from July 1, 2007, through December 31, 2008.

To conduct this audit, the audit team reviewed the applicable terms of Virgin America's permit and the adequacy of its procedures for recording, summarizing, and reporting revenue aircraft landings. The audit team tested whether Virgin America accurately reported its revenue aircraft landings and the maximum landing weights of its aircraft landed at SFO, and also verified whether Virgin America had any outstanding landing fee payments due to the Airport for the audit period.

This performance audit was conducted in accordance with generally accepted government auditing standards. These standards require planning and performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on the audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



## AUDIT RESULTS

### Virgin America Overpaid Landing Fees by \$2,553

From July 1, 2007, through December 31, 2008, Virgin America reported 10,373 revenue aircraft landings, for which it paid \$4,387,732 in landing fees to the Airport. However, Virgin America over reported six aircraft landings on its Monthly Air Traffic Activity Reports (MATAR), which resulted in Virgin America overpaying its landing fees by \$2,553.

The exhibits below show Virgin America's reported landings and fees paid (Exhibit 1) and the calculation of the overpaid landing fees (Exhibit 2) based on the number of audited landings.

| <b>EXHIBIT 1</b> <b>Number of Reported Landings and Landing Fees Paid<br/>July 1, 2007, Through December 31, 2008</b> |                       |                                     |                       |                    |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------|-----------------------|--------------------|
| Period                                                                                                                | Number of<br>Landings | Total Landing<br>Weight<br>(in lbs) | Rate per<br>1,000 lbs | Landing Fees Paid  |
| July 1, 2007 - June 30, 2008*                                                                                         | 5,662                 | 798,791,600                         | \$3.01                | \$2,404,363        |
| July 1, 2008 - December 31, 2008                                                                                      | 4,711                 | 661,113,000                         | \$3.00                | 1,983,369          |
| <b>Total</b>                                                                                                          | <b>10,373</b>         | <b>1,459,904,600</b>                |                       | <b>\$4,387,732</b> |

\*Note: Virgin America began operations in August 2007.

Sources: Airport reports on landing fees and aircraft landings.

| <b>EXHIBIT 2</b> <b>Calculation of Net Underpaid Landing Fees<br/>July 1, 2007, Through December 31, 2008</b> |                  |                                         |                      |                     |                              |                          |                   |
|---------------------------------------------------------------------------------------------------------------|------------------|-----------------------------------------|----------------------|---------------------|------------------------------|--------------------------|-------------------|
| Month                                                                                                         | Aircraft<br>Type | Official<br>Landing<br>Weights<br>(lbs) | Reported<br>Landings | Audited<br>Landings | Over<br>Reported<br>Landings | Rate per<br>1,000<br>lbs | Over Paid<br>Fees |
| Aug 2007                                                                                                      | A320             | 142,200                                 | 179                  | 174                 | 5                            | \$3.01                   | \$2,140           |
| Sep 2008                                                                                                      | A319             | 137,800                                 | 707                  | 706                 | 1                            | \$3.00                   | 413               |
| <b>Total</b>                                                                                                  |                  |                                         | <b>886</b>           | <b>880</b>          | <b>6</b>                     |                          | <b>\$2,553</b>    |

Source: Auditor's analysis.

### **Virgin Over Reported its Aircraft Landings**

Virgin America over reported six aircraft landings on its MATARs because it did not exclude from the total number of reported landings five non-revenue aircraft landings in August 2007, and because it reported departures instead of landings for September 2008, for which there was one extra departure. The August 2007 MATAR included three flights to re-position aircraft at SFO and two inaugural or promotional flights. According to Virgin America's planning director, staff may have reported all landings during their first month of operations at SFO because they were unaware that the five non-revenue landings could be excluded.

### **Recommendations**

The Airport should take the following actions:

1. Credit Virgin America \$2,553 for the fees paid for the six over reported aircraft landings.
2. Advise Virgin America to review its MATARs for accuracy before submitting them to the Airport.
3. Require Virgin America to separately report on its MATAR, the number of non-revenue aircraft landings, if applicable, and the total of the revenue aircraft landings on the space provided for each type of landing.

