

Petitions and Communications received from November 17, 2009, through November 30, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on December 8, 2009.

From Office of the Mayor, regarding the transfer of function under Charter Section 4.132. Copy: Each Supervisor (1)

From Public Utilities Commission, submitting request for release of reserved funds (in the amount of \$256,318,678) for the new Irving Tunnel Project. (2)

From Office of the Controller, submitting the first quarter General Fund Budget Status Report for FY 2009-2010. (3)

From Department of Public Health, submitting request for waiver of Administrative Code Sections 12B and 14B for ten hospitals outside of San Francisco which provide mental health services to children under San Francisco's legal jurisdiction. (4)

From Arts Commission, submitting the first quarterly expenditure report for FY 2009-2010. (5)

From Office of the Controller, submitting notice that the Controller's Office cannot certify funds from the General Fund Reserve for new appropriations due to the projected budget shortfall. Copy: Each Supervisor (6)

From Office of the Controller, submitting memorandum to formally rescind certification of appropriation ordinances contained in Board of Supervisors' File Nos. 091246 and 091202. (7)

From Department of the Environment, regarding the implementation of the Mandatory Recycling and Composting Ordinance. (8)

From Midpeninsula Regional Open Space District, regarding the Proposed Resolution to Acquire Real Property Interests by Eminent Domain-Water System Improvement Program-Funded Bay Division Pipeline Reliability Upgrade Tunnel. File No. 091278, Copy: Each Supervisor (9)

From Department of Public Health, Environmental Health Section staff, submitting opposition to any job cuts to staff in clerical positions at the Department of Public Health, Environmental Health section. Copy: Each Supervisor (10)

From concerned citizens, requesting SFGTV provide coverage of the Historic Preservation Commission meetings. 2 letters (11)

From concerned citizens, submitting opposition to proposed legislation amending the San Francisco Planning Code by amending Section 311 and 312 to provide that a

request for discretionary review will be heard by the Planning Commission or its designee if the application demonstrates exceptional and ordinary circumstances as defined, to replace the term Residential Design Guidelines with the term Residential Design Standards, and to repeal the ability of a project sponsor to request discretionary review; amending Sections 352 and 355 to allow for collection and refund of fees associated with Planning Department Reconsideration; adopting environmental and Section 302 findings. File No. 091020, 27 letters (12)

From concerned citizens, urging the Recreation and Park Commission to vote for full restoration of Sharp Park and against the golf alternative.. 4 letters (13)

From concerned citizens, urging the Recreation and Park Commission to preserve the historic 18-hole Sharp Park Golf Course. 14 letters (14)

From James Miller, urging a total ban on automobiles on all of Market Street or at least in the financial district. (15)

From the U.S. Fish and Wildlife Service, Don Edwards SF Bay National Wildlife Refuge, submitting support for the proposed exchange of easements between the SF Public Utilities Commission and the Midpeninsula Regional Open Space District in order to complete a vital link in the San Francisco Bay Trail. File No. 091278 (16)

From Department of Public Health, regarding the impact of the federal healthcare reform legislation on the Healthy San Francisco program. (Reference No. 20091006-002) (17)

From Planning Department, submitting copy of an open letter sent to the Coalition for San Francisco Neighborhoods regarding pending legislation on discretionary review. (18)

From Office of the Controller, submitting an audit report of franchise fee payments Astound Broadband made to the City and County of San Francisco to operate an open video system within the City. Copy: Each Supervisor (19)

From the Port, submitting the first quarter contracting activities report and the projected contracting activities for the upcoming year. (20)

From Municipal Transportation Agency, submitting memorandum that the Municipal Transportation Agency has received the \$4,000,000 letter of credit required from Titan Outdoor, LLC, under the agreement for advertising on Municipal Transportation vehicles and other property. (21)

From Office of the Controller, submitting an audit review of the franchise fees NRG Energy Center San Francisco paid to the City and County of San Francisco to use City streets to install, construct, maintain, and operate steam pipe conduits. (22)

From concerned citizens, submitting support for full funding of the Neighborhood Emergency Response Team (NERT) Program. 2 letters (23)

From T-Mobile, submitting a notification letter regarding placement of three cellular site antennas at 2700-14<sup>th</sup> Avenue. (24)

From T-Mobile, submitting a notification letter regarding placement of three cellular site antennas at 300 Felton Street. (25)

From T-Mobile, submitting a notification letter regarding placement of three cellular site antennas at 2453 Lawton Street. (26)

From T-Mobile, submitting a notification letter regarding placement of three cellular site antennas at 1306-28<sup>th</sup> Avenue. (27)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from November 28, 2009, until December 2, 2009. Supervisor Elsbernd will serve as Acting-Mayor. Copy: Each Supervisor (28)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Merry X-Ray Chemical Corporation to provide radiographic equipment. (29)

From Department of Parks, County of San Mateo, submitting support for the proposed exchange of easements between the SF Public Utilities Commission and the Midpeninsula Regional Open Space District in order to complete a vital link in the San Francisco Bay Trail. File No. 091278 (30)

From City of East Palo Alto, submitting support for the proposed exchange of easements between the SF Public Utilities Commission and the Midpeninsula Regional Open Space District in order to complete a vital link in the San Francisco Bay Trail. File No. 091278 (31)

From Hanson Bridgett LLP, submitting opposition to proposed legislation to authorizing acquisition by eminent domain of the subsurface tunnel easements in real property in Alameda County and San Mateo County. File No. 091278 (32)

From T-Mobile, submitting a notification letter regarding placement of three cellular site antennas at 400 Crescent Avenue. (33)

From T-Mobile, submitting a notification letter regarding placement of three cellular site antennas at 98 Mullen Avenue. (34)

From T-Mobile, submitting a notification letter regarding placement of three cellular site antennas at 222 Randall Street. (35)

From Free Press, submitting copy of letter sent to Kimo Crossman regarding Network Neutrality in San Francisco. File No. 091337 (36)

From Department of Public Health, responding to inquiry for an analysis of proposed Federal legislation and the possible impact on access to and delivery of health care in San Francisco. (Reference No. 20091006-002) (37)

From Fiber-to-the-Home (FTTH) Council, commenting on the proposed legislation that urges the FederNo. 091337 (38)

From Richard Nguyen, regarding healthcare for illegal immigrants in San Francisco. (39)

From Mark Jones, submitting support for full funding for a LAFCo managed Clean Power San Francisco project that will run San Francisco on 50% renewable energy source within the next decade. (40)

From Raymond Hawkins, regarding the Judicial Bench of the California Supreme Court. (41)

From Bill Pearson, submitting support for proposed legislation amending the San Francisco Planning Code by amending Section 311 and 312 to provide that a request for discretionary review will be heard by the Planning Commission or its designee if the application demonstrates exceptional and ordinary circumstances as defined, to replace the term Residential Design Guidelines with the term Residential Design Standards, and to repeal the ability of a project sponsor to request discretionary review; amending Sections 352 and 355 to allow for collection and refund of fees associated with Planning Department Reconsideration; adopting environmental and Section 302 findings. File No. 091020 (42)

From Save Our Sunol, submitting support for approval of the San Francisco Public Utilities Commission's proposed quarry lease to Oliver de Silva, Inc., to mine gravel under Surface Mining Permit No. 30 in the Sunol Valley. File No. 090832 (43)

From Ahimsa Porter Sumchai, regarding the draft Environmental Impact Report for the Candlestick Point-Hunters Point Shipyard Phase II Development Plan. (44)

From SF Bay Trail Project, submitting support for the proposed exchange of easements between the SF Public Utilities Commission and the Midpeninsula Regional Open Space District in order to complete a vital link in the San Francisco Bay Trail. File No. 091278, Copy: Each Supervisor (45)

From Francisco Da Costa, regarding the Land Use Committee. (46)

From Ahimsa Porter Sumchai, regarding the association between indoor environmental factors and parental reported autistic spectrum disorders in children 6-8 years of age. (47)

From concerned citizens, regarding the budget crisis in the City and County of San Francisco. Copy: Supervisor Mirkarimi, 2 letters (48)

From Department of Elections, submitting notice that the November 3, 2009, Municipal Election results are certified and the results are official. (49)

From Tom Lee, regarding the future of transportation for the next generation. (50)

From Norman Degelman, submitting support for a supplemental appropriation to provide quality healthcare in San Francisco. (51)

From William Shulman, submitting opposition to any new alcohol fee in San Francisco. (52)

From Kimo Crossman, regarding the progress of the Water System Improvement Program. (53)

From Ren Pieratt, regarding the street work on 18<sup>th</sup> Avenue between Irving and Judah Streets. (54)

From Joel Gonzales, regarding his experience on the No. 71 Muni outbound bus on November 25, 2009. (55)

From Susan Keyte, submitting opposition to the proposed changes on the No. 10 Muni bus. (56)

From George Huie, regarding parking abuses and budget cutting ideas. (57)

From Sally Loveland, regarding Muni bus service. (58)

From Regional Air Quality Intern, regarding the harmful effects of wood smoke inhalation and the Wood Burning Ordinance that was passed last year. (59)

From concerned citizens, regarding eviction and rental protections in San Francisco. 2 letters (60)

From Ahimsa Sumchai, regarding hydrology and water quality. (61)

From Ahimsa Sumchai, regarding the recent mammogram recommendations. (62)

From James Corrigan, regarding firefighters and parking in San Francisco. (63)

From Amy Blakeley, urging the Board of Supervisors to reject proposed ordinance to expand rent control laws to buildings built after 1979. (64)

From Planning Department, submitting the 2009 Commerce and Industry Inventory report. (65)

Office of the Mayor  
City & County of San Francisco



BOS-11  
RECEIVED  
Gavin Newsom  
LEG. DEPT.  
COB  
2009 NOV 17 PM 3:16

November 17, 2009

BY al

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

**Re: Notice of Transfer of Function under Charter Section 4.132**

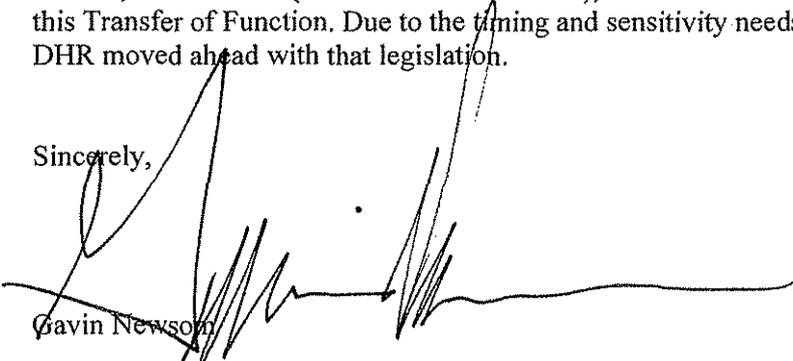
Dear Madam Clerk,

This letter serves as a notice to the Board of Supervisors under Charter Section 4.132 of a transfer of function effective in 30 days between departments within the Executive Branch. Specifically, personnel assigned to the eMerge project and People Soft operations within the Department of Human Resources (DHR) will be transferred to the Controller's Office (CON).

The purpose of this Transfer is to consolidate all payroll systems under one department. While DHR has previously overseen the eMerge project and PeopleSoft operations, the majority of both applications more closely align with and support the Controller's current payroll operations and systems. As a result of this transition, existing dual reporting structures between DHR and CON will be eliminated.

The Transfer constitutes the move of 45.0 FTEs along with all administrative and fiscal responsibility from DHR to CON. Of the personnel transferring to CON, 6.0 FTEs will be transferred from PeopleSoft. Project eMerge personnel include 29.0 FTEs originally budgeted under the FY2009-10 ASO as well as 10.0 FTEs recently added to the eMerge budget through the recent ASO amendment (Ordinance No. 183-09). Please note that at the time that DHR introduced the legislation to amend the ASO and to amend the CIBER, Inc Contract (Resolution No. 0401-09), DHR and CON had not finalized their plans to complete this Transfer of Function. Due to the timing and sensitivity needs of amending the CIBER, Inc contract, DHR moved ahead with that legislation.

Sincerely,

  
Gavin Newsom

cc: Budget Committee Members  
Harvey Rose  
Controller



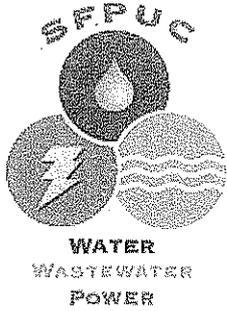
## SUMMARY OF STAFFING

### eMerge Staff

<b>Class</b>	<b>Job Class Title</b>	<b>Total</b>
1042	IS Engineer-Journey	2.00
1043	IS Engineer-Senior	1.00
1044	IS Engineer-Principal	1.00
1053	IS Business Analyst-Senior	6.00
1054	IS Business Analyst-Principal	9.00
1063	IS Programmer Analyst-Senior	3.00
1064	IS Programmer Analyst-Principal	2.00
1823	Senior Administrative Analyst	1.00
1824	Principal Administrative Analyst	1.00
5504	Project Manager II	2.00
5506	Project Manager III	1.00
1064	IS Programmer Analyst-Principal	4.00
1054	IS Business Analyst-Principal	4.00
1043	IS Engineer-Senior	2.00
<b>Subtotal</b>		<b>39.00</b>

### PeopleSoft Staff

<b>Class</b>	<b>Job Class Title</b>	<b>Total</b>
1053	IS Business Analyst-Senior	3.00
1054	IS Business Analyst-Principal	2.00
1070	IS Project Director	1.00
		<b>6.00</b>



**SAN FRANCISCO PUBLIC UTILITIES COMMISSION**

1155 Market St., 11th Floor, San Francisco, CA 94103 • Tel. (415) 554-3155 • Fax (415) 554-3161 • TTY (415) 554.3488



November 13, 2009

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

**GAVIN NEWSOM**  
MAYOR

**F.X. CROWLEY**  
PRESIDENT

**FRANCESCA VIETOR**  
VICE PRESIDENT

**ANN MOLLER CAEN**  
COMMISSIONER

**JULIET ELLIS**  
COMMISSIONER

**ANSON B. MORAN**  
COMMISSIONER

**ED HARRINGTON**  
GENERAL MANAGER

**Subject: Water System Improvement Program (WSIP)  
Release of Reserve for \$256,318,678**

Dear Ms. Calvillo:

I would like to request your assistance to have calendared a release of reserve on the WSIP Project CUW359 – New Irvington Tunnel.

As part of the \$1.9 billion WSIP Supplemental Appropriation, new funding for projects exceeding \$100 million was placed on Board of Supervisors reserve pending California Environmental Quality Act (CEQA) approval. Funding is needed for awarding the construction contracts for the New Irvington Tunnel.

This request accompanies a Board's Resolution adopting findings under the California Environmental Quality Act (CEQA) related to the New Irvington Tunnel Project.

Regards,

Michael Carlin  
Deputy General Manager

# City and County of San Francisco

Controller, Mayor, Board of Supervisors' Budget Analyst

## FY 2009-10 First Quarter General Fund Budget Status Report



November 16, 2009

RECEIVED  
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BY RM



## City and County of San Francisco

FY 2009-10 First Quarter General Fund Budget Status Report

November 16, 2009

This report informs the Mayor and Board of Supervisors that the Controller's Office is revising its General Fund revenue and expenditure forecasts based on new information available since the FY 2009-10 budget was passed. As shown in Table 1, our updated forecasts show a current year General Fund shortfall of \$53 million if current revenue trends continue and if spending is maintained at current and proposed service levels. This projected shortfall exceeds the uncommitted balance of \$25 million in General Reserve and prior year fund balance by \$28 million. Until this shortfall has been addressed, the Controller's office will not be able to certify funds from the General Fund Reserve for other appropriations.

The components of the projected shortfall are as follows:

**A. Pending Supplemental Appropriations using \$8.0 Million of General Fund Reserve:** The total approved and pending supplemental appropriations request the use of \$8.0 million from the General Fund Reserve. This includes one approved supplemental appropriation using \$0.2 million from the General Fund Reserve for emergency aid relief. The supplemental appropriations currently pending at the Board of Supervisors include shifting \$0.2 million of savings from the State Budget reserve to increase the General Fund Reserve, the use of \$7.1 million from the General Fund Reserve to restore positions expected to be laid off or rehired at lower paying job classes on November 15, 2009, and the use of \$0.9 million from the General Fund Reserve to restore positions laid off or rehired at lower paying job classes in FY 2008-09.

**Table 1. Potential FY 2009-10 General Fund Revenue and Expenditure  
Variance to Budget, \$ Millions**

Based on data available through November 13, 2009, assuming spending continues at budgeted or requested service levels

	Revenue Surplus (Shortfall)	Expenditure Savings (Deficit)	Net GF Savings (Shortfall)
<b>A. Supplementals requesting General Fund Reserve</b>			
<i>Approved</i>			
Emergency Aid Relief Supplemental - Use \$150K of GF Reserve		(0.2)	(0.2)
<i>Pending at the Board of Supervisors</i>			
State Budget Impact - shift \$150K savings to GF Reserve		0.2	0.2
DPH - Position Restoration Supplemental (Daly)		(7.1)	(7.1)
DPH - Position Restoration Supplemental (Avalos)		(0.9)	(0.9)
<b>Subtotal Supplementals</b>		<b>(8.0)</b>	<b>(8.0)</b>
<b>B. General Revenues Variance to Budget</b>			
Property Tax	(35.0)	-	(35.0)
Payroll Tax	(24.8)	-	(24.8)
Sales Tax-Related	(8.6)	-	(8.6)
Hotel Room Tax	28.0	-	28.0
Property Transfer Tax	6.1	-	6.1
Other General Revenues	(4.8)	-	(4.8)
Pre-Audit Surplus Prior Year Fund Balance	1.0	-	1.0
Reduced General Fund baseline transfer to MTA	-	2.1	2.1
Reduced General Fund baseline transfer to Library	-	0.5	0.5
<b>Subtotal General Revenues</b>	<b>(38.1)</b>	<b>2.6</b>	<b>(35.5)</b>
<b>C. Departmental revenue and expenditure variance to budget</b>			
Assessor		(0.9)	(0.9)
City Planning	(1.7)	-	(1.7)
Fire Department	(5.1)	-	(5.1)
Human Services	(2.0)	9.1	7.1
Juvenile Probation	(1.0)	-	(1.0)
Public Defender	-	(1.7)	(1.7)
Public Health	18.3	(17.4)	1.0
Sheriff	9.3	(13.3)	(4.0)
Superior Court		(3.2)	(3.2)
<b>Subtotal Departmental Variance to Budget</b>	<b>17.8</b>	<b>(27.4)</b>	<b>(9.6)</b>
Total Estimated General Fund Impacts	(20.3)	(32.8)	<b>(53.1)</b>
FY 2009-10 Budgeted General Fund Reserve			25.0
Shortfall in Excess of General Fund Reserve			<b>(28.1)</b>

**B. General Revenues Net \$35.5 Million Shortfall**— General revenues include the following:

- **Pre-Audit Surplus General Fund Balance:** The FY 2009-10 budget assumed \$94.5 million of prior year fund balance. Our pre-audit results indicate that we will close the prior year with approximately a \$1 million surplus above the \$94.5 million assumed in the budget.
- **Property Tax:** The \$35.0 million shortfall is primarily due to increased set-asides required from current year revenues in response to the over 4,000 appeals covering more than \$29 billion in assessed valuation filed before the September 15, 2009 deadline. This estimate will be updated as appeals are heard and we gather more data as to the magnitude of actual refunds awarded.
- **Payroll Tax:** A \$24.8 million shortfall is forecast. Our FY 2009-10 revenues for payroll tax are primarily from taxes due in calendar year 2009. After the budget was finalized, we received data for the period of January–March 2009 showing a 9.5% drop in seasonally-adjusted payrolls, with declines forecast for the remainder of 2009 as businesses adjusted to the economic downturn.
- **Sales Tax-Related:** The \$8.6 million shortfall projection builds upon recent data showing a steeper than expected decline in sales tax receipts.
- **Hotel Tax:** The \$28.0 million projected surplus takes into account July–September receipts that showed a smaller decline than assumed in the budget, and assumes that receipts through the rest of the year will be modestly higher than last year.
- **Property Transfer Tax:** The \$6.1 million projected surplus is based on a 5% year-over-year increase in receipts from July–October 2009, with similar increase levels projected through year-end.
- **Other General Revenues:** The \$4.8 million shortfall in other general revenues compared to budget includes a \$2.8 million shortfall in projected interest revenue due to continuing low interest rates and reduced cash balances, along with minor projected surpluses and shortfalls in other revenue categories.
- **Reduced Baseline Transfers to Municipal Transportation Agency and Public Library:** The San Francisco Charter establishes baseline funding levels for the Municipal Transportation Agency (MTA) and the Public Library. These baselines are indexed to overall growth or reduction in aggregate General Fund discretionary revenues. The revenue shortfalls discussed result in reduced transfers to the MTA and the Public Library of \$2.6 million.

### C. Departmental Revenue and Expenditure Variances to Budget \$9.6 Million Shortfall

- **Assessor's Office:** The \$0.9 million projected excess expenditure requirement is based on the Department's analysis of additional City Attorney hours needed to represent the City in large commercial property tax appeals. The expected number of such appeals has increased sharply this fiscal year compared to the prior year.
- **City Planning:** The \$1.7 million projected revenue shortfall is due to lower than anticipated volumes of building permit fees, environmental review fees, conditional use fees, and other fees.
- **Fire Department:** The \$5.1 million projected revenue shortfall consists of:
  - \$2.0 million fire prevention fee revenue shortfall related to the continued slowdown in construction,
  - \$0.5 million ambulance billing shortfall as more private ambulances enter the market, and
  - \$2.6 million potential shortfall in budgeted recoveries from external agencies receiving fire suppression and emergency medical services.
- **Human Services:** The \$2.0 million revenue shortfall estimate is from the Department's updated projections regarding federal and state reimbursements for prior year claims. The \$9.1 million estimated expenditure savings represents:
  - \$6.7 million savings representing six months of reduced In-Home Support Services (IHSS) worker county share of wages due to litigation staying the State from their budgeted reduction in State support for those wages. This litigation is further discussed in Section D below,
  - \$5.0 million savings from closing out excess balances of encumbrances remaining from the prior year, and
  - \$2.6 million projected spending requirements above budget anticipated in County Adult Assistance Programs (CAAP) aid based on rising caseload trends.
- **Juvenile Probation:** The \$1.0 million revenue shortfall estimate is based on the new State revenue sharing allocation from Vehicle License Fees coming in below budgeted levels.
- **Public Defender:** The \$1.7 million excess expenditure projection represents \$1.3 million above budgeted levels required to maintain current staffing and a further \$0.4 million requested by the Public Defender to hire into vacant unfunded positions.
- **Public Health:** The projected \$1.0 million surplus for all funds consists of the following:
  - **General Fund Programs:** The projected \$0.8 million revenue shortfall in primary care is related to Health Care Coverage Initiative revenues and net patient revenues. The projected \$2.5 million expenditure deficit is primarily due to expected overspending in salaries and fringe benefits.
  - **Laguna Honda Hospital:** The projected \$5.6 million expenditure deficit is in salaries and fringe benefits.
  - **San Francisco General Hospital:** The projected \$19.1 million revenue surplus is due to a \$15.4 million surplus in net patient revenue and a \$7.7 million surplus in Safety Net Care Pool revenue due to updated forecasts of Medicaid Waiver payments by the California Association of Public Hospitals and actual revenues

received to date. This is offset by a \$4.0 million shortfall in projected revenue from the Health Care Coverage Initiative that provides funding for the Healthy San Francisco program. The projected \$9.3 million expenditure deficit is in salaries and fringe benefits.

- **Sheriff:** \$10.6 million of expected revenue surplus and expenditure requirement relates to an anticipated contractor settlement related to the County Jail #3 replacement project later this fiscal year. The Sheriff anticipates requesting appropriation of these funds to complete work deferred from that project, including demolition of the old jail on the site. The revenue surplus is offset by a \$1.3 million anticipated shortfall in funds available from the Superior Court to reimburse for court security. A further \$2.7 million projected expenditure deficit in salaries and fringe is due to the increase in jail population requiring more security.
- **Superior Court:** The projected expenditure deficit of \$3.2 million in the indigent defense program is due to a continuing trend of increased referrals from the Public Defender.
- **Assumes release of \$45 million reserve:** This projection assumes that the Budget and Finance Committee releases the \$45 million on reserve pending the Controller's estimate of State and local revenue impact on the City and County's budget.

#### D. Major Factors That Could Change These Estimates

- **Commercial Property Tax Appeal Awards:** A key assumption underlying our forecast relates to the amount of property tax revenue that will need to be set aside for settlement of appeals. The greatest uncertainty relates to the fair assessment value of commercial properties as of the January 2009 reference period for the FY 2009-10 property tax assessment. At that time there were almost no major commercial transactions taking place due to unavailability of credit and investor uncertainty about the state of the economy. We will update our estimates as we learn more about appeal settlements and decisions.
- **Potential new MediCal Revenue for San Francisco General Hospital:** Recently passed State legislation proposes a change in the State's MediCal plan that would impose new fees on private hospitals, increase federal reimbursements and direct additional funds to both public and private hospitals. This proposal requires federal approval and is likely to be effective retroactively. However, when the approval would be granted or how much San Francisco General Hospital would receive is unknown at this time. The Controller will inform the Mayor and Board when new revenue can be certified from this source.
- **In-Home Supportive Services (IHSS) Litigation:** In response to legal challenges, a federal court has stayed the State's planned reduction in the level of support provided to counties for IHSS worker wages. As long as the stay remains in effect, or if the State loses its case, the effect will save the Human Services Agency approximately \$1 million per month. This projection assumes 6 months of savings. If the stay remains in effect beyond December 2009 or if the State loses its case, there could be up to \$6 million further savings to the City. If the State were to win a ruling allowing the retroactive

imposition of their wage support reduction back to July 1, 2009, that would result in an additional cost to the City of \$6 million. Separate litigation related to eligibility changes imposed by the State on IHSS clients could also have a substantial impact on the City's expenditure levels in this program, but the Human Services Agency does not currently have an estimate as to the magnitude of the potential savings or additional costs of alternative outcomes of this litigation.

- **Pace of Economic Recovery:** This report's revenue projections rely upon the most recent information available as to tax receipts and leading economic indicators. We will update these projections as new information becomes available.

#### **E. Next Steps**

Based on this projected negative balance, the Mayor and the Board should take steps to reduce expenditures or increase revenues in the current year in order to bring the budget back into balance. Because the estimated revenue shortfall is greater than the available balance in the General Fund Reserve, the Controller cannot certify the availability of funds from the Reserve until these actions are implemented.

Our office will provide regular updates on the status of our projected revenues and expenditures compared to budget over the course of the fiscal year. Please feel free to contact me at (415) 554-7500 should you wish to discuss this information in more detail.

# City and County of San Francisco



Gavin Newsom  
Mayor

# Department of Public Health

RECEIVED  
San Francisco  
2009 NOV 17 AM 11:12  
BY [Signature]

November 17, 2009

Ms. Angela Calvillo  
Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Dear Ms. Calvillo:

The Department of Public Health (DPH) respectfully requests exceptions from the requirements of Chapters 12B and 14B to contract with qualified out of county hospitals for as-needed, backup inpatient (emergency 5150 placements) mental health services. Contracting with qualified out of county facilities for these services is a requirement of the California State Code of Regulations.

The Department has estimated expenditures for each hospital listed below will be approximately \$349,200 per year for all ten (10) hospitals combined. The amount of expenditures is based on the actual usage of the facilities, which is dependent on the placement of a patient. The listed amounts are the best estimates of the Department. If no patient is placed in a given facility there will be no charge to the Department.

The proposed five-year contracts are with the following out-of-county hospitals:

- St. Helena/California Specialty Hospital
- Behavioral Health Corporation (BHC) (Arden Health Services)/Fremont Hospital
- John Muir/Mt. Diablo Health System Medical Pavilion
- Sierra Vista Regional Medical Center
- Stanislaus Behavioral Health Center of Doctors Medical Center (Stanislaus County)
- Sutter Health / Alta Bates Summit Medical Center
- Sutter Health / Heritage Oaks Hospital
- Sutter Health / Mills-Peninsula Health Services
- Sutter Health / Sutter Memorial Hospital
- Marin General

The above facilities are appropriately licensed, have available beds, and are within the required geographical restraints of the program.

### Background

The City and County of San Francisco is mandated by State legislation since 1995 to provide acute inpatient psychiatric hospital services for adolescents and youth under 21 years of age who are a danger to themselves or others. These services must necessarily be contracted out, since the City does not have the facilities to provide such emergency services. Due to closures of Ross Hospital and Walnut Creek Hospital in 1999, the only facility currently under contract with the Department

for such children services is St. Mary's Medical Center. This facility alone does not have the patient capacity to meet the City's needs to be compliant with State law.

In 1995, when this State mandate became effective, DPH conducted a good faith efforts process in order to determine the availability of services/beds throughout the Bay Area. These efforts clearly indicated that there were only 3 facilities able to provide these services with any available beds/patient capacity. In order to provide sufficient access to care as mandated by the State, through this process it was determined that the City must contract with all of these children's specialty hospitals, or be out of compliance with the State and lose eligibility for State and Federal funding.

Ms. Angela Calvillo  
November 17, 2009  
Page 2

Based on this good faith efforts process, the City contracted for these services with St. Mary's Medical Center in San Francisco, Ross Hospital in Marin County, and Walnut Creek Hospital in Contra Cost County until 1999.

In 1999, Ross and Walnut Creek hospitals closed. The remaining contractor, St. Mary's Medical Center, did not then and does not now have the patient capacity by itself to meet the City's needs at the level needed to be compliant with the State legislation. At that time, DPH conducted an additional good faith effort process to attempt to replace these lost services to fill immediate needs, and to put in place a system to continually survey available beds in hospitals throughout the Bay Area to be able to serve clients' needs as they arose.

It does this in an ongoing, systematic way through its Comprehensive Child Crisis Unit. Because CMHS clients are nearly always San Francisco residents, appropriate treatment usually involves finding a hospital as geographically close to San Francisco as possible, so that their clinical progress can be enhanced by family visits as much as possible. Because there are a limited number of beds in appropriate facilities at any one time, CCCS staff are continually making good faith efforts to locate available beds in appropriate facilities according to client needs.

The above listed providers were selected under this process as they have a Medicare/MediCal certified acute inpatient psychiatric children's unit, available beds, are within the geographic boundaries of the program, and are willing to contract with the City for the placement of these adolescent patients.

We are submitting this list per our agreement on Children's Mental Health hospitals. This list is late, but we were not appraised of the need for waivers until about a month ago, and we have been trying to get them into compliance, but without success. These contracts cover uninsured children who are a danger to themselves or others – a situation that has a very low incidence rate. However, whenever a placement occurs, the possible risk of a lawsuit to the City is high, so we have tried to engage these providers with contracts, instead of using a fiscal agent.

The Department's Office of Contract Management and Compliance will continue to support the compliance efforts of the Human Rights Commission with regards to this vendor. The Department will also continue to seek out alternate vendors who are in compliance with the ordinance and will use those vendors when appropriate.

The attached 12B Waivers are prepared in accordance with the instructions from the Human Rights Commission.

Please contact Harry Mar at 554-2839 should you have questions regarding this matter.

Sincerely,



Jacquie Hale  
Director, Office of Contracts Management  
San Francisco Department of Public Health



Gavin Newsom  
Mayor

**MEMORANDUM**

TO: Theresa Sparks, Executive Director, Human Rights Commission

THROUGH: Mitch Katz, M.D., Director of Health *[Signature]*

FROM: Jacquie Hale, Director, Office of Contract Management and Compliance *[Signature]*

DATE: November 16, 2009

SUBJECT: Request for a Sole Source Exception from 12B and 14B Compliance for ten (10) Hospitals outside of San Francisco which provide Mental Health Services to Children under San Francisco's legal jurisdiction

The Department of Public Health (DPH) respectfully requests exceptions from the requirements of Chapters 12B and 14B to contract with qualified out of county hospitals for as-needed, backup inpatient (emergency 5150 placements) mental health services. Contracting with qualified out of county facilities for these services is a requirement of the California State Code of Regulations.

The Department has estimated expenditures for each hospital listed below will be approximately \$349,200 per year for all ten (10) hospitals combined. The amount of expenditures is based on the actual usage of the facilities, which is dependent on the placement of a patient. The listed amounts are the best estimates of the Department. If no patient is placed in a given facility there will be no charge to the Department.

The proposed five-year contracts are with the following out-of-county hospitals:

St. Helena/California Specialty Hospital  
Behavioral Health Corporation (BHC) (Ardent Health Services)/Fremont Hospital  
John Muir/Mt. Diablo Health System Medical Pavilion  
Sierra Vista Regional Medical Center  
Stanislaus Behavioral Health Center of Doctors Medical Center (Stanislaus County)  
Sutter Health / Alta Bates Summit Medical Center  
Sutter Health / Heritage Oaks Hospital  
Sutter Health / Mills-Peninsula Health Services  
Sutter Health / Sutter Memorial Hospital  
Marin General

The above facilities are appropriately licensed, have available beds, and are within the required geographical restraints of the program.

**Background**

The City and County of San Francisco is mandated by State legislation since 1995 to provide acute inpatient psychiatric hospital services for adolescents and youth under 21 years of age who are a danger to themselves or others. These services must necessarily be contracted out, since the City does not have the facilities to provide such emergency services. Due to closures of Ross Hospital and Walnut Creek Hospital in 1999, the only facility currently under contract with the Department

Theresa Sparks, Executive Director, Human Rights Commission

November 16, 2009

Page 2

for such children services is St. Mary's Medical Center. This facility alone does not have the patient capacity to meet the City's needs to be compliant with State law.

In 1995, when this State mandate became effective, DPH conducted a good faith efforts process in order to determine the availability of services/beds throughout the Bay Area. These efforts clearly indicated that there were only 3 facilities able to provide these services with any available beds/patient capacity. In order to provide sufficient access to care as mandated by the State, through this process it was determined that the City must contract with all of these children's specialty hospitals, or be out of compliance with the State and lose eligibility for State and Federal funding. Based on this good faith efforts process, the City contracted for these services with St. Mary's Medical Center in San Francisco, Ross Hospital in Marin County, and Walnut Creek Hospital in Contra Cost County until 1999.

In 1999, Ross and Walnut Creek hospitals closed. The remaining contractor, St. Mary's Medical Center, did not then and does not now have the patient capacity by itself to meet the City's needs at the level needed to be compliant with the State legislation. At that time, DPH conducted an additional good faith effort process to attempt to replace these lost services to fill immediate needs, and to put in place a system to continually survey available beds in hospitals throughout the Bay Area to be able to serve clients' needs as they arose.

It does this in an ongoing, systematic way through its Comprehensive Child Crisis Unit. Because CMHS clients are nearly always San Francisco residents, appropriate treatment usually involves finding a hospital as geographically close to San Francisco as possible, so that their clinical progress can be enhanced by family visits as much as possible. Because there are a limited number of beds in appropriate facilities at any one time, CCCS staff are continually making good faith efforts to locate available beds in appropriate facilities according to client needs.

The above listed providers were selected under this process as they have a Medicare/MediCal certified acute inpatient psychiatric children's unit, available beds, are within the geographic boundaries of the program, and are willing to contract with the City for the placement of these adolescent patients.

We are submitting this list per our agreement on Children's Mental Health hospitals. This list is late, but we were not appraised of the need for waivers until about a month ago, and we have been trying to get them into compliance, but without success. These contracts cover uninsured children who are a danger to themselves or others – a situation that has a very low incidence rate. However, whenever a placement occurs, the possible risk of a lawsuit to the City is high, so we have tried to engage these providers with contracts, instead of using a fiscal agent.

The Department's Office of Contract Management and Compliance will continue to support the compliance efforts of the Human Rights Commission with regards to this vendor. The Department will also continue to seek out alternate vendors who are in compliance with the ordinance and will use those vendors when appropriate.

For questions concerning this exception request please call Harry Mar at 554-2839 or Robert Longhitano at 554-2659.

Thank you for your consideration.



CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B
WAIVER REQUEST FORM
(HRC Form 201)

FOR HRC USE ONLY
Request Number:

Section 1. Department Information

Department Head Signature: [Signature]
Name of Department: Public Health
Department Address: 101 Grove St. Rm. 307 San Francisco, CA 94102
Contact Person: Jacquie Hale
Phone Number: 554-2607 Fax Number: 554-2555

Section 2. Contractor Information

Contractor Name: JOHN MUIR BEHAVIORAL HEALTH CENTER Vendor No.: 55231
Contractor Address: 2740 GRANT ST, CONCORD CA 94520
Contact Person: Contact Phone No.:

Section 3. Transaction Information

Date Waiver Request Submitted: NOV 17 2009 Type of Contract: Medical Services
Contract Start Date: 1/1/2010 End Date: 12/31/2015 Dollar Amount of Contract: \$ 364,000

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: NOV 17 2009
E. Government Bulk Purchasing Arrangement - Copy of this request sent to Board of Supervisors on:
F. Sham/Shell Entity - Copy of waiver request sent to Board of Supervisors on:
G. Subcontracting Goals
H. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)

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:

DEPARTMENT ACTION - This section must be completed and returned to HRC for waiver types D, E & F.
Date Waiver Granted: Contract Dollar Amount:

## CHECK LIST

**You must complete each of the steps below before submitting this form:**

- Attempt to get the contractor to comply with Administrative Code Chapter 12B requirements. (Applies to Chapter 12B waiver requests only.)
- Include a letter of justification explaining:
  - The purpose of the contract.
  - Your department's efforts to get the contractor to comply (for Chapter 12B waivers).
  - Why the contract fits the type of waiver being requested (for example, why it is a sole source).
- Fill in all of the blanks in Sections 1-3.
- Indicate (in Section 4) which Administrative Code Chapter(s) need to be waived.
- Indicate (in Section 5) which waiver type is being requested.
- For waiver types D, E and F, submit a copy of this form to the Clerk of the Board of Supervisors and indicate (in the blank provided on the form) the date this was done.

## ADDITIONAL INFORMATION

**Contract Duration:** Contracts entered into pursuant to a Chapter 12B waiver should be constructed for the shortest reasonable duration so that future contracts may be awarded to a Chapter 12B compliant contractor.

**Chapter 14B. Sole Source, Emergency and LBE Waivers:** Only the bid discounts and departmental good faith outreach efforts requirements of Chapter 14B may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

**Chapter 14B. Subcontracting Waivers:** Only the subcontracting goals may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

**Waiver Types D, E and F:** These waiver types have additional requirements:

1. The contracting department must notify the Board of Supervisor's that it has requested a waiver of this type.
2. The department must notify the HRC that it has used a waiver granted under one of these provisions. Such notification should take place within five days of the date of use by submitting to the HRC a copy of the approved waiver with the "Department Action" box completed.
3. Departments exercising waiver authority under one of these provisions must appear before a Board of Supervisors committee and report on their use of such waiver authority.

**All modifications** to waived contracts that increase the dollar amount of the contract must have prior HRC approval.

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- ✓ **Read the Quick Reference Guide to HRC Waivers for more information;** copies are available at the Forms Center on the City's intranet at: <http://intranet/>.
- ➔ **Send completed waiver requests to:** HRC, 25 Van Ness Ave., Suite 800, San Francisco, CA 94102-6033.
- ☎ **For further assistance,** contact the HRC at 415-252-2500.



CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B
WAIVER REQUEST FORM
(HRC Form 201)

FOR HRC USE ONLY
Request Number:

Section 1. Department Information

Department Head Signature: [Signature]
Name of Department: Public Health
Department Address: 101 Grove St. Rm. 307 San Francisco, CA 94102
Contact Person: Jacquie Hale
Phone Number: 554-2607 Fax Number: 554-2555

Section 2. Contractor Information

Contractor Name: B H C FREMONT HOSPITAL Vendor No.: 55755
Contractor Address: 39001 SUNDALE DR, FREMONT CA 94538
Contact Person: Contact Phone No.:

Section 3. Transaction Information

Date Waiver Request Submitted: NOV 17 2009 Type of Contract: Medical Services
Contract Start Date: 1/1/2010 End Date: 12/31/2015 Dollar Amount of Contract: \$ 336,000

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: NOV 17 2009
E. Government Bulk Purchasing Arrangement - Copy of this request sent to Board of Supervisors on:
F. Sham/Shell Entity - Copy of waiver request sent to Board of Supervisors on:
G. Subcontracting Goals
H. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)

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:

DEPARTMENT ACTION - This section must be completed and returned to HRC for waiver types D, E & F.
Date Waiver Granted: Contract Dollar Amount:

# CHECK LIST

**You must complete each of the steps below before submitting this form:**

- Attempt to get the contractor to comply with Administrative Code Chapter 12B requirements. (Applies to Chapter 12B waiver requests only.)
- Include a letter of justification explaining:
  - The purpose of the contract.
  - Your department's efforts to get the contractor to comply (for Chapter 12B waivers).
  - Why the contract fits the type of waiver being requested (for example, why it is a sole source).
- Fill in all of the blanks in Sections 1-3.
- Indicate (in Section 4) which Administrative Code Chapter(s) need to be waived.
- Indicate (in Section 5) which waiver type is being requested.
- For waiver types D, E and F, submit a copy of this form to the Clerk of the Board of Supervisors and indicate (in the blank provided on the form) the date this was done.

## ADDITIONAL INFORMATION

**Contract Duration:** Contracts entered into pursuant to a Chapter 12B waiver should be constructed for the shortest reasonable duration so that future contracts may be awarded to a Chapter 12B compliant contractor.

**Chapter 14B. Sole Source, Emergency and LBE Waivers:** Only the bid discounts and departmental good faith outreach efforts requirements of Chapter 14B may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

**Chapter 14B. Subcontracting Waivers:** Only the subcontracting goals may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

**Waiver Types D, E and F:** These waiver types have additional requirements:

1. The contracting department must notify the Board of Supervisor's that it has requested a waiver of this type.
2. The department must notify the HRC that it has used a waiver granted under one of these provisions. Such notification should take place within five days of the date of use by submitting to the HRC a copy of the approved waiver with the "Department Action" box completed.
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CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B
WAIVER REQUEST FORM
(HRC Form 201)

FOR HRC USE ONLY
Request Number:

Section 1. Department Information

Department Head Signature: [Signature]
Name of Department: Public Health
Department Address: 101 Grove St. Rm. 307 San Francisco, CA 94102
Contact Person: Jacquie Hale
Phone Number: 554-2607 Fax Number: 554-2555

Section 2. Contractor Information

Contractor Name: SIERRA VISTA REGIONAL MEDICAL CENTER Vendor No.: 54823
Contractor Address: 1010 MURRAY ST, SAN LUIS OBISPO CA 93401
Contact Person: Contact Phone No.:

Section 3. Transaction Information

Date Waiver Request Submitted: NOV 17 2009 Type of Contract: Medical Services
Contract Start Date: 1/1/2010 End Date: 12/31/2015 Dollar Amount of Contract: \$ 30,000

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: NOV 17 2009
E. Government Bulk Purchasing Arrangement - Copy of this request sent to Board of Supervisors on:
F. Sham/Shell Entity - Copy of waiver request sent to Board of Supervisors on:
G. Subcontracting Goals
H. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)

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:

DEPARTMENT ACTION - This section must be completed and returned to HRC for waiver types D, E & F.
Date Waiver Granted: Contract Dollar Amount:

# CHECK LIST

**You must complete each of the steps below before submitting this form:**

- Attempt to get the contractor to comply with Administrative Code Chapter 12B requirements. (Applies to Chapter 12B waiver requests only.)
- Include a letter of justification explaining:
  - The purpose of the contract.
  - Your department's efforts to get the contractor to comply (for Chapter 12B waivers).
  - Why the contract fits the type of waiver being requested (for example, why it is a sole source).
- Fill in all of the blanks in Sections 1-3.
- Indicate (in Section 4) which Administrative Code Chapter(s) need to be waived.
- Indicate (in Section 5) which waiver type is being requested.
- For waiver types D, E and F, submit a copy of this form to the Clerk of the Board of Supervisors and indicate (in the blank provided on the form) the date this was done.