# ATTACHMENT: AIRPORT'S RESPONSE

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San Francisco International Airport

P.O. Box 8097  
San Francisco, CA 94128  
Tel: 650 821.5000  
Fax: 650 821.5005  
[www.flysfo.com](http://www.flysfo.com)

June 26, 2009

AIRPORT  
COMMISSION  
CITY AND COUNTY  
OF SAN FRANCISCO

GAVIN NEWSOM  
MAYOR

LARRY MAZZOLA  
PRESIDENT

LINDA S. CRAYTON  
VICE PRESIDENT

CARYLITO

ELEANOR JOHNS  
RICHARD I. GUGGENHIME

JOHN L. MARTIN  
AIRPORT DIRECTOR

Mr. Robert Tarsia  
Deputy Audit Director  
City Hall, Room 476  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

**Subject: Virgin America, Inc. Audit Findings**

Dear Robert:

The Airport agrees on the audit findings to credit Virgin America, Inc. ("Virgin") for the overpayment of its landing fees in the amount of \$2,553.00.

Further, the Airport will advise Virgin to review its records thoroughly when reporting future aircraft landings to prevent such errors from occurring again.

If you have any questions, please feel free to call me at (650) 821-4530.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dan Ravina", written in a cursive style.

Dan Ravina  
Property Manager  
Aviation Management

Attachment

Cc: Gary Franzella, SFIA Aviation Management  
Wallace Tang, SFIA Accounting

| Recommendation                                                                                                                                                                                                          | Responsible Agency | Response                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Credit Virgin America \$2,533 for the fees paid for the six over reported aircraft landings.                                                                                                                         | Airport            | Airport agrees with the issuance of credit for the over payment of aircraft landing fees in the amount of \$2,553.00.                             |
| 2. Advise Virgin America to review its MATARs for accuracy before submitting them to the Airport.                                                                                                                       | Airport            | Airport will advise the tenant to review the MATARs for accuracy before submitting them to the Airport.                                           |
| 3. Require Virgin America to separately report on its MATAR, the number of non-revenue aircraft landings, if applicable, and the total of the revenue aircraft landings on the space provided for each type of landing. | Airport            | Airport will advise the tenant to accurately report the number of non-revenue aircraft landings and revenue aircraft landing of the MATAR report. |

## **ATTACHMENT: VIRGIN AMERICA'S RESPONSE**



July 10, 2009

Robert Tarsia, Deputy Audit Director  
City Hall, Room 476  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA. 94102

Re: Acceptance of Draft Audit of SFO Landing Reports

Dear Robert,

This letter shall serve as our formal acceptance of the draft results of the audit conducted regarding the Landing Report process at SFO airport. Feel free to contact me with any further questions or comments you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Yakel", with a stylized, flowing script.

Doug Yakel  
Station Manager - SFO  
(650) 533-5806

**Board of  
Supervisors/BOS/SFGOV**

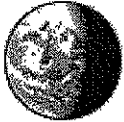
07/28/2009 03:16 PM

To Rana Calonsag/BOS/SFGOV, Lolita Espinosa/BOS/SFGOV,  
Alistair Gibson/BOS/SFGOV,

cc

bcc

Subject Fw: BOARD OF SUPERVISORS INQUIRY # 20090630-006



**"Roberts, Kingsley"**  
**<Kingsley.Roberts@sfdpw.org>**

07/28/2009 12:48 PM

To Board of Supervisors <Board.of.Supervisors@sfgov.org>

cc "Rodis, Nathan" <Nathan.Rodis@sfdpw.org>, "McDaniels,  
Chris" <Chris.McDaniels@sfdpw.org>, "Mirkarimi, Ross"  
<Ross.Mirkarimi@sfgov.org>

Subject RE: BOARD OF SUPERVISORS INQUIRY # 20090630-006

The potholes noted below have been paved.

Kingsley Roberts  
Assistant Superintendent  
Department of Public Works, BSSR  
2323 Cesar Chavez  
San Francisco, CA 94124  
Phone: 415-695-2087  
Fax: 415-695-2097

-----Original Message-----

From: McDaniels, Chris  
Sent: Tuesday, July 07, 2009 3:19 PM  
To: Roberts, Kingsley; Kelly, Mike; Mulkerrin, Martin  
Cc: Rodis, Nathan  
Subject: FW: BOARD OF SUPERVISORS INQUIRY # 20090630-006

Good Afternoon,

Take appropriate action and close loop.

Thanks,

Chris McDaniels

-----Original Message-----

From: Rodis, Nathan  
Sent: Tuesday, July 07, 2009 3:12 PM  
To: McDaniels, Chris  
Cc: Nuru, Mohammed  
Subject: FW: BOARD OF SUPERVISORS INQUIRY # 20090630-006

Chris,

Please respond directly to the Board of Supervisors and copy Supe. Mirkarimi.

15

Please use the reference number in your reply title, and copy Frank W. Lee and myself because we are tracking these requests.

Thank you!

Nathan Rodis  
Assistant to the Director's Office  
Department of Public Works  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 348  
San Francisco, CA 94102  
Ph: (415) 554-6920 Fax: (415) 554-6944

-----Original Message-----

From: Board of Supervisors  
Sent: Friday, July 03, 2009 9:52 AM  
To: Reiskin, Ed  
Subject: BOARD OF SUPERVISORS INQUIRY

BOARD OF SUPERVISORS INQUIRY  
For any questions, call the sponsoring supervisor

TO: Edward Reiskin  
Public Works

FROM: Clerk of the Board  
DATE: 7/3/2009  
REFERENCE: 20090630-006  
FILE NO.

Due Date: 8/2/2009

This is an inquiry from a member of the Board of Supervisors made at the Board meeting on 7/1/2009.

Supervisor Mirkarimi requests the following information:

Requesting that the Department of Public Works report on the status of repairing potholes at the following locations:  
Potholes:  
On Fillmore & Grove, on the west side of street  
Irving & 17th Avenue

Please indicate the reference number shown above in your response, direct the original via email to [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org) and send a copy to the Supervisor(s) noted above.

Your response to this inquiry is requested by 8/2/2009



**Mary Hao/DHR/SFGOV**

07/28/2009 03:43 PM

To David Campos/BOS/SFGOV@SFGOV

cc Board of Supervisors/BOS/SFGOV@SFGOV, Sheila Chung  
Hagen/BOS/SFGOV@SFGOV, Ted  
Yamasaki/DHR/SFGOV@SFGOV, Micki

bcc

Subject Board of Supervisor Inquiry Response (Reference:  
20090616-008)

Supervisor Campos:

Attached is a revised response from the Department of Human Resources to the inquiry referenced above. Please do not hesitate to contact us if you have any questions. Thank you.



BOS Inquiry 20090616-008\_Campos\_072809.pdf BOS Inquiry 20090616-008\_Attach C\_Campos\_072809.pdf

Mary M. Hao  
Employee Relations Division, Dept. of Human Resources  
City and County of San Francisco  
(415) 557-4981 PHONE  
(415) 557-4919 FAX  
mary.hao@sfgov.org



City and County of San Francisco

Gavin Newsom  
Mayor



Department of Human Resources

Micki Callahan  
Human Resources Director

July 28, 2009

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

RE: Board of Supervisors Inquiry Reference 20090616-008

Dear Supervisor Campos:

On July 24, 2009, the Department of Human Resources responded to your above-referenced inquiry by providing four attachments. We have since discovered an error in the query used to run the data for "Attachment C," which responded to your request for a "list of CCSF employees by gender, age, race and ethnicity, classification, title and department that have been laid off, transferred to a new department, and released before completing their 90 day probationary period within FY 08-09." This query error resulted in the omission of several lines of data.

We have corrected the error and attached you will find a revised Attachment C. Please note that the information in this attachment reflects all employees who were laid off in fiscal year 2008-09 and who were subsequently released from probation from their holdover placement. Please also note that based on the agreement with Ms. Hagen and the privacy concerns we described in our July 24, 2009 letter, we have only provided the employee's gender and not race and age.