## ADDITIONAL INFORMATION

**Contract Duration:** Contracts entered into pursuant to a Chapter 12B waiver should be constructed for the shortest reasonable duration so that future contracts may be awarded to a Chapter 12B compliant contractor.

**Chapter 14B. Sole Source, Emergency and LBE Waivers:** Only the bid discounts and departmental good faith outreach efforts requirements of Chapter 14B may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

**Chapter 14B. Subcontracting Waivers:** Only the subcontracting goals may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

**Waiver Types D, E and F:** These waiver types have additional requirements:

1. The contracting department must notify the Board of Supervisor's that it has requested a waiver of this type.
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CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B
WAIVER REQUEST FORM
(HRC Form 201)

FOR HRC USE ONLY
Request Number:

Section 1. Department Information

Department Head Signature: [Signature]
Name of Department: Public Health
Department Address: 101 Grove St. Rm. 307 San Francisco, CA 94102
Contact Person: Jacquie Hale
Phone Number: 554-2607 Fax Number: 554-2555

Section 2. Contractor Information

Contractor Name: ALTA BATES SUMMIT MEDICAL CENTER Vendor No.: 50172
Contractor Address: 2001 DWIGHT WAY, BERKELEY CA 94704
Contact Person: Contact Phone No.:

Section 3. Transaction Information

Date Waiver Request Submitted: NOV 17 2009 Type of Contract: Medical Services
Contract Start Date: 1/1/2010 End Date: 12/31/2015 Dollar Amount of Contract: \$224,000

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: NOV 17 2009
E. Government Bulk Purchasing Arrangement - Copy of this request sent to Board of Supervisors on:
F. Sham/Shell Entity - Copy of waiver request sent to Board of Supervisors on:
G. Subcontracting Goals
H. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)

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:

DEPARTMENT ACTION - This section must be completed and returned to HRC for waiver types D, E & F.
Date Waiver Granted: Contract Dollar Amount:

# CHECK LIST

**You must complete each of the steps below before submitting this form:**

- Attempt to get the contractor to comply with Administrative Code Chapter 12B requirements. (Applies to Chapter 12B waiver requests only.)
- Include a letter of justification explaining:
  - The purpose of the contract.
  - Your department's efforts to get the contractor to comply (for Chapter 12B waivers).
  - Why the contract fits the type of waiver being requested (for example, why it is a sole source).
- Fill in all of the blanks in Sections 1-3.
- Indicate (in Section 4) which Administrative Code Chapter(s) need to be waived.
- Indicate (in Section 5) which waiver type is being requested.
- For waiver types D, E and F, submit a copy of this form to the Clerk of the Board of Supervisors and indicate (in the blank provided on the form) the date this was done.

## ADDITIONAL INFORMATION

**Contract Duration:** Contracts entered into pursuant to a Chapter 12B waiver should be constructed for the shortest reasonable duration so that future contracts may be awarded to a Chapter 12B compliant contractor.

**Chapter 14B. Sole Source, Emergency and LBE Waivers:** Only the bid discounts and departmental good faith outreach efforts requirements of Chapter 14B may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

**Chapter 14B. Subcontracting Waivers:** Only the subcontracting goals may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

**Waiver Types D, E and F:** These waiver types have additional requirements:

1. The contracting department must notify the Board of Supervisor's that it has requested a waiver of this type.
2. The department must notify the HRC that it has used a waiver granted under one of these provisions. Such notification should take place within five days of the date of use by submitting to the HRC a copy of the approved waiver with the "Department Action" box completed.
3. Departments exercising waiver authority under one of these provisions must appear before a Board of Supervisors committee and report on their use of such waiver authority.

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- ☎ **For further assistance,** contact the HRC at 415-252-2500.



CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B
WAIVER REQUEST FORM
(HRC Form 201)

FOR HRC USE ONLY
Request Number:

Section 1. Department Information

Department Head Signature: [Signature]
Name of Department: Public Health
Department Address: 101 Grove St. Rm. 307 San Francisco, CA 94102
Contact Person: Jacquie Hale
Phone Number: 554-2607 Fax Number: 554-2555

Section 2. Contractor Information

Contractor Name: STANISLAUS COUNTY DEPT OF MENTAL HEALTH Vendor No.: 40784
Contractor Address: 1501 CLAUS ROAD, MODESTO CA 95355
Contact Person: Contact Phone No.:

Section 3. Transaction Information

Date Waiver Request Submitted: NOV 17 2009 Type of Contract: Medical Services
Contract Start Date: 1/1/2010 End Date: 12/31/2015 Dollar Amount of Contract: \$ 50,000

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: NOV 17 2009
E. Government Bulk Purchasing Arrangement - Copy of this request sent to Board of Supervisors on:
F. Sham/Shell Entity - Copy of waiver request sent to Board of Supervisors on:
G. Subcontracting Goals
H. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)

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:

DEPARTMENT ACTION - This section must be completed and returned to HRC for waiver types D, E & F.
Date Waiver Granted: Contract Dollar Amount:

# CHECK LIST

**You must complete each of the steps below before submitting this form:**

- Attempt to get the contractor to comply with Administrative Code Chapter 12B requirements. (Applies to Chapter 12B waiver requests only.)
- Include a letter of justification explaining:
  - The purpose of the contract.
  - Your department's efforts to get the contractor to comply (for Chapter 12B waivers).
  - Why the contract fits the type of waiver being requested (for example, why it is a sole source).
- Fill in all of the blanks in Sections 1-3.
- Indicate (in Section 4) which Administrative Code Chapter(s) need to be waived.
- Indicate (in Section 5) which waiver type is being requested.
- For waiver types D, E and F, submit a copy of this form to the Clerk of the Board of Supervisors and indicate (in the blank provided on the form) the date this was done.

## ADDITIONAL INFORMATION

**Contract Duration:** Contracts entered into pursuant to a Chapter 12B waiver should be constructed for the shortest reasonable duration so that future contracts may be awarded to a Chapter 12B compliant contractor.

**Chapter 14B. Sole Source, Emergency and LBE Waivers:** Only the bid discounts and departmental good faith outreach efforts requirements of Chapter 14B may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

**Chapter 14B. Subcontracting Waivers:** Only the subcontracting goals may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

**Waiver Types D, E and F:** These waiver types have additional requirements:

1. The contracting department must notify the Board of Supervisor's that it has requested a waiver of this type.
2. The department must notify the HRC that it has used a waiver granted under one of these provisions. Such notification should take place within five days of the date of use by submitting to the HRC a copy of the approved waiver with the "Department Action" box completed.
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- ☎ **For further assistance,** contact the HRC at 415-252-2500.



CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B
WAIVER REQUEST FORM
(HRC Form 201)

FOR HRC USE ONLY
Request Number:

Section 1. Department Information

Department Head Signature: [Signature]
Name of Department: Public Health
Department Address: 101 Grove St. Rm. 307 San Francisco, CA 94102
Contact Person: Jacquie Hale
Phone Number: 554-2607 Fax Number: 554-2555

Section 2. Contractor Information

Contractor Name: MILLS-PENINSULA HEALTH SERVICES Vendor No.: 22490
Contractor Address: 1783 EL CAMINO REAL, BURLINGAME CA 94010
Contact Person: Contact Phone No.:

Section 3. Transaction Information

Date Waiver Request Submitted: NOV 17 2009 Type of Contract: Medical Services
Contract Start Date: 1/1/2010 End Date: 12/31/2015 Dollar Amount of Contract: \$ 275,000

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: NOV 17 2009
E. Government Bulk Purchasing Arrangement - Copy of this request sent to Board of Supervisors on:
F. Sham/Shell Entity - Copy of waiver request sent to Board of Supervisors on:
G. Subcontracting Goals
H. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)

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:

DEPARTMENT ACTION - This section must be completed and returned to HRC for waiver types D, E & F.
Date Waiver Granted: Contract Dollar Amount:

# CHECK LIST

**You must complete each of the steps below before submitting this form:**

- Attempt to get the contractor to comply with Administrative Code Chapter 12B requirements. (Applies to Chapter 12B waiver requests only.)
- Include a letter of justification explaining:
  - The purpose of the contract.
  - Your department's efforts to get the contractor to comply (for Chapter 12B waivers).
  - Why the contract fits the type of waiver being requested (for example, why it is a sole source).
- Fill in all of the blanks in Sections 1-3.
- Indicate (in Section 4) which Administrative Code Chapter(s) need to be waived.
- Indicate (in Section 5) which waiver type is being requested.
- For waiver types D, E and F, submit a copy of this form to the Clerk of the Board of Supervisors and indicate (in the blank provided on the form) the date this was done.

## ADDITIONAL INFORMATION

**Contract Duration:** Contracts entered into pursuant to a Chapter 12B waiver should be constructed for the shortest reasonable duration so that future contracts may be awarded to a Chapter 12B compliant contractor.

**Chapter 14B. Sole Source, Emergency and LBE Waivers:** Only the bid discounts and departmental good faith outreach efforts requirements of Chapter 14B may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

**Chapter 14B. Subcontracting Waivers:** Only the subcontracting goals may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

**Waiver Types D, E and F:** These waiver types have additional requirements:

1. The contracting department must notify the Board of Supervisor's that it has requested a waiver of this type.
2. The department must notify the HRC that it has used a waiver granted under one of these provisions. Such notification should take place within five days of the date of use by submitting to the HRC a copy of the approved waiver with the "Department Action" box completed.
3. Departments exercising waiver authority under one of these provisions must appear before a Board of Supervisors committee and report on their use of such waiver authority.

**All modifications** to waived contracts that increase the dollar amount of the contract must have prior HRC approval.

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- ✓ Read the **Quick Reference Guide to HRC Waivers** for more information; copies are available at the Forms Center on the City's intranet at: <http://intranet/>.
- ➔ **Send completed waiver requests to:** HRC, 25 Van Ness Ave., Suite 800, San Francisco, CA 94102-6033.
- ☎ **For further assistance,** contact the HRC at 415-252-2500.



CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B
WAIVER REQUEST FORM
(HRC Form 201)

FOR HRC USE ONLY
Request Number:

Section 1. Department Information

Department Head Signature: [Signature]
Name of Department: Public Health
Department Address: 101 Grove St. Rm. 307 San Francisco, CA 94102
Contact Person: Jacquie Hale
Phone Number: 554-2607 Fax Number: 554-2555

Section 2. Contractor Information

Contractor Name: CALIFORNIA SPECIALTY HOSPITAL Vendor No.: 55308
Contractor Address: 525 OREGON ST, VALLEJO CA 94590
Contact Person: Contact Phone No.:

Section 3. Transaction Information

Date Waiver Request Submitted: NOV 17 2009 Type of Contract: Medical Services
Contract Start Date: 1/1/2010 End Date: 12/31/2015 Dollar Amount of Contract: \$ 392,000

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: NOV 17 2009
E. Government Bulk Purchasing Arrangement - Copy of this request sent to Board of Supervisors on:
F. Sham/Shell Entity - Copy of waiver request sent to Board of Supervisors on:
G. Subcontracting Goals
H. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)

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:

DEPARTMENT ACTION - This section must be completed and returned to HRC for waiver types D, E & F.
Date Waiver Granted: Contract Dollar Amount:

# CHECK LIST

**You must complete each of the steps below before submitting this form:**

- Attempt to get the contractor to comply with Administrative Code Chapter 12B requirements. (Applies to Chapter 12B waiver requests only.)
- Include a letter of justification explaining:
  - The purpose of the contract.
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- Indicate (in Section 5) which waiver type is being requested.
- For waiver types D, E and F, submit a copy of this form to the Clerk of the Board of Supervisors and indicate (in the blank provided on the form) the date this was done.

## ADDITIONAL INFORMATION

**Contract Duration:** Contracts entered into pursuant to a Chapter 12B waiver should be constructed for the shortest reasonable duration so that future contracts may be awarded to a Chapter 12B compliant contractor.

**Chapter 14B. Sole Source, Emergency and LBE Waivers:** Only the bid discounts and departmental good faith outreach efforts requirements of Chapter 14B may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

**Chapter 14B. Subcontracting Waivers:** Only the subcontracting goals may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

**Waiver Types D, E and F:** These waiver types have additional requirements:

1. The contracting department must notify the Board of Supervisor's that it has requested a waiver of this type.
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CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B
WAIVER REQUEST FORM
(HRC Form 201)

FOR HRC USE ONLY
Request Number:

Section 1. Department Information

Department Head Signature: [Signature]
Name of Department: Public Health
Department Address: 101 Grove St. Rm. 307 San Francisco, CA 94102
Contact Person: Jacquie Hale
Phone Number: 554-2607 Fax Number: 554-2555

Section 2. Contractor Information

Contractor Name: Sutter Health/ Sutter Memorial Hospital Vendor No.:
Contractor Address:
Contact Person: Contact Phone No.:

Section 3. Transaction Information

Date Waiver Request Submitted: NOV 17 2009 Type of Contract: Medical Services
Contract Start Date: 1/1/2010 End Date: 12/31/2015 Dollar Amount of Contract: \$ 25,000

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)
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D. No Potential Contractors Comply - Copy of waiver request sent to Board of Supervisors on: NOV 17 2009
E. Government Bulk Purchasing Arrangement - Copy of this request sent to Board of Supervisors on:
F. Sham/Shell Entity - Copy of waiver request sent to Board of Supervisors on:
G. Subcontracting Goals
H. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)

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:

DEPARTMENT ACTION - This section must be completed and returned to HRC for waiver types D, E & F.
Date Waiver Granted: Contract Dollar Amount:

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- Attempt to get the contractor to comply with Administrative Code Chapter 12B requirements. (Applies to Chapter 12B waiver requests only.)
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  - The purpose of the contract.
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## ADDITIONAL INFORMATION

**Contract Duration:** Contracts entered into pursuant to a Chapter 12B waiver should be constructed for the shortest reasonable duration so that future contracts may be awarded to a Chapter 12B compliant contractor.

**Chapter 14B. Sole Source, Emergency and LBE Waivers:** Only the bid discounts and departmental good faith outreach efforts requirements of Chapter 14B may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

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CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B
WAIVER REQUEST FORM
(HRC Form 201)

FOR HRC USE ONLY
Request Number:

Section 1. Department Information

Department Head Signature: [Signature]
Name of Department: Public Health
Department Address: 101 Grove St. Rm. 307 San Francisco, CA 94102
Contact Person: Jacquie Hale
Phone Number: 554-2607 Fax Number: 554-2555

Section 2. Contractor Information

Contractor Name: Sutter Health / Heritage Oaks Hospital Vendor No.:
Contractor Address:
Contact Person: Contact Phone No.:

Section 3. Transaction Information

Date Waiver Request Submitted: NOV 17 2009 Type of Contract: Medical Services
Contract Start Date: 1/1/2010 End Date: 12/31/2015 Dollar Amount of Contract: \$ 25,000

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
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G. Subcontracting Goals
H. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)

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:

DEPARTMENT ACTION - This section must be completed and returned to HRC for waiver types D, E & F.

Date Waiver Granted: Contract Dollar Amount:

## CHECK LIST

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  - Why the contract fits the type of waiver being requested (for example, why it is a sole source).
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- Indicate (in Section 5) which waiver type is being requested.
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### ADDITIONAL INFORMATION

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CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B
WAIVER REQUEST FORM
(HRC Form 201)

FOR HRC USE ONLY
Request Number:

Section 1. Department Information

Department Head Signature: [Signature]
Name of Department: Public Health
Department Address: 101 Grove St. Rm. 307 San Francisco, CA 94102
Contact Person: Jacquie Hale
Phone Number: 554-2607 Fax Number: 554-2555

Section 2. Contractor Information

Contractor Name: Marin General Hospital Vendor No.: 56853
Contractor Address: FILE # 72429 P O BOX 60000 SAN FRANCISCO CA 94160
Contact Person: Contact Phone No.:

Section 3. Transaction Information

Date Waiver Request Submitted: NOV 17 2009 Type of Contract: Medical Services
Contract Start Date: 1/1/2010 End Date: 12/31/2015 Dollar Amount of Contract: \$ 25,000

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.

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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:

DEPARTMENT ACTION - This section must be completed and returned to HRC for waiver types D, E & F.
Date Waiver Granted: Contract Dollar Amount:

## CHECK LIST

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  - Your department's efforts to get the contractor to comply (for Chapter 12B waivers).
  - Why the contract fits the type of waiver being requested (for example, why it is a sole source).
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- Indicate (in Section 5) which waiver type is being requested.
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## ADDITIONAL INFORMATION

**Contract Duration:** Contracts entered into pursuant to a Chapter 12B waiver should be constructed for the shortest reasonable duration so that future contracts may be awarded to a Chapter 12B compliant contractor.

**Chapter 14B. Sole Source, Emergency and LBE Waivers:** Only the bid discounts and departmental good faith outreach efforts requirements of Chapter 14B may be waived. All other provisions of this Chapter still will be in force even if this type of waiver has been granted.

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SAN FRANCISCO ARTS COMMISSION

GAVIN NEWSOM  
MAYOR

LUIS R. CANCEL  
DIRECTOR OF  
CULTURAL AFFAIRS

MEMORANDUM

TO: Clerk of the Board 

FROM: Luis R. Cancel, Director of Cultural Affairs

DATE: November 06, 2009

SUBJECT: FY 2009-10 First Quarter Report

PROGRAMS

CIVIC ART COLLECTION  
CIVIC DESIGN REVIEW  
COMMUNITY ARTS  
& EDUCATION  
CULTURAL EQUITY GRANTS  
PERFORMING ARTS  
PUBLIC ART  
STREET ARTISTS LICENSES

ARTS COMMISSION GALLERY  
401 VAN NESS AVENUE  
415.554.6080

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

In pursuance to the FY 2009-10 Annual Appropriation Ordinance and the Controller's "High Level Financial Reports for September – 2009", please see the attached Report with the explanation for the Arts Commission for the first quarter ending September 30, 2009.

cc: Mayor's Office  
Controller's Office  
Director of Finance, Arts Commission

Attachment: Report (2 pages)

RECEIVED  
OFFICE OF SUPERVISORS  
GAVIN NEWSOM  
2009 NOV 13 PM 2:53  
BY 



CITY AND COUNTY OF  
SAN FRANCISCO

5

ARTS COMMISSION										
FY 2009-10 QUARTERLY REPORT - EXPENDITURE										
Quarter Ending: September 30, 2009										
CHARACTER	FY08-09 Budget	FY08-09 1st Qtr Actual	% FY Elapsed	Spend Rate	EXPLANATION					
<b>Subfund: 1G AGF AAA General Fund Non-Project</b>										
001	Salaries	362,877	90,358	22.22%	24.90%	} The spending rate is 2.68% higher in Salary and 3.59% higher in benefit. } The budget was set with 10.20% attrition and savings on salary, } which was far above the City's agencies average rate of 5% to 6%. } The excess in spending rate was mainly due to the unattainable attrition } and saving on salary set at the budget preparation time.				
013	Mandatory Fringe Benefits	117,101	30,219	22.22%	25.81%					
081	Services of Other Depts	212,539	-	25.00%	0.00%		Billing from other performing departments did not materialize yet in the 1st quarter.			
	Subfund :1G-AGF-AAA Totals	692,517	120,577	17.41%						
<b>Subfund: 1G AGF AAP General Fund Annual Project</b>										
001	Salaries	225,833	65,060	22.22%	28.81%	} Excess spending will be abated to other project with the budget provision. }				
013	Mandatory Fringe Benefits	75,070	22,173	22.22%	29.54%					
021	Non Personal services	1,967,829	1,759,423	25.00%	89.41%	The majority of this amount is payment to the SF Symphony for the Summer in the City concerts. 90% of which is paid in the 1st quarter and the remaining 10% will be paid in the 2nd quarter.				
038	City Grant Programs	3,085,642	835,401	25.00%	27.07%	City's grant to the Cultural Centers, Arts Organizations and Neighborhood Art grants will be in line with the budget in the year end.				
040	Materials & Supplies	-	-	25.00%	na					
06F	Facilities Maintenance	20,750	-	25.00%	0.00%	Work in progress. Expense not occurred yet.				
081	Services of Other Depts	274,325	1,992	25.00%	0.73%	DPW work order will be utilized and liquidated as per work order amount upon job completion. Spending rate depends upon DPW work rate, but does not exceed the work order amount in the year end.				
086	Expenditure Recovery	(441,229)	(27,495)	25.00%	6.23%	Billing rate is lower as the actual spending is lower in the 1st quarter.				
	Subfund :1G-AGF-AAP Totals	5,208,220	2,656,554	51.01%						





CITY AND COUNTY OF SAN FRANCISCO  
OFFICE OF THE CONTROLLER

✓ BOS done  
BF Clerk  
C6B, cpage

Ben Rosenfield  
Controller

Monique Zmuda  
Deputy Controller

November 16, 2009

Mayor Gavin Newsom  
David Chiu, President, Board of Supervisors, and  
Honorable Members of the Board of Supervisors  
City Hall  
San Francisco, CA 94102

RECEIVED  
CITY AND COUNTY OF SAN FRANCISCO  
2009 NOV 17 AM 9:54  
BY [Signature]

Dear Mayor Newsom and Honorable Members of the Board of Supervisors,

This letter informs you, as required by Charter Section 3.105, that based on our current projection of General Fund revenues and expenditures for the remainder of this fiscal year, the City has a General Fund budget shortfall of \$53 million if current revenue trends continue and if spending is maintained at current and proposed service levels.

This projected shortfall exceeds the uncommitted balance of \$25 million in General Fund Reserves by \$28 million. Until this shortfall has been addressed, the Controller's Office cannot certify funds from the General Fund Reserve for new appropriations. This includes the proposed use of the reserve for two supplemental appropriations currently pending before the Board of Supervisors.

Should additional revenue become available or expenditure reductions be implemented that exceed the amount needed to bring the budget into balance, the Controller will notify the Mayor and the Board of Supervisors that new appropriations from the General Fund Reserve can be certified at that time.

Please call me at 554-7500 if you have any questions.

Sincerely,

[Signature]  
Ben Rosenfield  
Controller

cc: ✓ Clerk of the Board  
Mayor's Budget Director  
Board of Supervisors Budget Analyst





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

**Ben Rosenfield**  
**Controller**

**Monique Zmuda**  
**Deputy Controller**

November 17, 2009

Mayor Gavin Newsom  
David Chiu, President, Board of Supervisors, and  
Honorable Members of the Board of Supervisors  
City Hall – 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear Mayor Newsom and Honorable Members of the Board of Supervisors,

In furtherance of my letter to you of yesterday afternoon outlining newly-identified weaknesses in the General Fund and proposed uses of the General Fund Reserve, I am submitting this memorandum to formally rescind my certification of the appropriations ordinances contained in Board of Supervisors' Files Nos. 091246 and 091202.

This action is required by two Charter provisions:

- Charter Section 9.113, subd. (d) provides that the Board of Supervisors may not pass any appropriation ordinance unless the Controller first certifies that there are sufficient funds legally-available to pay for the proposed spending.
- Charter Section 3.105, paragraph 4, provides if the Controller determines at any time during the fiscal year that the revenues of the General Fund or other fund are insufficient or appear to be insufficient to support the remaining anticipated spending from that fund for the fiscal year, the Controller must reduce or reserve all or a portion of the expenditure appropriation until such time as the Controller determines that the budget has been brought back into balance.

In this instance, as part of my regular quarterly update of the City's finances, I have determined that unless the City receives additional revenue or reduces expenditures, it will face a \$53 million General Fund budget shortfall. That shortfall would exceed the uncommitted balance of \$25 million in the General Fund Reserve. Accordingly, I must now rescind my earlier certification of the availability of funds for the proposed ordinances in Files Nos. 091246 and 091202, which rely on the General Fund Reserve as the sole source of funding.

Please call me at 554-7500 if you have any questions.



Page 2

Sincerely,



Ben Rosenfeld  
Controller

cc: Clerk of the Board  
Mayor's Budget Director  
Board of Supervisors Budget Analyst



**SF Environment**

**Our home. Our city. Our planet.**



GAVIN NEWSOM  
Mayor

JARED BLUMENFELD  
Director

November 12, 2009

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

RECEIVED  
DEPARTMENT OF SUPERVISORS  
SAN FRANCISCO  
2009 NOV 16 AM 10:03  
BY *W*

**SUBJECT:** Charter Section 4.104 Rules and Regulations to be filed with the Clerk of the Board of Supervisors

Pursuant to Charter Section 4.104 that Rules and Regulations are to be filed with the Clerk of the Board of Supervisors, enclosed is the Department of the Environment's Regulation No. SFE-09-02-MRO implementing the Mandatory Recycling and Composting Ordinance (Ordinance No. 100-09), effective November 10, 2009. If you have any questions, please contact Jack Macy, Commercial Recycling Coordinator at (415) 355-3751.

Sincerely,

*Monica Fish*

Monica Fish  
Commission Secretary to the Environment

Attachments: Regulation No. SFE 09-02-MRO  
Request for Space Waiver Form

Cc: Jack Macy, Commercial Recycling Coordinator  
Mary Williams, Construction and Demolition Recycling Coordinator

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San Francisco Department of the Environment Regulation #SFE-09-02-MRO

Regulations Implementing Mandatory Recycling and Composting Ordinance  
(Ordinance No. 100-09)

Regulation Effective Date: November 10, 2009

**A. Authorization**

The Mandatory Recycling and Composting Ordinance (Ordinance) was signed by Mayor Newsom on June 23, 2009 and becomes operative on October 21, 2009. The Ordinance creates a program which will be jointly implemented and enforced by the Department of the Environment (SFE), Department of Public Health and Department of Public Works, therefore it is codified in various places in the Municipal Code: Environment Code Chapter 19, Health Code Sections 291 and 293.1; and Public Works Code Section 173. Among other provisions, the Ordinance (1) requires all persons in San Francisco to separate recyclables, compostables and trash; (2) allows a property owner or manager to seek a waiver from all or portions of Environment Code Chapter 19 if it can be documented that the property does not have adequate storage space for containers for recyclables, compostables or trash; and (3) ensures that all properties subscribe to adequate refuse collection service.

The Director of SFE promulgates these regulations pursuant to his authority to adopt forms, regulations and guidelines under Section 1909 of the Environment Code to implement that Chapter. Any section numbers in these regulations refer to Environment Code Chapter 19.

**B. Scope**

The purpose of these regulations is to provide the procedure by which a property owner or manager may seek a waiver from the Director of all or portions of this Chapter, and to specify the form required to seek such a waiver. These regulations do not duplicate the Ordinance and must be read together with the Ordinance.

**C. Process**

The Director held a public meeting to discuss these regulations on November 10, 2009.

**D. Requirements**

See Attached.

The Director of SFE hereby adopts these regulations as of the date specified below.

Jared Blumenfeld  
Director

Approved:  
Date:

  
11/10/09 —

**Regulations implementing the Mandatory Recycling and Composting Ordinance  
(Ord. No. 100-09); Environment Code Chapter 19**

**A. Definitions**

The terms used in these Regulations have the same meanings as in the Ordinance. The definitions are in Section 1902.

**B. Forms, Regulations and Guidelines**

As provided by Section 1909 (a), the Director may adopt necessary forms, regulations and guidelines to implement this Chapter.

**C. Request for Space Waiver Form**

A property owner or manager ("Applicant") may seek a waiver from the Director of all or portions of the Chapter by using a form specified by the Director that shows that the property does not have adequate storage space for collection containers for recyclables, compostables or trash (Section 1910). Attachment A is the Request for Space Waiver Form an Applicant must submit to request a waiver showing that the property does not have adequate storage space for needed containers and that all efforts have been exhausted in finding solutions.

**D. Procedures to Request a Space Waiver**

The Applicant seeking a waiver from the Ordinance based on lack of adequate storage space must fill out the Request for Space Waiver Form and submit it to the San Francisco Department of the Environment (SFE) for review. All sections of the form must be completed, including a signed affidavit under penalty of perjury; if any section is omitted, the request for space waiver will not be considered by SFE.

SFE will evaluate information provided on the Request for Space Waiver Form. No waiver will be granted until all reasonable avenues have been explored between SFE staff or a designated representative and the Applicant to find solutions to a lack of adequate storage space. This may include efforts such as on-site verification of space limitations, recommending changing the sizes of collection containers, relocation of containers, changing the frequency of pick-ups and/or requiring the sharing of containers with neighboring properties. SFE may work with refuse collectors or others to accomplish the above.

The Director or SFE designee will make a determination on whether to grant a waiver and, if so, for which portions of the ordinance and what time frame. The Director's decision to grant or deny a waiver shall be in writing and shall be final.

**E. Forms**

Attachment A - Request for Space Waiver Form



**SF Environment**

**Our home. Our city. Our planet.**

SFEnvironment.org • (415) 355-3700

A Department of the City and County of San Francisco



## REQUEST FOR SPACE WAIVER FORM MANDATORY RECYCLING AND COMPOSTING ORDINANCE

City and County of San Francisco

Environment Code Chapter 19; Ordinance No 100-09; Regulation # is SFE-09-02-MRO

Use this form only if you are applying for a waiver for San Francisco's Mandatory Recycling and Composting Ordinance based on lack of adequate storage space at your property for containers for recyclables, compostables or trash. An onsite inspection of your property by San Francisco Department of the Environment (SFE) staff or a designated representative may be required prior to approval. You must complete all sections of this form; if any section is omitted your request will not be considered. Please send your completed form with a recent copy of your refuse (trash) bill to:

Email: [environment@sfgov.org](mailto:environment@sfgov.org)

Fax: 415-554-6393 or

Mail: SF Environment, 11 Grove Street, San Francisco CA 94102 Attention: Space Waiver

**SECTION 1: PLEASE PROVIDE THE FOLLOWING PROPERTY INFORMATION.**

1. Service address	2. Refuse collector <input type="checkbox"/> Sunset Scavenger <input type="checkbox"/> Golden Gate		
3. Name on refuse account	4. Refuse account number		
5. Mailing address if different than service address (include unit, apartment or suite number if applicable)			
Type of property:			
<input type="checkbox"/> Residential:    number of units _____			
<input type="checkbox"/> Commercial:    business type _____			
<input type="checkbox"/> Other:    specify _____			
Property owner or manager applying for waiver	Telephone	Email	Fax

**SECTION 2: PLEASE PROVIDE YOUR EXISTING SERVICE LEVELS USING A SEPARATE LINE FOR EACH CONTAINER SIZE**

Type of service	Container Sizes (e.g., 32 gallon, 1 yard)	Container Quantity	Service Days	Describe how full containers are on average when serviced for all collection days (e.g., 2/3 full on Monday and Wednesday, full on Fridays)
1. Trash (e.g., black cart)				
2. Recycling (e.g., blue cart)				
3. Composting (e.g., green cart)				

**SECTION 3: PLEASE ANSWER THE FOLLOWING QUESTIONS ABOUT YOUR EFFORTS TO PROVIDE ADEQUATE STORAGE SPACE AT YOUR PROPERTY FOR RECYCLING, COMPOSTING AND TRASH CONTAINERS.**

1. How many square inches of floor space do you need for your current containers? \_\_\_\_\_

Sizes of standard containers are available at [SFEEnvironment.org/mandatory](http://SFEEnvironment.org/mandatory) or call SFE at 415-355-3700 to have a copy sent to you.

2. Have you contacted your collector to discuss your space constraints and service options (e.g., you may have unused capacity or be able to reduce the size or quantity of your trash containers by recycling and composting more)? Yes \_\_\_ No \_\_\_ Explain: \_\_\_\_\_

3. Have you tried to use your available space more efficiently? Yes \_\_\_ No \_\_\_ Explain: \_\_\_\_\_

4. Can you move some or all of your containers to another location on the property? Garage: Yes \_\_\_ No \_\_\_ Backyard: Yes \_\_\_ No \_\_\_  
Basement: Yes \_\_\_ No \_\_\_ Alley: Yes \_\_\_ No \_\_\_ Other: \_\_\_\_\_

5. Can you create an enclosure on your property to provide adequate space for containers? Yes \_\_\_ No \_\_\_ Explain: \_\_\_\_\_

6. Have you looked into having your containers collected more frequently? Yes \_\_\_ No \_\_\_ Explain: \_\_\_\_\_

7. Have you discussed sharing containers with your neighbors? Yes \_\_\_ No \_\_\_ Explain: \_\_\_\_\_

8. Describe any additional efforts you have taken to provide adequate storage space: \_\_\_\_\_

9. After all of the above efforts, what are the minimum additional square inches of floor space needed to comply with the ordinance? \_\_\_\_\_

Please confirm that you cannot make this amount of space available on your property: Yes \_\_\_ No \_\_\_ Explain: \_\_\_\_\_

**I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PRINT NAME \_\_\_\_\_ TITLE \_\_\_\_\_

**FOR OFFICIAL USE ONLY**

DATE REQUEST RECEIVED BY SFE \_\_\_\_\_ ROUTED TO \_\_\_\_\_

DATE APPLICANT CONTACTED \_\_\_\_\_ BY \_\_\_\_\_

SITE VISITED ON \_\_\_\_\_ BY \_\_\_\_\_

COMMENTS \_\_\_\_\_

ACTION: APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ REASON \_\_\_\_\_

BY \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_



Regional  
OpenSpace

Midpeninsula Regional Open Space District

BOS-11  
cpage  
File 091278  
GENERAL MANAGER  
Stephen E. Abbots

BOARD OF DIRECTORS  
Pete Siemens  
Mary Davey  
Jed Cyr  
Curt Riffle  
Nonette Hanço  
Larry Hassett  
Cecily Harris

November 13, 2009

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

REF: File No. 091278  
Proposed Adoption of Resolution of Necessity for Eminent Domain  
Subsurface Tunnel Easements at Ravenswood Open Space Preserve  
San Mateo County Assessor's Parcels 063-590-060 and 096-230-110

Honorable Board of Supervisors:

The Midpeninsula Regional Open Space District (District) owns and manages public open space land at Ravenswood Open Space Preserve that is subject to your pending action to adopt a resolution of necessity authorizing acquisition a subsurface tunnel easement by eminent domain for the purpose of constructing the new transbay pipeline as part of the Bay Division Pipeline Reliability Upgrade Project. As you may know, SFPUC and District staff have agreed in concept to an exchange of easements that will convey to San Francisco the needed tunnel easement across District lands, and in exchange the District will acquire a trail easement across adjoining San Francisco lands that will serve to provide a critical link in the San Francisco Bay Trail system. The attached map shows the approximate routes of the intended tunnel easement and trail easement.

The proposed exchange of easements was first articulated in a December 18, 2006 letter to SFPUC staff after the District was approached by the SFPUC seeking a purchase acquisition of the needed tunnel easement. Under California Public Resources Code §5540 *et seq.*, an exchange of interests in real property is the only mechanism available to the District to validly convey any interest in lands dedicated for public open space purposes without the necessity of obtaining the consent of a majority of the District's electorate voting at a special election, or in the alternative requiring a concurrent resolution adopted by the State Legislature. The proposed exchange of easements satisfies the conveyance requirements under PRC §5540, and should eliminate San Francisco's need to initiate condemnation proceedings to purchase the tunnel easement.

The feasibility of a Bay Trail link in the vicinity of San Francisco's Ravenswood Valve Lot was first studied in 2004-05 in a report commissioned by the City of Menlo Park and involving participation by a stakeholder task force including the SFPUC, the Cities of Menlo Park and East Palo Alto, the County of San Mateo, utility agencies, bicycle and open space advocates, trail

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Letter to San Francisco Board of Supervisors

November 13, 2009

Page 2 of 2

planners, the District, and others. A "Preferred Alignment" for the Bay Trail link was identified in that effort, and has been further refined over the past 2 ½ years in discussions and site visits involving District and SFPUC staff. A draft Agreement to Exchange Interests in Real Property, setting forth the particulars of the proposed exchange of tunnel easement for trail easement, has been submitted by the District to the SFPUC for its review. The District Board of Directors can take action within 60 days of both parties reaching tentative agreement on the terms of this exchange.

As one who spent the last twenty-three years employed by the East Bay Municipal Utility District, I fully understand the critical importance of your transmission project and your concerns about aqueduct security. Please be assured that District staff shares those concerns and has fully considered them in their approach to the draft Agreement. The District looks forward to working with the SFPUC to consummate an exchange that will serve the public's interest twofold by facilitating a vital addition to the region's water supply system, while also serving to provide a critical link in the San Francisco Bay Trail system. Improvements to regional utility infrastructure and regional recreational opportunities can both be achieved.

Please don't hesitate to contact Michael Reeves, Real Property Specialist, at (650) 691-1200 for any question or clarification regarding the proposed exchange of easements, the District's role in supporting the objectives of the San Francisco Bay Trail Project, or our ongoing mission to acquire and preserve a regional green belt of open space land.

Sincerely,

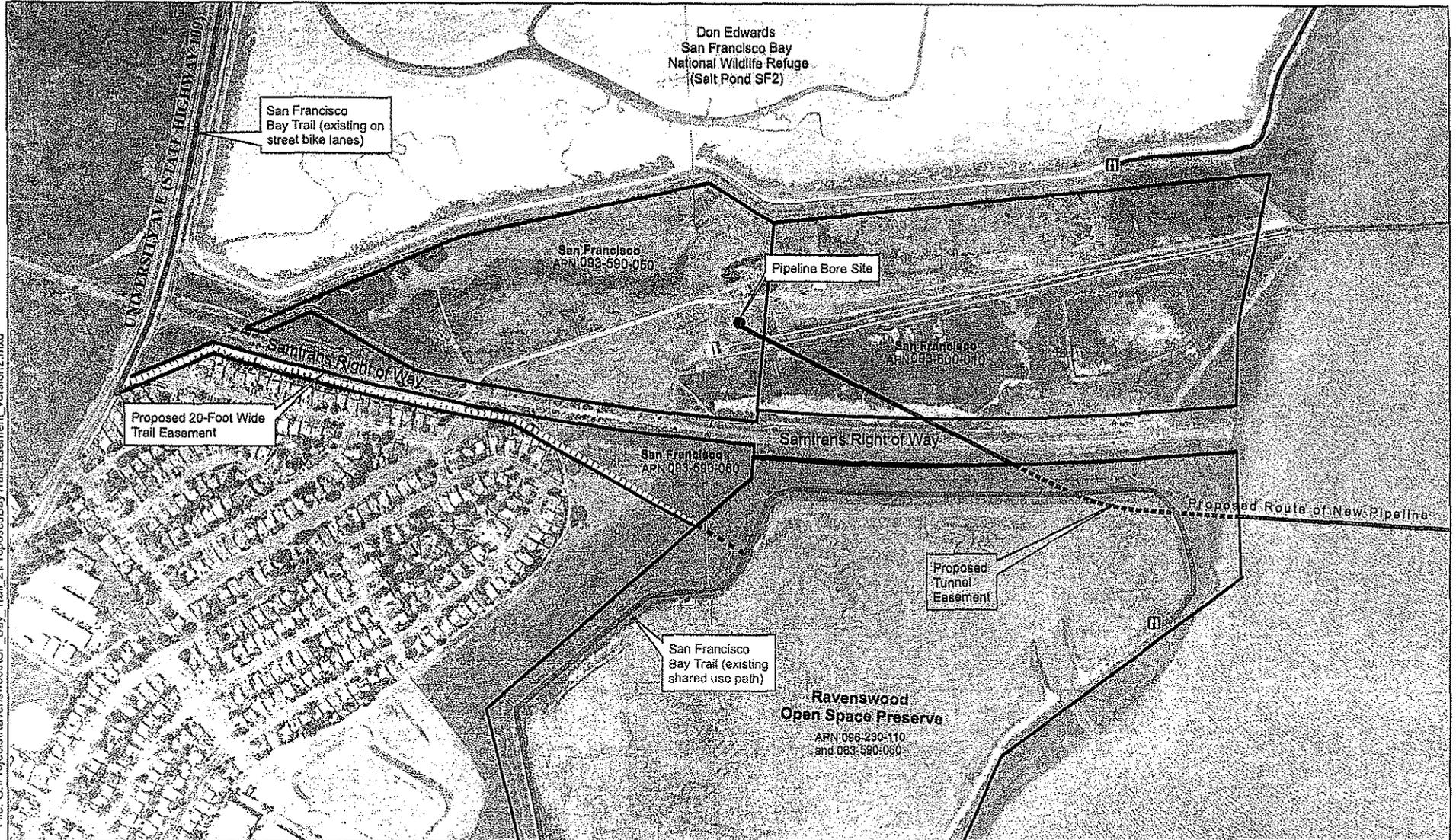


Stephen E. Abbors  
General Manager

Map attached

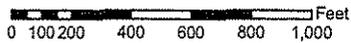
cc: Brian Morelli, SFPUC  
Johanna Wong, SFPUC  
Carolyn Stein, Office of the City Attorney

Printing Date: November 12, 2009  
File: C:\Projects\Ravenswood\SF\_Bay\_Trail\_2\ProposedBayTrailEasement\_version2.mxd



Scale 1 : 4,800

1 Inch = 400 feet



- Proposed Pipeline Route
- Existing Bay Trail
- Planned Public Access Trail (USFWS)
- Proposed Bay Trail Easement
- Prospective Trail Connection



Midpeninsula Regional Open Space District

Proposed San Francisco Bay Trail Easement  
Ravenswood Open Space Preserve

BOS-11

San Francisco Department of Public Health  
Environmental Health Section  
1390 Market Street, Suite 210  
San Francisco, CA 94102

November 3, 2009

RECEIVED  
SAN FRANCISCO SUPERVISORS  
2009 NOV 15 PM 3:05  
BY

The Board of Supervisors  
c/o David Chiu, Board President  
City Hall  
1 Dr. Carlton B. Goodlett, Room 244  
San Francisco, CA 94102

Dear Board of Supervisors:

We, the undersigned, are vehemently opposed to your cuts to the 1400 series staff at the Environmental Health Section of the San Francisco Department of Public Health. The cuts of these highly specialized and skilled clerks will cripple the Departments ability to provide mandated inspections and investigations while curtailing any ability we will have to issue permits, licenses and collect fees necessary to maintain programs.

Environmental Health provides the only Code enforcement activities in San Francisco Department of Public Health. This includes inspections and investigations of 6,693 food facilities (restaurants, food markets, grocery stores, bars, liquor stores and school kitchens), 16,000 housing units, 2,153 hazardous material businesses, 563 clean-up sites, 1278 medical waste (hospital), 783 site mitigation, 4 methamphetamine lab clean up, 1,800 leaking underground storage tank cleanup, 563 underground storage sites, 387 laundries, 143 monitoring wells, 158 recreational facilities, 28 production wells, 300 sites children's environmental health program, 1,065 tobacco permits, 41 pet shop kennels, etc. all of which are mandated and fee generating programs. Environmental Health Section brings in money to fund staff to provide these services. The staff you are cutting will hamper our ability to provide these services and will call into question the health services that we render to San Francisco residents.

It will take at least two years to train new staff to pick-up the level of service these eight women and one man currently provide. One of the clerk staff has given us excellent service for over thirty years and has trained many of our personnel.

With the departure of these skilled clerical staff you will find:

- Delays in permit issuance for restaurants, street fairs, and other food related items

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- No billings or fee recapture activities
- No postings of reports or other data entry and filing
- Higher paid personnel will not be able to perform their duties, to meet their job mandates and places the public, city and department at risk for litigation.

We implore you to reconsider your actions and retain those 8 people in their original positions with Environmental Health Section.

We hope to hear from you. Thank you for your consideration.

Sincerely,

*Janine Young*  
*Maria C...*  
*Abraham Moulou...*  
*Frank...*  
*W. Young*  
*Ch...*  
*Em...*  
*Mimi Fung*  
*Helena Zucina*  
*Y...*  
*Paul R. Martinez*  
*Ant...*  
*Sarah Savadra*  
*J. Walsh*  
*Ed Walsh*  
*Janet Palma*  
*...*

cc: Mayor's Office  
 Rajiv Bhatia  
 Richard Lee  
 The Health Commission  
 Mitchell Katz  
 Local 250  
 SEIU Local 1021



Aaron Goodman  
<amgodman@yahoo.com>  
11/17/2009 12:53 PM

To David.Chiu@sfgov.org, Michela.Alioto-Pier@sfgov.org,  
John.Avalos@sfgov.org, David.Campos@sfgov.org,  
Carmen.Chu@sfgov.org, Chris.Daly@sfgov.org,

cc

bcc

Subject Coverage of Historic Preservation Commission Mtgs. on  
SFGTV/Video-on-Demand and Listing under "City Agencies"  
on SFGOV.ORG

***Attn: All concerned City Funding Agencies, SF Board of Supervisors, SF Planning Dept., SF Historic Preservation Committee, and the SF City Attorney's Office.***

I write to you to request that the Historic Preservation Commission (HPC) meetings must as a public body created by the voters of the city and county of SF, must be financially supported and covered on SFGTV/Video- on-Demand. The HPC should also be listed currently under "City Agencies" on the City's website. This current issue based on a lack of current funding for the HPC and its meetings, is a deep concern based on the voter approved HPC commission, and Sunshine Laws of the city and County of SF. There has already been issues raised by multiple attendees of the HPC meetings that there is a distinct need for the city community to have VISUAL access to the information, hearings, discussions, and debate on the HPC projects being considered. The sunshine ordinance states clearly the need to address meeting minutes accurately, and to ensure public comment on issues is properly recorded for archiving and retrieval by public and legal agencies.

All of the following commission and board meetings are available on SFGTV/Video- on-Demand: ***Board of Appeals, Building Inspection Commission/Abatement Appeals Board, Disaster Council, Fire Commission, Human Rights Commission, Immigrant Rights Commission, Local Agency Formation Commission, Mayor's Disability Council, Mental Health Board, Municipal Transportation Agency, Planning Commission, Police Commission, Port Commission, Public Utilities Commission, Recreation and Park Commission, San Francisco Redevelopment Agency, SFUSD Board of Education, Small Business Commission, Taxicab Commission, Transbay Joint Powers Authority Board of Directors, Transportation Authority Finance Committee, Transportation Authority Full Board Transportation Authority Personnel Committee.***

The Planning Commission and the Historic Preservation Fund Committee are listed under "**City Agencies**" on the City's website.

The HPC must be more electronically accessible to encourage public participation on major issues of SUSTAINABILITY/PRESERVATION/DEVELOPMENT IMPACTS and PUBLIC INPUT . It also must be a public recordable forum, so that people can see the visual impacts being discussed in a similar fashion as planning commission meetings. This is only fair and equal in terms of ensuring that the HPC has the tools available to ensure adequate and equal public review, comment, and recordation of these issues is documented

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per the voters decision to have the city create the HPC commission.

Thank you in advance for resolving this important matter on behalf of all sides, and parties, dealing with preservation related issues citywide.

Sincerely,

Aaron Goodman (Submitted as an Individual District 7 Resident)



Cynthia Servetnick  
<cynthia.servetnick@gmail.com>  
m>

11/17/2009 03:51 AM

To Board.of.Supervisors@sfgov.org  
cc  
bcc

Subject Coverage of Historic Preservation Commission Mtgs. on  
SFGTV/Video-on-Demand and Listing under "City Agencies"  
on SFGOV.ORG

----- Forwarded message -----

From: Cynthia Servetnick <cynthia.servetnick@gmail.com>  
Date: Tue, Nov 17, 2009 at 3:47 AM  
Subject: Coverage of Historic Preservation Commission Mtgs. on  
SFGTV/Video-on-Demand and Listing under "City Agencies" on SFGOV.ORG  
To: David.Chiu@sfgov.org, Michela.Alioto-Pier@sfgov.org,  
John.Avalos@sfgov.org, David.Campos@sfgov.org, Carmen.Chu@sfgov.org,  
Chris.Daly@sfgov.org, Bevan.Dufty@sfgov.org, Sean.Elsbernd@sfgov.org,  
Eric.L.Mar@sfgov.org, Sophie.Maxwell@sfgov.org,  
Ross.Mirkarimi@sfgov.org, c.chase@argsf.com, awmartinez@earthlink.net,  
jmbuckley9@comcast.net, cdamkroger@hotmail.com,  
karlhasz@haszconstruction.com, diane@johnburtonfoundation.org,  
andrew.wolfram@perkinswill.com, john.rahaim@sfgov.org  
Cc: Tina.Tam@sfgov.org, Marlena.Byrne@sfgov.org,  
Linda.Avery@sfgov.org, sfpreservationconsortium  
<sfpreservationconsortium@yahoogroups.com>

All:

Historic Preservation Commission (HPC) meetings should be covered on  
SFGTV/Video-on-Demand. The HPC should also be listed under "City  
Agencies" on the City's website.

All of the following commission and board meetings are available on  
SFGTV/Video-on-Demand: Board of Appeals, Building Inspection  
Commission/Abatement Appeals Board, Disaster Council, Fire Commission,  
Human Rights Commission, Immigrant Rights Commission, Local Agency  
Formation Commission, Mayor's Disability Council, Mental Health Board,  
Municipal Transportation Agency, Planning Commission, Police  
Commission, Port Commission, Public Utilities Commission, Recreation  
and Park Commission, San Francisco Redevelopment Agency, SFUSD Board  
of Education, Small Business Commission, Taxicab Commission, Transbay  
Joint Powers Authority Board of Directors, Transportation Authority  
Finance Committee, Transportation Authority Full Board  
Transportation Authority Personnel Committee.

The Planning Commission and the Historic Preservation Fund Committee  
are listed under "City Agencies" on the City's website.

The HPC needs to be more electronically accessible to encourage public  
participation. Thank you in advance for resolving this important  
matter.

Sincerely,

Cynthia Servetnick, AICP  
eGroup Moderator  
San Francisco Preservation Consortium





Maida Taylor  
<maida.beth@gmail.com>

11/16/2009 01:38 PM

Please respond to  
maida.beth@gmail.com

To Sean.Elsbernd@sfgov.org

cc board.of.supervisors@sfgov.org

bcc

Subject Code/Charter "reforms" to Discretionary Review (DR),

File 091020

Dear Supervisors,

I oppose the proposed so called Code/Charter "reforms" to Discretionary Review (DR), and urge you to oppose them as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee. There is a good Pre-Application procedure introduced, and needs to be tested. Giving full control to Planning in essence removes any meaningful balance in the process and guts the ability of the citizens to have their say in the development of the neighborhoods.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight and participation. Discretionary Review itself should remain in the hands of the Planning Commission.

Thank you for your attention.

Maida Taylor, MD MPH FACOG  
785 Foerster St  
San Francisco, CA 94127

415 239 1917  
mobile 415 672 7379  
[maida.beth@gmail.com](mailto:maida.beth@gmail.com)

--

Maida Taylor, MD MPH FACOG  
785 Foerster St  
San Francisco, CA 94127

415 239 1917  
mobile 415 672 7379  
[maida.beth@gmail.com](mailto:maida.beth@gmail.com)

12

File 091020



Judith Berkowitz  
<sfjberk@mac.com>  
11/16/2009 10:34 PM

To Supervisor Sophie Maxwell <Sophie.Maxwell@sfgov.org>, Supervisor Eric Mar <Eric.Mar@sfgov.org>, Supervisor David Chiu <David.Chiu@sfgov.org>, Clerk of the Board

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST Proposed Changes to Discretionary Review (DR), File No 091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely,

- Judith Berkowitz

President, Coalition for San Francisco Neighborhoods  
East Mission Improvement Assn

File 091020



bjfa4 <bjfa4@aol.com>

11/17/2009 05:05 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org  
cc "Barbara Austin" <bjfa4@sbcglobal.net>

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST  
Proposed Changes to Discretionary Review (DR), File No  
091020

Dear Supervisors Chiu, Maxwell and Mar,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

I do support the strong Pre-Application procedure that has recently been introduced, however it does need to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight, that ensures a transparent democratic procedure.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely,

Barbara Austin

Francisco Heights Civic Association

File 091020



**B&B Associates**  
<whlshp19@pacbell.net>

11/17/2009 06:25 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST  
Proposed Changes to Discretionary Review (DR), File No  
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well. Please vote AGAINST these proposals in the Nov 23 Land Use Committee. I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure. This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight. Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely, Bill Benkavitch, resident - Golden Gateway Center, 'the Gateway'

File 091020



"martin.macintyre@juno.com"  
<martin.macintyre@juno.com  
>

11/17/2009 07:22 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject DR proposal

Dear Supervisors,

Please don't approve the charter and code amendment that would allow transfer Design Review from the Planning Commission to the Planning Department that is on the Nov. 23rd agenda..

Martin MacIntyre,

**FYI, Resident of District One, Founder of the Coalition for San Francisco Neighborhoods, Past President of PAR, Past Board Member of San Francisco Tomorrow and first dentist at the Southeast Neighborhood Health Center.**

---

Wholesale Hardwood Floors

Never pay retail again. Wholesale prices on all hardwood flooring!

File # 091020



Francisco Da Costa  
<fdc1947@gmail.com>  
11/17/2009 08:20 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org  
cc "\"David Campos\"" <David.Campos@sfgov.org>, Chris Daly  
<Chris.Daly@sfgov.org>, Eric Mar <Eric.L.Mar@sfgov.org>  
bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST  
Proposed Changes to Discretionary Review (DR), File No  
091020

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Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely,

Francisco Da Costa  
Bayview Hunters Point Coordinating Council  
Environmental Justice Advocacy  
Southeast Sector Community Development Corporation  
Stop Lennar Action Movement

4909 Third Street  
San Francisco, CA 94124

Phone: 415.822.9600  
Fax: 415.822.9600

[www.sescdc.org](http://www.sescdc.org)  
[www.hunterspointnavalshipyard.com](http://www.hunterspointnavalshipyard.com)

Fl # 091020



NINERSAM@aol.com

11/17/2009 08:36 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST  
Proposed Changes to Discretionary

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to  
Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23  
Land Use Committee.

I do support the strong Pre-Application procedure  
which has recently been introduced, however it needs  
to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve  
and/or eliminate most DR requests without changing the  
Code, while ensuring continued Public Oversight.

The San Francisco City Charter has vested discretionary  
powers to the Planning Commission, and it cannot be  
delegated to any other body i.e. Design Review Team or a hearing officer.

Sincerely,  
Hiroshi Fukuda  
Richmond Community Association

File 091020



KCrommie@aol.com  
11/17/2009 09:00 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org  
cc  
bcc  
Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST  
Proposed Changes to Discretionary Review (DR), File No  
091020

Dear Supervisors:

I want to add my voice to the opposition against the so called reforms to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee. I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

**This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight. Discretionary Review itself should remain in the hands of the Planning Commission.**

Yours truly,  
Karen Crommie  
628 Ashbury St.

File # 091020



Al Greening  
<algreening@mac.com>  
11/17/2009 09:44 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org  
cc Al Greening <algreening@mac.com>

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST  
Proposed Changes to Discretionary Review (DR), File No  
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely,

Alvin R Greening  
1020 Union St #4  
San Francisco 94133

File 091020



Robert DArcy  
<robert.darcy@yahoo.com>

11/17/2009 10:31 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST  
Proposed Changes to Discretionary Review (DR), File No  
091020

Dear Supervisors, I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well. Please vote AGAINST these proposals in the Nov 23 Land Use Committee. I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure. This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight. Discretionary Review itself should remain in the hands of the Planning Commission.  
Sincerely, [Name] [Organization / Neighborhood]

File 091020



"Barbara Gullion"  
<bjgullion@speakeasy.net>

11/17/2009 10:39 AM

Please respond to  
<bjgullion@speakeasy.net>

To <Sophie.Maxwell@sfgov.org>, <Eric.Mar@sfgov.org>,  
<David.Chiu@sfgov.org>,  
<Board.of.Supervisors@sfgov.org>

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST  
Proposed Changes to Discretionary Review (DR), File No  
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain.

Thank you,

Barbara Gullion

51 Rosewood Drive, San Francisco

File 091020



Ted Loewenberg  
<tedlsf@sbcglobal.net>

11/17/2009 11:19 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST  
Proposed Changes to Discretionary Review (DR), File No  
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely,  
Ted Loewenberg  
Haight

tedlsf@sbcglobal.net

"It's got to come from the heart if you want it to work."

File 091020



SCau1321@aol.com  
11/17/2009 12:36 PM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Vote No on Discretionary Review Oversight Change @ Land  
Use Cmte. 11/23

Dear Supervisors,

It is imperative that the public retain the right to appeal to the Planning Commission if a project is damaging to their neighborhood or personal property. Giving the Planning Department sole authority over what is built in San Francisco subverts the democratic process by eliminating the public's right to independent oversight.

Please let the public continue to exercise its First Amendment right to petition the government for redress of grievances.

Because I wish that the public's voice continue to be heard in an open forum, I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to vote AGAINST these proposals at the Land Use Committee November 23.

Sincerely,

Sue Cauthen  
Member of Telegraph Hill Dwellers and North Beach Neighbors.

---

Sue Cauthen  
1321 Montgomery Street  
San Francisco, California  
415 391 0737

File 091020



":)" <gumby5@att.net>

11/17/2009 01:57 PM

Please respond to  
<gumby5@att.net>

To <Sophie.Maxwell@sfgov.org>, <Eric.L.Mar@sfgov.org>, <David.Chiu@sfgov.org>, <Board.of.Supervisors@sfgov.org>

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST Proposed Changes to Discretionary Review (DR), File No 091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission.

In addition, within the "reform" process, certain documents were not precise. The "Tree Disclosure Statement" that should be filled out in every "Pre-Application" would today be a potential killer for my City landmark tree as far as the Planning Department is concerned.

I suspect that the Richmond District will be subject to a lot of major increase in density and demolitions and Manhattanization.

Sincerely,  
Rose Hillson  
Jordan Park Improvement Association/District 2 (Inner Richmond/Jordan Park/Laurel Heights)

File 091020



**Eric Castongia**  
<Eric@EricSFHomes.com>  
Sent by:  
ericssfhomes@gmail.com

11/17/2009 03:13 PM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org  
cc  
bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST  
Proposed Changes to Discretionary Review (DR), File No  
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission NOT with the Planning Department.

Thank you for your consideration.

Eric Castongia  
512 Roosevelt Way  
San Francisco, CA 94114  
Eric@EricSFHomes.com  
(415)307-1700



"Dian Blomquist"  
<dian@dblomquist.com>  
11/17/2009 04:14 PM

To <Sophie.Maxwell@sfgov.org>, <Eric.Mar@sfgov.org>,  
"Supervisor David Chiu" <david.chiu@sfgov.org>,  
<Board.of.Supervisors@sfgov.org>

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST  
Proposed Changes to Discretionary Review (DR), File No  
091020

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission.  
Sincerely, [Name] [Organization / Neighborhood]

Dian Blomquist



"J.R. Bisho Co., Inc."  
<bisho@pacbell.net>

11/18/2009 10:27 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Bisho Nov 23 Land Use Cmte: Urging Your Vote AGAINST  
Proposed Changes to Discretionary Review (DR), File No

091020

File

Dear Supervisors, Please add my name to those opposed to the "DR reforms"...  
Please keep the discretion in the hands of the Planning Commission. What  
the commissioners  
do is tedious, but somebody's gotta do it.  
Thanks.  
Dave Bisho

I oppose the proposed Code/Charter "reforms" to Discretionary Review  
(DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee.

I do support the strong Pre-Application procedure which has recently  
been introduced, however it needs to be time-tested as a stand-alone  
procedure.

This Pre-Application procedure will likely resolve and/or eliminate most  
DR requests without changing the Code, while ensuring continued Public  
Oversight.

Discretionary Review itself should remain in the hands of the Planning  
Commission.



**Libby Benedict**  
<libby\_b@pacbell.net>

11/18/2009 08:45 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST  
Proposed Changes to Discretionary Review (DR), File No  
091020

Dear Supervisors:

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be without changing the Code, while ensuring continued Public Oversight.

Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely,

Libby Benedict  
Francisco Heights Neighborhood Association

File 091020



LEE RADNER  
<leeradner@sbcglobal.net>

11/17/2009 07:43 PM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Nov 23 Land Use Cmte: Urging Your Vote AGAINST  
Proposed Changes to Discretionary Review (DR), File No  
091020

Dear Supervisors, I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well. Please vote AGAINST these proposals in the Nov 23 Land Use Committee. I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure. This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight. Discretionary Review itself should remain in the hands of the Planning Commission. Sincerely, Lee Radner[Organization / Chair, Friends of Golden Gateway

File 091020



"David R. John"  
<GDERSJSF@COMCAST.NET>

11/18/2009 08:52 PM

To <board.of.supervisors@sfgov.org>, "Sean Elsbernd"  
<Sean.Elsbernd@sfgov.org>, <eric.mar@sfgov.org>,  
<david.chiu@sfgov.org>, <sophia.maxwell@sfgov.org>,

cc

bcc

Subject Discretionary Review / Nov 23 Land Use Committee

Dear Supervisors,

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee. I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure.

This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight. Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely ,

David John & Gundula Schmidt-John  
Miraloma District



"kathyhoward"  
<kathyhoward@earthlink.net>

11/19/2009 04:07 PM

Please respond to  
<kathyhoward@earthlink.net>

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

cc

bcc

Subject Nov 23 Land Use Cmte -- Please Vote AGAINST Proposed  
Changes to Discretionary Review (DR), File No 091020

Clerk of the Board:

I oppose the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well.

Please vote AGAINST these proposals in the Nov 23 Land Use Committee. I do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure. This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight.

***Discretionary Review itself must remain in the hands of the Planning Commission.***

Sincerely,  
Katherine Howard  
717 9<sup>th</sup> Avenue  
San Francisco, CA 94118  
Member, Richmond Community Association



**Brooke Sampson**  
<brookesampson@yahoo.com>

11/20/2009 04:10 PM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org  
cc Lori Brooke <lbrooke@lmi.net>, Elaine Larkin  
<eblarkin@aol.com>, Martina Ehlers  
<ehlersm@pacbell.net>, Geoff Wood <ggwood@aol.com>  
bcc

Subject DR Reform [091020] - BOS Land Use Committee

Dear Board of Supervisors Land Use Committee Members -

The Cow Hollow Association (CHA) represents the interests of approximately 1,100 homeowners in the area bounded by Lyon, Pierce, Greenwich and Pacific. Our Association is dedicated to the preservation of the residential character of the Cow Hollow neighborhood.

The CHA's position on the Planning Department's proposed Code amendments to Discretionary Review (DR), Ordinance 091020, is as follows:

- 1) Implement a vigorous Pre-Application Process, including design schematics that show square footage changes and a "neighborhood character" checklist
- 2) Engage Planning Department and potential DR-requestors in the early steps of the development process
- 3) Improve Planning Staff's internal application and design review process, with mandatory Residential Design Team (RDT) feedback to potential DR requestors and online access to 311 notices, historic/environmental review, demolition calculations, and plan revisions for each proposed project
- 4) Require Project Sponsor to erect story poles, or create 3-D renderings or models, to better inform neighbors and the community of the size and location of a proposed project.
- 5) Retain the Planning Commission's vested Discretionary Review powers as outlined in the City Charter and not delegate this authority to another entity or person(s).**
- 6) Allow a trial period (1 year) to assess the collective impacts on the DR caseloads with the
  - a) implementation of the formalized Pre-Application procedures to identify concerns with a proposed project, and
  - b) enforcement of Design Standards by the Residential Design Team (RDT).

Sincerely,  
Martina Ehlers, Elaine Larkin, Brooke Sampson, and Geoff Wood  
Zoning Committee, Cow Hollow Association

12



Ocnprk36@aol.com  
11/22/2009 11:15 AM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject File 091020Nov 23 Land Use Cmte: Urging Your Vote  
AGAINST Proposed Changes to Discretionary Review (DR),  
File No 091020

Dear Supervisors:

The Executive Board of SPEAK (Sunset Parkside Education and Action Committee) strongly opposes the proposed Code/Charter "reforms" to Discretionary Review (DR), and urge you to do so as well. Please vote AGAINST these proposals in the Nov 23 Land Use Committee. We do support the strong Pre-Application procedure which has recently been introduced, however it needs to be time-tested as a stand-alone procedure. This Pre-Application procedure will likely resolve and/or eliminate most DR requests without changing the Code, while ensuring continued Public Oversight. Discretionary Review itself should remain in the hands of the Planning Commission.

Sincerely,  
Marc Duffett, President  
SPEAK, Sunset/Parkside



"J.R. Bisho Co., Inc."  
<bisho@pacbell.net>  
11/23/2009 11:47 AM

To Sophie.Maxwell@sfgov.org  
cc Eric.Mar@sfgov.org, David.Chiu@sfgov.org,  
Board.of.Supervisors@sfgov.org  
bcc

Subject Bisho Pls continue to Feb - Nov 23 Land Use Cmte: Urging  
Your Vote AGAINST Proposed Changes to Discretionary  
Review (DR), File No 091020

Dear Supervisors: If you continue, hope you do, please make it to  
February, most of the city nghd groups  
don't meet in December.

Thanks.  
Regards,  
Dave Bisho

>  
>  
> Dear Supervisors, Please add my name to those opposed to the "DR  
> reforms"....  
> Please keep the discretion in the hands of the Planning Commission.  
> What the commissioners  
> do is tedious, but somebody's gotta do it.  
> Thanks.  
> Dave Bisho  
>  
>  
> I oppose the proposed Code/Charter "reforms" to Discretionary Review  
> (DR), and urge you to do so as well.  
>  
> Please vote AGAINST these proposals in the Nov 23 Land Use Committee.  
>  
> I do support the strong Pre-Application procedure which has recently  
> been introduced, however it needs to be time-tested as a stand-alone  
> procedure.  
>  
> This Pre-Application procedure will likely resolve and/or eliminate  
> most DR requests without changing the Code, while ensuring continued  
> Public Oversight.  
>  
> Discretionary Review itself should remain in the hands of the Planning  
> Commission.  
>  
>

12



Tenants 769NorthPoint  
<tenants769np@yahoo.com>

11/24/2009 11:50 AM

To Sophie.Maxwell@sfgov.org, Eric.L.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org  
cc Judith Berkowitz <sfjberk@mac.com>,  
"NINERSAM@aol.com" <NINERSAM@aol.com>, Kimo  
Crossman <kimo@webnetic.net>, Tenants 769NorthPoint  
bcc

Subject Re: Change DR

Dear Supervisors :

We strongly protest the adoption of Code amendments to change DR.

Planning Department has been paying favoritism to those who claim to have connections with Officials of Planning Department. In fact there are facts to support their claims. The new change will give Planning Department unconditional power to police themselves.

We just heard of Nov. 23's meeting and would like very much to have an opportunity to express our concerns and terrible experience with DR issues before you.

Thank you very much.

Edgar Brincat, member of " Aquatic Park Neighbors"  
Ellen Tsang, member of "Russian Hill Neighbors"

---

**From:** "NINERSAM@aol.com" <NINERSAM@aol.com>  
**To:** tenants769np@yahoo.com  
**Sent:** Tue, November 24, 2009 11:21:00 AM  
**Subject:** Re: Fw: Change DR

Yes, it would be best to have your names and organization the email. Thanks.  
Hiroshi

In a message dated 11/24/2009 10:24:15 A.M. Pacific Standard Time, tenants769np@yahoo.com writes:

Hiroshi:

Our names are Edgar Brincat and Ellen Tsang who is the member of "Russian Hill Neighbors"

Do you want us to resend our email to all the supervisors again?

Thank you.

---

**From:** "NINERSAM@aol.com" <NINERSAM@aol.com>  
**To:** tenants769np@yahoo.com  
**Sent:** Mon, November 23, 2009 11:31:10 PM  
**Subject:** Re: Fw: Change DR

Please resend with your name and organization.  
Hiroshi

In a message dated 11/23/2009 6:54:26 P.M. Pacific Standard Time, tenants769np@yahoo.com writes:

Dear Supervisor Mar:

12

We just learned your correct email address and forward our email sent to the supervisors earlier.

Thank you.

----- Forwarded Message -----

**From:** Tenants 769NorthPoint <tenants769np@yahoo.com>

**To:** Sophie.Maxwell@sfgov.org; Eric.Mar@sfgov.org; David.Chiu@sfgov.org;  
Board.of.Supervisors@sfgov.org

**Sent:** Mon, November 23, 2009 4:32:55 PM

**Subject:** Charge DR

Dear Supervisors :

We strongly protest the adoption of Code amendments to further change DR.

Planning Department has been paying favoritism to those who claim to have connections with Officials of Planning Department. In fact there are facts to support their claims. The new change will give Planning Department unconditional power to police themselves.

We just heard of Nov. 23's meeting and would like very much to have an opportunity to express our concerns and terrible experience with DR issues before you.

Thank you very much.



Tenants 769NorthPoint  
<tenants769np@yahoo.com>

11/23/2009 04:32 PM

To Sophie.Maxwell@sfgov.org, Eric.Mar@sfgov.org,  
David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org

cc

bcc

Subject Charge DR

Dear Supervisors :

We strongly protest the adoption of Code amendments to further change DR.

Planning Department has been paying favoritism to those who claim to have connections with Officials of Planning Department. In fact there are facts to support their claims. The new change will give Planning Department unconditional power to police themselves.

We just heard of Nov. 23's meeting and would like very much to have an opportunity to express our concerns and terrible experience with DR issues before you.

Thank you very much.



**Peter Baye**  
<baye@earthlink.net>

11/18/2009 10:45 AM

Please respond to  
Peter Baye  
<baye@earthlink.net>

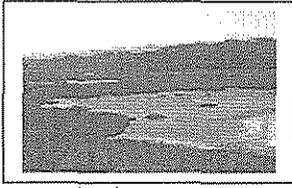
To recpark.commission@sfgov.org, Phil.Ginsburg@sfgov.org  
cc Bevan.Duffy@sfgov.org, lisa.wayne@sfgov.org,  
board.of.supervisors@sfgov.org, Carmen.Chu@sfgov.org,  
Chris.Daly@sfgov.org, David.Chiu@sfgov.org,  
bcc

Subject Sharp Park alternatives report - Baye comments

To the SF Recreation and Parks Commission and General Manager:

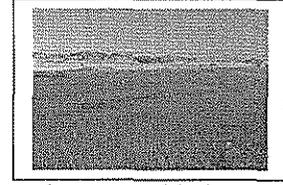
Please consider my attached technical critical review of the Sharp Park wetland enhancement alternatives report. I am a professional coastal ecologist with over 30 years interdisciplinary experience in planning restoration, protection, and management of coastal wetlands for federal and state agencies and non-profit organizations, including San Mateo and Marin County coastal lagoons within State Parks and National Parks. Peter R. Baye, Ph.D. Coastal Ecologist, Botanist.

13



(415) 310-5109

**Peter R. Baye, Ph.D.**  
*Coastal Ecologist, Botanist*  
P.O. Box 65  
Annapolis, California 95412



[baye@earthlink.net](mailto:baye@earthlink.net)

San Francisco Recreation and Park Commission  
501 Stanyan Street  
San Francisco, CA 94117

November 18, 2009

Philip Ginsburg  
General Manager  
San Francisco Recreation and Park Department  
McLaren Lodge & Annex  
501 Stanyan Street  
San Francisco, CA 94117

**SUBJECT: Sharp Park Conceptual Restoration Alternatives Report (Tetra Tech et al. November 2009) technical review and comments**

To the San Francisco Recreation and Parks Commission and Philip Ginsburg:

I would like to submit the following technical review comments on the Sharp Park Conceptual Restoration Alternatives Report, prepared by Tetra Tech, Karen Swaim, and Nickels Golf Group. I have reviewed the plan and its technical appendices in the very limited time (less than 2 weeks) between its public release and the Commission's pending vote on its findings. My comments reflect my independent professional judgment, and are not submitted on behalf of any organization.

My qualifications to provide expert comments on conceptual restoration alternatives for coastal wetlands are based on over 30 years of professional work in coastal wetland and terrestrial ecology, with emphasis on planning, management, and restoration of degraded coastal wetlands. Following my Ph.D. research in coastal ecology, I spent nearly twenty years as a professional technical planner and advisor on California coastal wetland restoration and management, with emphasis on recovery of rare and endangered species. I have worked for the U.S. Fish and Wildlife Service and U.S. Army Corps of Engineers in this capacity, and I have provided consulting services for California State Parks and National Park Service on coastal lagoon enhancement and restoration projects along the Central Coast during the last 5 years (Rodeo Lagoon, Crissy Field (Presidio) Lagoon, Big Lagoon, Laguna Creek Lagoon, and Pilarcitos Creek mouth).

My comments focus on what I have found to be “fatal flaw” assumptions, conclusions, and recommendations of the Sharp Park alternatives report, and equally profound errors of omission. The reports flaws, in my professional opinion, are severe enough to make the wetland conclusions and recommendations of the report unreliable and misleading for any coastal land use planning or environmental restoration planning decisions by either the City of San Francisco, or adjacent landowners (National Park Service), particularly for long-term planning.

My comments here are summarized for planning consideration, and do not represent the full extent of my critical analysis of the report.

**1. Artificial pumping of Laguna Salada to achieve low water levels is highly likely to cause salinity intrusion and adverse wetland habitat conversion under a regime of accelerated sea level rise in the foreseeable future. Long-term enhancements options proposed by the report would likely fail in the long term because they ignore foreseeable long-term shifts in hydrologic baseline conditions.**

The report fails to identify the significant long-term constraints of “enhancing” non-tidal seepage lagoon wetlands that are artificially pumped to low water levels relative to sea level behind a permeable sand barrier. The inevitable physical consequences of pumping the lagoon levels near or below sea level are ignored in the report, despite the, clear, explicit, and professionally responsible warnings *in its own hydrology report* that salinity intrusion due to pumping may be occurring in summer even now, and may increase as sea level rises (Appendix A, pp. 22-23). The report’s discussion of salinity intrusion (p. 23) does not represent the full scope of the hydrology report’s findings, and is misleading.

The fundamental long-term problem of lagoon pumping reversing groundwater gradients behind the sand barrier, inducing seawater intrusion (Appendix A, p. 23), cannot be overestimated. The alternative report, however, essentially disregards it. None of the intended “enhancement” benefits to wildlife species are physically possible if the long-term effects of pumping, sea level rise, and evaporative concentration of lagoon water interact to convert the wetlands from fresh-brackish to brackish-saline or even hypersaline marsh. Following this first, fundamental misstep, the report’s other long-term conclusions and recommendations about wetland enhancement are utterly unrealistic. The target species for “habitat enhancement” proposed are intolerant of persistently high salinity wetland conditions that would inevitably result from continued pumping of the lagoon to low levels as sea level rises.

The lagoon’s long-term dynamic stability will require that freshwater lagoon levels rise and equilibrate with rising sea level, to maintain positive, seaward groundwater seepage gradients that maintain freshwater marsh. This fundamental physical constraint is nowhere considered in the main text of the conceptual enhancement plan.

It is distressing that the lead authors of the report either ignored or failed to comprehend fundamental wetland hydrology in “conceptual” habitat enhancement alternatives.

**2. Reliance on maintenance and upgrading the “sea wall” is incompatible with long-term wetland management.**

All habitat enhancement alternatives assume perpetual maintenance and upgrading of the “sea wall” (rip-rap armored earthen berm capping the sand barrier beach), yet exclude highly significant environmental and economic impacts of this assumption. The report fails to address the inherently unstable long-term condition of the beach and “seawall”, and the extreme coastal erosion hazard identified for Sharp Park by the U.S. Geological Survey ([http://walrus.wr.usgs.gov/el\\_nino/SMCO-coast-erosion/04more.html](http://walrus.wr.usgs.gov/el_nino/SMCO-coast-erosion/04more.html)) and described with emphasis by Prof. Gary Griggs of U.C. Santa Cruz in his book, *Living with the Changing California Coast* (2003). The report fails to assess the long-term significance of the 1983 storm damage to the golf course and lagoon impacts as a constraint on long-term wetland management.

Again, basic coastal processes controlling lagoon wetland ecology are ignored in the conceptual alternatives report, which treats Laguna Salada as though it were a golf course pond at an inland location. As sea level rises, the beach shoreline necessarily retreats landward. If the beach is armored with boulders, shoreline retreat will steepen the shore profile and cause passive beach erosion, and eventual failure of the beach and collapse of the seawall, causing catastrophic flooding and sedimentation of the wetlands. Beach stabilization is infeasible and futile in the long term. Thus, the golf course that depends on artificial stabilization of the beach is also infeasible in the long-term. The report ignores enhancement alternatives that realign more efficient and cost-effective flood protection designs along borders of residential development, and eliminate costly and futile investment in the “emergency”-constructed (post-1983) seawall. Opportunities to utilize lagoon and riparian wetlands as beneficial flood and coastal storm buffers were ignored.

All coastal lagoons originate and are maintained by landward migration during sea level rise. *The Laguna Salada wetland complex's long-term survival depends on planning for gradual landward migration of the barrier beach and its wetlands with rising sea level*, which requires geomorphic accommodation space. That space is currently displaced by the golf course, built on filled riparian wetlands of the past – the historic freshwater end of the Laguna Salada wetland complex. Rising level and a static golf course together will inevitably squeeze the existing (reduced area of) fresh-brackish wetlands out of existence, regardless of ephemeral “habitat enhancement” plan actions.

It is not feasible to stabilize the lagoon wetlands in the reduced “footprint” of the 20<sup>th</sup> century lagoon as sea level rises over three to four feet in coming decades of the 21<sup>st</sup> century. Oceanic overwash processes during extreme storms must drive the beach and its lagoon wetland complex landward as sea level rises. Any long-term wetland management plan for a backbarrier lagoon must presume upward and landward displacement of existing lagoon wetlands over multiple decades. This lagoon accommodation space (location of

historic freshwater riparian wetlands) is occupied by golf links that will be subject to adverse increases in flooding and coastal storm risks.

**3. The report's design and estimated costs of the "full restoration" alternative are unrealistic, grossly inflated, and inconsistent with professional wetland restoration precedents of lagoon restoration.**

The conceptual alternatives report arbitrarily assumes that excavated soils for "full restoration" of wetlands would require off-site disposal (p. 53). Off-site fill disposal is a principal cost factor for the full restoration alternative. The off-site disposal assumption is invalid. I have designed wetlands and provided peer review services for innumerable coastal wetland restoration plans during the last 20 years, and I know of no coastal wetland restoration plan that has made this assumption.

Only plans for the most constrained coastal wetland restoration sites consider off-site fill disposal as a last resort. Balancing cut/fill to the greatest extent possible, minimizing fill import or export to the extent feasible, is a standard planning objective for restoration feasibility. The report failed to consider beneficial re-use applications of locally excavated sediments, including obviously needed ones like flood control berms or platforms, upland/wetland and riparian transition zones, and upland refuge mounds peripheral to wetlands.

In addition, the report utterly neglects one of the principal constraints on dredging or excavating anoxic, organic wetland soils – excessive release of toxic sulfides, and their subsequent acid sulfate oxidation products. Failure to address sulfide and sulfate toxicity in wetland excavation can result in extreme mortality of wildlife, and inhibition of wetland revegetation. This omission adds to the strained technical credibility of the report. Furthermore, the report ignores the obvious role of golf course and residential fertilizer contamination of lagoon wetlands as a factor in overgrowth of tule marsh (reduction in open water edge).

Most astonishing of all is the report's assumption (p. 48) that the lagoon should or must be *drained* in order to implement "enhancement" work. This not only technically in error, it is absurd. Amphibious excavation equipment (floating or low ground-pressure tracked vehicles) is routinely used in wetland engineering, and is the professional standard for minimizing impacts during wetland construction. Draining wetlands at Laguna Salada would cause intolerable impacts (likely including increased salinity intrusion) and is unwarranted for any reasonable enhancement alternative.

The number of significant errors of omission and invalid assumptions about wetland ecology in the report suggest that the authors lack adequate experience and expertise for coastal wetland planning, and failed to solicit adequate technical peer review or supplemental consulting services to remedy technical deficiencies.

**Conclusion.** The Sharp Park conceptual alternatives report is fundamentally flawed as a coastal habitat planning document for both short-term and long-term conservation or land uses. The report either omits or misinterprets fundamental geomorphic and hydrologic controls of coastal lagoon wetland ecology that are essential to long-term conservation planning. The habitat enhancement recommendations in the report utilize unrealistic ecological and wetland engineering assumptions, and are likely to be infeasible in the long term. Many of the report's basic assumptions conflict with or are unsupported by the scientific literature on coastal processes, wetlands and lagoons. In my professional opinion, the report should be either set aside or subject to rigorous interdisciplinary scientific peer review, including expertise in coastal geomorphology and engineering, wetland hydrology, and ecology.

Respectfully submitted,



Peter R. Baye, Ph.D.

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# WILD Equity

## INSTITUTE

*Building a healthy and sustainable global community for people  
and the plants and animals that accompany us on Earth*

November 18, 2009

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### SENT VIA ELECTRONIC MAIL

**RE: Sharp Park Alternatives Report and Recommendation, Item #10, Nov. 19, 2009**

Dear Recreation and Park Commission:

On behalf of the Wild Equity Institute, I write to request that the Commission reject General Manager Phil Ginsburg's preferred alternative at Sharp Park, and instead pursue a full restoration alternative on the property.

Sharp Park Golf Course is beset by numerous problems. Several different financial assessments have concluded that the golf course costs San Francisco more to operate than it generates in revenue; the golf course's poor design and unfortunate placement puts it in conflict with the natural ecology of the land and, with climate change-induced sea level rise, make it an unsustainable land use on our coast; and the golf course is killing two endangered species.

Moreover, based on data collected by the Recreation and Parks Department, we know that modern San Franciscan's demand different recreational opportunities than the Department's existing land use patterns provide. The number one recreational demand is for more hiking and biking trails: golf comes in 16<sup>th</sup> out of 19 options in the same surveys.

As San Francisco continues to struggle with a budget crisis, cuts in services to our neighborhood parks and community centers have been implemented while the Recreation and Parks Department continues to subsidize a golf course in San Mateo County with hundreds of thousands of dollars in operating and capital costs, and plans are underway to spend millions more to maintain an 18-hole golf course on the property. This raises questions about our recreation priorities and the equitable distribution of our recreation dollars.

As we consider the future of Sharp Park, the Commission must strive to find solution to all of these intersecting demands and problems. Unfortunately, General Manager Ginsburg's preferred all-golf alternative is a step backward for our parks, and therefore

we request that the Commission reject this alternative and pursue a full-restoration alternative in partnership with the National Park Service. The reasons for this request are explained more fully below.

**I. Approving General Manager Ginsburg's proposal at this time will inappropriately short circuit public and peer review of the report.**

For several months, the Recreation and Parks Department has represented to members of the public that the alternatives report on Sharp Park would not contain a preferred alternative, and would be subject to peer review before moving forward with any action at Sharp Park.

However, the Department under General Manager Ginsburg's direction has done the opposite of what was promised: it has released a preferred alternative to the media before it released the report for public review; it is moving forward with possible action on these recommendations without any opportunity for the public to submit formal comments on the report or the General Manager's recommendations; and it has postponed scientific peer review of the report.

At first blush, it is difficult to understand why the Department would promise a thorough public vetting of the alternatives report, and then do exactly the opposite. However, as explained below, the reason is clear once the report is reviewed: the report fails to provide the full financial accounting that the Mirkarimi Ordinance demanded; it fails to base its conclusions on the best available science; and it fails to consider management partnerships with the National Park Service that would provide better recreational services for San Francisco residents at lower costs.

Therefore, we request that the Commission take no action on General Manager's preferred alternative until after a public vetting and peer review of the report has occurred. An appropriate public process would include a scientific peer review of the report, a hearing before the Board of Supervisors subcommittees with jurisdiction over the issue, and an opportunity for the general public to review and submit comments on the report.

**II. The Commission should exhibit the vision to plan for future recreational demands, not demands reflective of last Century's public recreation preferences.**

The Recreation and Parks Department conducted a survey of San Francisco residents in 2004 to understand what recreational demands modern San Franciscans have. This report showed that the number one recreational demand is for more hiking and biking trails; golf finished 16<sup>th</sup> out of 19 options in the same survey. Yet San Francisco maintains hundreds of acres of golf and provides an inadequate supply of the hiking and biking trails modern residents want.

Moreover, independent consultants who have reviewed the San Francisco Bay Area golf market have shown that golf is currently overbuilt in the Bay Area: we provide 6 million more rounds annually than golfers actually demand. This means that some golf courses in the Bay Area will close before the market stabilizes, and we have already witnessed potential closures of golf courses in San Francisco, Livermore, Hayward, San Jose, and San Geronimo because of it.