Please accept our apologies for any inconvenience this may have caused you and do not hesitate to contact me if you would like to discuss this matter further. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Micki Callahan".

Micki Callahan  
Human Resources Director

Cc: Ted Yamasaki  
Clerk of the Board of Supervisors

Attachment C - Release from Probation with Gender

**Board of Supervisors Inquiry Reference 20090616-008**  
**Attachment C - Release from Probation with Gender**

| <b>Dept</b> | <b>Class</b> | <b>Gender</b> |
|-------------|--------------|---------------|
| ADM         | 1408         | M             |
| AIR         | 1044         | M             |
| AIR         | 1203         | F             |
| AIR         | 1203         | F             |
| AIR         | 1706         | F             |
| AIR         | 7514         | M             |
| BOS         | 1404         | F             |
| CCD         | 1424         | F             |
| CCD         | 1426         | F             |
| CCD         | 1426         | M             |
| CSS         | 1404         | M             |
| DPH         | 6138         | F             |
| DPT         | 1070         | M             |
| DPT         | 1424         | F             |
| DSS         | 1002         | F             |
| FAM         | 8202         | M             |
| FAM         | 8202         | F             |
| FIR         | 1822         | M             |
| HRD         | 1202         | F             |
| LIB         | 1446         | F             |
| MTA         | 1022         | M             |
| MTA         | 1203         | F             |
| MTA         | 1203         | F             |
| MTA         | 1222         | F             |
| MTA         | 1823         | M             |
| MYR         | 1404         | F             |
| PDR         | 1430         | F             |
| WTR         | 1450         | F             |



Wayne Lanier

07/30/2009 10:31 AM

Please respond to

To PRO-SF

cc Ross Mirkarimi <rmirk@msn.com>

bcc Board of Supervisors/BOS/SFGOV

Subject Study Finds We Could Reduce Our Energy Use by 23 Percent

Today's *New York Times* reports study findings that simple methods of increasing energy efficiency in homes and businesses could reduce our use of by 23-percent.

See:

<http://www.nytimes.com/2009/07/30/business/energy-environment/30energy.html>

Homes account for 35-percent of the potential gain; commercial business for 25-percent; and, Industry for 40-percent. The barrier is not new discovery, or even economies of scale. It is simply finding ways to assist and encourage individuals and companies to implement simple, existing energy-saving methods. Such as reflective white roofs in hot summer climates; retrofitting out-dated energy-inefficient air conditioners, refrigerators, heating systems; and, implementing existing equipment for increasing renewable energy sources.

The estimated cost of \$520-billion for such a country-wide program, carried out between now and 2020, would result in a **\$1.2-trillion saving on energy bills**. This is an offer we should not refuse...!

These findings, that apply to the entire economy, also apply on a smaller scale to San Francisco. Just as individuals and companies find it difficult to implement energy-efficient improvements across the country, so home owners and small businesses in San Francisco also find it difficult to implement these improvements in ways that enable them to realize the very real economic return.

I have repeatedly urged our Supervisors and Mayor to enact a Carbon Trade program for San Francisco in which individuals could participate. See: <http://sfcapandtrade.blogspot.com/>

Such a program would encourage and help home owners and small businesses carry out retrofits to reduce energy waste and excessive energy use, as well as install renewable energy systems.

I urge you to go to the New York Times article and get the facts. Then write to your Supervisor and to the Mayor and ask them why San Francisco is lagging, not


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leading in such innovative energy change..!

John Burns  
San Francisco, CA 94133

July 29, 2009

San Francisco Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Pl.  
San Francisco, CA. 94104

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2009 JUL 30 AM 11:42  
BY 

# SAVE SHARP PARK GOLF COURSE

Dear Supervisors,

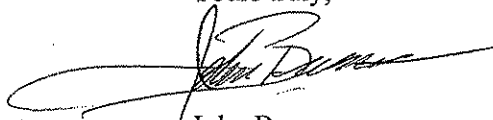
I am a: San Francisco resident and Democratic Voter writing to urge you to preserve the historic 18-hole Sharp Park Golf Course. I am a golfer as are most of my friends. We are all working class, blue-collar folks. Many of my friends are retired.