Given that golf is oversupplied and hiking is undersupplied, there is a great equitable concern about how the Department prioritizes its spending of taxpayer money on recreational amenities. It does not seem just to propose spending millions more on an oversupplied amenity when hiking trails are needed and neighborhood parks and community centers are subject to reduced services.

Yet the General Manager's recommendation ignores this evidence and proposes a future for Sharp Park that exacerbates this problem: the all-golf alternative will actually reduce recreational opportunities at the property.

We deserve better than this, and a solution which ignores these equitable concerns is no solution at all. At Sharp Park, we need to not only provide for the recovery of the endangered species on the property, but also respond to the changing demographics and interests of modern Bay Area residents. This is why the all-golf alternative proposed by General Manager Ginsburg fails us all: it lacks the vision and fortitude needed to create better recreational facilities that we know Bay Area residents demand.

### **III. General Manager Ginsburg misleads the commission when he suggests that the all-golf alternative is a "compromise" between competing interests.**

General Manager Ginsburg has claimed that the all-golf alternative is a compromise between competing interests at Sharp Park. But like many elements of his proposal, this statement is not supported by the report itself. The drafters of the report state expressly that the alternative assessed as a compromise between alternative visions for Sharp Park is the 9-hole alternative. Nowhere does the report suggest that the all-golf alternative is a compromise. Indeed, the all-golf alternative fails to meet the basic endangered species habitat requirements needed to ensure long term survival and recovery of these species and actually reduces non-golf recreation activities on the property.

Moreover, as explained above, the General Manager's attempt to distill this into a bilateral dispute indicates that he does not comprehend all that is at stake at Sharp Park. The future of Sharp Park is about more than endangered species and golf: it is about creating a more sustainable way of life as our climate warms and sea levels rise; it is about responding to modern recreational demands rather than protecting the demands entrenched in our existing land use patterns; and it is about finding ways to reduce costs so our neighborhood parks need not subsidize golf in San Mateo County.

None of these issues are addressed or even acknowledged by the General Manager. Without a solution that addresses all of these intersecting issues, there is no basis for the General Manager to claim that he has proposed a compromise solution at Sharp Park.

**IV. The General Manager's proposal and report are not based on the best available science, in violation of the Ordinance that prompted the report.**

The ordinance that compelled the Recreation and Parks Department to create this report required that the restoration alternatives be based on the best available science. This is not an empty command: the federal Endangered Species Act—which the existing golf course is violating—sets forth specific requirements for making decisions based on science, not politics. Unfortunately, the General Manager's recommendation violates this simple instruction: the recommendation ignores scientific evidence provided to the Department about the long-term viability of the site due to climate change, and therefore makes unsupported statements about the viability of an 18-hole all-golf alternative at Sharp Park. It also makes unsupported assertions—that verge on the absurd—that restoration of habitat at Sharp Park would harm endangered species more than the existing golf course.

To understand how the General Manager's recommendation runs afoul of the best scientific evidence available, it is important for the Commission to be aware of the natural conditions at Sharp Park. Sharp Park is naturally a freshwater outlet lagoon: a natural sand barrier prevented coastal and salinity intrusion at the site, but when winter rains fall the lagoon would create an outlet to permit freshwater to drain to the ocean. As sea conditions change, the lagoon barrier would be reshaped, and in storm conditions even overtopped. This would deposit more sand on the east side of the barrier, slowly causing the lagoon to migrate inland as the barrier moved eastward. Freshwater pulses from the surrounding rains kept salinity levels low enough for the frog and snake to persist at the site.

When the golf course was built, it destroyed this natural system by designing golf links on both the east and west side of the lagoon. This unleashed massive coastal floods on the property, destroying the original design of the golf course. The storms in turn led to the construction of the berm to stop coastal storms. But because the berm does not have a freshwater outlet like the natural system, the golf course now floods during normal winter rains: with freshwater. This in turn requires water to be pumped through the berm out to the sea.

These historic conditions were ignored by the report, and instead the report assumes that the baseline condition at Sharp Park was the ravaged landscape created by Alistair MacKenzie when he built Sharp Park Golf Course. This leads to uninformed conclusions about the viability of Sharp Park's existing habitats for the frog and snake, and even more perverse conclusions about the benefit of habitat restoration.

For example, the report appendix suggests that picnicking is the most significant and widespread threat to the continued existence of both endangered species on the site. This

is a preposterous claim, and is completely unsupported by any citation to recovery plans for either species or any evidence of take on the property. Indeed, as explained below, all known take of the species has occurred through the ongoing operations and maintenance of the golf course—not to mention the habitat destruction that occurred with the golf course was first built—not from picnicking. Moreover, since habitat destruction is widely considered to be the primary threat to both species globally, the restoration of Sharp Park's wetlands would address the primary threat to both species, and would outweigh any hypothetical harm that picnicking or other recreational activities might induce.

Even the subcontractors who worked on the underlying report have explained that the General Manager's recommendations are not supported by the best available science. The expert hydrologist who was contracted for the report, Greg Kamman of Kamman Hydrology & Engineering, has prepared a letter explaining how the report and the General Manager's conclusion are inconsistent with basic hydrological principles that must be understood before action is taken at Sharp Park. For example, Kamman's work indicates that, just as pumping freshwater from the San Francisco Bay Delta for use in the Central Valley and Southern California slowly causes the Ocean's salinity gradient to move through the Bay and upriver towards Sacramento jeopardizing our water supply, the continuous pumping of Laguna Salada to prevent the golf course from flooding is causing salt water to intrude on Laguna Salada through the groundwater aquatic buffer. This will eventually lead Laguna Salada to become inhospitable to the endangered species on the site in precisely the location that the all-golf alternative intends to locate the endangered species habitat.

Moreover, there is ample evidence that the golf course is the cause of harm to endangered species on the property, and that habitat restoration will greatly enhance these species' recovery. Since at least 2005, the Recreation and Parks Department has been aware of how golf operations kill both the California red-legged frog and the San Francisco garter snake. To date, not a single mitigation measure has been implemented by the Department to prevent future take of the garter snake, and the minimal efforts that have been implemented for the frog have failed: egg masses continue to be stranded despite restriction on pumping operations, and new evidence suggests that both species could be entrained by the pump house and pumped through the sea wall out to sea. None of these impacts have been recognized or addressed in the all-golf alternative proposed by General Manager Ginsburg: indeed, his preferred alternative would require *more frequent and consistent* operation of the pump house, accelerating the decline in habitat value and increasing the risk that individual animals will be killed by the golf course.

And perhaps most glaringly, the report completely—indeed purposefully—refused to assess the impacts of sea level rise and climate change on the long-term viability of the all-golf alternative at Sharp Park. Coastal ecologists and hydrological engineers have informed the department repeatedly that erosion accelerated by sea level rise will undermine the existing berm at Sharp Park, and that unless we allow the lagoon to migrate inland and upland as sea levels rise, the lagoon will be lost and catastrophic flooding events will be more likely. To adapt to this inevitability, the least-cost and most

effective option is to allow the existing berm and lagoon to naturally migrate inland and upland; restoring wetlands—our cheapest and most effective flood control device—and building smaller, cheaper flood control devices closer to the communities and structures that need them. This will save taxpayer dollars in the long run, and provide better flood control management than the General Manager’s all-golf alternative.

**V. General Manager Ginsburg’s recommendations are based on unrealistic and incomplete cost comparisons.**

General Manager Ginsburg has suggested that his alternative is best for golf, endangered species, and our pocketbooks. As shown above, this is simply not true and cannot be supported by any evidence: the all-golf alternative will lead to the total loss of endangered species on the property if it is adopted. Moreover, it is simply not true that the all-golf alternative will be the cheapest alternative to implement. The report defers to future study or the appendixes—or fails to mention all together—the ongoing operating losses at Sharp Park and the many millions of capital improvements that will be needed to keep the golf course in its present, unsustainable location. These include millions of dollars of improvements to the course itself; millions of dollars in the creation of a sea wall, a sea wall that would inevitably lead to the loss of Laguna Salada Beach as it disrupts beach renourishment at the site; and millions in environmental permitting costs. By failing to report these costs to the Commission, the General Manager presents an incomplete assessment of costs associated with the all-golf alternative.

Moreover, the report significantly overestimates restoration costs at Sharp Park. Significantly, in the appendixes, the report states that a mitigation bank is a viable alternative to restoring the landscape, and can net San Francisco \$5million after restoration work is complete and ongoing maintenance funded. While obstacles remain in implementing a mitigation bank, this alternative isn’t even considered in the report or in General Manager Ginsburg’s conclusions.

In addition, the costs listed for restoration work is inconsistent with recent comparable restoration projects from around the Bay, indicating that they may have been purposefully inflated to make restoration seem infeasible. Exaggerated and unnecessary line item expenses for off-site disposal of soils—while creating upland habitats—are inconsistent and unnecessary. The report consistently recommends more expensive restoration techniques when lower cost options are available, and then compares these costs to an all-golf alternative that fails to account for capital expenses. The restoration alternative therefore serves as a straw man for the alternative assessment, and does not represent realistic or accurate costs of such work.

**VI. The restoration alternative considered in the alternatives assessment is incomplete and inconsistent with results obtained at restoration sites nearby.**

Mori Point, south of Sharp Park, has been a restoration success story, improving habitat for the San Francisco garter snake and the California red-legged frog while providing recreational opportunities everyone can enjoy.

Yet the report indicates that there is tension between restoration and recreational access at Sharp Park: unless that recreation is golf. This absurd assumption is belied by the work at Mori Point, which isn't considered as a case study for the property.

Moreover, the report suggests that upland habitats are a constraint on the viability of the property, and further suggests that uplands near aquatic features are more useful than upland habitats further away from aquatic features. Under such assumptions, it would be reasonable to propose restoring Sharp Park by building a mixture of wetland and upland habitats in areas where the golf course currently impinges and harms the endangered species on the site. Instead, the report suggests *reducing existing aquatic habitat* and creating upland habitats within the existing footprint of the aquatic feature. Thus, rather than restoring upland habitats to match aquatic features on the site, and including a mixture of upland and aquatic/wetland habitats as restoring occurs inland of the lagoon, the report destroys one habitat requirement for the endangered species in order to build another. The restoration alternative assessed is simply not based on the scientific evidence we have about the species' requirements, and therefore the report creates a false and misleading comparison between restoration alternatives and all-golf alternatives at Sharp Park.

**VII. Action approving the General Manager's recommendation would violate the California Environmental Quality Act.**

If the Commission or the Department moves forward with a commitment of resources before a project-specific initial study or a mitigated negative declaration is completed, then the Commission may be in violation of CEQA. CEQA requires that, before taking action and investing resources in actions affecting the environment, the environmental impacts be considered, alternatives proposed, and impacts that can be avoided mitigated. Moreover, CEQA requires mandatory public review with specific minimum timeframes so comments can be generated. To date, none of these procedures have been followed. The Commission should not take action until all CEQA requirements have occurred.

Thank you for considering these comments. I look forward to working with you to create a better public park at Sharp Park, a park that protects the environment and provides recreational opportunities we can all enjoy.

Very truly yours,



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11/18/2009 07:09 AM

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Subject Comments on Sharp Park Conceptual Restoration Alternatives Report

## Comments on Sharp Park Conceptual Restoration Alternatives Report

These are the comments of the Center for Biological Diversity on the Sharp Park Conceptual Restoration Alternatives Report published by the San Francisco Recreation and Park Department earlier this month.

The alternatives report is deeply flawed and incomplete. It omits critical information regarding massive financial investments the City will be required to bear to maintain the 18-hole golf course in the future.

A fundamental problem with the report is that the Park Department has mixed in its personal preferences and biases regarding use of the park with cherry-picked and misconstrued fragments of reports by consultants, which are relegated to the appendices. Considerations contrary to the Department's predetermined outcome were excluded.

The Park Department's cover letter and the General Manager's comments to the media have portrayed the conclusions of the report as the work and opinion of experts on the endangered species and hydrology at the site, and falsely implied that the consultants made and approve of the conclusions drawn by the Park Department and support the Park Department's preferred option, the 18-hole alternative. This is not the case.

The Park Department is promoting the 18-hole alternative for Sharp Park although the no-golf option is the best for the environment, the City's budget, and outdoor recreation. The report downplays the extensive golf course impacts that will continue to occur with the 18-hole and 9-hole options. The report fails to credibly analyze whether the 18-hole and 9-hole alternatives allow for viable restoration of endangered species habitat.

A major and glaring omission in the report is the lack of any credible discussion of how the coastal lagoon ecosystem will respond to the impacts of sea level rise with climate change. Sea level rise will eliminate all endangered species habitat at the site if habitat to the east (upland) of the lagoon is not restored and allowed to migrate upland with sea level change.

Laguna Salada is a modified and managed system and continued management of this former coastal lagoon as a lake will cause increasing hydrologic and habitat problems. The current configuration of the levee blocks water discharge from the wetlands and causes flooding. The levee will either erode or the beach will be lost as sea level rises and water quality in lagoon will likely degrade. Pumping to lower the lake level currently affects listed species and if pumping

continues as sea level rises, it will reverse the groundwater gradient and cause salinity intrusion, resulting in a saltwater lagoon uninhabitable by the endangered species.

The report needs review and input by someone with expertise in coastal lagoon ecosystems. We are attaching a recent presentation by Bob Battalio, Principal of PWA, and a civil engineer with extensive experience on management and enhancement of natural aquatic ecosystems, regarding solutions to addressing the hydrologic constraints at the site. Mr. Battalio notes that the Park Department management plan is not sustainable and does not adapt to sea level rise. He recommends expanding habitat for protected species eastward to a more sustainable area; restoring a functional and adaptive ecosystem by allowing drainage to the ocean through portions of the levee; developing flood defenses further inland at edge of developed areas rather than at the berm; allowing the golf course to flood and the levee to erode; and developing a long term land use that adapts to climate change.

The Park Department report falsely inflates the costs of wetlands restoration. It adds in unnecessary major costs such as draining the lagoon and off-site disposal of dredged materials to drive up the perceived costs of restoration and make restoration seem infeasible. It leaves out the potential for passive restoration of portions of the wetlands on the eastern side of the lagoon at no cost if the golf course is removed and wetlands habitat is not mowed.

Conversely, the report fails to include major infrastructure costs that will be required to keep and maintain the golf course. There is no discussion of storm damage risk and post-storm reconstruction costs based on up-to-date sea level rise and climate change forecasts. Golf course reconstruction or repair following storm flooding will be very costly for the City as compared with a low-infrastructure open space park. The report does not mention the \$32 million armoring of the sea wall needed to protect the golf course. The report does not consider the \$7 million dollar project to provide recycled water for the thirsty and wasteful golf-course greens. The report does not factor in the fines and damages the City could be liable for due to illegally killing endangered species. The long-term financial and liability costs of maintaining of the golf course are potentially very significant.

The report states the obvious: the less restoration work put into Sharp Park, the cheaper it will be to get done. But the minimal habitat enhancement proposed by the Park Department in the 18-hole and 9-hole alternatives is inadequate to allow the recovery of the garter snake and frog at the site, and is set up to fail with climate change and sea level rise. It will cost tens of millions of dollars in infrastructure to protect the golf course - and armoring the coast to do so will destroy the beach in the process. Continued pumping of the wetlands to maintain the golf links will ensure that the small areas left behind for endangered species will become more saline and uninhabitable. For far less money, a restoration project can allow the coastal habitat to adapt to climate change, while focusing engineering solutions closer to houses and infrastructure rather than fighting the ocean.

Omissions regarding coastal geomorphic and hydrologic processes that would likely be affected by climate change and sea level rise, including potential salinity intrusion impacts could result in substantial bias in the report's comparison of alternatives and significant errors in the cost

comparisons among the alternatives.

The Park Department is proposing endangered species planning that is entirely dependent upon an unsustainable static golf-course and wetlands configuration that is set up to fail with sea level rise. This would be an expensive waste of the City's investment and fail to solve the flooding or endangered species issues.

As a science-based organization, we question the credibility of a report containing unsupported claims such as that domestic pets and picnicking are among the most significant threats to the red-legged frog and San Francisco garter snake at the site, while downplaying very real and significant impacts to habitat and documented mortality of endangered species from the golf course. This assertion of recreation as a primary threat is contradicted elsewhere in the report. Likewise the claim that salt spray is a constraint on restoring upland habitat in the golf course is dubious. These contentions are unsupported by any documentation or literature. Tellingly, the report expressly disclaims any assessment of nutrient loading of the lagoon by golf turf fertilizer or pesticide impacts on red-legged frog reproductive success at Sharp Park, despite acknowledging that the herbicide Roundup is used at the course, known to be harmful to frog eggs and larvae. There is a mismatch between the inflated "threats" from restoration posed in the report and the dismissed known threats from maintaining the golf course. The conclusions about relative threats are contrary to the findings of the U.S. Fish and Wildlife Service in the recovery plan for the California red-legged frog.

Disturbingly, the report proposes draining Laguna Salada as a "restoration" activity. There is no justification for this extraordinary and unnecessary impact and the associated enormous cost. Wetland restoration methods provide the ability to dredge for wetland enhancement, if that is needed, without draining the lagoon. Any attempt to drain the lagoon will be met with immediate litigation for "take" of listed species and permits for any such action will be vigorously challenged.

The Park Department promised the public peer review of this report. The Commission should order peer review of the report due to its considerable flaws and limited scope, so that the public can have confidence in the evaluation of the alternatives.

We urge the commission to vote for the full restoration of Sharp Park and the no-golf alternative. The best economic, environmental and recreational option for the future of Sharp Park is to add it to the Golden Gate National Recreation Area.

\*\*\*\*\*

Jeff Miller  
Conservation Advocate  
Center for Biological Diversity  
351 California Street, Suite 600  
San Francisco, CA 94104  
Phone: (415) 436-9682 x303

Fax: (415) 436-9683

Web site: [www.biologicaldiversity.org](http://www.biologicaldiversity.org)

*At the Center for Biological Diversity, we believe that the welfare of human beings is deeply linked to nature — to the existence in our world of a vast diversity of wild plants and animals. Because diversity has intrinsic value, and because its loss impoverishes society, we work to secure a future for all species, great and small, hovering on the brink of extinction. We do so through science, law, and creative media, with a focus on protecting the lands, waters, and climate that species need to survive. We want those who come after us to inherit a world where the wild is still alive.*



**"Wes Womack"**  
**<wesw@sfsurfrider.org>**  
11/19/2009 07:57 AM

To <recpark.commission@sfgov.org>,  
<board.of.supervisors@sfgov.org>  
cc "Michael Stewart" <contact.mstewart@gmail.com>,  
<sdamron@surfrider.org>  
bcc

Subject Surfrider Foundation response to Sharp Park proposal

To Whom it May Concern,

Please find attached the Surfrider Foundation, San Francisco Chapter's official response to the Sharp Park restoration proposal currently being considered by the City of San Francisco et al.

If there are any questions please direct them to me at [wesw@sfsurfrider.org](mailto:wesw@sfsurfrider.org), or phone (415) 706 7527.

Regards,

Wes Womack



Wes Womack, Chapter Chair  
Surfrider Foundation  
*San Francisco Chapter*

13

November 19, 2009



Phil Ginsburg, General Manager  
San Francisco Recreation and Parks Department  
501 Stanyan Street  
San Francisco, CA 94117

RE: Sharp Park

Dear Mr. Ginsburg:

On behalf of the San Francisco Chapter of the Surfrider Foundation, I urge the City and County of San Francisco to reject the Recreation and Parks Department's proposal to move forward with an all-golf alternative at Sharp Park.

The San Francisco Chapter of the Surfrider Foundation instead supports the alternative vision of restoration and conservation for the public lands at Sharp Park, as being consistent with our national organization's stated mission of "dedication to the protection and enjoyment of the world's oceans, waves and beaches for all people, through conservation, activism, research and education." Furthermore, the first guiding principle adopted by the entire Surfrider Foundation organization (represented by over 50,000 members and 60+ local chapters in the U.S., including over 1000+ members of the San Francisco chapter), clearly represents our position on conservation and restoration efforts by stating that:

*1. SURFRIDER recognizes the biodiversity and ecological integrity of the planet's coasts are necessary and irreplaceable. SURFRIDER is committed to preserving natural living and non-living diversity and ecological integrity of the coastal environment.*

In this specific instance, we feel that the proposed all-golf option for Sharp Park does not adequately address the issues of preserving biodiversity, and protecting the ecological integrity of the coastal environment.

Our chapter is a nonprofit, volunteer organization that has a history of working with the City of San Francisco and the National Park Service for the betterment of our local community. We support a mix of recreational opportunities that could complement conservation and restoration efforts at Sharp Park. However, the current Conceptual Restoration Alternatives Report recommendation of an all-golf option that is quite similar to the existing, current golf use of Sharp Park, does not adequately address the pressing financial, endangered species protection and conservation issues faced by the current golf course. Furthermore, it does not allow for a wider range of coastal focused recreational and educational opportunities, which we know from first-hand experience are in high demand from a wide range of San Francisco residents.

Surfrider Foundation,  
San Francisco Chapter  
P.O. Box 320146  
San Francisco, CA 94132

general@sfsurfrider.org  
www.sfsurfrider.org



For these reasons, we do not believe it is in San Francisco's interest to proceed with the report's recommendations, and we ask that other alternatives for Sharp Park be given consideration instead – alternatives which include restoration, conservation and a wider mix of recreation and educational opportunities.

Sincerely,

A handwritten signature in black ink, appearing to read "Wes Womack".

Wes Womack  
Chapter Chairman,  
Surfrider Foundation, San Francisco Chapter

cc:

Leeland Yee  
455 Golden Gate Avenue, Suite 14200  
San Francisco, CA 94102

Nancy Pelosi  
450 Golden Gate Ave. 14th Floor  
San Francisco, CA 94102

Jackie Spier  
400 S. El Camino Real, Suite 410  
San Mateo, CA 94402

Mayor Gavin Newsom  
City Hall, Room 200  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

David Chiu, President, Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, Ca 94102-4689

Larry Martin, President, Recreation and Parks Commission  
San Francisco Recreation and Park Commission  
501 Stanyan Street  
San Francisco, CA 94117

Carman Chu, Supervisor – District 4  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, Ca 94102-4689

Ross Mirkarimi, Supervisor – District 5  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, Ca 94102-4689



Michael Vezzali  
<mvezzali@riordanhs.org>

11/19/2009 11:28 AM

To Recpark.commission@sfgov.org, gavin.newsom@sfgov.org,  
Sean.elsbernd@sfgov.org, board.of.supervisors@sfgov.org,  
cmoffice@ci.pacifica.ca.us, astissier@co.sanmateo.ca.us,

cc

bcc

Subject Save Sharp Park Golf Course

Dear Mayor Newsom, Mayor Lancelle, Honorable Supervisors and  
Commissioners,

As a fourth-generation born San Franciscan, a high school teacher in San Francisco, an avid golfer, a taxpayer, a voter, and a concerned citizen, I am writing to urge you to preserve the historic 18-hole Sharp Park Golf Course. My great-grandfather played public courses beginning in the 1920's and my family continues to this day to take advantage of these recreational opportunities provided by the our Park & Rec department. Sharp Park continues to be an affordable golf destination for the working class and middle class of San Francisco. I absolutely disagree with the notion that golf is an elitist sport. Two of my colleagues just learned how to play golf last spring, and their first 18-hole golf experience was Sharp Park. They had a great experience because it is the perfect course for beginners: wide and relatively flat with plenty of opportunities for good lies. This positive experience has made them want to continue playing golf, which is the purpose of our Park & Rec department. The recent report released that proposes making modifications to the existing course in order to protect endangered habitat while still allowing for 18 holes of golf makes the most sense and does the greatest good for the greatest number of interested parties. I am also encouraged by the willingness of all parties in the region to work together in order to create this win-win situation. I strongly urge you to vote in favor of the proposal to modify Sharp Park Golf Course. Thank you for your time and attention to this matter.

Sincerely,

Michael L. Vezzali

14



**Katie2371@aol.com**  
11/18/2009 03:36 PM

To Recpark.commission@sfgov.org, gavin.newsom@sfgov.org,  
Sean.elsbernd@sfgov.org, board.of.supervisors@sfgov.org,  
cmoffice@ci.pacifica.ca.us, astissier@co.sanmateo.ca.us,

cc

bcc

Subject Save Sharp Park Golf Course

Dear Mayor Newsom, Mayor Lancelle, Honorable Supervisors and Commissioners,  
I am a San Francisco resident, writing to urge you to preserve the historic 18-hole  
Sharp Park Golf Course.

Keeping the Sharp Park Golf Course as a public, affordable golf course is essential  
to all levels of golfers. Let's not be swayed by fancy talks and ideas for the land.  
We need to keep it as a golf course. There's no reason for spending millions of dollars to make  
it something else when it is already something that is needed and being used in the form it is.

I play golf at Sharp Park at least once a week and love it.

Katie Young, age 82

14



**RK Bose**  
<rk\_bose@hotmail.com>

11/15/2009 04:31 AM

To <recpark.commission@sfgov.org>,  
<gavin.newsom@sfgov.org>, <sean.elsbernd@sfgov.org>,  
<board.of.supervisors@sfgov.org>,  
cc <info@publicgolf.com>

bcc

Subject Sharp Park

Dear Mayor Newsom, Mayor Lancelle, Honorable Supervisors and Commissioners,

I am a San Francisco resident, and urge you to preserve the historic 18-hole Sharp Park Golf Course.

Though I am not a golfer, the existence of these facilities significantly improve the quality of life for everyone, not just golfers. The history and beauty contribute to the sense of place unique to San Francisco.

The endangered species involved have survived through the golf course's existence, and in fact the disruption from a major change in use is more likely to affect their habitat adversely than a more limited effort. The Nativist movement is transparently using the animals as an excuse for implementing its "restorationist" ideology. The demise of the snake, the frog, and public golf should not be the unintended consequences of their experiments.

R.K. Bose



"K. O'Driscoll"  
<k\_odriscoll@yahoo.com>  
11/17/2009 10:12 PM

To board.of.supervisors@sfgov.org  
cc  
bcc

Subject Keep the Sharp Park Golf Course an 18-hole course

Dear San Francisco Board Members,

I am a resident of Pacifica, specifically West Fairway, and my house is across the street from the golf course.

I am writing to you to tell you that I believe Sharp Park should be kept as an 18-hole course, for two main reasons.

First, the golf course has been here for, I believe 70 years. It is a fixture in Pacifica. Turning it into a wetlands biological preserve would be similar to restoring the Bay to its original border, which is approximately Market Street. I feel that resources for preserving the environment should be mainly used to prevent the development of pristine areas.

The second reason I am against changing the Sharp Park course into a biological preserve, is that I believe those behind this feel that Sharp Park is a soft target. Pacifica is a small city compared to San Francisco. It would be interesting to see the response if there was a proposal to turn one of San Francisco's golf courses into a preserve. By going after Sharp Park, if they are successful, they would get a feather in their cap, without too much fallout from San Francisco residents.

I hope you take my comments into account with all future decisions relating to the Sharp Park Golf Course. I want it left as an 18-hole course.

Thank you for your time.

Sincerely,

Kevin O'Driscoll



JMeyers20@aol.com

11/18/2009 01:41 PM

To Recpark.commission@sfgov.org, gavin.newsom@sfgov.org,  
Sean.elsbernd@sfgov.org, board.of.supervisors@sfgov.org,  
cmoffice@ci.pacifica.ca.us, astissier@co.sanmateo.ca.us,

cc

bcc

Subject Save Sharp Park Golf Course

Dear Mayor Newsom, Mayor Lancelle, Honorable Supervisors and Commissioners, I am a San Francisco resident, writing to recommend that the current 'environmentalist' effort to close Sharp Park Golf Course be rejected. What is going on is not an environmental effort to do anything objectively good, but is a part of an effort to destroy the game of golf - which this particular group of people views as the domain of white rich guys. Anyone who's ever played golf, or bothered to look around at the people who play at Sharp Park knows otherwise.

We seem to have reached an era where only those activities which are politically correct are worthy of preservation. It's ironic that such a thing is happening in San Francisco, where we pride ourselves on the ability to tolerate other people's ways of life - but now cannot seem to tolerate any way of life that does not please local activists own views of what is worthy of existing. There has to come a point, however, where such intolerance and political correctness is brought to a stop and people who stick their noses into other peoples' past times should be told to mind their own business. The whole concept of "studying" whether Sharp Park Golf Course should remain a golf course is nothing but a class warfare exercise not worthy of a major city government's attention. I am ashamed that such an issue could even arise in the city where I live.

Joe Meyers  
San Francisco

14



James miller  
<jmwebdesigns@hotmail.com>  
>

11/12/2009 12:26 PM

To <livable.streets@sfgov.org>, <tep@sfmta.com>,  
<bicycle@sfmta.com>, <website.dpt@sfmta.com>,  
<sfmtasunshinerequests@sfmta.com>,  
cc <letters@sfchronicle.com>, <letters@examiner.com>

bcc

Subject Market St. closure

Dear San Francisco,

After at least 10 years and wasting maybe a million or so dollars on "studies", the City finally decides to free up a small part of Market St. from auto congestion. Once again, it's way too little and very late. Why only a few blocks and why only in one direction? Why is this simply another trial period that will probably go nowhere? Why do our officials lack the foresight, the environmental sensibility and the courage to promote a total auto ban on all of Market St. or at least in the financial district?

We constantly hear the same excuses: merchants will suffer, businesses need the flow of consumer traffic, and the like, as if motorists need to drive down Market to reach a Walgreens or one of the many sleazy souvenir, porno, electronic or rip-off clothing shops that proliferate amidst the abandoned storefronts. Or is it that shoppers need Market St. auto access to the Cable Cars, SF Center and the "reputable" businesses north of 4th Street? What a joke that is!

In our so-called transit-first city, city officials, planners and the SFPD continue to ignore the environmental nightmare this street has become due to the infection by bums, drug addicts, crime, sleazy merchants and, worst of all, endless auto traffic.

The City and SFPD have let so many other streets become rampant with red-light running, speeding, cellphone use and texting while driving: Laguna, 19th Avenue, Fell, Oak, Gough, Masonic, Franklin, Van Ness among others are so dangerous and completely unmonitored. Why can't Market St. be an exception?

How much longer must we wait for you to clean up Market, give us full bike lanes, create a pedestrian mall and get rid of the autos which threaten, pollute and so grossly detract from our Main Street? When will you decide to do the right thing?

Thank you,

James Miller

---

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# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
San Francisco Bay National Wildlife Refuge Complex  
9500 Thornton Ave  
Newark, California 94560  
(510)792-0222

November 23, 2009

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

REF: File No. 091278

Proposed Adoption of Resolution of Necessity for Eminent Domain  
Subsurface Tunnel Easements at Ravenswood Open Space Preserve  
San Mateo County Assessor's Parcels 063-590-060 and 096-230-110

Honorable Board of Supervisors:

The Don Edwards San Francisco Bay National Wildlife Refuge supports the proposed exchange of easements between the San Francisco Public Utilities Commission (SFPUC) and the Midpeninsula Regional Open Space District (MROSD) in order to complete a vital link in the San Francisco Bay Trail. SFPUC wishes to acquire a subsurface tunnel easement across publicly dedicated open space owned and managed by MROSD at Ravenswood Open Space Preserve in Menlo Park for the purpose of constructing the new transbay pipeline. MROSD has proposed an exchange of easements that will convey to SFPUC the needed tunnel easement across MROSD lands, and in exchange MROSD will acquire a trail easement across adjoining San Francisco lands that will close a critical gap in the Bay Trail system. The Don Edwards San Francisco Bay National Wildlife Refuge recognizes the importance of upgrading the safety and reliability of the Hetch-Hetchy water supply system serving many Bay Area communities. We believe an exchange of easements between SFPUC and MROSD will provide additional benefit to these communities by enhancing public access and recreational opportunity along the bay.

A trail link connecting existing sections of the Bay Trail at Ravenswood Open Space Preserve and along University Avenue has been sought by Bay Trail stakeholders for over 20 years, beginning with discussions between the County of San Mateo and the SFPUC in the late 1980s that was supported by a grant from the California State Coastal Conservancy. Our understanding is that this earlier effort was unsuccessful due to a perceived conflict in use on the SFPUC-managed property with an existing gun club lease. That lease ended some time ago. The feasibility of such a trail link was studied in detail in 2004-05 in a report commissioned by Menlo Park and involving participation by a stakeholder task force including SFPUC, East Palo Alto, San Mateo County, utility agencies, bicycle and open space advocates, trail planners,

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MROSD, and others. The route proposed by MROSD for a public trail easement across the SFPUC-managed property is nearly identical to the route identified in the Menlo Park report as the "Preferred Alignment."

Sincerely,



Digitally signed by Eric Mruz  
DN: cn=Eric Mruz, o=US Fish and  
Wildlife Service, ou=Don Edwards  
San Francisco Bay NWR,  
email=eric\_mruz@fws.gov, c=US  
Date: 2009.11.23 11:53:07 -08'00'

Eric C. Mruz  
Refuge Manager  
Don Edwards San Francisco Bay NWR

cc: Mayor Gavin Newsom  
Ed Harrington, General Manager, SFPUC



Gavin Newsom  
Mayor

Mitchell H. Katz, MD  
Director of Health

## MEMORANDUM

**DATE:** October 29, 2009

**TO:** Angela Calvillo  
Clerk of the Board

**FROM:** Mitchell H. Katz, MD *Mitchell Katz*  
Director of Health

**RE:** BOS Inquiry 20091006-002

It is extremely difficult to predict the impact of federal health reform legislation on San Francisco, in general, and Healthy San Francisco, specifically, because there are three US Senate bills, all of which are somewhat different, and one bill in the US House of Representative, not all of which have come up for vote. To pass legislation these different bills will need to be melded into one. This may result in major changes and there is also the possibility that no bill health care reform bill will pass the UC Congress for presidential consideration.

However, even with this uncertainty, it is clear that even with the passage of health reform bill(s), San Francisco will still need Healthy San Francisco. The reason is that large numbers of the uninsured in San Francisco will remain uninsured because: (1) no federal bill contemplates providing coverage to undocumented persons, despite the fact that the undocumented have real health problems that are better addressed early rather than late, (2) the health care reform bill will likely require individuals to purchase health insurance if it is affordable and for many people it will not be affordable, and (3) the provisions of any passed bill will most likely not go into effect for at least four years.

Given this background, and the tremendous uncertainty on these issues, the Department of Public Health offers the following replies. Please note that based on discussion and conversation with Catherine Dodd, PhD, RN, Interim Director of the Health Services System, the Department's response to this Board Inquiry is limited solely to Question 1 which deals directly with the Healthy San Francisco program overseen by the Department. Ms. Dodd will provide responses to Questions 2 and 3 of the Board Inquiry which deal directly with the City's Health Services System in a separate response.

1. *If a mandate for health insurance remains in the final legislation, does Healthy San Francisco qualify as an acceptable insurance plan for those uninsured San Franciscans who now must get insurance?*

Healthy San Francisco is not health insurance and therefore, it would not meet an individual mandate to have health insurance. Healthy San Francisco would be a good option for people for whom health insurance coverage is unaffordable, as well as, undocumented persons who will not be covered under health care reform.

*1a. If a federal "public option" is created, how does it work with and/or conflict with Healthy San Francisco?*

As currently envisioned, the public option is health insurance. As a result, the existence of a public option would neither work with or conflict with Healthy San Francisco. If however, the public option allowed local demonstration projects that were non-insurance programs, like Healthy San Francisco, then a public option might work with Healthy San Francisco. Note that there are no discussions in Congress regarding expanding the public option to include non-insurance programs.



# SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED  
BOARD OF SUPERVISORS  
CITY OF SAN FRANCISCO

2009 NOV 23 AM 11:22

November 16, 2009

BY Re

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

An Open Letter to President Judith Berkowitz and the Coalition for San Francisco Neighborhoods:

The November 2009 *Neighborhood Views* newsletter had several inaccuracies regarding the legislation pending before the Land Use Committee to initiate the Commission's Discretionary Review (DR) Reform policy. Coalition members deserve to know the true scope and impacts of the Commission's DR Reform policy and this letter is intended to clarify some of the issues raised in your article.

First and foremost, the DR Reform policy does not change the City Charter. DR is not part of the City Charter; changes to the Charter can only be made by a vote of people. The proposed legislation would change text in the Planning Code that would allow the Planning Commission to delegate some of its DR powers to the Planning Department. This change would also give the Commission the ability to take away that delegation at any time if the Commission chooses to do so.

Second, DR is not public oversight of the Planning Department, but the Planning Commission's authority to modify Code-complying projects that demonstrate an exceptional or extraordinary circumstance. The City Attorney's 1954 interpretation of the Commission's DR powers noted that this is "a sensitive discretion and one which must be exercised with the utmost restraint." The intention behind DR Reform is to help ensure that only those projects that fall within the realm of the Planning Commission's definition of exceptional or extraordinary be given a public hearing before the Planning Commission. All projects could still be appealed to the Board of Appeals. Reducing the number of DRs heard by the Commission would allow it more time to focus on higher-level policy issues, which in turn would facilitate better planning throughout the City.

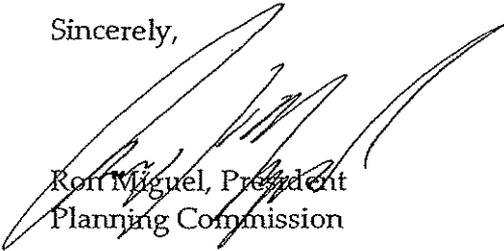
The Planning Department has spent over a year working in good faith with neighborhood organizations such as yours on DR Reform. As a result, significant modifications to the original proposal were made to address concerns raised by neighborhood groups and members of the public. The result is a process that the Commission, the Department and many members of the public believe will provide a more meaningful and fair process for applicants and the community. DR Reform includes better community engagement at the beginning of the development process by strengthening and formalizing pre-application meeting requirements, tighter Department review standards and improved consistency in how the Department

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interprets the Residential Design Standards, and a more transparent decision making process. All of the reform polices that do not require a change to the Planning Code have been implemented, and early results show that they are working. However, for meaningful reform to happen, all of the reform elements need to be adopted. Anything short of that would undermine the reform process and limit the Commission's ability to focus on substantive policy issues.

The Planning Department is made up of over 150 dedicated professionals, many of whom call this City home and all of whom care about the livability, prosperity and overall success of San Francisco. While it's understandable that changes to a long standing process may cause concern to some people, it's another thing to insinuate that the Commission and the Department have acted in anything other than good faith, as professionals in a field who seek to make San Francisco a more vibrant and better place to live. We encourage your members to read the full proposal, which has always been online, and to explore our web site, which details the entire process and the extensive amount of community outreach that the Department has engaged in during this process.

Sincerely,



Ron Miguel, President  
Planning Commission



John Rahaim  
Director of Planning

- cc: Supervisor Sophie Maxwell, Chair, Land Use and Economic Development Committee  
Supervisor Eric Mar, Member, Land Use and Economic Development Committee  
President David Chiu, Member, Land Use and Economic Development Committee  
Angela Calvillo, Clerk of the Board of Supervisors

# City and County of San Francisco

Office of the Controller – City Services Auditor

BOS-11  
cpage

## BOARD OF SUPERVISORS:

### Franchise Fee Audit of Astound Broadband, LLC

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2009 NOV 23 AM 11:31  
BY pc



November 23, 2009

19

**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  
Vivian Chu, Associate Auditor



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

**Ben Rosenfield**  
**Controller**

**Monique Zmuda**  
Deputy Controller

November 23, 2009

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

President and Members:

The Controller's Office, City Services Auditor (CSA), presents its report concerning the audit of franchise fee payments Astound Broadband, LLC (Astound) made to the City and County of San Francisco (City) to operate an open video system within the City. The open video system franchise allowed Astound to provide cable service and internet service to its customers in the City. Each quarter, Astound was required to report its gross revenues from the operation of its cable service and to pay 5 percent of the gross revenues from its cable service as a franchise fee to the City. In addition, Astound was required to pay 3 percent of the gross revenues from its cable service for facilities and the support of public, educational, and governmental channels (PEG fees).

**Reporting Period:** March 13, 2007, through October 28, 2008

<b>Fees Paid:</b>	Franchise Fees:	\$180,283
	PEG Fees:	<u>103,977</u>
	Total:	\$284,260

**Results:**

Astound correctly paid the franchise and PEG fees due to the City, but did not make 8 of the 16 payments due during the audit period in a timely manner. As a result, Astound owes \$919 in interest charges.

Responses from the Department of Technology (DT) and Astound are attached to this report. CSA will work with DT to follow up on the status of the recommendations made in this report.

Respectfully submitted,

Tonia Lediju  
Director of Audits

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

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# INTRODUCTION

---

## **Audit Authority**

The Office of the Controller (Controller) is required under San Francisco Administrative Code, Chapter 11, Article V, Section 11.44(a) to file a report no less than every two years with the Board of Supervisors analyzing whether a franchisee is complying with the audit, reporting requirements, and payment obligations contained in Chapter 11 and the franchise ordinance. In addition, the City and County of San Francisco (City) has the right under San Francisco Administrative Code, Chapter 11, Article V, Section 11.38 to access the books and records of a franchisee to monitor compliance with Chapter 11 of the Administrative Code, the franchise ordinance, or other applicable law. Further, the City Charter provides the Controller, City Services Auditor (CSA), with broad authority to conduct audits. We conducted this audit under these authorities.

## **Background**

On July 25, 2000, the City's Board of Supervisors (Board) awarded a cable system franchise to RCN Telecom Services, Inc. (RCN). Effective October 28, 2004, the Board allowed RCN to terminate its cable franchise and replace it with an open video system franchise for a four-year period. An open video system franchise allows the provider to supply cable service and internet service to its customers in the City. RCN subsequently transferred the franchise to Astound Broadband, LLC (Astound) and the Board approved the transfer on January 23, 2007. The purchase of RCN by Astound was completed on March 13, 2007, and the franchise agreement subsequently expired on October 28, 2008. Astound now has a franchise with the State of California under California Public Utilities Code, Section 5860, which regulates cable operators. However, Astound is still required to pay fees to the City.

The City's Department of Technology (DT) was responsible for overseeing the franchise. The City's Administrative Code, Section 11.22 required Astound to report each quarter its gross revenues from the operation of its cable service, and to pay 5 percent of the gross revenues from its cable service as a franchise fee to the City. Astound was also required to pay 3 percent of its gross revenues from its cable service for facilities and operation of public, educational, and governmental channels (PEG fees).

Astound was required to pay its franchise fees and other fees within 40 business days after the end of each quarter.

### **Scope and Methodology**

The purpose of this audit was to determine whether Astound correctly reported its gross revenues from its cable service and correctly paid the City the franchise fees and other fees due from March 13, 2007, through October 28, 2008. To determine whether Astound correctly reported gross revenues for the audit period, the audit team tested on a sample basis Astound's supporting records for those revenues and assessed the timeliness of Astound's franchise fee payments. As part of this audit, the audit team interviewed staff from Astound, DT, and the Office of the City Attorney.

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

# AUDIT RESULTS

## Astound Correctly Paid Franchise Fees and PEG Fees to the City

Astound Broadband, LLC (Astound) correctly paid \$180,283 in franchise fees and \$103,977 in PEG fees to the City for the period from March 13, 2007, through October 28, 2008. Exhibit 1 summarizes Astound's reported gross revenues and franchise fees paid.

### EXHIBIT 1 Revenue Reported and Fees Paid March 13, 2007, through October 28, 2008

Reporting Period	Subscribers	Revenues Reported	Franchise Fee Rate	Franchise Fees Paid	PEG Fee Rate	PEG Fees Paid
Mar 13 - Mar 31, 2007	2,931	\$ 111,901	5%	\$ 5,595	3%	\$ 3,357
Apr 1 - Jun 30, 2007	8,765	627,304	5%	31,365	3%	18,819
Jul 1 - Sept 30, 2007	8,486	591,964	5%	29,598	3%	17,759
Oct 1 - Dec 31, 2007	8,373	500,549	5%	25,027	3%	15,016
Jan 1 - Mar 31, 2008	8,378	495,957	5%	24,798	3%	14,879
Apr 1 - Jun 30, 2008	8,637	514,395	5%	25,720	3%	15,429
Jul 1 - Sept 30, 2008	8,922	570,490	5%	28,525	3%	17,115
Oct 1 - Oct 28, 2008	3,082	193,098	5%	9,655	0.52/per Subscriber*	1,603
<b>Totals</b>	<b>57,574</b>	<b>\$3,605,658</b>		<b>\$ 180,283</b>		<b>\$ 103,977</b>

Note: Starting October 2008, the PEG fee was changed to \$0.52 per subscriber.

Source: Astound Broadband, LLC.

## Astound Owes Interest on Late Franchise Fee and PEG Fee Payments

Astound did not make 8 of the 16 payments for franchise and PEG fees due during the audit period in a timely manner. The payments for March 2007, Astound's first month of operations, were not received until more than 60 business days after the end of the quarter. Astound was required to pay its franchise fees and other fees within 40 business days after the end of each calendar quarter. The San Francisco Administrative Code, Section 11.27 states that an interest rate of 1.5 percent per month is to be charged on payments not received by the City on or before the due date. DT, the department that administered the franchise agreement, did not initiate the charging of late fees. As a result, Astound owes the City \$919 in interest on late payments.

**EXHIBIT 2****Interest Due on Late Payments  
March 13, 2007, through October 28, 2008**

Transaction Description	Amount	Post Date	Due Date	Date Received	No. of Days Late	Interest Due
Mar 2007 Franchise Fees	\$ 5,595	8/28/07	5/25/07	8/24/07	63	\$ 176
Mar 2007 PEG Fees	3,357	10/12/07	5/25/07	9/26/07	84	141
Apr - Jun 2007 Franchise Fees	31,365	10/12/07	8/27/07	9/12/07	12	188
Apr - Jun 2007 PEG Fees	18,819	10/12/07	8/27/07	9/12/07	12	113
Jan - Mar 2008 Franchise Fees	24,798	6/10/08	5/26/08	6/3/08	6	74
Jan - Mar 2008 PEG Fees	14,879	6/10/08	5/26/08	6/3/08	6	45
Jul - Sept 2008 Franchise Fees	28,525	12/12/08	12/1/08	12/9/08	8	114
Jul - Sept 2008 PEG Fees	17,115	12/12/08	12/1/08	12/9/08	8	68
<b>Totals</b>	<b>\$144,453</b>					<b>\$ 919</b>

Source: Auditor's calculations.

**Recommendations**

DT should:

1. Remind Astound to make its payments for franchise fee and PEG fees on a timely basis.
2. Require Astound to pay \$919 in interest on late payments to the City.
3. Coordinate with the Controller to charge and collect interest on all late franchise fee payments.

# **ATTACHMENT A: DT'S RESPONSE**

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City & County of San Francisco  
**Department of  
Technology**  
*Powered by Innovation*

One South Van Ness Avenue, 2nd Floor  
San Francisco, CA 94103-0948  
Office: 415-581-4001 • Fax: 415-581-4002

**DATE:** November 19, 2009  
**TO:** Tonia Lediju, Director of Audits, CSA  
Office of the Controller  
**FROM:** Ron Vinson, Director of Media  
**SUBJECT:** Audit of Astound Broadband

## **Department of Technology Response**

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The Department of Technology (DT) has reviewed the Controller's audit of Astound Broadband (Astound), and agrees with the Controller's conclusion that Astound has properly paid all franchise fees and PEG fees owed to the City. DT also agrees with the conclusion that certain fee payments were received late according to the terms of the Open Video Services agreement between Astound and the City.

DT notes that fee checks are sent directly to the Controller and, in the past, DT only received notice that the fees had been paid when they were posted to the appropriate account. The time periods between fee receipt date and posting date will vary significantly, which made it difficult for DT to determine when Astound's fees were actually received by the Controller. DT and the Controller have recently initiated a process whereby the Controller will notify DT of the receipt date of each franchise fee and PEG fee payment. This process should ensure that DT, in the future, timely identifies and initiates late fee collections actions with the Controller.

DT also notes that, with one exception, the fees were not seriously delinquent. The one case in which fees were significantly late occurred for two partial quarterly payments for March 2007. This was the first month in which Astound assumed control of the cable system from the prior owner, which was in bankruptcy. Astound claims that they were unable to timely obtain necessary information from the prior owner to calculate the proper amount due. Astound requests forgiveness of these late fees for that reason. However, given the circumstances of this transfer and the long period of time before the fees were actually paid, DT sees no justification to forgive these fees. We note that Astound had ample opportunity to request an extension or waiver of the penalties at the



Office of the Controller  
Page Two

time that the fees were initially due, but failed to do so. Therefore, DT declines to forgive the late fees for the March 2007 payments and require Astound to pay all late fees identified by the Controller.

Finally, DT notes that recent changes to California state law have changed the timing for payment of franchise fees and PEG fees, and also the interest rate to be applied when calculating late fees. Specifically, California Public Utilities Code Sections 5860(h) and 5870(m) provide that franchise fees and PEG fees shall be remitted quarterly, within 45 days after the end of the quarter, for the preceding calendar quarter. In addition, Section 5860(h) provides that if the franchise fee is not paid when due, the City may assess a late payment charge "at a rate per year equal to the highest prime lending rate during the period of delinquency, plus 1 percent." DT will send a written reminder of these changes to all state franchised video service providers operating in the City.

In summary, DT will take the following actions:

- DT will send Astound a written reminder of the new laws regarding late payments, and the consequences of failure to pay the fees on a timely basis.
- DT declines to grant Astound's request for forgiveness of the March 2007 penalty, and will require Astound to pay all late fees identified by the Controller.
- DT has worked with the Controller to initiate a process whereby DT staff begins receiving timely notice when any franchise fees or PEG fees are received. DT will notify the Controller when such fees are received late and request that the Controller collect any late fees due from Astound.

Recommendation	Responsible Agency	Response
1. Remind Astound to make its payments for franchise fee and PEG fees on a timely basis.	DT	DT will send Astound a written reminder of the new laws and the consequences of failure to pay the fees on a timely basis.
2. Require Astound to pay \$919 in interest on late payments to the City.	DT	DT declines to grant Astound's request for forgiveness of the March 2007 penalty, and will require Astound to pay all late fees identified by the Controller.
3. Coordinate with the Controller to charge and collect interest on all late franchise fee payments.	DT	DT has worked with the Controller to initiate a process whereby DT staff begins receiving timely notice when any franchise fees or PEG fees are received. DT will notify the Controller when such fees are received late and request that the Controller collect any late fees due from Astound.

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# ATTACHMENT B: ASTOUND'S RESPONSE

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November 5, 2009

Tonia Lediju, Director of Audits  
City Hall, Room 477  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA. 94102

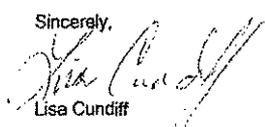
Dear Ms. Lediju:

Astound Broadband, LLC ("Astound") has reviewed the City and County of San Francisco's Draft Report for the payment of franchise and PEG fees from March 2007 to October 2008. It is agreed that Astound correctly paid the franchise and PEG fees, along with a few untimely payments.

Astound is willing to admit fault to the late payments and agrees to pay the \$919.00 in interest charges, although would like to ask for forgiveness on March 2007's late payment. Due to acquiring this franchise on March 13, 2007, Astound was not able to gather the necessary information to calculate and pay the franchise and PEG fees within a timely manner. Astound would like the City's Department of Telecommunications and Information Services to consider waiving the \$317.00 late fee for March 2007.

In all, Astound is satisfied with the audit results made by the City and County of San Francisco. Should you have any further questions, please feel free to contact our office.

Sincerely,

  
Lisa Cundiff

401 Kirkland Parkplace, Suite 500 Kirkland, WA 98033 Tel 425.576.8200 Fax 425.576.8221 www.wavebroadband.com www.astound.net



## MEMORANDUM

November 2, 2009

**TO:** MEMBERS, PORT COMMISSION  
Hon. Rodney Fong, President  
Hon. Stephanie Shakofsky, Vice President  
Hon. Kimberly Brandon  
Hon. Ann Lazarus  
Hon. Michael Hardeman

**FROM:** Monique Moyer *M. Moyer*  
Executive Director

**SUBJECT:** Accept First Quarter Contracting Activity Report - Fiscal Year 2009/10 for the July 1, 2009 to September 30, 2009 Reporting Period

**DIRECTOR'S RECOMMENDATION:** Informational Item – No Action Required

### INTRODUCTION

The purpose of this report is to provide regular reporting of the Port's contracting activities as legally required by the City and County of San Francisco through its Administrative Code or based upon policies and practices adopted by the San Francisco Port Commission. Background information on these requirements is provided at the end of this report as Exhibit 1.

The discussion of this report includes a summary of: 1) 1st Quarter of Fiscal Year 2009-10 contracting activities; 2) projected upcoming contracting activities; and 3) Local 21 staffing changes. The 1<sup>st</sup> Quarter Reporting Period is July 1, 2009 through September 30, 2009.

### SUMMARY

The San Francisco Human Rights Commission has established a 20% local business enterprise (LBE) subcontracting goal on all Port contracts. Based upon the nature of the Port being a maritime oriented facility, the contract work is often highly specialized. Therefore, it is not always possible to achieve this goal on every contract and there are some contracts where the Port is able to exceed the LBE subcontracting goal. However, the Port achieved 67.7% LBE subcontracting participation during this reporting period.

This Print Covers Calendar Item No. 8A

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The Port not only supports local small businesses through the LBE subcontracting goal, but also provides opportunities for local small business growth through joint venture with prime consultants. As such, local business participation is even higher than the HRC subcontracting goal.

**DISCUSSION**

**I. 1<sup>st</sup> Quarter, FY 2009/10 Contracting Activities:**

The Port of San Francisco has met the 20% Local Business Enterprise (LBE) participation goal for its contracts with the participation level at 67.7% for this quarter.

<b>Contract</b>	<b>Awarded to</b>	<b>Award Amount</b>	<b>LBE Amount</b>	<b>LBE %</b>
As-Needed Engineering Services	URS/AGS JV	\$1,500,000*	\$300,000*	20%
As-Needed Fire Protection	Security Electric	\$14,331	0	0
Emergency Elevator Repair Mod #2	Accent Elevator	\$2,600	0	0
<b>As-Needed CSOs</b>				
Environmental (mod)	Weiss Associates	\$14,619	\$12,914	88.3%
Architect/Engineering	Creegan & D'Angelo	\$9,000	0	0
Real Estate Economics	Bay Area Economics	\$107,304	\$102,094	95.1%
Environmental (mod)	Treadwell & Rollo	\$6,000	0	0
Architect/Engineering	Creegan & D'Angelo	\$15,995	0	0
<b>TOTALS</b>		<b>\$169,849</b>	<b>\$115,108</b>	<b>67.7%</b>

\*Master Contract for As-Needed Engineering Services not counted as actual work has not been awarded.

\$200,000 As-Needed Contracting Authorization

No as-needed contracts required approval to exceed the \$200,000 Contract Service Order limit as established by Chapter 6.64 of the San Francisco Administrative Code.

II. Projected Contracting Activities for the Upcoming Year:

As-Needed Contracts (CSOs)	Description of Work	Port Project	Estimated Dollar Value of Work
Engineering	Cost Estimating Services	Pier 19 Roof Repair	\$10,000
Engineering	RFP Specification Development	Port-wide CCTV/ACS	\$100,000
Engineering	Design & Construction Support	Pier 35 Superstructure	\$265,000
Engineering	Demolition of Condemned Piers Cost Estimate	Port-wide	\$20,000
Engineering	Design Construction Support	Pier 45 Drainage	\$50,000
Environmental	Technical Support	Wharf J-10	TBD
Real Estate Economics & Related Services	Transportation Planning	Jefferson Street Improvements	\$5,000
Real Estate Economics & Related Services	Signage Graphics Design	Blue Greenway	\$45,000

Formal Professional Services	Description of Work	Port Project	Estimated Dollar Value of Work
Security Services	CCTV/ACS Installation	Port-wide	\$250,000 annually
As-Needed Contract	Environmental Consulting Services	Port-wide	\$3,000,000
Marine Engineering	Demolition of Pier and Bay Trail Design	Pier 43 Bay Trail Link (GO Bond Project)	\$800,000
Sole Source Design/Build	Shoreside Power	Cruise Terminal	\$1,900,000

Construction Services	Description of Work	Port Project	Estimated Dollar Value of Work
Equipment Repairs & Maintenance	Elevators/ Escalators	Port-wide	\$200,000
ADA Modifications	Ramp and restrooms	401 Terry Francois	\$297,600
Drainage Improvements	Stormwater collection system	Pier 45 Drainage	\$1,600,000

Marine Structural	Various structural repairs	Hyde St. Harbor & Jefferson Streets	\$1,900,000
Shoreline Improvements & Protection	Demolish portions and restore shoreline	Mission Bay/Bayfront Park (GO Bond Project)	\$2,063,000

General Services	Description of Work	Port Project	Estimated Dollar Value of Work
Security Services	Unarmed Guards	Port-wide	\$250,000 annually
Information Technology	Computerized Maintenance Management System	Port-wide	\$900,000 (total budget)
Information Technology	Upgrade of PROPworks system	Port-wide	\$200,000

### III. Local 21 Staffing Activity Changes for Fiscal Year 2009/10 – 1<sup>ST</sup> Quarter

Staffing Activity for Fiscal Year 09/10  
1st Quarter, 7/1/09 – 9/30/09

Class/Title	Activities
1244 Sr. Personnel Analyst	Position vacated due to retirement; backfilled thru a permanent transfer effective 7/13/09.
1652 Sr. Accountant	Position vacated due to retirement; backfill not requested.
5382 Student Design Trainee III	Temp as-needed position vacated due to incumbent's appointment in an SEIU classification.

### RECOMMENDATION

The attached report is submitted to meet the requirements stated in the report Background. Port Staff requests the Port Commission's acceptance of this report.

Prepared by: Norma Nelson, Contract Administrator  
For: Tina Olson, Deputy Director, Finance & Administration

cc: Clerk, Board of Supervisors  
Local 21, IFPTE Representative Ging Louie  
Department of Public Works, Peg Divine  
Human Rights Commission, Selormey Dzikunu

Exhibit 1: Report Background

## EXHIBIT 1

### BACKGROUND

The purpose of this report is to comply with legal and policy mandates for the City and County of San Francisco and Port Commission. These legal and policy requirements are primarily based upon the following:

1. "As-Needed" contracting requirements as promulgated by Section 6.64 of the San Francisco Administrative Code, Port Commission Resolution 03-50 and a Letter of Agreement with Local 21 International Federation of Professional and Technical Employees Association (IFPTE). (Effective April 2005, a \$200,000 limit was imposed via City ordinance for use of as-needed contract services per each single public works project; not including general planning or non-construction related professional services such as real estate economics as-needed contracts.)
2. Local 21 Union for the IFPTE and the City and County of San Francisco Department of Public Works requested that the Port include the following additional information in the subject quarterly reports, as it applies to the use of as-needed professional service contracts:
  - Contracting activity for the current reporting period;
  - Anticipated contracting activity for the upcoming quarter; and
  - Estimated staffing numbers and projects related to the as-needed contract services.
3. San Francisco Administrative Code Section 14(b) requires all departments and contract awarding authorities to report to the Mayor on their progress in the preceding fiscal year toward the achievement of the LBE goals and their steps to ensure non-discrimination against MBEs (Minority Business Enterprises), WBEs (Women Business Enterprises) and OBEs (Local businesses other than MBE or WBE).

The Port of San Francisco has been assigned by the San Francisco Human Rights Commission (HRC) an overall Disadvantaged Business Enterprise (DBE) or Local Business Enterprise (LBE) subcontracting participation goal of 20%. This means that 20% of all of the contracted work procured by the Port of San Francisco must be awarded to Local Business Enterprises or the contractor must have demonstrated a good faith effort to do so.

In the award of leases, franchises, concessions, and other contracts not subject to the discount provisions of Administrative Code Section 14(b), contract awarding authorities such as the Port shall utilize the good faith effort steps to maximize opportunities for LBE participation, as deemed practicable to do so. At the minimum, contract awarding authorities should notify LBEs that are certified to perform the work contemplated in a contract and solicit their interest in the contract. These good faith effort steps are described in each solicitation for a Port

lease, franchise, concession and other contracts such as development agreements.

4. San Francisco Administrative Code Section 12B requires that all contracting agencies of the City, or any department thereof, acting for or on behalf of the City and County shall include in all contracts and property contracts executed or amended in any manner or as to any portion thereof, a provision obligating the contractor not to discriminate on the basis of the fact or perception of a person's race, color, creed, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome, HIV status (AIDS/HIV status), weight, height, association with members of classes protected under this chapter or in retaliation for opposition to any practices forbidden under this chapter against any employee of, any City employee work with, or applicant for employment with such contractor and shall require such contractor to include a similar provision in all subcontracts executed or amended thereunder.

### Definitions

1. *As-needed Professional Service Contracts* include professional service contracts procured on a request for qualifications basis to establish a pool of Master Agreements in which work is contracted under task orders or Contract Service Orders (CSOs), as needed to complete work required on an immediate basis that cannot otherwise be performed by existing City and County of San Francisco staff. The Port has twelve as-needed contracts that have a total authorized contracting capacity of \$8,150,000.
2. *Professional Service Contracts* procured through a *formal* contracting process - contracts valued greater than \$29,000.
3. *Professional Service Contracts* procured through an *informal* contracting process - contracts valued at less than \$29,000.
4. *Construction Service Contracts*  
- public works/construction contract means a contract for the erection, construction, renovation, alteration, improvement, demolition, excavation, installation, or repair of any public building, structure, infrastructure, bridge, road, street, park, dam, tunnel, utility or similar public facility that is performed by or for the City.
5. *Information Technology Contracts*  
- acquisition of computer hardware, software, peripherals and appropriate network, consulting, maintenance, training and support services, as well as any successor contracts.

6. *General Services Contracts*

- an agreement for those services that are not professional services. Examples of "general services" include: janitorial, security guard, pest control, parking lot attendants and landscaping services.

Other Contracting Activity

In addition to the above contracting activity, the Port has been engaged in a number of development agreements, leasing evaluations, renewals, and new leases.

Steps to Assure Non-Discrimination against MBEs, WBEs and OBEs

To assure that MBEs, WBEs and OBEs are not discriminated against in Port contracting opportunities, the Port has implemented the following standard procedures:

- Request information from the San Francisco Human Rights Commission as to the availability of MBEs, WBEs and OBEs certified as offering services required on Port projects. Such information includes availability statistics in percentages for MBEs, WBEs and OBEs. In addition, the Port has requested the MS Excel database of such certified firms to assure inclusion as project opportunities become available.
- Availability statistics in percentages are included in advertising for all formally procured contracts.
- Outreach through Minority, Women and Local media
- Direct mailing, faxing and e-mailing of procurement opportunity notices
- Identifying set-aside opportunities exclusively for Micro-LBE firms
- Working with Port staff to eliminate barriers to MBEs, WBEs and OBEs gaining access to Port contracting opportunities. Such barriers include qualifications based upon prior knowledge/experience on the project or past work with existing consultants.
- Hold prime consultants accountable for actions that impede the success of MBE, WBE and OBE firm's success on contracts such as the withholding of essential information required to perform subcontracted work by notifying the San Francisco Human Rights Commission to perform investigations, when deemed appropriate.

Steps to Assure Non-Discrimination in employment for all contracts and property contracts.

Pursuant to the 12B Ordinance, the San Francisco Human Rights Commission has promulgated rules and regulations for the implementation of the nondiscrimination provisions of 12B.

The various forms required as conditions of being awarded a goods/services/public works contract, development agreement, lease or concession are included in all advertisements for such contracts and incorporated into the finalized contract documents. The San Francisco Human Rights Commission actively participates in the selection process to assure compliance with these requirements and conducts investigations as deemed necessary to assure such compliance.

Gavin Newsom | Mayor  
 Tom Nolan | Chairman  
 Dr. James McCray Jr. | Vice-Chairman  
 Cameron Beach | Director  
 Shirley Breyer Black | Director  
 Malcolm Heinicke | Director  
 Jerry Lee | Director  
 Bruce Oka | Director  
 Nathaniel P. Ford Sr. | Executive Director/CEO

**MEMORANDUM**

DATE: November 5, 2009

TO: SFMTA Board of Directors  
 Tom Nolan, Chairman  
 Dr. James McCray Jr., Vice Chairman  
 Cameron Beach, Director  
 Shirley Breyer Black, Director  
 Malcolm Heinicke, Director  
 Jerry Lee, Director  
 Bruce Oka, Director

FROM: Nathaniel P. Ford Sr.  
 Executive Director/CEO

SUBJECT: Agreement for Advertising on San Francisco Municipal Transportation Agency Vehicles and Other Property—Letter of Credit Received from Titan Outdoor LLC

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The purpose of this memorandum is to inform you that the San Francisco Municipal Transportation Agency ("SFMTA") has received the \$4,000,000 letter of credit required from Titan Outdoor LLC ("Titan") under the Agreement for Advertising on SFMTA Vehicles and Other Property ("Agreement"). As I stated in my September 15, 2009 memorandum to you, the delivery of this letter of credit means that the SFMTA will not terminate the Agreement.

I also want to report that the letter of credit deviates slightly from the requirements of the Agreement. Due to Titan's ongoing restructuring effort, third parties have guaranteed the payment of the letter of credit. The SFMTA has agreed to allow this letter of credit to terminate on June 30, 2010, after the restructuring is completed and Titan no longer needs the third party guarantees. The expiring letter of credit will be replaced at that time with a second letter of credit that does not have a termination date and will therefore fully comply with the wording of the Agreement. In the event that Titan does not provide the second letter of credit, the SFMTA has the right to draw on the first letter of credit and keep the \$4,000,000. We believe that this scenario sufficiently protects the SFMTA from any financial difficulties that Titan may experience during the remainder of this fiscal year.

cc: Mayor Gavin Newsom  
 San Francisco Board of Supervisors

21

# City and County of San Francisco

Office of the Controller – City Services Auditor

## BOARD OF SUPERVISORS:

Franchise Fee Audit of  
NRG Energy Center  
San Francisco LLC

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BY \_\_\_\_\_



November 16, 2009

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**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: Ben Carlick, Audit Manager



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

**Ben Rosenfield**  
**Controller**

**Monique Zmuda**  
Deputy Controller

November 16, 2009

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

President and Members:

The Controller's Office presents its report on the review of the franchise fees NRG Energy Center San Francisco LLC (NRG) paid 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 2 percent of the gross receipts subject to the City's franchise fee. The San Francisco Public Utilities Commission (SFPUC) is responsible for overseeing the franchise, except for certain financial requirements administered by the Controller's Office.

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

**Franchise Fees Paid:** \$429,713

**Results:**

NRG correctly reported its gross receipts and correctly paid its franchise fees to the City on a timely basis. The audit identified some deficiencies in City departments' compliance with relevant code requirements for administering and monitoring the steam franchise ordinance. The SFPUC had not submitted to the Board of Supervisors a required compliance report regarding NRG's steam franchise, and the Controller's Budget and Analysis Division did not routinely check the accuracy of the franchise fees paid.

The responses of the SFPUC, Controller's Budget and Analysis Division, and NRG are attached to the report. The Controller's Office, City Services Auditor will work with the SFPUC and the Controller's Budget and Analysis Division to follow up on the status of the recommendations made in this report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tonia Lediju".

Tonia Lediju  
Director of Audits

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

# INTRODUCTION

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## **Audit Authority**

The Office of the Controller (Controller) is required under the San Francisco Administrative Code, Chapter 11, Article V, Section 11.44(a) to file a report no less than every two years with the Board of Supervisors analyzing whether a franchisee is complying with the audit, reporting requirements, and payment obligations contained in Chapter 11 and the steam franchise ordinance. In addition, the City and County of San Francisco (City) has the right under the San Francisco Administrative Code, Chapter 11, Article V, Section 11.38 to access the books and records of a franchisee to monitor compliance with Chapter 11 of the Administrative Code, the franchise agreement, or other applicable law. Further, the City Charter provides the Controller, City Services Auditor (CSA), with broad authority to conduct audits. We conducted this audit under these authorities.

## **Background**

NRG Energy Center San Francisco LLC (NRG) holds a steam franchise with the City. NRG is owned by NRG Thermal LLC, a subsidiary of NRG Energy, Inc. The City's steam franchise ordinance<sup>1</sup> allows NRG to install, construct, maintain, and operate underground steam pipe conduits to carry steam and/or steam condensate for heating and other purposes in the streets, alleys, and other public places within the City.

As payment for the franchise, NRG is to remit annually to the City 2 percent of NRG's gross receipts subject to the franchise fee. NRG is required to report gross annual receipts subject to franchise fees based on the ratio of the part of the operating plant assets attributable to steam distribution (franchise assets) to the total investment in its operating plant assets. NRG maintains an asset list to track its operating plant assets at the historical cost of each asset, and to identify each asset as a franchise asset or non-franchise asset.

Under the San Francisco Administrative Code, Section 11.1(l), the San Francisco Public Utilities Commission (SFPUC) is responsible for administering the City's steam franchise, except for certain financial requirements

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<sup>1</sup> Ordinance No. 418-75.

administered by the Controller. The Controller's Budget and Analysis Division is responsible for receiving the annual report and collecting the franchise fees.

### **Scope and Methodology**

The purpose of this audit was to determine whether NRG correctly reported its gross annual receipts from the sale of steam within the City and correctly paid the required franchise fees. Further, the audit determined whether City departments complied with relevant requirements in administering and monitoring the steam franchise ordinance. The audit period was from January 1, 2007, through December 31, 2008.

To conduct the audit, the auditor reviewed the applicable provisions of the ordinance and the San Francisco Administrative Code, Chapter 11, which specifies requirements pertinent to franchises, interviewed NRG staff, and reviewed and tested applicable NRG reports and records. In addition, the auditor interviewed City staff, including staff of the SFPUC and the Controller's Budget and Analysis Division, and reviewed and analyzed applicable reports and records.

To determine whether NRG correctly reported its gross receipts, the auditor compared the amounts NRG reported to the City to the amounts recorded in its accounting records, and analyzed reported gross receipts to identify any unusual variances. The auditor tested on a sample basis whether NRG correctly billed its customers according to meter reading records and the relevant rate schedules filed with the California Public Utilities Commission.

To determine whether NRG correctly administered the asset list it uses to calculate the franchise fees due to the City, the auditor determined if the assets on the list complied with NRG's asset list policy. The auditor also identified and analyzed unusual items on the asset list, and verified that the amount for each of the assets recorded in 2007 and 2008 agreed to the amounts in NRG's accounting records.

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 the findings and conclusions based on

the audit objectives. We believe that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

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## AUDIT RESULTS

### NRG Correctly Reported Its Gross Receipts and Correctly Paid Its Franchise Fees to the City

NRG Energy Center San Francisco LLC (NRG) correctly reported \$41,285,959 in gross receipts and correctly paid to the City, on a timely basis, franchise fees of \$429,713 for 2007 and 2008. NRG correctly computed the gross annual receipts subject to the two percent franchise fee based on the ratio of its franchise assets to its total operating plant assets. NRG computed this ratio by using the historical costs of the asset values. The exhibit below shows the calculation of gross receipts subject to the City's franchise fee and demonstrates that NRG correctly paid the City \$429,713 in franchise fees for 2007 and 2008.

### EXHIBIT Reported Gross Receipts and Franchise Fees Paid, 2007 and 2008

Year	Gross Receipts	Ratio of Franchise Assets to Total Investment in Operating Plant	Gross Receipts Subject to Franchise Fees	Franchise Fees Due*	Franchise Fees Paid	Under/Over Paid Franchise Fees
2007	\$20,201,447	51.458%	\$10,395,261	\$207,907	\$207,907	\$0
2008	21,084,512	52.599%	11,090,242	221,806	221,806	0
Total	\$41,285,959		\$21,485,503	\$429,713	\$429,713	\$0

\*Note: Amount includes minor rounding differences.

Source: NRG's annual steam franchise statements.

### The San Francisco Public Utilities Commission Did Not Submit the Required Steam Franchise Compliance Report to the Board of Supervisors

The San Francisco Public Utilities Commission (SFPUC) had not submitted to the Board of Supervisors the required Department Reports regarding NRG's steam franchise<sup>2</sup>. When informed of this deficiency, the SFPUC filed the required report.

The San Francisco Administrative Code, Article V, Section 11.44 requires that the SFPUC submit to the Board of Supervisors a compliance report at least every two years regarding NRG's compliance with the requirements of the steam franchise. This report is to cover all aspects of franchise compliance except for those payment and

<sup>2</sup> The SFPUC has not submitted a compliance report since this requirement was included in the San Francisco Administrative Code, Article V, Section 11.44 on April 7, 2000.

reporting provisions covered by the Controller's audit report. Without the SFPUC's compliance report, the Board of Supervisors is not made aware of potential non-compliance by NRG with franchise terms.

After the auditor informed a SFPUC manager of the SFPUC's non-compliance with this requirement, the manager submitted to the Board of Supervisors a compliance report dated August 5, 2009. The report includes the required information, including:

- Whether there was a change of ownership.
- Whether the steam system complies with City requirements.
- Whether PUC identified any other provider of steam that did not have a franchise agreement.

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**Recommendation**

The San Francisco Public Utilities Commission should:

1. Comply with the San Francisco Administrative Code requirement that it submit to the Board of Supervisors a Department Report regarding NRG's compliance with the requirements of the steam franchise at least every two years.

**The Controller Did Not Thoroughly Check Franchise Fees Payments It Received**

The Controller's Budget and Analysis Division (Budget Division) did not routinely check the accuracy of the franchise fees paid by NRG. The San Francisco Administrative Code, Section 11.22 requires franchisees to pay franchise fees to the Controller. Upon receipt of franchise fee payments, the Budget Division should take appropriate steps to ensure the amounts are correct. While Budget Division staff compares current payments to prior payments, the staff does not thoroughly check the accuracy of the franchise fees. As a result, errors in the franchise fee payments might go undetected. While the audit did not find any errors in NRG's annual franchise statements, the Budget Division could do more to assure that payments are correct, including:

- Checking calculations on the franchise statement.
- Analyzing significant variances from the prior year payment.
- Verifying the payment is timely.

**Recommendations**

The Controller's Budget and Analysis Division should:

2. Check the calculations on all franchise statements for accuracy, and document this work on the statements.
3. Establish appropriate thresholds for amounts that the current payment could reasonably vary from the prior payment, and perform further analysis if the payment variance exceeds the threshold. Budget Division staff should document this analysis.
4. Verify that the franchise statement and payment of the franchise fees are received before they are due, and indicate on the statement that this review was done. If the payment is late, the Budget Division should take appropriate action to assess late payment penalties specified in the San Francisco Administrative Code.

**NRG Did Not Have a Written Policy for Administering the Asset List**

NRG did not have a written policy for administering its asset list. NRG maintains an asset list to track its operating plant assets at historical cost, and to identify each asset as a franchise or non-franchise asset. NRG uses the ratio of franchise assets to operating plant assets to allocate its gross receipts and calculate the franchise fee that it pays to the City. A policy for administering the asset list is necessary to help ensure consistent recording of items that NRG adds to or removes from the list. If NRG inconsistently treats assets, it will not correctly calculate the amount of franchise fees it pays to the City. After the auditor informed NRG of this deficiency, NRG prepared a policy for administering its asset list dated June 23, 2009.

**Recommendations**

The San Francisco Public Utilities Commission should require NRG to:

5. Comply with NRG's policy for administering the asset list.
6. Periodically review and revise the policy, if necessary, to ensure it remains current.

**NRG's Asset List  
Includes Assets That Are  
Not Well Described**

Some assets on NRG's asset list are not well described. The auditor reviewed the asset list as of December 31, 2008, and found a number of assets that were not well described, including:

- Meters
- Fencing/gate
- General structures
- Rebuilds

The asset list is used to compute the franchise fees due to the City. The list needs to include adequate descriptions for all assets so that NRG can identify each asset and remove assets that are disposed.

**Recommendation**

The San Francisco Public Utilities Commission should:

7. Require NRG to review the asset list to ensure that each line item has a sufficient description.

**NRG Did Not Sign Its  
Franchise Statement for  
2008**

NRG submitted the franchise statement for 2008 without signing or dating it. The Controller's Budget Division did not notice these deficiencies. The steam franchise ordinance, Section 5A, requires NRG to submit a "duly verified statement." The San Francisco Administrative Code, Section 11.34, requires the annual statement to be certified by an authorized and qualified person. NRG did not sign and date the 2008 statement until after the auditor informed NRG of this matter.

**Recommendations**

The San Francisco Public Utilities Commission should:

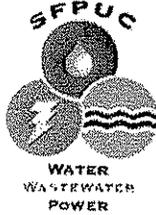
8. Remind NRG to ensure that the annual statement it submits is properly signed and dated.

The Controller's Budget and Analysis Division should:

9. Ensure that its staff verifies that NRG's franchise statements are signed and dated.

# ATTACHMENT A: SFPUC'S RESPONSE

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## 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



October 16, 2009

GAVIN NEWSOM  
MAYOR

F.X. CROWLEY  
PRESIDENT

FRANCESCA VIOTOR  
VICE PRESIDENT

ANN MOLLER CAEN  
COMMISSIONER

JULIET ELLIS  
COMMISSIONER

ANSON B. MORAN  
COMMISSIONER

ED HARRINGTON  
GENERAL MANAGER

Tonia Lediju, Director of Audits  
Controller's Office  
City Hall, Room 476  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear Ms. Lediju:

The San Francisco Public Utilities Commission (SFPUC) has reviewed the Franchise Fee Audit of NRG Energy Center San Francisco LLC (NRG), prepared by Controller's Office, City Services Auditor, for the period of January 1, 2007 through December 31, 2008.

The SFPUC concurs with the Audit findings and recommendations and will work with the Controller's Budget and Analysis Division and NRG, to ensure that any changes in NRG's assets, policies and/or procedures associated with the Franchise Fees are communicated and appropriately reconciled with revenue allocation methodology and payments.

Sincerely,

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

cc: Ben Carlick, Audit Manager  
Barbara Hale, Assistant General Manager, Power Enterprise

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# ATTACHMENT B: CONTROLLER'S RESPONSE

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CITY AND COUNTY OF SAN FRANCISCO  
OFFICE OF THE CONTROLLER

Ben Rosenfield  
Controller

Monique Zmuda  
Deputy Controller

October 22, 2009

Tonia Lediju, Director of Audits  
City Hall, Room 476  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear Ms. Lediju:

The Controller's Office Budget and Analysis Division has reviewed the Franchise Fee Audit of NRG Energy Center San Francisco LLC (NRG) prepared by the City Services Auditor for the period of January 1, 2007 through December 31, 2008.

We concur with the findings related to our Division. We have amended our task tracking calendar to include verification of timeliness and accuracy of steam franchise payments. Regarding recommendation #3 to establish thresholds and analyze each payment's variance from prior payments, we concur with the concept, but due to workload constraints, we propose to carry out this analysis as a component of our 6-month, 9-month and year-end analytical reports, and to work with NRG and PUC staff to explain such variances.

Sincerely,

A handwritten signature in black ink, appearing to be "Leo Levenson", written over a horizontal line.

Leo Levenson, Director  
Budget and Analysis Division

Recommendation	Responsible Agency	Response
1. Comply with the San Francisco Administrative Code requirement that it submit to the Board of Supervisors a Department Report regarding NRG's compliance with the requirements of the steam franchise at least every two years.	San Francisco Public Utilities Commission	The SFPUC complied with the San Francisco Administrative Code requirement for the 2007-2008 reporting period and will comply biennially as prescribed by the San Francisco Administrative Code.
2. Check the calculations on all franchise statements for accuracy, and document this work on the statements.	Controller's Budget and Analysis Division	We concur. We will check calculations on franchise statements for accuracy and document such work on the statements.
3. Establish appropriate thresholds for amounts that the current payment could reasonably vary from the prior payment, and perform further analysis if the payment variance exceeds the threshold. Budget Division staff should document this analysis.	Controller's Budget and Analysis Division	We concur with the overall concept but due to workload constraints we do not currently anticipate setting a specific analytical threshold or analysis documentation requirement for each payment, but rather to analyze the variance of franchise fees received to budget during our regular review efforts for our 6-month, 9-month and year-end analytical reports and work with NRG and PUC staff to explain such variances.
4. Verify that the franchise statement and payment of the franchise fees are received before they are due, and indicate on the statement that this review was done. If the payment is late, the Budget Division should take appropriate action to assess late payment penalties specified in the San Francisco Administrative Code.	Controller's Budget and Analysis Division	We concur and have amended our task tracking calendar to include the due date of the steam franchise payment and will take appropriate action to assess penalties.

Recommendation	Responsible Agency	Response
5. Require NRG to comply with its policy for administering the asset list.	San Francisco Public Utilities Commission	The SFPUC will work with NRG to ensure that NRG complies with its policy for administering their asset list and share the results with the Controller's Budget and Analysis Division
6. Require NRG to periodically review and revise the policy, if necessary, to ensure it remains current.	San Francisco Public Utilities Commission	The SFPUC will work with NRG to ensure that NRG periodically reviews and revises their policy, if necessary, to ensure it remains current and communicate any issues that may affect the payment amount with the Controller's Budget and Analysis Division
7. Require NRG to review the asset list to ensure that each line item has a sufficient description.	San Francisco Public Utilities Commission	The SFPUC will work with the Controller's Budget and Analysis Division and NRG to ensure that NRG's asset list contains adequate descriptions for all of their assets used to compute the franchise fees due to the City.
8. Remind NRG to ensure that the annual statement it submits is properly signed and dated.	San Francisco Public Utilities Commission	The SFPUC will work with NRG to ensure that NRG's annual statement it submits is properly signed and dated.
9. Ensure that its staff verifies that NRG's franchise statements are signed and dated.	Controller's Budget and Analysis Division	We concur and have amended its task tracking calendar to include instructions to verify steam franchise statements are signed and dated.

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# ATTACHMENT C: NRG'S RESPONSE

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Energy Center  
San Francisco

NRG Energy Center San Francisco LLC  
54 Mint Street, Suite 200  
San Francisco, CA 94103-1819

Phone 415.777.3415  
Fax 415.777.3787

October 21, 2009

Tonia Ledjju  
Director of Audits  
City and County of San Francisco  
Office of the Controller  
1 Dr. Carlton B. Goodlett Place, Rm 316  
San Francisco, CA 94102-4694

We have reviewed the audit report and are pleased with the findings that we reported and paid our Franchise taxes correctly and there are no recommendations directly to us to improve our system.

We have read the recommendations to certain City departments concerning our internal systems and offer the following comments from our perspective that may help expedite implementation of these recommendations.

As to the idea of establishing a threshold for the amount of tax that reasonably should be collected and remitted, we are not sure such a figure or percentage could be established due to three major factors that affect the tax: the weather, the economy and the price of gas. The weather and economy directly affect usage. Charges to our customers are based on actual usage; the lower the usage, the lower the charge and thus the lower the tax collected and remitted. This year we were very fortunate to have the price of natural gas fall approximately 35%, and as this is a pass-through, our rate to our customers fell in accordance with this decrease. As the tax is based on the total charge, collections and remittance will be less than in previous years. As each of these factors is extremely difficult to predict, estimating the amount of tax to be collected is equally as difficult.

We look forward to working with the City representatives from the various departments on all the recommendations in order for future audits to be even smoother than this one.



Karel Sykora  
General Manger



Elizabeth Janes  
<usat64@att.net>

11/14/2009 07:16 PM

To board.of.supervisors@sfgov.org

cc

bcc

Subject support for continuing NERT Training

Hello - I want to commend the instructors of the Neighborhood Emergency Response Team (NERT) Training and the SFFD for providing this valuable service.

Having taken the training I feel better prepared to care for myself, my family and my community. And while I understand that there are limits to what nonprofessionals can contribute in such disasters, it is still very motivating to stay physically and mentally prepared to contribute my best.

NERT training has reached 18,000 of us; still a relatively small percentage, especially of our weekday population. I hope that as budgets continue to shrink that there will be no reduction in this program, because SFFD and SFPD will need all of the support they can get in an actual emergency.

Thanks

Elizabeth Janes

23

**T-Mobile**

**T-Mobile West Corporation**  
a subsidiary of T-Mobile USA Inc.  
Engineering Development  
1855 Gateway Boulevard, 9<sup>th</sup> Floor  
Concord, California 94520

October 15, 2009

Anna Hom  
Consumer Protection and Safety Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

RECEIVED  
BOARD OF SUPERVISORS  
CITY OF SAN FRANCISCO  
2009 NOV 25 AM 11:08

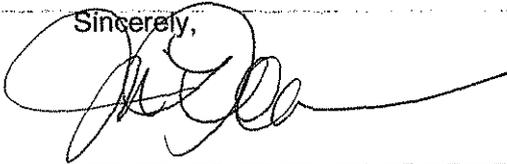
**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF23259C**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- (b) No land use approval is required because

A copy of this notification letter is being sent to the local government agency identified below for its information. Should there be any questions regarding this project, or if you disagree with the information contained herein, please contact Joni Norman, Senior Development Manager, for T-Mobile, at (925) 521-5987, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at (415) 703-2699.

Sincerely,



Joni Norman  
Sr. Development Manager  
T-Mobile West Corporation  
a subsidiary of T-Mobile USA Inc.