You've heard the all arguments so I'm not going to bore you with more of the same. As a member of the blue-collar community that helped elect you, I am pleading that you allow us this course to play on—we already pay for the privilege.

Sharp Park golf course is a world treasure, designed by the greatest designer in history, and is heavily played by men and women of all ages, ethnic groups, and types. And it is affordable. Even in tough economic times—maybe especially in such times—it is important that we have our great recreational and public spaces to enjoy nature and each other.

Please, please, please do not close Sharp Park,

Yours truly,

  
John Burns

cc: San Francisco Public Golf Alliance

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RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2009 JUL 28 AM 11:44

Tomas Nakada

SF CA 94110

July 27, 2009

BY  \_\_\_\_\_

Save Sharp Park Golf Course.

Dear Mayor Newsom, Honorable Supervisors and Commissioners,

I am a San Francisco resident, writing to urge you to preserve the historic 18-hole Sharp Park Golf Course. Please do not destroy what is already there, lets fix it, improve it, but not take away a joy for many of us.

The golf course is designed by famed golf architect Alister MacKenzie. Surely you would not think of destroying a Frank Lloyd Wright. You do every thing in your power to preserve it. This is the same thing. MacKenzie's public golf masterpiece at Sharp Park is worthy of the same kind of citizen effort to save this world-class work of public landscape architecture.

Even in tough economic times--maybe especially in such times--it is important that we have our great recreational and public spaces to enjoy nature and each other. It is only one of few that is affordable to all. Preserve Sharp Park for future generations of golfers and public landscape aficionados, and find a way to restore Sharp Park's frog and snake habitat as well. I know we can

Yours Truly,  
Tomas Nakada



Alberta Acosta

08/01/2009 03:32 PM

Please respond to

To board.of.supervisors@sfgov.org

cc

bcc

Subject Restore Sharp Park

As soon as you can provide the same \$\$\$ to the city & county of San Francisco ANNUALLY as the Sharp Park Golf Course does, then I would support any environmental consideration, obviously based on public review.

You have distorted facts and as a not-for-profit organization, you have broken many rules. I'm reporting you to the Attorney General and I hope he pulls your tax status.

Alberta Acosta  
19 Oviedo Court  
Pacifica, CA 94044-3547



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

The Police Commission 2009 JUL 31 AM 9:51

CITY AND COUNTY OF SAN FRANCISCO

BY RC

DR. JOE MARSHALL  
*President*

THOMAS P. MAZZUCCO  
*Vice-President*

PETRA DeJESUS  
*Commissioner*

YVONNE Y. LEE  
*Commissioner*

DAVID ONEK  
*Commissioner*

VINCENT PAN  
*Commissioner*

THERESA SPARKS  
*Commissioner*

LIEUTENANT JOE REILLY  
*Secretary*

July 27, 2009

Honorable Mayor Gavin Newsom  
Mayor, City and County of San Francisco  
#1 Dr. Carlton B. Goodlett Place, Room 200  
San Francisco, CA 94102

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

Dear Mayor Newsom and Supervisors:

At the meeting of the Police Commission on Wednesday, July 8, 2009, the following resolution was adopted:

**RESOLUTION NO. 72-09**

**ELECTION OF PRESIDENT OF THE POLICE COMMISSION**

RESOLVED, that Commissioner Joe Marshall shall serve as President of the San Francisco Police Commission.

AYES: Commissioners Sparks, Marshall, DeJesus, Lee, Mazzucco, Onek, Pan

**ELECTION OF VICE PRESIDENT OF THE POLICE COMMISSION**

RESOLVED, that Commissioner Thomas Mazzucco shall serve as Vice President of the San Francisco Police Commission.

AYES: Commissioners Onek, Marshall, Lee, Mazzucco

NAYS: Commissioners Sparks, DeJesus, Pan

Very truly yours,

Lieutenant Joseph Reilly  
Secretary  
San Francisco Police Commission

1497/rct

19