Enclosed: Attachment A

POSTED  
OCT 16 2009  
TO

cc: City of San Francisco, Attn: City Manager, 1 Carlton B. Goodlett Place, San Francisco, CA 94102  
City of San Francisco, Attn: City Clerk, 1 Carlton B. Goodlett Place, San Francisco, CA 94102  
City of San Francisco, Attn: City Planning Director, 1 Carlton B. Goodlett Place, San Francisco, CA 94102

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**ATTACHMENT A**

**1. Project Location**

Site Identification Number: SF23259C

Site Name: PGE CAP 2700 14th Av

Site Address: 2700 14<sup>th</sup> Ave., San Francisco, CA 94127

County: San Francisco

Assessor's Parcel Number: Public Right-of-ROW

Latitude: 37° 44' 18.42" N

Longitude: 122° 28' 10.25" W

**2. Project Description**

Number of Antennas to be installed: 3

Tower Design: Antennas to be mounted on top of PG&E utility pole.

Tower Appearance: Existing Joint Pole in ROW

Tower Height: 46 ft 2.5 in

Size of Buildings: n/a

**3. Business Addresses of all Governmental Agencies**

City of San Francisco  
Attn: City Planning Director  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

City of San Francisco,  
Attn: City Clerk  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

City of San Francisco,  
Attn: City Manager  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

**4. Land Use Approvals**

Date Zoning Approval Issued: Personal Wireless Service Facility Approval issued 10/07/09

Land Use Permit #: PWSF 09WR-0064

If Land use Approval was not required:



**T-Mobile West Corporation**  
 a subsidiary of T-Mobile USA Inc.  
 Engineering Development  
 1855 Gateway Boulevard, 9<sup>th</sup> Floor  
 Concord, California 94520

November 12, 2009

Anna Hom  
 Consumer Protection and Safety Division  
 California Public Utilities Commission  
 505 Van Ness Avenue  
 San Francisco, CA 94102



**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF53560A**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- (b) No land use approval is required because Pursuant to determination from the City of San Francisco, no planning review is needed for this pole-mounted T-Mobile installation. The telecommunications installation is located entirely on existing utility poles controlled by the joint pole association and is exempt from Planning and Zoning Division regulations.

A copy of this notification letter is being sent to the local government agency identified below for its information. Should there be any questions regarding this project, or if you disagree with the information contained herein, please contact Joni Norman, Senior Development Manager, for T-Mobile, at (925) 521-5987, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at (415) 703-2699.

Sincerely,

Joni Norman  
 Sr. Development Manager  
 T-Mobile West Corporation  
 a subsidiary of T-Mobile USA Inc.

RECEIVED  
 BOARD OF SUPERVISORS  
 DIVISION  
 2009 NOV 25 AM 11:11  
 [Handwritten initials]

Enclosed: Attachment A

cc: City of San Francisco, Attn: City Manager, 1 Carlton B. Goodlett Place, San Francisco, CA 94102  
 City of San Francisco, Attn: City Clerk, 1 Carlton B. Goodlett Place, San Francisco, CA 94102  
 City of San Francisco, Attn: Planning Director, 1 Carlton B. Goodlett Place, San Francisco, CA 94102

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**T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a  
T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF53560A**

November 12, 2009

Page 2 of 2

**ATTACHMENT A**

**1. Project Location**

Site Identification Number: SF53560A

Site Name: PGE (NS) CAP @ 300 Felton

Site Address: 300 Felton St, San Francisco, CA 93134

County: San Francisco

Assessor's Parcel Number: 5928/010

Latitude: 37° 43 45.58" N

Longitude: 122° 24' 27.63" W

**2. Project Description**

Number of Antennas to be installed: Three (3)

Tower Design: Utility pole

Tower Appearance: Three (3) antennas top mounted to existing joint pole

Tower Height: 55ft

Size of Buildings: n/a

**3. Business Addresses of all Governmental Agencies**

City of San Francisco,  
Attn: City Planning Director  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

City of San Francisco,  
Attn: City Clerk  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

City of San Francisco,  
Attn: City Manager  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

**4. Land Use Approvals**

Date Zoning Approval Issued:

Land Use Permit #:

If Land use Approval was not required: N/A -- Pursuant to determination from the City of San Francisco, no planning review is needed for this pole-mounted T-Mobile installation. The telecommunications installation is located entirely on existing utility poles controlled by the joint pole association and is exempt from Planning and Zoning Division regulations.

**T-Mobile**

**T-Mobile West Corporation**  
a subsidiary of T-Mobile USA Inc.  
Engineering Development  
1855 Gateway Boulevard, 9<sup>th</sup> Floor  
Concord, California 94520

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2009 NOV 25 AM 11:11  
Re

October 14, 2009

Anna Hom  
Consumer Protection and Safety Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF43412A**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- (b) No land use approval is required because

A copy of this notification letter is being sent to the local government agency identified below for its information. Should there be any questions regarding this project, or if you disagree with the information contained herein, please contact Joni Norman, Senior Development Manager, for T-Mobile, at (925) 521-5987, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at (415) 703-2699.

Sincerely,



Joni Norman  
Sr. Development Manager  
T-Mobile West Corporation  
a subsidiary of T-Mobile USA Inc.

Enclosed: Attachment A



cc: City of San Francisco, Attn: City Manager, 1 Carlton B. Goodlett Place, San Francisco, CA 94102  
City of San Francisco, Attn: City Clerk, 1 Carlton B. Goodlett Place, San Francisco, CA 94102  
City of San Francisco, Attn: City Planning Director, 1 Carlton B. Goodlett Place, San Francisco, CA 94102

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**T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a  
T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF43412A**

October 14, 2009

Page 2 of 2

**ATTACHMENT A**

**1. Project Location**

Site Identification Number: SF43412A

Site Name: PGE (S) CAP @ 27th Ave

Site Address: 2453 Lawton Street, San Francisco, CA 94122

County: San Francisco

Assessor's Parcel Number: Public Right-of-ROW

Latitude: 37° 45' 26.42" N

Longitude: 122° 29' 22.09" W

**2. Project Description**

Number of Antennas to be installed: 3

Tower Design: Antennas to be mounted on top of existing PG&E utility pole.

Tower Appearance: Existing Joint Pole in ROW

Tower Height: 47 ft 6 in

Size of Buildings: n/a

**3. Business Addresses of all Governmental Agencies**

City of San Francisco  
Attn: City Planning Director  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

City of San Francisco,  
Attn: City Clerk  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

City of San Francisco,  
Attn: City Manager  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

**4. Land Use Approvals**

Date Zoning Approval Issued: Wireless Service Facility Approval issued 10/6/09

Land Use Permit #: PWSF 09WR-0058

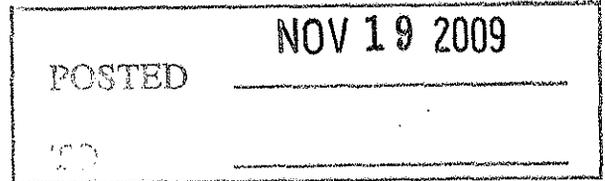
If Land use Approval was not required:



T-Mobile West Corporation  
a subsidiary of T-Mobile USA Inc.  
Engineering Development  
1855 Gateway Boulevard, 9<sup>th</sup> Floor  
Concord, California 94520

November 12, 2009

Anna Hom  
Consumer Protection and Safety Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102



**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF13015E**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- (b) No land use approval is required because Pursuant to determination from the City of San Francisco, no planning review is needed for this pole-mounted T-Mobile installation. The telecommunications installation is located entirely on existing utility poles controlled by the joint pole association and is exempt from Planning and Zoning Division regulations.

A copy of this notification letter is being sent to the local government agency identified below for its information. Should there be any questions regarding this project, or if you disagree with the information contained herein, please contact Joni Norman, Senior Development Manager, for T-Mobile, at (925) 521-5987, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at (415) 703-2699.

Sincerely,

Joni Norman  
Sr. Development Manager  
T-Mobile West Corporation  
a subsidiary of T-Mobile USA Inc.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
NOV 25 AM 11:12  
re

Enclosed: Attachment A

cc: City of San Francisco, Attn: City Manager, 1 Carlton B. Goodlett Place, San Francisco, CA 94102  
City of San Francisco, Attn: City Clerk, 1 Carlton B. Goodlett Place, San Francisco, CA 94102  
City of San Francisco, Attn: Planning Director, 1 Carlton B. Goodlett Place, San Francisco, CA 94102

27

**T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a  
T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF13015E**

November 12, 2009

Page 2 of 2

**ATTACHMENT A**

**1. Project Location**

Site Identification Number: SF13015E

Site Name: JPA/PGE CAP at 1306 28th Ave

Site Address: 1306 28th Ave, San Francisco, CA 94122

County: San Francisco

Assessor's Parcel Number: Public ROW 1782-023

Latitude: 37° 45' 46.57" N

Longitude: 122° 29' 12.06" W

**2. Project Description**

Number of Antennas to be installed: Three (3)

Tower Design: Utility pole

Tower Appearance: Three (3) antennas inside proposed radome enclosure on existing pole

Tower Height: 41' – 6"

Size of Buildings: n/a

**3. Business Addresses of all Governmental Agencies**

City of San Francisco,  
Attn: City Planning Director  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

City of San Francisco,  
Attn: City Clerk  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

City of San Francisco,  
Attn: City Manager  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

**4. Land Use Approvals**

Date Zoning Approval Issued:

Land Use Permit #:

If Land use Approval was not required: N/A - - Pursuant to determination from the City of San Francisco, no planning review is needed for this pole-mounted T-Mobile installation. The telecommunications installation is located entirely on existing utility poles controlled by the joint pole association and is exempt from Planning and Zoning Division regulations.

Office of the Mayor  
City & County of San Francisco



*Clage*

Gavin Newsom

*✓ BOS done  
AC  
ML  
RC  
CA  
PN*

November 25, 2009

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

BY DB

2009 NOV 25 AM 9:08

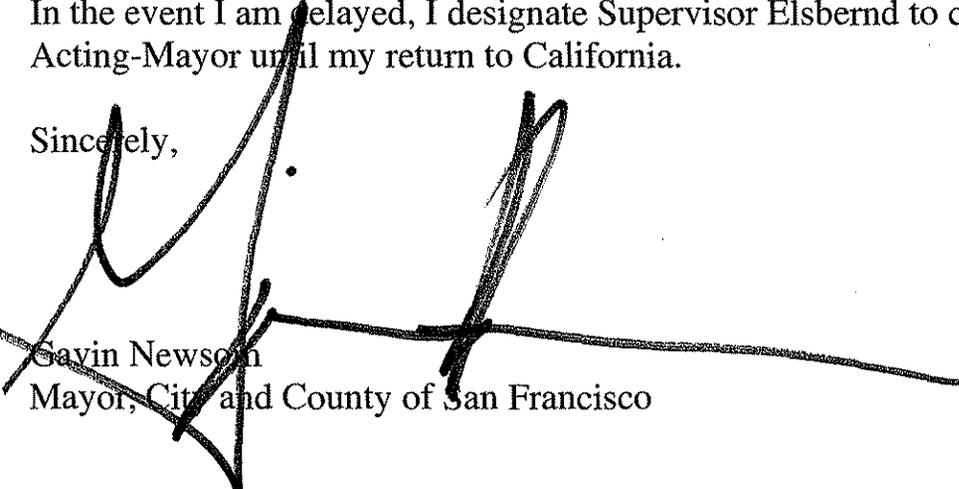
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BOARD OF SUPERVISORS  
SAN FRANCISCO

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 12:05PM on Saturday, November 28, 2009, until 12:55PM Wednesday, December 2, 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

*28*





11/19/09

Mr. Larry Brinkin.  
Human Rights Commission  
25 Van Ness Av. Suite 800  
San Francisco, CA. 94102-6033

**SAN FRANCISCO  
DEPARTMENT OF  
ANIMAL CARE AND  
CONTROL**

Re: Waiver Request for Merry X-Ray

Dear Mr. Brinkin,

I would like to request an extension on the waiver (of the equal benefits law) for Merry X-ray for \$5000.00. They service our radiographic equipment (X-rays) and provide our X-ray film. Our X-ray processor is not able to be repaired anymore and it is becoming non-functional. I would like to request a waiver for Merry X-Ray on the grounds that no other company will comply with the City's domestic partner's law. It is vital that the city's stray and surrendered animals receive medical care and to do this, I must be able to have diagnostic radiographic equipment available. It is also part of the Veterinary Medical Practice Act that radiographic equipment be available in every veterinary practice. I will continue to try to find other companies who will comply with the law, but in the interim, I will need to be able to take X-rays of animals to diagnose fractures, impactions and other problems. Please approve an extension of the wavier of Merry X-ray.

Sincerely,

R. Bing Dilts D.V.M.

Rebecca Katz  
Interim Director

Kathleen Brown  
Deputy Director

Judy Choy  
Shelter Office  
Supervisor

Deb Campbell  
Community Affairs  
Coordinator

R. Bing Dilts, D.V.M.  
Shelter Veterinarian

Vicky Guldbeck  
Operations Manager

Eric Zuercher  
Animal Care  
Supervisor

1200 15th Street  
(at Harrison Street)  
San Francisco  
CA 94103

(415) 554-6364  
Fax (415) 557-9950  
TDD (415) 554-9704



# Department of Parks COUNTY OF SAN MATEO

**BOARD OF SUPERVISORS**

MARK CHURCH  
CAROLE GROOM  
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DAVID G. HOLLAND  
DIRECTOR

455 COUNTY CENTER, 4th FLOOR • REDWOOD CITY • CALIFORNIA 94063-1663 • PHONE (650) 363-4020 • FAX (650) 599-1721 www.eparks.net

November 23, 2009

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

REF: File No. 091278  
Proposed Adoption of Resolution of Necessity for Eminent Domain  
Subsurface Tunnel Easements at Ravenswood Open Space Preserve  
San Mateo County Assessor's Parcels 063-590-060 and 096-230-110

Honorable Board of Supervisors:

The San Mateo County Department of Parks supports the proposed exchange of easements between the San Francisco Public Utilities Commission (SFPUC) and the Midpeninsula Regional Open Space District (MROSD) in order to complete a vital link in the San Francisco Bay Trail. SFPUC wishes to acquire a subsurface tunnel easement across publicly dedicated open space owned and managed by MROSD at Ravenswood Open Space Preserve in Menlo Park for the purpose of constructing the new transbay pipeline. MROSD has proposed an exchange of easements that will convey to SFPUC the needed tunnel easement across MROSD lands, and in exchange MROSD will acquire a trail easement across adjoining San Francisco lands that will close a critical gap in the Bay Trail system. The San Mateo County Department of Parks recognizes the importance of upgrading the safety and reliability of the Hetch-Hetchy water supply system serving many Bay Area communities. We believe an exchange of easements between SFPUC and MROSD will provide additional benefit to these communities by enhancing public access and recreational opportunity along the Bay.

A trail link connecting existing sections of the Bay Trail at Ravenswood Open Space Preserve and along University Avenue has been sought by Bay Trail stakeholders for over 20 years, beginning with discussions between the County of San Mateo and the SFPUC in the late 1980s that was supported by a grant from the California State Coastal Conservancy. Our understanding is that this earlier effort was unsuccessful due to a perceived conflict in use on the SFPUC-managed property with an existing gun club lease. That lease ended some time ago. The feasibility of such a trail link was

30

studied in detail in 2004-05 in a report commissioned by Menlo Park and involving participation by a stakeholder task force including SFPUC, East Palo Alto, San Mateo County, utility agencies, bicycle and open space advocates, trail planners, MROSD, and others. The route proposed by MROSD for a public trail easement across the SFPUC-managed property is nearly identical to the route identified in the Menlo Park report as the "Preferred Alignment."

The San Mateo County Department of Parks strongly supports the proposed exchange of easements between the SFPUC and the MROSD to complete a vital link in the San Francisco Bay Trail. In addition to providing incredible scenic and wildlife viewing, the San Francisco Bay Trail supports alternative commuting and options for healthier lifestyles. We encourage the Board of Supervisors to support this important action.

Sincerely,



David G. Holland  
Director

cc: Mayor Gavin Newsom  
Ed Harrington, General Manager, SFPUC



"Brenda Bennett"  
<bbennett@co.sanmateo.ca.us>

11/23/2009 04:55 PM

To Board.of.supervisors@sfgov.org  
cc mayor@sfgov.org, eharrington@sfwater.org  
bcc

Subject Letter of support

Dear Honorable Board of Supervisors:

Attached is a letter of support from David Holland, Director of San Mateo County Parks Department, for the exchange of easements between the SFPUC and Midpeninsula Open Space District related to the San Francisco Bay Trail.

Mr. Holland is available by phone or email: 650-599-1393 or dholland@co.sanmateo.ca.us.

Sincerely,

Brenda Bennett  
Department of Parks  
455 County Center, 4th Floor  
Redwood City, CA 94063  
(650) 599-1393  
bbennett@co.sanmateo.ca.us

Save Paper.  
Think before you print.

BDS-11  
C-Pages



# City of East Palo Alto

File #091278

November 24, 2009

Board of Supervisors  
City and County of San Francisco  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
Via Facsimile to (415) 554-5163

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BOARD OF SUPERVISORS  
SAN FRANCISCO  
2009 NOV 24 AM 8:15  
BY [Signature]

Mayor Gavin Newsom  
City and County of San Francisco  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 200  
San Francisco, CA 94102  
Via Facsimile to (415) 554-6160

REF: File No. 091278  
Proposed Adoption of Resolution of Necessity for Eminent Domain  
Subsurface Tunnel Easements at Ravenswood Open Space Preserve  
San Mateo County Assessor's Parcels 063-590-060 and 096-230-110

Honorable Board of Supervisors and Mayor Newsom:

The City of East Palo Alto supports the current effort by the Midpeninsula Regional Open Space District (MROSD) to secure a connecting easement between Bay Trail segments across lands managed by the San Francisco Public Utilities Commission (SFPUC) and located in Menlo Park and East Palo Alto in order to complete a vital link in the San Francisco Bay Trail.

A trail link connecting existing sections of the Bay Trail at Ravenswood Open Space Preserve and along University Avenue has been sought by Bay Trail stakeholders for over 20 years, beginning with discussions between the County of San Mateo and the SFPUC in the late 1980s that was supported by a grant from the California State Coastal Conservancy. Our understanding is that this earlier effort was unsuccessful due to a perceived conflict in use on the SFPUC-managed property with an existing gun club lease. That lease ended some time ago. The feasibility of such a trail link was studied in detail in 2004-05 in a report commissioned by Menlo Park and involving participation by a stakeholder task force including SFPUC, East Palo Alto, San Mateo County, utility agencies, bicycle and open space advocates, trail planners, MROSD, and others. The route proposed by MROSD for a public trail easement across the SFPUC-managed property is nearly identical to the route identified in the Menlo Park report as the "Preferred Alignment."

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Connecting Bay Trail segments would promote the City's broader community goals. In 2007, East Palo Alto's City Council approved its Bay Access Master Plan ("Plan"), which said, "Proximity to the San Francisco Bay (Bay) is one of the defining characteristics of the City of East Palo Alto. The Bay forms the eastern edge of East Palo Alto and provides a unique open space and recreational resource for the residents of East Palo Alto. The vistas and open spaces of the Bay offer a tranquil escape from the fast pace of life in East Palo Alto and Silicon Valley." Unfortunately, "East Palo Alto has a severe shortage of park and recreation land. The Quimby Act (California Government Code 66477 (a)(4)) standard is 3 acres of parkland per 1,000 residents. Using this standard, East Palo Alto will need 88 acres of parkland. East Palo Alto has 16 acres total, or approximately 18% of the total needed." The Plan "creates a vision of an "emerald necklace" of open space that will increase the attractiveness of the new office parks and communities planned for the [Ravenswood Business District] (RBD). Access to the Bay is an important amenity that can enhance the commercial and residential desirability of the RBD. Proximity to open space is a major amenity that encourages economic development and helps firms attract and retain qualified employees. Access to hiking trails and vista points provide employees with an opportunity to enjoy nature and exercise before or after work." For all these reasons East Palo Alto would benefit greatly from connecting the Bay Trail segments. The City therefore supports any efforts to make these connections.

Sincerely,



Alvin James  
City Manager

cc: Ed Harrington, General Manager, SFPUC

BATYA F. SWENSON  
PARTNER  
DIRECT DIAL 415 995 5827  
DIRECT FAX 415 995 3479  
E-MAIL bswenson@hansonbridgett.com



BOS-11  
C-pages

HansonBridgett

File #'s 091278  
091279

November 24, 2009

Board of Supervisors  
c/o Angela Calvillo, Clerk of the Board  
City and County of San Francisco  
One Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

Re: San Mateo County Transit District's Objections to Resolution to Acquire Real Property Interests by Eminent Domain—Water System Improvement Program—Funded Bay Division Pipeline Reliability Upgrade Tunnel ("Resolution of Necessity")  
November 24, 2009 Board Meeting Agenda Item Nos. 26 (091278) and 27 (091279)  
Acquisition Parcel Numbers HH40-2, HH14-2 and HH16-2.

Dear Ladies and Gentlemen:

By way of introduction, San Mateo County Transit District (SamTrans) is the record property owner of the above-captioned parcels, which are part of the subsurface tunnel easement that San Francisco Public Utilities Commission ("SFPUC") seeks to acquire for its Water System Improvement Program—Funded Bay Division Pipeline Reliability Upgrade Tunnel Project ("WSIP Project" and "Bay Division Pipeline").

Both SamTrans legal and staff representatives and SFPUC legal and staff representatives are currently engaged in negotiations regarding the purchase and sale of a permanent tunnel easement related to these acquisition parcels. SamTrans wants to state for the record its understanding that, due to certain WSIP Project scheduling constraints and/or relevant public funding requirements, the SFPUC must secure this Resolution of Necessity before those negotiations are concluded. Normally, the resolution process would not be triggered unless and until the parties have reached an impasse in their negotiations. That not being the case here, SamTrans finds itself in a unique position. SamTrans acknowledges the SFPUC's need to obtain the Resolution and does not intend to interfere with that process or the WSIP Project, in general. However, SamTrans must assert and, in that way, preserve any and all potential objections to the Resolution in the unlikely event that the current negotiations break down at some point in the future and the parties face condemnation litigation.

That being said, SamTrans hereby appears and objects to this Resolution of Necessity, i.e., *Resolution to Acquire Real Property Interests by Eminent Domain—Water System Improvement Program—Funded Bay Division Pipeline Reliability Upgrade Tunnel*. By submitting this letter to the Board of Supervisors, SamTrans respectfully intends to make its record in order to preserve its various objections to this Resolution of Necessity, to pursue its administrative remedy and to avoid any waiver of a potential later claim that the Board erred in adopting this Resolution.

For purposes of background, SamTrans owns the existing rail corridor referred to as the Dumbarton Rail Corridor. SFPUC's proposed Bay Division Pipeline and related tunnel

Hanson Bridgett LLP  
425 Market Street, 26th Floor, San Francisco, CA 94105 hansonbridgett.com

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easement cross under the Dumbarton Rail Corridor in three places: San Mateo County (HH40-2) and Alameda County (HH14-2 & HH16-2).

The Dumbarton Rail Corridor is an integral part of the Metropolitan Transportation Commission's Bay Area Regional Rail Plan. As planned, the Dumbarton Rail Corridor Project will use existing rail infrastructure to improve connections between Bay Area public transit systems and the regional rail network. Specifically, rail service will be extended between Redwood City and Union City by constructing a new rail service along the Dumbarton Rail Corridor. That extension will connect public transit services, such as bus, train and rapid transit, at a multi-modal transit center in Union City. Further, the Dumbarton Rail Corridor has been evaluated for the California High-Speed Rail Project as part of the "Altamont Pass Option." Judging from its knowledge of potential environmental issues as well as public commentary about above-ground rail service, SamTrans must consider that some or all of the rail facilities needed for these Projects will be constructed underground. The Bay Division Pipeline and related tunnel easement will encroach on SamTrans' available subsurface space for those underground rail facilities and, at some depths, foreclose SamTrans' underground options entirely, thereby substantially interfering with both SamTrans' use of its land and the Regional and High-Speed Rail Plans.

- Federal Preemption.

The Interstate Commerce Commission Termination Act of 1995 (49 U.S.C. § 10501(b)(2)) preempts state regulation of rail activities, and therefore preempts any condemnation that affects those activities. The configuration of the Bay Division Pipeline and the related tunnel easement in its current placement interferes with SamTrans' ability to relocate its rail line to an underground tunnel. The condemnation, accordingly, could foreclose future rail operations that would have been viable were it not for the location of the tunnel easement. Accordingly, because the condemnation limits SamTrans' prospective rail operations, it is preempted by the ICCTA.

- Compatible Use.

SFPUC's power to acquire public property by eminent domain does not extend to a proposed use that unreasonably interferes with or impairs the continuance of the public use as it then exists or may reasonably be expected to exist in the future, i.e., if the competing public uses are incompatible. (Cal. Code Civ. Proc. § 1240.510, et seq.) As explained above, the Resolution violates Section 1240.510 because the placement of the Bay Division Pipeline and the related tunnel easement will interfere with SamTrans' ability to relocate its rail line to an underground tunnel. Further, if it is determined that the competing public uses here are, in fact, incompatible under Section 1240.510, SamTrans reserves its right to invoke Code of Civil Procedure section 1240.610 on the basis that the Dumbarton Rail Corridor Project, and by association the Regional and High-Speed Rail Plans, are more necessary public uses for the land at issue than the Bay Division Pipeline and the related tunnel easement. (Cal. Code Civ. Proc. § 1240.610, et seq.)

- Offer of Just Compensation.

California Government Code section 7267.2 sets forth the requirements for a valid offer of just compensation in the eminent domain context. (Cal. Gov. Code § 7267.2.) SamTrans questions the validity of the SFPUC's offer for a few reasons. First, the original offer did not include legal descriptions of the proposed acquisitions making the offer fatally vague. Second, the scope of the acquisitions were later changed by way of revised legal descriptions in which the SFPUC expanded the vertical dimension of the overall subsurface easement sought, which, in turn, may impact the appraised value and the compatible use issue referenced above. Last, the original offer itself was incomplete and, therefore, invalid in that the proposed easement deeds contained no legal descriptions and the proposed purchase and sale agreement left key terms blank without which the agreement would be unenforceable.

In closing, notwithstanding the above objections, SamTrans has every intention of continuing its ongoing negotiations with SFPUC in a good faith effort to reach resolution.

Thank you.

Respectfully submitted,



Batya F. Swenson

BFS:cr

cc: San Mateo County Transit District



**T-Mobile West Corporation**  
 a subsidiary of T-Mobile USA Inc.  
 Engineering Development  
 1855 Gateway Boulevard, 9<sup>th</sup> Floor  
 Concord, California 94520

November 12, 2009

Anna Hom  
 Consumer Protection and Safety Division  
 California Public Utilities Commission  
 505 Van Ness Avenue  
 San Francisco, CA 94102

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 BOARD OF SUPERVISORS  
 SAN FRANCISCO  
 2009 NOV 24 AM 11:11  
 BY *RC*

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF23290B**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- (b) No land use approval is required because  
Pursuant to determination from the City of San Francisco, no planning review is needed for this pole-mounted T-Mobile installation. The telecommunications installation is located entirely on existing utility poles controlled by the joint pole association and is exempt from Planning and Zoning Division regulations.

A copy of this notification letter is being sent to the local government agency identified below for its information. Should there be any questions regarding this project, or if you disagree with the information contained herein, please contact Joni Norman, Senior Development Manager, for T-Mobile, at (925) 521-5987, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at (415) 703-2699.

Sincerely,

Joni Norman  
 Sr. Development Manager  
 T-Mobile West Corporation  
 a subsidiary of T-Mobile USA Inc.

Enclosed: Attachment A

cc: City of San Francisco, Attn: City Manager, 1 Carlton B. Goodlett Place, San Francisco, CA 94102  
 City of San Francisco, Attn: City Clerk, 1 Carlton B. Goodlett Place, San Francisco, CA 94102  
 City of San Francisco, Attn: Planning Director, 1 Carlton B. Goodlett Place, San Francisco, CA 94102

33

**T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF23290B.**

November 12, 2009

Page 2 of 2

**ATTACHMENT A**

**1. Project Location**

Site Identification Number: SF23290B

Site Name: JPA/PGE CAP (NS) Crescent

Site Address: 400 Crescent Ave, San Francisco, CA 94122

County: San Francisco

Assessor's Parcel Number: Public ROW 5810-043

Latitude: 37° 44' 05.39" N

Longitude: 122° 25' 00.21" W

**2. Project Description**

Number of Antennas to be installed: Three (3)

Tower Design: Utility pole

Tower Appearance: Three (3) antennas inside proposed radome enclosure on existing pole

Tower Height: 48ft

Size of Buildings: n/a

**3. Business Addresses of all Governmental Agencies**

City of San Francisco,  
Attn: City Planning Director  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

City of San Francisco,  
Attn: City Clerk  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

City of San Francisco,  
Attn: City Manager  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

**4. Land Use Approvals**

Date Zoning Approval Issued:

Land Use Permit #:

If Land use Approval was not required: N/A -- Pursuant to determination from the City of San Francisco, no planning review is needed for this pole-mounted T-Mobile installation. The telecommunications installation is located entirely on existing utility poles controlled by the joint pole association and is exempt from Planning and Zoning Division regulations.



T-Mobile West Corporation  
a subsidiary of T-Mobile USA Inc.  
Engineering Development  
1855 Gateway Boulevard, 9<sup>th</sup> Floor  
Concord, California 94520

November 12, 2009

Anna Hom  
Consumer Protection and Safety Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

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2009 NOV 24 AM 11:11  
BY [Signature]

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF43645A**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- (b) No land use approval is required because  
Pursuant to determination from the City of San Francisco, no planning review is needed for this pole-mounted T-Mobile installation. The telecommunications installation is located entirely on existing utility poles controlled by the joint pole association and is exempt from Planning and Zoning Division regulations.

A copy of this notification letter is being sent to the local government agency identified below for its information. Should there be any questions regarding this project, or if you disagree with the information contained herein, please contact Joni Norman, Senior Development Manager, for T-Mobile, at (925) 521-5987, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at (415) 703-2699.

Sincerely,

Joni Norman  
Sr. Development Manager  
T-Mobile West Corporation  
a subsidiary of T-Mobile USA Inc.

Enclosed: Attachment A

cc: City of San Francisco, Attn: City Manager, 1 Carlton B. Goodlett Place, San Francisco, CA 94102  
City of San Francisco, Attn: City Clerk, 1 Carlton B. Goodlett Place, San Francisco, CA 94102  
City of San Francisco, Attn: Planning Director, 1 Carlton B. Goodlett Place, San Francisco, CA 94102

34

**ATTACHMENT A**

**1. Project Location**

Site Identification Number: SF43645A  
Site Name: PGE CAP (NS) @ Mullen  
Site Address: 98 Mullen Ave, San Francisco, CA 94110  
County: San Francisco  
Assessor's Parcel Number: 5527001  
Latitude: 37° 44' " N  
Longitude: 122° 24' " W

**2. Project Description**

Number of Antennas to be installed: Three (3)  
Tower Design: Utility pole  
Tower Appearance: Three (3) antennas top-mounted on existing joint pole  
Tower Height: 60ft  
Size of Buildings: n/a

**3. Business Addresses of all Governmental Agencies**

City of San Francisco,  
Attn: City Planning Director  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

City of San Francisco,  
Attn: City Clerk  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

City of San Francisco,  
Attn: City Manager  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

**4. Land Use Approvals**

Date Zoning Approval Issued:

Land Use Permit #:

If Land use Approval was not required: N/A -- Pursuant to determination from the City of San Francisco, no planning review is needed for this pole-mounted T-Mobile installation. The telecommunications installation is located entirely on existing utility poles controlled by the joint pole association and is exempt from Planning and Zoning Division regulations.

**T-Mobile**

**T-Mobile West Corporation**  
a subsidiary of T-Mobile USA Inc.  
Engineering Development  
1855 Gateway Boulevard, 9<sup>th</sup> Floor  
Concord, California 94520

November 12, 2009

Anna Hom  
Consumer Protection and Safety Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF23288E**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- (b) No land use approval is required because  
Pursuant to determination from the City of San Francisco, no planning review is needed for this pole-mounted T-Mobile installation. The telecommunications installation is located entirely on existing utility poles controlled by the joint pole association and is exempt from Planning and Zoning Division regulations.

A copy of this notification letter is being sent to the local government agency identified below for its information. Should there be any questions regarding this project, or if you disagree with the information contained herein, please contact Joni Norman, Senior Development Manager, for T-Mobile, at (925) 521-5987, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at (415) 703-2699.

Sincerely,



Joni Norman  
Sr. Development Manager  
T-Mobile West Corporation  
a subsidiary of T-Mobile USA Inc.

Enclosed: Attachment A

cc: City of San Francisco, Attn: City Manager, 1 Carlton B. Goodlett Place, San Francisco, CA 94102  
City of San Francisco, Attn: City Clerk, 1 Carlton B. Goodlett Place, San Francisco, CA 94102  
City of San Francisco, Attn: Planning Director, 1 Carlton B. Goodlett Place, San Francisco, CA 94102

BY RC  
2009 NOV 24 AM 11:11  
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35

**ATTACHMENT A**

**1. Project Location**

Site Identification Number: SF23288E  
Site Name: PGE CAP (NS) 222 Randall  
Site Address: 222 Randall St (near), San Francisco, CA 94131  
County: San Francisco  
Assessor's Parcel Number: Public ROW 6654-029 (in front of)  
Latitude: 37° 44' 23.73" N  
Longitude: 122° 25' 41.86" W

**2. Project Description**

Number of Antennas to be installed: Three (3)  
Tower Design: Utility pole  
Tower Appearance: Three (3) antennas mounted inside proposed radome enclosure on existing pole  
Tower Height: 54ft  
Size of Buildings: n/a

**3. Business Addresses of all Governmental Agencies**

City of San Francisco,  
Attn: City Planning Director  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

City of San Francisco,  
Attn: City Clerk  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

City of San Francisco,  
Attn: City Manager  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

**4. Land Use Approvals**

Date Zoning Approval Issued:

Land Use Permit #:

If Land use Approval was not required: N/A -- Pursuant to determination from the City of San Francisco, no planning review is needed for this pole-mounted T-Mobile installation. The telecommunications installation is located entirely on existing utility poles controlled by the joint pole association and is exempt from Planning and Zoning Division regulations.

**Help San Francisco Lead  
the Way on Net  
Neutrality**

Dear Kimo,

The momentum for Net Neutrality is building in San Francisco.

On Tuesday, Nov. 24, the San Francisco Board of Supervisors will host a public hearing to decide whether the city should support Net Neutrality. The board is weighing a pro-Net Neutrality resolution introduced by Supervisor Michela Alioto-Pier.

**Let the Board of Supervisors know you support Net Neutrality**

The hearing is an opportunity for residents of San Francisco to stand with the millions of people nationwide who are calling for a free and open Internet.

Congress will be watching, too. A vote of support for Net Neutrality in San Francisco could spur additional members of the California delegation in Congress to follow suit by supporting a Net Neutrality law. The Internet Freedom Preservation Act (H.R. 3458) would ensure that we have control over where we go and what we do on the Internet, without corporate gatekeepers.

**Take a moment to urge the Board of Supervisors to support Net Neutrality**

Thanks for putting San Francisco front and center in the fight for Net Neutrality.

Onward,

Misty Perez Truedson  
Program Manager  
Free Press  
[www.freepress.net](http://www.freepress.net)  
[www.savetheinternet.com](http://www.savetheinternet.com)

PS: For breaking news and updates on the fight for Net Neutrality, check out the [SavetheInternet.com](http://SavetheInternet.com) blog.

 [Share on Facebook](#)  [Share on  
Twitter](#)

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**Board of  
Supervisors/BOS/SFGOV**

11/23/2009 02:53 PM

To BOS Constituent Mail Distribution,

cc

bcc

Subject Fw: Net Neutrality in San Francisco Tues 11/24 BOS !

----- Forwarded by Board of Supervisors/BOS/SFGOV on 11/23/2009 02:53 PM -----



**Kimo Crossman**

**<kimo@webnetic.net>**

Sent by:

kimocrossman@gmail.com

11/23/2009 11:48 AM

Please respond to  
kimo@webnetic.net

To Melissa Griffin <melissagriff@gmail.com>, Eve Batey <eve@sfappeal.com>, Michael Strickland <strickla@earthlink.net>, Luke Thomas <editor@fogcityjournal.com>, Tim Redmond <tr@sfbg.com>, Rebecca Bowe <rebeccab@sfbg.com>, Steve Jones <steve@sfbg.com>, Rick.Galbreath@sfgov.org, andy blue <andy.blue@yahoo.com>, Board of Supervisors <Board.of.Supervisors@sfgov.org>, Rick Hauptman <rickhauptman@yahoo.com>, mike.mccarthy@sfgov.org

cc

Subject Net Neutrality in San Francisco Tues 11/24 BOS !

----- Forwarded message -----

From: **Misty Perez Truedson, FreePress.net** <[info@freepress.net](mailto:info@freepress.net)>

Date: Mon, Nov 23, 2009 at 11:34 AM

Subject: Net Neutrality in San Francisco

To: [kimo@webnetic.net](mailto:kimo@webnetic.net)

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INTERNET.COM

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**Board of  
Supervisors/BOS/SFGOV**

11/23/2009 03:11 PM

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

cc

bcc

Subject Fw: BOARD OF SUPERVISORS INQUIRY - DUE NOTICE  
(REFERENCE: 20091006-002)

----- Forwarded by Board of Supervisors/BOS/SFGOV on 11/23/2009 03:11 PM -----

**Jim Soos/DPH/SFGOV**

11/20/2009 02:05 PM

To Board of Supervisors/BOS/SFGOV@SFGOV

cc Sean Elsbernd/BOS/SFGOV@SFGOV, Mitch  
Katz/DPH/SFGOV@SFGOV, Anne Kronenberg, Pamela  
Tyson/DPH/SFGOV@SFGOV

Subject Re: Fw: BOARD OF SUPERVISORS INQUIRY - DUE  
NOTICE (REFERENCE: 20091006-002)

Dear Ms. Calvillo:

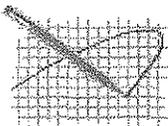
In response to the inquiry below (Reference: 20091006-002), please find the attached response from Dr. Mitchell Katz.



BOS Inquiry Response (20091006-002).doc

Jim Soos  
Assistant Director of Policy and Planning  
San Francisco Department of Public Health  
101 Grove St., Room 312  
San Francisco, CA 94102  
(415) 554-2633 - phone  
(415) 554-2622 - fax  
Jim.Soos@sfdph.org  
Anne Kronenberg/DPH/SFGOV

Mitch Katz/DPH/SFGOV



**Board of  
Supervisors/BOS/SFGOV**

11/20/2009 10:21 AM

To mitch.katz@sfdph.org

cc Sean.Elsbernd@sfgov.org

Subject BOARD OF SUPERVISORS INQUIRY - DUE NOTICE

**BOARD OF SUPERVISORS INQUIRY - DUE NOTICE**

If you have already responded, please disregard this notice.

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For any questions, call (415) 554-7708.

TO: Mitchell Katz, M.D.  
Health

FROM: Clerk of the Board  
DATE: 11/20/2009  
REFERENCE: 20091006-002  
FILE NO.

Due Date: 11/7/2009  
Reminder Sent: 11/6/2009

The inquiry referenced above from Supervisor Elsbernd was made at the Board meeting on 10/6/2009 and a response was requested by the due date shown above.

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.

For your convenience, the original inquiry is repeated below.

*Requesting the City Attorney, Health Service System, and Department of Public Health to provide an analysis of proposed Federal legislation and the possible impact on access to and delivery of health care in San Francisco. In particular:*

*1. If a mandate for health insurance remains in the final legislation, does Healthy San Francisco qualify as an acceptable insurance plan for those uninsured San Franciscans who now must get insurance?*

*1a. If a federal "public option" is created, how does it work with and/or conflict With Healthy San Francisco?*

*2. Would an excise tax on high cost health plans affect any health benefits afforded to City employees and/or retirees?*

*3. What, if any, will be the impact on city retirees who receive Medicare?*

BOS-11  
File # 091337  
cpage



**FTTH** | fiber to the home  
council

November 23, 2009

Mr. David Chiu, President  
Board of Supervisors  
City and County of San Francisco  
Legislative Chamber, Room 250  
City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

(Via email to [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org), copy to [Angela.Calvillo@sfgov.org](mailto:Angela.Calvillo@sfgov.org).)

Dear President Chiu:

It is my understanding that, at its November 24 meeting, the Board will take up item #091137, a resolution urging the Federal Communications Commission to codify strong network neutrality principles. On behalf of the Fiber-to-the-Home (FTTH) Council North America, I wish to offer some thoughts pertaining to this resolution. I would respectfully ask that this letter be entered into the record for the November 24 meeting.

The FTTH Council is a non-profit organization established in 2001. Our mission is to educate the public and government officials about fiber to the home ("FTTH") and to promote and accelerate FTTH deployment and the resulting quality of life enhancements that FTTH networks make possible. Fiber to the home is next-generation telecommunications access technology that features the running of fiber optic cable all the way to each subscriber premises in the network, thereby enabling the provision of bi-directional bandwidth at many times the capacity of networks that rely mostly on copper-based access technologies in the last mile. We represent more than 200 companies, organizations and public entities from across the country – about half of them providing services over FTTH networks and the rest from other areas of the broadband access industry, including telecommunications, computing, networking, system integration, engineering, and content-provision.

The resolution expresses a number of concerns about the development of networks and future access to the Internet in calling for the Federal Communications Commission to "codify strong network neutrality principles in order to ensure that the Internet will

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Mr. David Chiu, President  
Board Of Supervisors, City and County of San Francisco  
November 23, 2009

continue to foster innovation, increase competition, and spur economic growth as well as making the Internet faster and more affordable for all.”

We, too, have heard these concerns. And as the debate over bandwidth management practices and prioritization of traffic has moved to center stage over the past couple of years, the FTTH Council, at the request of our members, conducted our own in-depth inquiry into these issues. We interviewed many network platform providers and content and applications providers, and we gleaned information from industry experts, industry publications, and law and technical journals. All of this information was analyzed by the members of the Council, many of whom are highly knowledgeable about network architecture and management.

After reviewing this evidence, the members of the Council found no identifiable and material exclusionary practices engaged in by network platform providers today that warrant the imposition of additional non-discrimination requirements. The Council also determined that new regulations would have questionable efficacy and would create significant costs for users and providers, an especially troubling prospect when government policymakers are seeking to encourage investment in broadband networks. The Council's examination, however, did not end there.

The Council examined the overall ecosystem of the Internet and found that the Internet is governed by complex and ever evolving market forces that create a “balance of power” among providers and end-users preventing the exercise of these abilities. This is sufficient to stymie virtually all unreasonably discriminatory practices. The practical opportunities for effective discrimination decrease even further because of the high-level of vigilance by providers, end-users and government officials. That is why the Federal Communications Commission has had to deal with only two instances of possible harm in the past five years.

To examine whether local network providers have incentives to engage in exclusionary practices, it is first important to define the relevant market. The relevant product market is the transmission of data from producers (content and applications providers) to residential consumers (end-users) via telecommunications facilities (backbone and local). However, products that are indifferent to buffering (delay) would not be greatly affected by prioritization practices by local network providers, were they to occur. Thus, the analysis of the product market should focus on services that require “no noticeable delay,” including potentially such services as VoIP, on-line gaming, and tele-surgery. The relevant geographic market should reflect the delivery of information from content and applications providers that operate nationally (if not internationally) and the multiplicity of end-users around the United States. A focus solely on a marketplace defined by the service areas of local network providers is far too narrow. While cable modem and DSL services may predominate for local delivery, they do not subsist alone. These types of services interact with, and their success often is dependent upon, upstream providers and overlay networks. Therefore, any acts or potential acts by them must be analyzed in a large (national) geographic context.

Mr. David Chiu, President  
Board Of Supervisors, City and County of San Francisco  
November 23, 2009

The next step in analyzing the potential for harm is to examine possible actions that might be problematic. The first step in examining these actions is to differentiate between reasonable discrimination and unreasonable (or anticompetitive) discrimination. Network providers have justifiable reasons to manage bandwidth (discriminate), for instance, to handle malware attacks or ensure delivery during emergencies or even to meet the needs of users that want quality of service assurances and are willing to pay a premium for it. This leaves unreasonably discriminatory acts, which enable local network providers to exact supracompetitive profits or otherwise disadvantage their competitors. Such acts, while technically possible, have not occurred to any material degree because of the distributed nature of market power throughout the Internet and the extent of countermeasures available to end-users and content and applications providers. While the Internet's operating protocols have remained fixed, the network has evolved significantly, and so too have the capabilities and services provided both downstream to end-users and upstream to content and applications providers. Put simply, today's Internet enables a vast array of differentiated products by a distributed network of providers. Part of this evolution is due to the very openness of the protocols and basic architecture of the overall network, which ease the development of new functionalities. Also driving this variety and vibrancy are efforts to cure flaws in the Internet (or address new needs). For instance, the Internet has always been and remains a "best efforts" network, subject to congestion that may hinder the transmission of certain services. In addition, the Internet may not adequately preserve the security of some transmissions. Various entities, in effect, have used (and are using) the Internet's strengths to address its weaknesses and have created (and are creating) new networks and capabilities "overlaying" the basic Internet. Email was one of the first overlays to the Internet, providing new functionality and a new locus of intelligence. Since then, other overlays have been created, including Content Distribution Networks, Peer-to-Peer Applications, and Secure Services. All of these take intelligence from the edge and move it elsewhere in the network, giving providers and users new methods to transmit and receive products. These overlay networks and functionalities help alter the balance of power among providers and users, distributing that power over a larger base and diluting any potential concentration in local network providers.

Akamai, the largest Content Distribution Network, provides an excellent example of the distribution of market forces. Because of its worldwide presence and sophisticated content delivery system based on proprietary algorithms and local caching, it serves many of the major content and applications providers – along with many smaller ones. For example, Cameron Clarke, CEO of the video provider Vodium, told us that his company uses Akamai to host and deliver its content because it can better guarantee quality end-to-end. In other words, Akamai, and therefore its content and applications customers, has the ability to stand toe-to-toe with any local network provider.

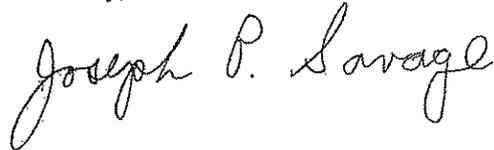
What is discovered by analyzing these overlay networks and capabilities and the many others that exist is that there is a complex array of market forces in the Internet – achieving a dynamic and resilient balance. Because of the high-speed at which Internet

Mr. David Chiu, President  
Board Of Supervisors, City and County of San Francisco  
November 23, 2009

functionalities evolve, any potential unreasonable discrimination is likely to be very fleeting. Forces and counter-forces move very quickly in "Internet-time." In contrast, regulatory action is inevitably slow as a practical matter, and complaints very rarely get resolved in a commercially reasonable amount of time. In addition, exacerbating this situation, government agencies like the Federal Communications Commission have no real experience in overseeing the complex nature of determining when reasonable bandwidth management practices become anticompetitive acts. Any attempt to act on this basis will lead to a great deal of uncertainty in the industry, inhibiting investment at the very time the government is seeking to encourage the development of advanced broadband infrastructure.

The best course is for government to withhold from adopting a non-discrimination requirement. Rather, it should focus on supply-side solutions – encouraging the deployment of additional networks with larger bandwidth capabilities. Such a productive course of action will best serve the public interest.

Sincerely,

A handwritten signature in cursive script that reads "Joseph P. Savage". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Joe Savage  
President, FTTH Council  
4741 Cambridge Ct.  
Lake Oswego, OR 97035  
(503) 635-3114



"Nguyen, Richard"  
<nguyenr@seattleu.edu>

11/23/2009 06:42 PM

To <board.of.supervisors@sfgov.org>

cc

bcc

Subject Illegal Immigrants Get Healthy SF

So Healthy SF is supposed to provide health care for residents of SF who would not otherwise be able to get it somewhere else, for what ever reason.

Illegal immigrants are eligible for Healthy SF because immigration status is not a factor. I don't know the specifics of where the money is coming from to pay for health services to illegal immigrants. But how do these immigrants pay their fair share?

SF attracts a number of int'l students, living here on student visas. Going through many hoops, spending lots of money, waiting for application responses, all just to have the chance of studying at an American school. They are not allowed to work, just study. Go ahead and come here. Pay the full tuition, spend your money here, don't take our jobs, spread that American education back to your home country. Hey they sound like the perfect people we want.

Int'l students are also not eligible for Healthy SF. The reason being they should have health insurance before coming into the US. Ok sure.

So instead of coming to the US the right way, were int'l student here illegally, they would be eligible for Healthy SF. That's what my int'l student friend was told when she tried to apply for Healthy SF. Be a law-abiding legal student, no health care. Be an illegal, voila, free health care. Magic.

Richard Nguyen  
Seattle University School of Law  
Juris Doctor Candiate 2012  
Former resident of SF, away for school.

39

C-pages



Mark Jones  
<markjones23@gmail.com>

11/25/2009 10:16 AM

To board.of.supervisors@sfgov.org

cc

bcc

Subject Power Issues!

Dear Supervisors,

Please guarantee full funding and support for a LAFCo managed Clean Power SF project that will run San Francisco on 50% renewable energy sources within the next decade, and will use the electricity savings created by these renewables to pay for the project, so that it meets or beats PG&E rates.

Thank You,

Citizen Jones  
aka  
Mark Jones, San Franciscan

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## LETTER TO THE EDITOR

## CRUEL HOAX

WHAT A CRUEL HOAX THE 7 PERSONS SITTING ON THE JUDICIAL BENCH OF THE CALIFORNIA SUPREME COURT HAVE PERPETRUATED UPON SOME OF THE "GAY COMMUNITY" IN LEADING THEM TO BELIEVE THAT THEY LAWFULLY MARRIED IN THE STATE OF CALIFORNIA WHILE IN POSSESSION OF "JUDICIAL KNOWLEDGE" THAT THE ORDER STRIKING FROM FAMILY CODE SEC. 300 THE DEFINITION OF MARRIAGE AS A UNION BETWEEN A MAN AND A WOMAN AMOUNTED TO "JUDICIAL LEGISLATION" AND THAT THERE WAS NO ONE IN THE STATE OF CALIFORNIA WHO WAS AUTHORIZED BY CALIFORNIA LAW TO "SOLEMNIZE" A "MARRIAGE" OF PERSONS OF THE SAME SEX.

YOU WILL FIND IN THE FILES OF THE CALIFORNIA SUPREME COURT, DISTRICT ATTORNEY OF THE CITY AND COUNTY OF SAN FRANCISCO, F.B.I. AND OTHERS FAXed COPIES OF MY ACCUSATIONS OF VIOLATIONS CALIFORNIA PENAL CODE AND GOVERNMENT CODE BY EACH OF SAID "SEVEN" AS WELL AS THEIR VIOLATIONS OF THE CANNONS OF JUDICIAL ETHICS. AND WHAT HAS BEEN DONE ABOUT IT? ABSOLUTELY NOTHING TO MY KNOWLEDGE.

SO IS THE GREAT STATE OF CALIFORNIA GOING TO ALLOW SOME "NOBODY" TO ACCUSE PERSONS SITTING IN ITS HIGHEST COURT OF VIOLATIONS OF PENAL LAWS WITHOUT DOING SOMETHING ABOUT IT? SHAME==SHAME==SHAME--CALIFORNIA!! WHERE IS YOUR PRIDE AND YOUR HONOR?

  
RAYMOND H. HAWKINS  
249 LAKE DRIVE  
KENSINGTON, CALIFORNIA 94708  
510-526-6311  
NOVEMBER 28, 2009

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**Board of  
Supervisors/BOS/SFGOV**

11/23/2009 04:55 PM

To BOS Constituent Mail Distribution,

cc

bcc

Subject File 091020 Support Discretionary Review Reform

----- Forwarded by Board of Supervisors/BOS/SFGOV on 11/23/2009 04:55 PM -----



**"Pearson, Bill"**  
<Bill.Pearson@stantec.com>

11/20/2009 01:36 PM

To <board.of.supervisors@sfgov.org>

cc

Subject Support Discretionary Review Reform

Dear Supervisors,

As a resident of San Francisco and practicing architect, I want you to know that I support the Discretionary Review reform as proposed by the San Francisco Planning Commission. The current Discretionary Review process is time consuming and expensive, pitting neighbors against each other. This proposal streamlines the bureaucracy creating a more transparent process for residents, allowing change where it will enhance our community.

Thank you for your consideration and support of the proposed Discretionary Review reform.  
Regards,

**William Randolph Pearson**  
Senior Architect, AIA, LEED AP

405 Howard Street 5th Floor  
San Francisco CA 94105  
Ph: (415) 946-6721  
Cell: (415) 200-6793  
bill.pearson@stantec.com  
**stantec.com**

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 Please consider the environment before printing this email.

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"Neil Davies"  
<zenteke@mindspring.com>

11/23/2009 03:18 PM

To "supervisor Bevan Duffy" <Bevan.Duffy@sfgov.org>,  
"Supervisor Carmen Chu" <Carmen.Chu@sfgov.org>,  
"Supervisor Chris Daly" <Chris.Daly@sfgov.org>,  
cc "Jim Summers" <jsummers@desilvagroup.com>,  
"Supervisor Clerk of the Board"  
<board.of.supervisors@sfgov.org>

bcc

Subject Subject file# 090832 (Sunol Valley Quarry)

Dear Clerk of the Board,

Please include this attachment in the Honorable Supervisors' packets for tomorrow's meeting.

Thank you,

Neil Davies,  
V.P., Save Our Sunol

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Save Our Sunol, P.O. Box 500, Sunol California 94586

To: Supervisors Avalos, Mirkarimi and Chu, Budget and Finance Committee

From: Board of Directors, Save Our Sunol (SOS)

Re: Quarry Lease to Oliver de Silva, Inc in support of SMP-30

Date: November 18, 2009

Dear Supervisors,

We tend to think of Sunol as a small rural town surrounded by parkland. However, the City and County of San Francisco owns 100% of the Sunol Valley floor and the watershed properties in the hills surrounding Sunol. The valley floor is dedicated to several different billion dollar businesses which pay large rents or 10-15% royalties on mined material. Judging by the amount that will be spent on rebuilding dams and tunnels, as well as the recent construction of water treatment systems, the value of San Francisco PUC systems in and near the valley is similarly large. These activities for the better part of a century have created impacts on the town of Sunol which will presumably continue till long after we're gone.

However, up until recently, Sunol was never considered a stakeholder in these arrangements. A shift in approach has led to a scenario where the town might benefit from these continuing activities.

1. SOS is very pleased with the Conservation Agreement. Conceptually it appears to provide mitigation for many of the environmental concerns as well as providing substantive support for Alameda Creek Alliance and the Center for Biological Diversity. We find this to be very positive.
2. For the first time in many years, we have seen a willingness on the part of the SFPUC to work with us for mutual benefit rather than the alternative. We support and applaud this new paradigm.
3. For many years, the citizens of Sunol have been impacted by mining in the Sunol Valley. As stakeholders, SOS expects the town of Sunol to, likewise, share in benefits from this new found spirit of cooperation between the SFPUC and ODS. ODS, the SFPUC and SOS are moving toward a mutual agreement which will benefit the town of Sunol including funding of a Sunol Foundation supporting community initiatives, extended use by the Sunol Glen Unified

School District of an SFPUC parcel and design and implementation of water system upgrade required by the California Department of Health for fire fighting in Sunol.

We are aware that these negotiations are still in process and final solutions are yet to be created. However, we have confidence that the SFPUC, ODS and SOS will continue to move forward in the development of these agreements in support of our town. We consider these negotiations to be a real commitment by the parties involved.

Therefore, as a member of the Board of Directors of Save Our Sunol, I have been authorized to speak in favor of the contemplated quarry lease to Oliver de Silva, Inc in support of SMP-30 located in the Sunol Valley.

Best Regards,

Neil Davies  
V.P., SOS



"Dr. Ahimsa Sumchai"  
<asumchai@live.com>

11/12/2009 02:06 PM

To Brooks Eric <brookse32@aim.com>, Leland Yee  
<senator.yee@senate.ca.gov>, Board Supervisors  
<board\_of\_supervisors@ci.sf.ca.us>, Ahimsa Sumchai

cc

bcc

Subject BVHP/Candlestick Phase II Draft EIR Release 11/12/09- Last  
Fridays Planning BVHP Dog & Pony Show: Snow Job by  
Mayors Office / Planning / Redevelopment & Lennar

**AHIMSA PORTER SUMCHAI, M.D.** 

---

To: home@prosf.org; communityfirstcoalition@yahoogroups.com; editor@sfbayview.com;  
tredmond@sfbg.com; sarah@sfbg.com; rezurxn@hotmail.com; m26sf@aol.com;  
frandacosta@att.net; marie@greenaction.org; asumchai@sfbayview.com;  
rolandgarret@aol.com; patnlisa@sbcglobal.net; editor@fogcityjournal.com

From: asumchai@live.com

Date: Thu, 12 Nov 2009 13:48:01 -0800

Subject: [CommunityFirstCoalition] Phase II Draft EIR Release 11/12/09- Last Fridays  
Planning BVHP Dog & Pony Show: Snow Job by Mayors Office / Planning / Redevelopment &  
Lennar

With great trepidation I was able to obtain a copy of the Draft EIR for the Candlestick Point-Hunters Point Shipyard Phase II Development Plan at the Planning Department MEA Division. I was routed to three other locations, including Lennar Developers for a copy.

According to the Notice of Availability, "the proposed project would result in significant unavoidable adverse environmental effects to transportation, air quality, noise and cultural resources that cannot be mitigated to less than significant levels."

The public hearing before the Redevelopment Agency will be held on December 15, 2009 at 4pm. The Planning Commission hearing is scheduled for December 17, 2009 at 1:30pm. The public review period ends on December 28, 2009. I plan to challenge the EIR. The BVHP Redevelopment plan EIR documents a significant adverse negative environmental impact that is unmitigated in the generation of toxic air contaminants.

**AHIMSA PORTER SUMCHAI, M.D.** 

From: home@prosf.org

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RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

BDS-11  
C-pages

2009 NOV 23 AM 11:12

BY KA

November 20, 2009

#091278

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

REF: File No. 091278  
Proposed Adoption of Resolution of Necessity for Eminent Domain  
Subsurface Tunnel Easements at Ravenswood Open Space Preserve  
San Mateo County Assessor's Parcels 063-590-060 and 096-230-110

Honorable Board of Supervisors:

The San Francisco Bay Trail Project supports the proposed exchange of easements between the San Francisco Public Utilities Commission (SFPUC) and the Midpeninsula Regional Open Space District (MROSD) in order to complete a vital link in the San Francisco Bay Trail. SFPUC wishes to acquire a subsurface tunnel easement across publicly dedicated open space owned and managed by MROSD at Ravenswood Open Space Preserve in Menlo Park for the purpose of constructing the new transbay pipeline. MROSD has proposed an exchange of easements that will convey to SFPUC the needed tunnel easement across MROSD lands, and in exchange MROSD will acquire a trail easement across adjoining San Francisco lands that will close a critical gap in the Bay Trail system. The San Francisco Bay Trail Project recognizes the importance of upgrading the safety and reliability of the Hetch-Hetchy water supply system serving many Bay Area communities. We believe an exchange of easements between SFPUC and MROSD will provide additional benefit to these communities by enhancing public access and recreational opportunity along the bay.

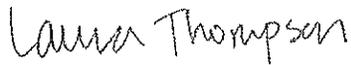
A trail link connecting existing sections of the Bay Trail at Ravenswood Open Space Preserve and along University Avenue has been sought by Bay Trail stakeholders for over 20 years, beginning with discussions between the County of San Mateo and the SFPUC in the late 1980s that was supported by a grant from the California State Coastal Conservancy. Our understanding is that this earlier effort was unsuccessful due to a perceived conflict in use on the SFPUC-managed property with an existing gun club lease. That lease ended some time ago. The feasibility of such a trail link was studied in detail in 2004-05 in a report commissioned by Menlo Park and involving participation by a stakeholder task force including SFPUC, East Palo Alto, San Mateo County, utility agencies, bicycle and open space advocates, trail planners, MROSD, and others. The route proposed by MROSD for a public trail easement across the

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SFPUC-managed property is nearly identical to the route identified in the Menlo Park report as the "Preferred Alignment."

The Bay Trail Project is a nonprofit organization administered by the Association of Bay Area Governments (ABAG) that plans, promotes and advocates for the implementation of a continuous 500-mile bicycling and hiking path around San Francisco Bay. When complete, the trail will pass through 47 cities, link all nine Bay Area counties, and cross seven toll bridges. To date, 296 miles, more than half the length of the Bay Trail alignment has been developed. Securing this easement linking to the Ravenswood Open Space Preserve is a critical step in completing a continuous trail network that will serve important regional recreation and alternative transportation goals.

Sincerely,



Laura Thompson  
Bay Trail Project Manager

cc: Mayor Gavin Newsom  
Ed Harrington, General Manager, SFPUC

Crage



Francisco Da Costa  
<fdc1947@gmail.com>

11/24/2009 07:06 AM

To: Francisco Da Costa <fdc1947@gmail.com>

cc

bcc: Board of Supervisors/BOS/SFGOV

Subject: Drab rules passed to adversely impact millions.

**Sophie Maxwell used her drab power as Chair of the SF Land Use  
to adversely affect millions in San Francisco:**

**<http://www.indybay.org/newsitems/2009/11/24/18630319.php>**

**Francisco Da Costa**

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c-page



Ahimsa Porter Sumchai M.D.  
<asumchai@sfbayview.com>

11/25/2009 10:47 AM

Please respond to  
asumchai@sfbayview.com

To <asumchai@live.com>,  
<communityfirstcoalition@yahoogroups.com>,  
<board\_of\_supervisors@ci.sf.ca.us>

cc  
bcc

Subject Autism Increase Environmental Not Genetic - Says New  
Director of USA's \$30.5 Billion Health Research Budget -  
[CA2

Ahimsa Porter Sumchai, M.D.

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

From: rolandgarret@aol.com

To: asumchai@sfbayview.com

Sent: Sun 25/10/09 11:51 PM

Subject: Fwd: Re: Autism Increase Environmental Not Genetic – Says New Director of  
USA's \$30.5 Billion Health Research Budget - [CA2

1: Neurotoxicology. 2009 Sep;30(5):822-31. Epub 2009 Feb 10.  Links

**Associations between indoor environmental factors and parental-reported autistic spectrum disorders in children 6-8 years of age.**

Ahimsa,

I also found this on Pubmed: <http://www.ncbi.nlm.nih.gov/sites/entrez>. I have come to the conclusion that living in Hunter's Point is dangerous to one's health and it should also be considered a carcinogen.

I am also attaching an essay, *Justice and Injustice in California A comparison between rich and poor communities* ( Hunters Point, Pleasanton, and El Dorado County), that I sent to Mary yesterday.

Please let me know what you think.

Roland

L arsson M, Weiss B, Janson S , Sundell J, Bornehag CG.

Karlstad University, Health and Environmental Sciences, Sweden.

Potential contributions of environmental chemicals and conditions to the etiology of Autism Spectrum Disorders are the subject of considerable current research and speculation. The present paper describes the results of a study undertaken as part of a larger project devoted to the connection between properties of the indoor environment and asthma and allergy in young Swedish children. The larger project, The Dampness in Buildings and Health (DBH) Study, began in the year 2000 with a questionnaire distributed to parents of all children 1-6 years of age in one Swedish county (DBH-I). A second, follow-up questionnaire (DBH-III) was distributed in 2005. The original survey collected

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information about the child, the family situation, practices such as smoking, allergic symptoms, type of residence, moisture-related problems, and type of flooring material, which included polyvinyl chloride (PVC). The 2005 survey, based on the same children, now 6-8 years of age, also asked if, during the intervening period, the child had been diagnosed with Autism, Asperger's syndrome, or Tourette's syndrome. From a total of 4779 eligible children, 72 (60 boys, 12 girls) were identified with parentally reported autism spectrum disorder. A random sample of 10 such families confirmed that the diagnoses had been made by medical professionals, in accordance with the Swedish system for monitoring children's health. An analysis of the associations between indoor environmental variables in 2000 as well as other background factors and the ASD diagnosis indicated five statistically significant variables: (1) maternal smoking; (2) male sex; (3) economic problems in the family; (4) condensation on windows, a proxy for low ventilation rate in the home; (5) PVC flooring, especially in the parents' bedroom. In addition, airway symptoms of wheezing and physician-diagnosed asthma in the baseline investigation (2000) were associated with ASD 5 years later. Results from the second phase of the DBH-study (DBH-II) indicate PVC flooring to be one important source of airborne phthalates indoors, and that asthma and allergy prevalence are associated with phthalate concentrations in settled dust in the children's bedroom. Because these associations are among the few linking ASD with environmental variables, they warrant further and more extensive exploration.

PMID: 19822263 [PubMed - in process]  
Autism Increase Environmental

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

From: Ahimsa Porter Sumchai M.D.

To: ahimsa.sumchai@ucsf.edu; board\_of\_supervisors@ci.sf.ca.us; home@prosf.org;  
communityfirstcoalition@yahoogroups.com; justinvmorgan@yahoo.com; mecsoft@pacbell.net

Cc: rolandgarret@aol.com; health.commission@sfdph.org

Sent: Sun, Oct 25, 2009 10:56 pm

Subject: Autism Increase Environmental Not Genetic – Says New Director of USA's \$30.5 Billion Health Research Budget - [CA2]]

This is very relevant in the face of the swine flu pandemic. Multidose vials of vaccine still use mercury containing thimerosal as a preservative.

Ahimsa Porter Sumchai, M.D.

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

**From:** SF Bay View [editor@sfbayview.com](mailto:editor@sfbayview.com)

**To:** Ahimsa Sumchai [asumchai@sfbayview.com](mailto:asumchai@sfbayview.com), Lauren Moret [laurenmalaysia@yahoo.com](mailto:laurenmalaysia@yahoo.com)

**Sent:** Sun 25/10/09 3:25 PM

**Subject:** Fwd: [Fwd: Autism Increase Environmental Not Genetic – Says New Director of USA's \$30.5 Billion Health Research Budget - [CA2]]

This is interesting to me on several levels. First is that it reminds me of the debate over whether environmental factors contribute to breast cancer and whether shipyard dust is toxic (in an interview on KPOO Saturday morning, Saul Bloom came down on the NO side pretty much, though he couldn't bring himself to even mention asbestos). Also, our niece who has a young adult son with severe autism is convinced it was caused by a vaccine, and I want to know enough to help Apollonia with her autistic son.

So I'd be interested in your take on this and would welcome something for publication, as I think a lot of people are interested in the issue.

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

**Subject:** Autism Increase Environmental Not Genetic – Says New Director of USA’s \$30.5 Billion

**ct:** Health Research Budget - [CA2]

**Date:** Sun, 25 Oct 2009 11:35:52 +0000

**From:** ChildHealthSafety

**To:** CHS

Autism Increase Environmental Not Genetic – Says New Director of USA’s \$30.5 Billion Health Research Budget - October 24, 2009 by childhealthsafty

A controversy raging for two decades over the causes of the worldwide pandemic of autism in children was resolved unequivocally in formal evidence by Francis S. Collins, M.D., Ph.D. in 2006 but little notice was taken then. Today Collins controls the US’ annual medical research budget of US\$30.5 billion: [NIH Budget] making Collins’ 2006 evidence of substantial international significance for many millions of parents and their children and for funding of research into the causes of autism.

The drug industry, medical experts, World Health Organisation and government health officials worldwide have systematically represented autism spectrum conditions as solely genetically caused whilst denying any role of childhood vaccines or other factors like environmental toxins. Independent scientists, medical experts and parents contradict this and say there is good evidence autism is caused by vaccines and environmental toxins like mercury.

Collins as a leading medical doctor and geneticist who led the Human Genome Project confirmed in public to the US House of Representatives in May 2006 that recent increases in chronic diseases like diabetes, childhood asthma, obesity or autism must have an environmental [external] cause and cannot be solely genetically [internally] caused conditions.

The NIH makes almost 50,000 competitive grants to more than 325,000 researchers at over 3,000 universities, medical schools, and other research institutions in every US state and around the world. About 10% of the NIH’s budget supports projects conducted by nearly 6,000 scientists in its own laboratories, most of which are on the NIH campus in Bethesda, Maryland.

Collins was appointed and sworn in as the 16th Director of the US National Institutes of Health on 17th August 2009 after nomination by President Obama: NIH News Release 17th August 2009.

When Director of the US National Human Genome Research Institute Collins stated:-

*Recent increases in chronic diseases like diabetes, childhood asthma, obesity, or autism cannot be due to major shifts in the human gene pool as those changes take much more time to occur. They must be due to changes in the environment, including diet and physical activity, which may produce disease in genetically predisposed persons. Therefore, GEI will also invest in innovative new technologies/sensors to measure environmental toxins, dietary intake and physical activity, and using new tools of genomics, proteomics, and understanding metabolism rates to determine an individual's biological response to those influences. "*

Francis S. Collins, M.D., Ph.D.,

Evidence to US House of Representatives Committee May 2006

But will Collins' appointment make any difference to the present research position? Will the influence of the pharmaceutical industry and financial conflicts of some in the medical professions prevent much needed research being carried out? The position does not look too good as reported by award winning journalist David Kirby: [NIH Agency Head Backs Vaccine-Autism Research on Friday; Resigns from Federal Autism Panel on Saturday Huffington Post 20th October 2009].

Story Landis, PhD, director of the National Institute of Neurodevelopmental Disorders and Stroke (NINDS), an NIH agency, surprised many parents on Friday by stating that autism researchers should study "the children who have been most profoundly affected" by adverse reactions to vaccination.

On Saturday, Dr. Landis abruptly resigned from the powerful Interagency Autism Coordinating Committee (IACC), which helps direct hundreds of millions in federal tax dollars to autism research, treatment, care and services.

Kirby followed up with: NIH Director Francis Collins Blames Resignation Of Top Health Official From Autism Panel On "Tension And Lack Of Trust"

The controversy over the environmental causes of autism has its foundations in the now clearly flawed work of English psychiatrist Professor Sir Michael Rutter. Our article of 25th January this year Autism Not Genetic – Says Expert Professor Simon Baron Cohen demonstrated the unscientific and flawed logic of Rutter's original paper which has misled the world for so long: ["Infantile autism: A genetic study of 21 twin pairs." J. Child Psychol. Psychiat. 18, 297-321 (1977)].

We stated:-

We .... can consign over 30 years of unscientific medical, psychiatric and psychological papers to the garbage. This brings a scientific approach to the issue since the erroneous genetic myth was first propounded with the publication of Professor Michael Rutter's paper"

Another of our articles shows how Rutter put his name to a paper claiming that Japanese data showed MMR vaccine did not cause autism when analysis of official Japanese data formally published in several peer reviewed Japanese medical papers only a few years earlier showed it was clearly implicated along with other vaccines: Japanese Data Show Vaccines Cause Autism. How Rutter and his Japanese co-authors missed this is unresolved. Here are the graphs we published showing this:-

Here is the same data normalised by annual % of children receiving MMR vaccination  
– showing the same correspondence as above graph.

In our story [Autism Not Genetic – Says Expert Professor Simon Baron Cohen](#) we also quoted British autism expert Professor Simon Baron Cohen of Cambridge University who also contradicted the position that autism is a genetic condition :-

*“We know that autism is not 100% genetic in origin, since in the case of identical twins (who share 100% of their genes), there are instances of one*

*twin having autism and the other not having it. In fact, the likelihood of the co-twin also having autism where one of them has it (in monozygotic (MZ) pairs) is about 60%. This means that there must be some non-genetic (i.e., environmental) factors that are part of the cause of autism.* " [SOURCE: Professor Baron Cohen's reply to critics of a mooted abortion test for autism reported in the UK's Guardian Newspaper :- Professor Baron Cohen/Stone Correspondence Re: The Guardian New research brings autism screening closer to reality 12/Jan/09]

We showed that Baron Cohen was only partly correct and concluded by saying that the previous position on autism being a solely genetic condition is non science because:

- identical twin studies show autism has an environmental [external] cause
- to demonstrate autism has an [internal] ie. solely genetic cause, it is necessary to show autism occurs where no environmental causes apply
- that has never been done
- and that is likely because, as the evidence shows, autism is caused by environmental factors, just like most other human medical conditions

And we explained:-

In other words, it is the 40% of identical twins where only one develops symptoms of autism which tells us autism is not "genetic". In those cases it must have an environmental [external] cause.

Professor Baron Cohen errs in assuming the 60% of both twins developing autism is evidence autism is ever a genetically "caused" condition. It is not such evidence. The correct medical terminology is whether a condition has an "internal" cause or an "external" one.

Because the twins are genetically identical all we can say for those who both develop autism is their bodies have responded identically to the same set of conditions whether "internal" or "external". It tells us nothing about whether the cause is internal or external [environmental]. It is neither scientific nor logical to assume the "cause" is internal or external [environmental]. It is wrong to do so and a logical fallacy.

Where both identical twins develop autism, it is more likely than not they have had the same exposure to the same environmental cause. That is more likely than not to happen [60% of the time it seems]. For example, both twins are more likely than not to have their vaccinations at the same time and all other circumstances in their lives at that time are more likely than not to be identical for both.

All human medical conditions whether "internal" or "external" are genetic. Some of us are more susceptible to flu than others and some never suffer from it. So it is also logically inappropriate to discuss causes of conditions in terms of being "genetic" because all human conditions are genetic whether the cause is "internal" or "external". This also demonstrates why it is not wise to rely on medical doctors' attempts to be scientific. The majority have no formal scientific training or qualifications and frequently make errors of the fundamental kind illustrated here.

We only become ill or develop any condition because we are genetic.

Everything else breaks down. Computers, cars, washing machines and refrigerators breakdown whether for an "internal" cause or an "external" one – they do not and cannot get 'flu, measles or autism because they are not genetic. If we were not genetic we would not get sick [but we might rust a bit from time-to-time].

There appears to be no scientific evidence autism is any more "genetic" than 'flu. Feel free to submit a comment if you disagree.

To establish with scientific evidence that any condition has a solely genetic [internal] cause any more than any other illness or disorder requires evidence showing that in some cases there are no possible environmental causes.

The environmental causes have to be eliminated by the collection of evidence in a scientific manner. This has not been done, as the reliance on the twin studies demonstrates.

What we can conclude is that autism is an environmentally [externally] caused condition, with some more susceptible than others, like most other human medical conditions.

## Who Is Professor Sir Michael Rutter?

And:

- *"might he at least subconsciously suffer from author bias? "*
- *"does he have any potentially conflicting interests ?"*

It can help to follow the money. In the money connections, you don't get any bigger than Rutter. Psychiatrist Professor Sir Michael Rutter is a former (recent) Deputy Chairman of the immensely wealthy Wellcome Trust (founded by the Wellcome Foundation which is now Glaxo). For confirmation of his status, see the 4th page of:-

[Wellcome Trust Limited Annual Report and Financial Statements 2003](#)

The Wellcome Trust has assets of over £14 billion:-

[Wellcome Trust Limited Annual Report and Financial Statements 2007](#)

The Trust hands out millions every year and has far more substantial reserves to enable it to do that. And it can dictate a great deal of what research is carried out around the world. See here for details:-

[Wellcome Trust Funding](#)

So Rutter is very influential. You do not get to be in that position if you are not "in favour with pharma". He is also one of the expert witnesses for Glaxo in the MMR litigation (something he did not declare, for example, in the Honda/Rutter paper denying MMR has any association with autism, but I do not see him before the GMC over that). Professor Rutter is also one of the main prosecution witnesses in the [witchhunt in the British General Medical Council against medical doctors Andrew Wakefield, Simon Murch and Professor Walker-Smith](#). Here is a [biographical note on Professor Sir Michael Rutter](#) from the [Academy of Medical Sciences](#) which says:-

*Professor Sir Michael Rutter is Professor of Developmental Psychopathology at the Institute of Psychiatry, Kings College, London. He has been a consultant psychiatrist at the Maudsley Hospital since 1966, and was Professor of Child Psychiatry at the Institute of Psychiatry from 1973 to 1998. He set up the Medical Research Council Child Psychiatry Research Unit in 1984 and the Social, Genetic and Developmental Psychiatry Centre 10 years later, being honorary director of both until October 1998. His research has included the*

*genetics of autism; the study of both school and family influences on children's behaviour; the links between mental disorders in childhood and adult life; epidemiological approaches to test causal hypotheses; and gene-environment interplay. He was Deputy Chairman of the Wellcome Trust from 1999 to 2004, and has been a Trustee of the Nuffield Foundation since 1992. He was elected a Fellow of the Royal Society in 1987 and an honorary member of the British Academy in 2002. He was a Founding Fellow of the Academia Europaea and the Academy of Medical Sciences, of which he is currently Clinical Vice-President. He has received numerous international honours and has published some 40 books and over 400 scientific papers and chapters.*

Professor Sir Michael Rutter along with a troupe of psychiatrists now or formerly associated with The Maudsley Hospital and The Institute of Psychiatry at Kings College, London University, have been working hard at telling the public autism is solely genetic and denying there is a world autism pandemic. If a condition is genetic, you also do not suddenly get spontaneous mutation of large numbers of individuals. That suggestion is counter logical and non science. Genetics cannot account for the large rise we are seeing in autism since the mid 1980s. So instead what we see are efforts by Rutter and the King's Institute of Psychiatry other autism denialists to claim there is no real rise in the prevalence of autism. This claim is unscientific and runs counter to the facts documented in the formal literature.

The Institute of Psychiatry has been an embarrassing place to be because of this April 2008 news item:-

BBC psychiatrist Tonmoy Sharma is struck off By Lucy Cockcroft The Telegraph 01 April /2008A *psychiatrist who regularly appeared as an expert on the BBC has been struck off the medical register after he lied about his academic qualifications and performed unethical drugs tests on mentally ill patients.*

The Institute of Psychiatry has or is home to more than its fair share of doctors (psychiatrists mostly) who publish papers claiming autism is genetic and denying there is an autism epidemic (the correct word is pandemic – epidemics have far fewer victims). These doctors include Rutter, Eric Fombonne (now expert witness in the US in the thiomersal/autism litigation when he had previously published nothing about it) and Professor Simon Baron Cohen.

It is also home to controversial "Gulf War Syndrome" psychiatrist Simon Wessley, director of the Centre for Military Health Research at King's College London and who had been claiming ME/CFS is not a physical condition but a mental one contrary to the definition used around the world. Sophia Wilson is an example of an ME/CFS sufferer who died following this approach to diagnosis, albeit there is no evidence available to this author she was ever a patient of any of the psychiatrists or institutions name here.

Also associated with The Institute of Psychiatry and the Maudsley is Dr Ben Goldacre, who constantly attacks alternative medicine in The Guardian [a UK national newspaper] whilst writing the "Badscience" column – yet Goldacre has no scientific qualifications and avoids disclosing that he practises psychiatry. Psychiatry is the least successful branch of medicine in history and is notorious for a lack of scientific bases to support the theories some of its proponents put out. Goldacre works with Wessley.

Goldacre and Wessley have close professional and personal connections to King's Mobile Phones Research Unit. Goldacre has made public attacks, backed by the industry funded lobby group, The Science Media Centre, on a BBC Panorama documentary about mobile phone hazards, which hazards were raised by the current head of the UK's Health Protection Agency, before taking up that post. Ben Goldacre and The Science Media Centre attacked the programme and its journalists.

Professor Rutter is also a friend of the editor of the journal which printed the Honda/Rutter MMR paper. Here is his endorsement of the Journal:-

*JCPP* is clearly the world's No. 1 child psychology and psychiatry journal. It integrates clinical and developmental perspectives, it is truly international, and interdisciplinary, and it combines high scientific standards with attention to clinical relevance." *Prof. Sir Michael Rutter* "

<http://www.blackwellpublishing.comjournal.asp?ref21-9630&site=1>

Editor Charman is a contributor to Rutter's book:-

"Rutter's Child and Adolescent Psychiatry, Fifth Edition"

Rutter was also an expert witness in Malmo, Sweden in an MMR autism case where the key question was whether autism was solely genetic and not environmental. Rutter's expert evidence was that it was genetic [not possible - Autism Not Genetic – Says Expert Professor Simon Baron Cohen].

And this could go on and on and on .....

When confronted with the above evidence on Rutter's Japanese autism paper Charman refused to have the Honda/Rutter paper retracted or to publish a correction or rebuttal. The publishing group Blackwell which published the Honda/Rutter paper have provided no comment.

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#### RELATED STORIES

[Autism Rates Rocket – 1 in 38 British Boys – Cambridge Study](#)

[Autism In Amish Children – 1 in 10,000](#)

[Recent US Data Shows Autism In Children Vastly Higher Than in Adults](#)

[Vaccines Implicated in Rocketing Childhood Diabetes Rates](#)

[Autism Not Genetic – Says Expert Professor Simon Baron Cohen](#)

[MMR/Autism Cases Win In US Vaccine Court](#)

[MMR Causes Autism – Another Win In US Federal Court](#)

[Japanese Data Show Vaccines Cause Autism](#)

[Sunday Times' Claims "Discredited" – Wakefield's Autism Research Verified](#)

[Sunday Times Journalist In Cedillo Vaccine Case Controversy](#)

[Flu Vaccine Cripples Healthy US Cheerleader for Life](#)

[Drug Giant Merck – "Destroy" Critical Doctors "Where They Live"](#)

[More Fraud By Drug Giant Merck – US\\$650 Million](#)

[Conflicted Government Expert Airbrushes Embarrassing Autism Science](#)

[CBS News – Research Links Kids Vaccines & Brain Damage](#)

[Children Risk Untested Flu Vaccines In Hyped Pandemic](#)

[Sunday Times Ordered 'Remove Wakefield MMR "Data Fixing" Story'](#)



D: Murraini office  
c-page



Caren Wynne  
<carencottandjack@yahoo.com>

11/24/2009 04:25 PM

To board.of.supervisors@sfgov.org

cc

bcc

Subject balancing the budget

Dear Supervisors,

While listening to the meeting today, a question came to mind. Has any Supervisor offered to cut their own salaries to help off set our cities budget crisis.

Kind Regards,

Caren Burke  
District 5

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Allen Turner  
<allen\_turner@sbcglobal.net  
>

11/21/2009 10:26 AM

To board.of.supervisors@sfgov.org  
cc bevan.duffy@sfgov.org, Chris.Daly@sfgov.org,  
John.Avalos@sfgov.org, Ross.Mirkarimi@sfgov.org,  
Sophie.Maxwell@sfgov.org, David.Campos@sfgov.org,  
bcc

Subject Opposed to Protest but For Supplemental Vote

First of all let me state for the record that the demonstration scheduled for Monday the 23rd in front of City Hall at 5:00 is an idea that I now oppose. I am hereby advising the Union of this and I will not participate or encourage others to participate. Putting the Mayor and his staff in a position where they only have two choices: hang tough with these bumps and layoffs, or give in to a "protest" -- well, no holder of public office likes to be seen as "caving in" to protesters. That can be used against them in future attempts to secure elective office, far into the future.

A demonstration now might well strengthen the resolve of those who are pushing this "plan." This action could be the straw that broke the camel's coup de gras.

Nevertheless, I am urging the Board to vote unanimously on the supplemental appropriation and urge the Mayor and his staff to immediately rescind the pay cuts, bumps, and layoffs. To do this would please the following constituencies who bring with them available political capital there for the accumulating.

\* The clerks, secretaries and CNAs of San Francisco, their families and friends. I visited Laguna Honda earlier this week and the Certified Nursing Assistants are accepting being demoted to Patient Care Aassistants and are doing the same loving efficient care that they always have. A lot of us clerks have accepted lower paying Senior Clerk positions. The DPH Human Resources department is working to attempt to get many of us back into our same jobs to minimize operational disruption, and most of us have grudgingly accepted. It's been discouraging and is insulting but many like me like the job we're in and have accepted (if all you folks don't rescind) less money to keep doing what we know how to do and do well. We'd appreciate a vote in our favor. I will point out that if the process goes through, most of our last day at our current jobs is the Wednesday before Thanksgiving. How thankful do you think most of us feel?

\* Filipinos. More than three quarters of the Nursing Assistants affected by these "deskilling" and layoffs are Philippine immigrants who come to this country, acquire skills, and get and keep these jobs, some for twenty or thirty years. They earn enough to provide them with decent middle class living, and they are Churchgoing people with tight families and strong

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family values, exactly the kind of folks anyone would wish to have as part of a community, living out the American dream. However, these are a nationality who bloodlessly overthrew a dictator through "people power." If I ever were to run for something I would definitely want them in my corner.

\* The people who receive services through the Department of Public Health. The case has been well made that the disruption caused by this almost random reallocation of support staff and CNA services will lead to fewer billable hours for clinicians, and more important, more San Francisco residents (even if their residence is the street or the Panhandle) will not receive services that could help them be less bothersome to the tourists.

\* The upper level management of all non-DPH divisions who have people in these classifications. This goes back to the question I have been asking since this September 15th when I first spoke in front of you, and for which I have not as yet received an answer: If "deskilling" the clerks and secretaries is such a good idea in the DPH, why aren't the other departments jumping aboard? The Unified School District hated the idea of so much they declared their clerks out of it, but then a court told them they would have to be "deskilled" and bumped like the rest of us. It would seem that the rest of the city higher-ups hate the whole idea and wish it would go away.

\* Anyone who cares about the city's reputation as a progressive, humane, and -- dare I say -- even liberal place.

\* SEIU 1021 -- anyone seeking high office in anything other than extremely conservative electorates will have a tough time in California if this union is against you. Not everything they have done has been constructive -- this proposed demonstration, for example. But it stems from frustration over the unwillingness of the Mayor's people to see what is so obvious to everyone else, the utter unworkableness of this slash, burn, and rearrange-at-random approach to budget reduction. You might someday need this union's support, and it is my belief that a vote for the appropriations would go a long way toward securing it.

That's a whole lot of good will available. Even those of you who consistently support the Mayor might think about voting the other way this time. I do not believe Gavin Newsom is a bad guy, but I do think he has been given very bad advice to cause him to pursue this particular approach to budget reduction. Voting against what he mistakenly believes are his best interests would actually be doing him a favor, keeping him from walking off a cliff because advisers are telling him the path ahead is strong and straight.

If this is indeed the crisis that it is being characterized as, the time has come for the Board and the Mayor's people to adopt an attitude of emergency

management and work together to find a workable FAIR approach to the budget crisis. I don't want to presume to speak for any CNAs or any other clerks, but I think most of us would be glad to sacrifice for the sake of the city -- we just don't want to be handed the WHOLE bill, not while the city is still spending and even hiring.

Take it back to the negotiating table, put aside petty differences, and do like nurses do and "problem solve" the situation. The City by the Bay can do better than this. Please. Do better than this.

Allen Michael Turner  
Deskilled 1426

★  
**Municipal Election  
November 3, 2009**

**City Attorney - Dennis  
Herrera**

**Treasurer - José Cisneros**

**Local Ballot Measures**

Proposition A - Yes

Proposition B - Yes

Proposition C - Yes

Proposition D - No

Proposition E - Yes

## **Department of Elections Certifies the November 3, 2009 Municipal Election Results**

The election is certified and the results are official! The Department of Elections has completed counting all the ballots cast in the November 3, 2009 Municipal Election. For this election, San Francisco voters re-elected City Attorney Dennis Herrera and Treasurer José Cisneros and approved five of six local ballot measures. A [summary of election results](#) is available on the [Department's website](#).

Continuing a trend seen in smaller-turnout elections, 68% of the total votes cast in this election were by mail. God job to all the permanent vote-by-mail voters!

### **Provisional Voting for the November Election**

On Election Day, over 1,700 people voted a provisional ballot. Provisional ballots are counted after the Department of Elections verifies that the person is registered and has not already voted.

If you voted provisionally for the November 3 Municipal Election, you can check the status of your ballot using the [Provisional Ballot Status Lookup Tool](#).

### **June Election Preview**

San Francisco voters will go the polls again in June, when California holds its Gubernatorial Primary. Voters from each party will choose their candidate for Governor, State Assembly, State Senate, House of Representatives, and United States Senate. Voters will also be asked to vote on a number of state and local ballot measures. To check your party affiliation, you can use the online [Voter Registration Status Lookup Tool](#).

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VIA EMAIL  
11-25-09  
2:25 PM

This message was sent to you by the Department of Elections for the City and County of San Francisco. You received it because you provided your e-mail address on your voter registration form. If you would like to be removed from this mailing list, please unsubscribe using our [subscription management page](#).

**Department of Elections**  
**City and County of San Francisco**  
1 Dr. Carlton B. Goodlett Place, Room 48  
San Francisco, CA 94102  
(415) 554-4375 | [sfvote@sfgov.org](mailto:sfvote@sfgov.org) | [sfelections.org](http://sfelections.org)



## Self Service Electric Mini Muni

The Future Municipal Transportation for next generation

The people find smart muni around the corner or search on Phone or 311 system. Ten and thousand of smart mini muni spread in the city, so easy to find and wait at any corner to get one.

people use smart muni Valve Card or Cell Phone insert the mini muni to use. park any - where City parking place.

After 15 to 20 Citizen used and drove, This mini muni will send a low Battery signal to Muni Control Center. then the signal sent it to related district Muni power supply truck, the professional Well trained service man will replace the old one to new fully charge battery into that mini muni. resume to the service for the public within a minute. Each Battery will service again another 20 or 25 people again.

Each Mini Muni cost less than 10,000  
Extra Battery Cost less than 500 -

Each Mini Muni could make \$200 a day revenue  
Each Mini Muni operation cost will less than  
30% of it own revenue.

people will very happy to use it because it

So convenience and flexible and affordable.

The City could put one single muni up to ten  
thousands mini muni. Each mini muni could  
make \$200 a day revenue So up to make 700  
Millions revenue a year. Instead of parking  
citation or tow-away revenue they make.  
Air of San Francisco will more clean and  
More prospect of our Business.

It will provide a lot more parking  
space to the City because people could use  
very public and private small vehicle in and  
out all the time in the busy zone.

How it look like with the Mini Muni.

\* Mr. John pick-up a small Mini Muni to the train station. After he park, Mr. Wong came from San Jose and get his Mini to the China town. parked less than 5 minute Mr chu use his Muni Card to get this small Muni to City hall. Just the Moment Mrs Howard to get her School and find the small Muni that just Mr chu drop and park around she get in and drove to the School. So on & on, Muni get the signal from network from Muni send the closed Muni power supply unit to replace the Battery. Back to the station for recharge.

any Call will respond  
by after Dec 13, 09

Tone Lee  
1-415-810-4810

11-24-09

To: Board of Supervisors

From: Norman Degelman (by telephone)

" Please support the City Budget  
supplemental for quality healthcare "

BY

PN

2009 NOV 24 AM 10:11

RECEIVED  
BOARD OF SUPERVISORS  
DAVID ANDERSON

(15)



William Shulman  
<william.shulman@gmail.com>

11/22/2009 11:57 PM

To board.of.supervisors@sfgov.org

cc

bcc

Subject Against proposed new Alcohol Fee

I write this email to voice opposition to the newly proposed Alcohol Fee. I am not sure of the status of the proposal - hopefully I am not voicing my opposition too late. If passed I will absolutely vote against the supervisor in my district during the next election cycle and urge others to do the same. We are already overtaxed and creative thinking on how to reduce the cost of running this city would be a better use of your time than the "creative thinking" you seem to apply to how to tax us more. And that "soda" fee I hear about... come on, I really hope that one is not true - if it is you have clearly lost your minds.

William Shulman  
SF Resident

52



**Kimo Crossman**  
<kimo@webnetic.net>  
Sent by:  
kimocrossman@gmail.com

11/30/2009 09:11 AM

To James Chaffee <chaffeej@pacbell.net>, Allen Grossman  
<grossman356@mac.com>, Pro-SF <home@prosf.org>,  
Board of Supervisors <Board.of.Supervisors@sfgov.org>  
cc  
bcc  
Subject Progress with WSIP: Quarterly report -Sept 2009

----- Forwarded message -----

From: **Steve Lawrence** <splawrence@sbcglobal.net>  
Date: Mon, Nov 30, 2009 at 8:41 AM

San Franciscans interested in water:

Another Quarterly update about WSIP's progress has been released. (WSIP is the Water System Improvement Program, \$4.6 billion, 13 years, 2003-2015.)

Progress is evident with the huge projects! I am very pleased to report that there are bids received for the Bay Tunnel project, estimated at \$250 million (bids received in the \$215 range). This project is to be awarded shortly and should break ground early next year. It will be the first of what I used to call the Big Four (now five) to break ground. The Big Five are projects in excess of \$250 million; together they comprise about half of the program in dollars, and they are key projects in terms of achieving a more reliable water system. None are in construction (excepting tiny parts).

Irvington Tunnel has been delayed again. This is not really news, but through the last quarter SFPUC wished not to admit the delay, yet. Irvington should be the second big job to be awarded and break ground--in April, now.

Medium sized projects are going. Tesla Treatment Facility has suffered some delays, but so far the final completion date is reported holding. Alameda Siphon No.4 is in construction, although having some trouble with permits.

Of the remaining big jobs, Calaveras Dam is to advertise for bids this coming August and break ground in March 2011. San Joaquin Pipelines is once again in two major parts, eastern portion and the larger western length of new no. 4 pipeline; the larger western portion is to advertise in July and award next December. Harry Tracy's main project is to advertise next November, and break ground in April 2011.

WSIP is to be completed by 2015, at least according to the published schedule. No schedule has held yet, nor come close.

SFPUC sold more WSIP bonds this summer; they went for good prices. Funding is going well.

This past July the WSIP program was revised again. Changes were not large ones. The schedules for some projects, and for completion of the program as a whole, were set back.

There are too many WSIP projects to follow and report on, but here are the big ones that you might pay attention to:

Bay Tunnel, probably 215 million, tunnels under the Bay south of San Mateo Bridge building a fifth line, functionally replacing lines 1 and 2, some of which are set on trestles that would not fare well in a big shake. Work should start about January 2010 and completion is scheduled for August 2015. There are

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two smaller, related pipeline projects, one on either side of the Bay; the three together build Bay Division Pipeline No. 5 for a total cost north of half a billion dollars, the largest single WSIP project. The tunnel is two vertical shafts and a horizontal tunnel dug by a tunnel boring machine between the two holes in the ground. Work occurs 100' down and with water above.

New Irvington Tunnel. This is a second tunnel from Sunol Valley in the east to Fremont on the west side of this coastal hill. The distance is about 3.5 miles. There will be two portals at the ends, and also another entry point from which the tunnel will be dug somewhere in the middle. This job might break ground this April or May, and is scheduled to be completed March 2014. The new tunnel is redundant; the old tunnel has not been inspected in more than forty years, for it cannot be shut down--it needs to be operational, constantly. The new tunnel will allow maintenance and inspection to occur, and will be built to modern seismic standards. Cost: \$338 million.

Calaveras Dam. There is a 1925 dam now, but it is unsafe and so the water level is required to be kept low. The new dam, to be built just a bit downstream of the old one, which will be breeched once the new is completed, will hold the same volume of water that the old one once held, about a third of a year's requirements. The dam is to be construction April 2011 - December 2015, and is expected to cost \$411 million.

San Joaquin Pipelines. There are now at least three projects to this, which was originally a fourth line across the San Joaquin Valley. Now there are eastern and western sections of a fourth line, and also two new crossovers are added, and the one existing one is upgraded. The work will increase the hydraulic capacity, allowing more water to cross the Valley. (This is the "bottleneck" point, or point of least hydraulic capacity. The Valley is 47.5 miles across; the new lines are a fraction of that, a quarter or so.) Schedule: construction starts say Dec 2010 and finishes March 2014; \$278m.

Harry Tracy is the name of the water treatment plant on the Peninsula, so the one which treats water coming to the city. (The other treatment plant is in Sunol Valley.) The project will upgrade the plant so that it can survive a design earthquake--that is, a big earthquake, up to magnitude 7.8. The plant is pretty much on the San Andreas fault, as is our reservoir, Crystal Springs. The project is scheduled to start construction April 2011 and be completed June 2014. Cost: \$360m.

The above big projects are sizable, and such works can get bogged down in delays and disputes. Once construction starts, no news is probably good news. For each project, starting construction--breaking ground--will be very good news. To get there: EIR certified, advertise for bids, open bids, award construction contract, give notice to proceed to contractor; then contractor "breaks ground", often ceremoniously.

Overall, it is claimed that 18.5% of the regional part of WSIP has been accomplished.\* Eighty-one months have passed of the scheduled 156, so the program is at the 52% mark in terms of time. \*WSIP is divided into Regional and Local. Local used to be less than ten percent of the whole. Now it is nearly 15%: SF Recycled and groundwater projects were recently moved to the Local portion, and they are sizable projects. They are also late, so removing them probably advanced the Regional percentage complete some.

In sum, SFPUC hopes to complete 80% of WSIP during the six remaining years, including all of the Big Five, from award of the construction contract to completion and commissioning of the new work. We're on the cusp of the key period of this program.

Steve Lawrence



"Ren Pieratt"  
<rpieratt@comcast.net>  
11/21/2009 01:10 AM

To <board.of.supervisors@sfgov.org>  
cc  
bcc  
Subject Street work/18th Avenue between Irving and Judah

You people need to know a few things:

1. The 1400 block of 18th Avenue is **completely closed down** and nobody that lives on this block can park their cars anywhere near where they live.

2. **People cannot do the normal things-ON THE WEEKEND-that they need to do.** You know, like GO TO THE STORE, DO YOUR LAUNDRY, GO ANYWHERE AND EXPECT TO BE ABLE TO PARK ANYWHERE WHEN YOU GET BACK.....

3. The people that live in this block are effectively prevented from having any kind of NORMAL LIFE on the weekend.

4. The traffic outside is driving about 45 mph (or more) down the street--- don't you think that's a little fast for a residential neighborhood? You know, one of those neighborhoodds with children, and people walking down the sidewalk?

But I guess thats ok with you folks, because its not happening to the street you live on. You're too busy trying to figure out how to raise taxes, fees, and all those other ideas so that all the City employees can continue to make outrageous salaries, ridiculous retirement plans contributions, and keep going to work everyday doing literally nothing.

\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 4626  
(20091120) \_\_\_\_\_

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

54

REALTOR DRE# 01439156

McGuire Real Estate

[www.AmyBlakeley.com](http://www.AmyBlakeley.com)

[Register for MyMcGuire Premium Property Search](#)

**(415) 533-2496**



"Joel W. Gonzales"  
<jwgonzales@yahoo.com>

11/25/2009 08:18 PM

To "Joel W. Gonzales" <jwgonzales@yahoo.com>

cc

bcc Board of Supervisors/BOS/SFGOV

Subject 71 Muni outbound tonight. Insane.

Is it just me or is this is insane?

I caught the 71 outbound tonight at Powell Street at 5:45pm-ish. Headed down Market Street. The bus pulls over at Van Ness and Market (yep, pulled over on the side of the road) and parked. As always, no information from the driver. (This is a bus, not a train. On the trains, you expect to be left totally in the dark about what's going on.... but a bus?) After sitting there for a few minutes, passengers start yelling "What's going on driver?" The driver then tells us that his replacement didn't show up on time and we have to wait for him. Because there's no relief driver to take over the current driver's shift when he pulled up to Van Ness, we had to wait for him. A bunch of passengers just got off and started walking (you've seen this scene before, I'm sure.) Those of us whose destinations were beyond walking distance just sat there and continued waiting. A bus FULL of people -- trying to get home after work on the evening before Thanksgiving -- just sitting there on the side of the road, waiting. Waiting. Waiting. Are you kidding me?

Then the driver sees another 71 approaching. He announces to us that he's going to flag the oncoming 71 bus down. "Everyone off the bus, I'll have this next bus stop and you can get on it!" He grabs his flashlight and we all hustle off the bus immediately in order to catch the next bus! The driver gets in the street -- Market Street -- and starts flashing (with his light) at the oncoming bus to stop -- because it's not a normal bus stop (remember, we are just pulled off to the curb Northwest side of Market at Vaness. The driver of the other bus sees the driver in the street but refuses to stop -- just keeps on going. [This is my favorite part --> I then yell at our driver "Now how does it feel to flag a Muni bus down and have it ignore you and keep going?" That comment got a lot of laughs from all us passengers standing around our parked bus.]

Attached are picture of us (passengers) standing around, and our "driver" sitting in his seat.

Is this as good as it gets?

Pathetic, I tell you.

*Joel W. Gonzales*  
*San Francisco*

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Board of  
Supervisors/BOS/SFGOV

11/13/2009 02:25 PM

To David Chiu/BOS/SFGOV, Michela Alioto-Pier/BOS/SFGOV,

cc

bcc

Subject Fw: MUNI #10 ROUTE CHANGE

----- Forwarded by Board of Supervisors/BOS/SFGOV on 11/13/2009 02:24 PM -----



"Keyte, Susan"  
<SKeyte@levi.com>

11/13/2009 01:23 PM

To <board.of.supervisors@sfgov.org>

cc

Subject MUNI #10 ROUTE CHANGE

Dear Board of Supervisors, David Chui & Michela Alioto-Pier,

I was shocked to learn of the #10 reduced route which will result in **no bus service from Broadway & Sansome through Fisherman's Wharf & back.** Please reconsider re-routing the #10 bus & leave it as is.

I didn't go to any of the meetings re changes because all the buses I use are very crowded and I never DREAMED there would be a reduction of service in any of them. Evidently there was a survey but I didn't know about its existence.

It was a shock when the #42 was discontinued but we finally adjusted to the #10. I think it will be daunting to adjust to no service. A friend investigated & was told the "F" would replace the #10. The "F" is quaint & sweet & I love it but it's VERY small. Do any of you seriously think that's a viable alternative???

It's interesting the Board of Supervisors would determine Muni bus route changes/cancellations. Do any of you ride the buses? Please reconsider and maintain the #10 current route.

Please let me know if there's anything further I can do to make this request known to one & all. Thanks very much for your consideration re this request.

Best regards,  
*Susan Keyte, an SF resident & MUNI bus rider since 1976*

Home: 1590B Union Street @ Van Ness  
Work: 1155 Battery St between Union & Green

56



George Huie  
<corpceo2@gmail.com>

11/27/2009 07:11 PM

To bbgin@s Examiner.com, wreismab@s Examiner.com

cc board.of.supervisors@sfgov.org

bcc

Subject parking abuse/budget cutting idea

To all concerned:

My background: I grew up in this city and have been a resident here for at least 50 years. I graduated from high school here and currently work in the service industry, (SF taxi driver, 20 yrs) .

Issues:

- 1) I went to a doctor's appointment on the 900 block of Clay St , I noticed on Powell St between Jackson and Clay St and also on Clay St between Powell and Stockton St at least 20 handicapped signs on cars in only three city blocks. The time was approximately 4:00pm in the afternoon. Can somebody look into all this free parking ?
- 2) On Washington and Mason is the cable car barn. The parking around the perimeter is all for permit parking use by city employees. Is all this free parking for city workers necessary ?
- 3) Cable cars are San Francisco !!! In these hard times, can they be only operated at peak times, (9:00am - 9:00pm). Eliminating the hours of operation, 6:00am - 9:00am and 9:00pm - 2:00am , and running a small bus to cover the routes during non-peak hours can save the city an estimated 50 to 100 plus million a year ! It takes two to run a cable car, all the support staff at the barn and in the field.
- 4) Double parked cars , in every neighborhood of the city, (fines should be doubled to discourage this)
- 5) Enforcement of the diamond lanes for Buses and Taxis only
- 6) Bicycles should be treated similar to automobiles , ( always running lights and making their own rules),  
Critical mass should be banned, how much overtime or wasted resource is being taken up by SFPD.

Sincerely,

50 plus year resident of San Francisco, (District 3)

57

Board of  
Supervisors/BOS/SFGOV

11/17/2009 03:42 PM

To BOS Constituent Mail Distribution,

cc

bcc

Subject Fw: MUNI - breakdown of service

----- Forwarded by Board of Supervisors/BOS/SFGOV on 11/17/2009 03:42 PM -----



"Loveland, Sally"  
<Sally.Loveland@acegroup.com>

11/17/2009 09:37 AM

To <board.of.supervisors@sfgov.org>

cc

Subject MUNI - breakdown of service

Hi Board of Supervisors,

Today replicated a day last week. A Streetcar broke down South of West Portal and service was totally shut down at 8:30AM. Nothing ran on the N line, or the KLM line. The shuttle buses they sent to address the problem only ran as far as Van Ness (so we could not get on BART). There was a total jam of people getting off shuttle buses at Van Ness. My commute that normally takes twenty minutes, took an hour.

Last week when this happened, I walked to work.

Please do something about this situation. Hundreds of working people are affected when MUNI breaks down in the morning. By the way, the breakdowns RARELY occur at night, when it doesn't really matter. It matters a lot in the morning when we all have to be on time to work.

I notice no one responded or even confirmed receipt of my last email (below). I guess it's because you don't know whose constituent I am. This matter affects ALL San Franciscans, and mostly the middle class. PLEASE FIX IT!

Sally

***Sally Loveland***

Administrative Assistant  
ACE USA - Northwest Regional Executive Office  
455 Market St., Suite 500  
San Francisco, CA 94105  
Phone: (415) 547-4451  
Fax: (415) 547-4490  
Email: [sally.loveland@acegroup.com](mailto:sally.loveland@acegroup.com)

**From:** Loveland, Sally  
**Sent:** Thursday, October 29, 2009 11:30 AM  
**To:** 'board.of.supervisors@sfgov.org'  
**Subject:** MUNI Service on the N Judah

Hi Board of Supervisors,

The opinions here are my own not my company's,

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I am a MUNI rider from the Cole Valley area of San Francisco. N Judah service needs to be improved. N runs every ten minutes (not the seven it is supposed to run) at rush hour (8AM). This is comparable to J church service, while the N line serves a huge, dense population along the Sunset, Golden Gate Park, UCSF and Haight/Cole. On the adjacent line four separate commuter lines running every eight minutes which greatly enhances service.

There is ONE rail line serving all of us from the Sunset in to Haight/Cole.

Trains in the morning are packed. By the time the N is at Cole and Carl, there is no room left to board. This forces people to wait another ten minutes, while the commuter crowd doubles in size.

Suggestions:

DO COMMUTER COUNTS at ALL stations for MUNI for morning rush hour every fifteen minute increments. Morning rush hour is the most important, because it the N gets us to work on time! Find out who rides, and when. I know how to do this, and would be willing to help. This could so easily be done with a volunteer population. Find out where cars can be reallocated from Commuter count data and reallocate service accordingly.

Thanks for your help.

Sally

***Sally Loveland***

Administrative Assistant  
ACE USA - Northwest Regional Executive Office  
455 Market St., Suite 500  
San Francisco, CA 94105  
Phone: (415) 547-4451  
Fax: (415) 547-4490  
Email: [sally.loveland@acegroup.com](mailto:sally.loveland@acegroup.com)

---

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Francesca Colla  
<fmcolla44@gmail.com>  
11/16/2009 12:45 PM

To board.of.supervisors@sfgov.org  
cc  
bcc  
Subject Wood Burning Season

To Whom It May Concern:

My name is Francesca Colla and I am an intern with the American Lung Association (ALA). I am working hard to inform residents in your city about the wood burning ordinance that was passed last year and the harmful effects of wood smoke pollution. **Wood burning season is upon us beginning Nov. 1** and efforts for enforcing the regulations will be greater this year.

It is important that residents understand that wood smoke is harmful to not only themselves but also to their neighbors. Did you know that up to 70% of smoke emitted from one's chimney enters a neighbor's home? Wood smoke contains harmful particles that can worsen breathing, exacerbate asthma, respiratory problems and cause lung and heart disease. Those that are affected most severely include young children, the elderly and those with preexisting cardiopulmonary disease. Please note that in many areas of the Bay Area, one in five children have asthma, which makes breathing a struggle. When they are subjected to breathing wood smoke they struggle even more.

Penalties for violating the wood-burning ordinance can range from warnings to costly fines (\$400 for second offenses) enforced by the Air District. A few options for helping you to inform residents about the wood burning regulation and the health effects of wood smoke pollution are listed below:

- Two articles (long or short version – attached to this email) that we can forward to you to include on your website or in a city newsletter
- Call 1-877-4NOBURN for information about the wood burning ordinance
- Sign up for email air alerts through [www.sparetheair.org](http://www.sparetheair.org)
- Check local TV or newspapers for spare the air day warnings
- Visit American Lung Association websites: [www.californialung.org](http://www.californialung.org) & [www.lungusa.org](http://www.lungusa.org)

We greatly appreciate your help to educate the public about this issue. With the scientific evidence linking wood smoke pollution to lung disease, heart disease and premature death, no one should be involuntarily exposed. Everyone deserves to breathe clean air in the home and their neighborhood.

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I will follow up within the next few weeks to discuss what outreach you feel will work best in your community. In the meantime, please do not hesitate to contact the American Lung Association or me if you have any further inquiries or would like more information about the harmful effects of wood smoke inhalation.

Thank you in advance for your time and effort,

*Francesca Colla*

**Regional Air Quality Intern**

P. (707) 527-5864

F. (707) 542-6111

[www.californialung.org](http://www.californialung.org)

File 090583



Beth Lombard  
<beth\_lombard@yahoo.com>

11/19/2009 11:21 AM

To board.of.supervisors@sfgov.org

cc

bcc

Subject Proposed Ordinance to Extend Just Cause Eviction to Newer Properties

Dear SF Board of Supervisors:

As a constituent of District 6 constituents, I am writing to ask that you vote "No"/against the **proposal to extend the just cause eviction protection of the rent control ordinance to tenants residing in rental units built after June 13, 1979.**

I believe this would be an amendment to Admin Code Chapter 37, Sections 37.2 & 37.3 and is to be voted on Monday, Nov. 23. I am a SF property owner (condo built in 2000) & in the event I have/need to have tenants vacate my condo so that I can move back in, I would like to be able to do so with appropriate notice to tenants - this seems only fair.

As I understand the **potential impact the proposed legislation being passed would** mean that I would **no longer** be able to use a "thirty day notice to vacate" to terminate a tenancy.

Again, please vote "NO" in opposition to the proposal to extend just cause eviction to any newer properties.

Thank you, Beth Lombard

60



"Chuck"  
<chastot@yahoo.com>

11/17/2009 02:27 PM

Please respond to  
"Chuck"  
<chastot@yahoo.com>

To <David.Chiu@sfgov.org>, <Eric.L.Mar@sfgov.org>,  
<Sophie.Maxwell@sfgov.org>, <gavin.newsom@sfgov.org>,  
<board.of.supervisors@sfgov.org>

cc

bcc

Subject Re: Eviction/Rental Protections

The current eviction legislation being proposed target's owners of SFR, some were purchased for investment purpose, but many are being offered for rent or will someday be put into the rental market because the owner temporarily can no longer live in it due to varies reasons (job transfers, travel, relocations, help other family members). These owners purchased the residences (at such market prices) with the assumption that there will be no restrictions in regards to the rental market. Many may even not know they will become landlords and have no idea about this legislation and how it will effect them.

Many will not want to sell their properties as they wish to move back to them and others are strictly as an investment which they will not be able to sell if a lease can not be terminated with ease. After mortgage, tax, insurance and other expenses these owners are already taking a loss. To think that they will have to buy their unit back, plus legal fees after renting for a year or two is outrageous. And the way the laws are currently written it is still to be determined if they will even be able to do an OMI . It is an unfair burden!

These owner's will not be able to afford the cost associated with becoming a landlord and will choose to not rent their homes. Many will find it cheaper to leave their units vacant or choose to sell them if they can not afford the added expense. In today's market they may not be able to sell them and may have to give in to foreclosure. Either way the properties will no longer be available as a rental unit. And this will lower the supply of rentals which long term will increase rents. The effect will be hurting the lower income and older population in which you are trying to help.

I have done a quick survey of property listed for rent on Craigslist. This by no means is exact, but alarming. Out of the 5200 listings offered for rent 1808 are single family residences. That comes to 35%. If half of these owner's choose to no longer rent their units it removes 17% of the available supply. Today this is not a big deal because of the economy. But in the next few years as the economy picks up again and the SF rental market begins to tighten even half of that would be disastrous.

Rents would skyrocket and landlords would be very strict on qualifications. Again the very people you are trying to help would be the most hurt. The only winners would be apartment owners and attorneys.

I am curious to know the last time a study was done in SF to find out the long term effects of rent restrictions. If you want to help the citizens of San Francisco you should study the problem and come up with ideas that actually work rather than taking the easy road for short term political gain. Please **Vote No on the upcoming legislation to extend eviction** protection. It may not be a popular idea to be opposed to rent control but it is what is best for the San Francisco.

60

Chuck Totah



"Dr. Ahimsa Sumchai"  
<asumchai@live.com>

11/29/2009 01:59 PM

To Board Supervisors <board\_of\_supervisors@ci.sf.ca.us>

cc

bcc

Subject Hydrology and Water Quality- Can Someone Please  
Challenge This In The EIR?! Size (of sea level rise) matters -  
SFBG Politics Blog

History: This message has been forwarded.

## AHIMSA PORTER SUMCHAI, M.D.

From: asumchai@live.com

To: patnlisa@sbcglobal.net; asumchai@sfbayview.com; alicia@peopleorganized.org;  
apollonia@sfbayview.com; bmf123@gmail.com; rezurxn@hotmail.com;  
e.c.harvey@att.net; cepheus\_1@msn.com; efcobert@yahoo.com;  
brookse32@netscape.net; errisedgerly@yahoo.com; espanolajackson@sbcglobal.net;  
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info@podersf.org; revolutionyouthsf@gmail.com; swfrisco84@yahoo.com; wsab1@aol.com;  
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rbecker17@yahoo.com; sdavidson@bhnc.org; natalie@cpasf.org;  
tonykelly@thickdescription.org; archbishopking@sbcglobal.net; danielblandry@yahoo.com;  
emily@cpasf.org; le@cpasf.org; gordonmar@yahoo.com; lmuha4@aol.com;  
jrizzo@sprintmail.com; carlo@podersf.org; solberg@saintpaulus.org;  
apachesol@sbcglobal.net; superego@sfbg.com; bruce@sfbg.com; sarah@sfbg.com;  
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carmen.chu@sfgov.org; cassandra.costello@sfgov.org; catherine.stefani@sfgov.org;  
connie.chan@sfgov.org; chris.daly@sfgov.org; david.chiu@sfgov.org;  
david.noyola@sfgov.org; david.campos@sfgov.org; bevan.dufty@sfgov.org;  
sean.elsbernd@sfgov.org; eric.l.mar@sfgov.org; frances.hsieh@sfgov.org;  
boe.hayward@sfgov.org; john.avalos@sfgov.org; john.st.croix@sfgov.org;  
katy.tang@sfgov.org; vleidner@astound.net; linshao.chin@sfgov.org;  
linnette.peraltahaynes@sfgov.org; sophie.maxwell@sfgov.org; ross.mirkarimi@sfgov.org;  
nicolas.king@sfgov.org; olivia.scanlon@sfgov.org; rebekah.krell@sfgov.org;  
rose.chung@sfgov.org

CC: communityfirstcoalition@yahoogroups.com; enough\_bvhp@yahoogroups.com;  
editor@fogcityjournal.com; editor@sfdaily.net

Subject: Hydrology and Water Quality- Can Someone Please Challenge This In The EIR?!  
Size (of sea level rise) matters - SFBG Politics Blog

Date: Sun, 29 Nov 2009 13:41:47 -0800

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The concerns generated by the HPS/Candlestick Phase II Project area being located in the potential future flood hazard level can be found in section ES 89 through ES 91 of the Executive Summary and in Volume II, section III.M of the Draft EIR. It is the final section of Volume II. While mitigation measures are offered to "reduce impacts of placing structures in a 100 year flood hazard area, there are still impacts that need to be challenged including the following:

Impact HY-13c The Yosemite Slough Bridge would not place structures within a 100 year flood hazard area. No mitigation required.

Impact Hy-15 Implementation of the Project would not expose people or structures to inundation by seiche, tsunami, or mudflow.

Impact HY-13a Implementation of the Project at Candlestick Point would not place structures within a 100 year flood hazard area. Less than significant impact, no mitigation required!?

I am going to send this email over to Vicki Hennessey at the Department of Emergency Management, the BOS and Chief Hayes White of the SFFD so we are all on the same page about risks to human safety that appear to be "not significant!"

**AHIMSA PORTER SUMCHAI, M.D.**

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From: asumchai@live.com

To: patnlisa@sbcglobal.net; asumchai@sfbayview.com; alicia@peopleorganized.org; apollonia@sfbayview.com; bmof123@gmail.com; rezurxn@hotmail.com; e.c.harvey@att.net; cepheus\_1@msn.com; efcobert@yahoo.com; brookse32@netscape.net; errisedgerly@yahoo.com; espanolajackson@sbcglobal.net; frandacosta@att.net; banco9342@sbcglobal.net; marie@greenaction.org; mecsoft@pacbell.net; iolmisha@cs.com; michaelboyd@sbcglobal.net; m26sf@aol.com; info@podersf.org; revolutionyouthsf@gmail.com; swfrisco84@yahoo.com; wsab1@aol.com; publisher@sfbayview.com; editor@sfbayview.com; gwenstrain@hotmail.com; markus\_darkraven@yahoo.com; francsmom@yahoo.com; justice4gus@yahoo.com; blockreportradio@gmail.com; healthysl@ yahoo.com; tere@podersf.org; rbecker17@yahoo.com; s davidson@bhnc.org; natalie@cpasf.org; tonykelly@thickdescription.org; archbishopking@sbcglobal.net; danielblandry@yahoo.com; emily@cpasf.org; le@cpasf.org; gordonmar@yahoo.com; lmuha4@aol.com; jrizzo@sprintmail.com; carlo@podersf.org; solberg@saintpaulus.org; apachesol@sbcglobal.net; superego@sfbg.com; bruce@sfbg.com; sarah@sfbg.com; steve@sfbg.com; tim\_redmond@sfbg.com; tr@sfbg.com; michela.alioto-pier@sfgov.org; carmen.chu@sfgov.org; cassandra.costello@sfgov.org; catherine.stefani@sfgov.org; connie.chan@sfgov.org; chris.daly@sfgov.org; david.chiu@sfgov.org; david.noyola@sfgov.org; david.campos@sfgov.org; bevan.dufty@sfgov.org; sean.elsbernd@sfgov.org; eric.l.mar@sfgov.org; frances.hsieh@sfgov.org; boe.hayward@sfgov.org; john.avalos@sfgov.org; john.st.croix@sfgov.org; katy.tang@sfgov.org; vleidner@astound.net; linshao.chin@sfgov.org; linnette.peraltahaynes@sfgov.org; sophie.maxwell@sfgov.org; ross.mirkarimi@sfgov.org; nicolas.king@sfgov.org; olivia.scanlon@sfgov.org; rebekah.krell@sfgov.org; rose.chung@sfgov.org  
CC: communityfirstcoalition@yahoogroups.com; enough\_bvhp@yahoogroups.com; editor@fogcityjournal.com; editor@sfdaily.net

Subject: Can Someone Please Challenge This In The EIR?! Size (of sea level rise) matters -  
SFBG Politics Blog

Date: Wed, 25 Nov 2009 14:03:36 -0800

I have just finished reviewing Chapter V Other CEQA considerations section of the Candlestick Point-Hunters Point Shipyard Phase II Draft EIR. Under Geology and Soil it states that impacts due to earth shaking and liquefaction are considered mitigated. This is clearly not the case. Also note the EIR compares impacts with the BVHP Redevelopment Project EIR adopted by the BOS in 2006. This EIR identified numerous significant unmitigated impacts in the area of transportation, air quality and housing but was adopted with a CEQA overriding consideration of economic benefits.

The present EIR does not honestly address the impacts of TACS, Greenhouse gas emissions, air quality, liquefaction and rising sea level as well as transportation impacts...which are devastating to pedestrian safety, automobile congestion and air quality in the region!

**AHIMSA PORTER SUMCHAI, M.D.**

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To: asumchai@sfbayview.com; alicia@peopleorganized.org; apollonia@sfbayview.com; bmof123@gmail.com; rezurxn@hotmail.com; e.c.harvey@att.net; cepheus\_1@msn.com; efolbert@yahoo.com; brookse32@netscape.net; errisedgerly@yahoo.com; espanolajackson@sbcglobal.net; frandacosta@att.net; banco9342@sbcglobal.net; marie@greenaction.org; mecsoft@pacbell.net; iolmisha@cs.com; michaelboyd@sbcglobal.net; m26sf@aol.com; info@podersf.org; revolutionyouthsf@gmail.com; swfrisco84@yahoo.com; wsab1@aol.com; publisher@sfbayview.com; editor@sfbayview.com; gwenstrain@hotmail.com; markus\_darkraven@yahoo.com; francsmom@yahoo.com; justice4gus@yahoo.com; blockreportradio@gmail.com; healthyslc@yahoo.com; tere@podersf.org; rbecker17@yahoo.com; sdavidson@bhnc.org; natalie@cpasf.org; tonykelly@thickdescription.org; archbishopking@sbcglobal.net; danielblandry@yahoo.com; emily@cpasf.org; le@cpasf.org; gordonmar@yahoo.com; lmuha4@aol.com; jrizzo@sprintmail.com; carlo@podersf.org; solberg@saintpaulus.org; apachesol@sbcglobal.net; superego@sfbg.com; bruce@sfbg.com; sarah@sfbg.com; steve@sfbg.com; tim\_redmond@sfbg.com; tr@sfbg.com; Michela.Alioto-Pier@sfgov.org; carmen.chu@sfgov.org; Cassandra.Costello@sfgov.org; catherine.stefani@sfgov.org; connie.chan@sfgov.org; Chris.Daly@sfgov.org; David.Chiu@sfgov.org; David.Noyola@sfgov.org; David.Campos@sfgov.org; Bevan.Dufty@sfgov.org; Sean.Elsbernd@sfgov.org; Eric.L.Mar@sfgov.org; Frances.Hsieh@sfgov.org; boe.hayward@sfgov.org; John.Avalos@sfgov.org; john.st.croix@sfgov.org; katy.tang@sfgov.org; vleidner@astound.net; LinShao.Chin@sfgov.org; Linnette.PeraltaHaynes@sfgov.org; Sophie.Maxwell@sfgov.org; ross.mirkarimi@sfgov.org; Nicolas.King@sfgov.org; olivia.scanlon@sfgov.org; rebekah.krell@sfgov.org; Rose.Chung@sfgov.org  
CC: communityfirstcoalition@yahoogroups.com; enough\_bvhp@yahoogroups.com; editor@fogcityjournal.com; editor@sfdaily.net  
From: patnlisa@sbcglobal.net  
Date: Tue, 24 Nov 2009 08:04:35 -0800

Subject: [CommunityFirstCoalition] Fw: Size (of sea level rise) matters - SFBG Politics Blog

Unfortunately I will probably be too busy with patient care to attend any of the upcoming 'public' hearings. I am forwarding this and two subsequent links. We all know that the vast majority of local 'leaders', past and present, including Newsom, Maxwell, Leno, Tim Paulson etc; are complicit in this criminal conspiracy and so heavily 'invested' that nothing will sway them, however there may be a few uncoopted individuals of influence left who might have second thoughts. I don't have the time or expertise but my suggestion would be to reproduce the Lennar plan and create transparent overlays of sea level rise that could be placed on the overhead projector. A picture is worth a thousand words.

My presentation would have been short and sweet. A few introductory remarks condemning all the conspirators, then projecting the image of 'the plan' on the screen while moving the overlay back and forth, constantly calling the panel's attention to it. I would probably have closed with a few simple questions eg:  
" Have you read the BCDC report. Do you think global warming and ocean level rise is a myth created by radical malcontents or an inevitability based on scientific research, evidence and projections"

" I understand there had been some suggestion of building a sea wall to prevent this catastrophe. What information do you have on that proposal, Who would pay for it. How long would it take. Would completion of this barrier be in place before construction could begin. What would be the effect of this project on the environmental stability of the contiguous areas of the bay and all its inhabitants of all species"

"When this flooding occurs, what plans are in place to respond. Who would be responsible for implementing the disaster plans. Who would be responsible for the direct and indirect costs incurred. Presumably Lennar and most those who profited from this scam would be dead or long gone. Is this yet another burden we are going to leave for future generations"

Just my 2c. Please feel free to ignore or use as you choose.

Patrick Monk.RN. Noe Valley. SF.

--- On **Tue, 11/24/09**, [patnlisa@sbcglobal.net](mailto:patnlisa@sbcglobal.net) <[patnlisa@sbcglobal.net](mailto:patnlisa@sbcglobal.net)> wrote:

[http://www.sfbg.com/blogs/politics/2009/04/size\\_of\\_sea\\_level\\_rise\\_matters.html](http://www.sfbg.com/blogs/politics/2009/04/size_of_sea_level_rise_matters.html)

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"Dr. Ahimsa Sumchai"  
<asumchai@live.com>

11/26/2009 12:40 PM

To Parkside Listserve <home@prosf.org>, Health commission  
<health.commission@sfdph.org>, Mitch Katz  
<mitch.katz@sfdph.org>, Mesha Irizarry

cc

bcc

Subject THE USPSTF MAMMOGRAM RECOMMENDATIONS- More  
than a "tempest in a teapot"

**AHIMSA PORTER SUMCHAI, M.D.**

---

From: asumchai@live.com

To: asumchai@live.com

Subject: THE USPSTF MAMMOGRAM RECOMMENDATIONS- More than a "tempest in a  
teapot"

Date: Thu, 26 Nov 2009 12:36:20 -0800

**AHIMSA PORTER SUMCHAI, M.D.**

---

From: asumchai@live.com

To: editor@sfbayview.com; asumchai@sfbayview.com; asumchai@live.com

Subject: THE USPSTF MAMMOGRAM RECOMMENDATIONS- More than a "tempest in a  
teapot"

Date: Thu, 26 Nov 2009 12:35:42 -0800

THE USPSTF MAMMOGRAM RECOMMENDATIONS  
More than a "tempest in a teapot"

"Just for you a word or two your image it keeps dancing through  
my mind at times I think about the changes you've been going through"

Poem for Eleanor Spikes

Phoenix Free- Ahimsa Porter Sumchai

This breast cancer issue has hit me in every direction for as long as I can remember. I

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was a first year surgical intern at UCSF in 1982 when my friend Eleanor Spikes, an associate of Eileen Clark Hernandez, was diagnosed with breast cancer and died within a year. I remember being reduced to tears at a time when stoicism was expected of me as a surgeon in training.

I lost two more friends from breast cancer with little more than a year between diagnosis and death -Gloria Davis and Alicia Pierce. All three of my friends were African American women.

Age greater than 50 is the single greatest risk factor for breast cancer among U.S. women. Over 80% of breast cancers are diagnosed in women over 50. That sounds like a big slice of the statistical pie but the reverse is that 20%- or one fifth- of breast cancers are diagnosed in women who are under the age of 50!

Therein lies the blazing controversy ignited by the recommendations of the United States Preventative Services Task Force (USPSTF) on mammograms released last month. Those recommendations have been met with screaming opposition from the Department of Health and Human Services, the White House, the American Cancer Society and the American College of Obstetrician Gynecologists.

Additionally, informed Black physicians, breast cancer survivors and activists like myself, are aware that African American women were largely excluded from the samples driving the USPSTF's statistical conclusions and that the task force was specifically asked to consider cost of breast screenings and diagnostic studies.

The known health disparities that contribute to premature death from breast cancer in African American women have galvanized righteous opposition to the USPSTF mammogram recommendations. In the past these recommendations have influenced decision making by physician groups and the health care insurers who pay for preventative studies.

Up until this year, in the face of massive efforts to reform the nation's health care system, the USPSTF recommended that women aged forty with no increased risk of breast cancer undergo mammography every one to two years and that women aged fifty obtain a screening mammogram every year.

In a move that critics call a prelude to health care rationing driven by the insurance industry and cost containment, the USPSTF now recommends that women under forty at no increased risk of breast cancer not undergo screening mammography and that women aged 50 to 74 be screened every two years.

Adding to the "pile on" of the controversy are the opinions of a bevy of predominantly male physician newscasters who have used the bully pulpit of their syndicated television shows to broadcast information often clouded by statistics and frank sexism.

I take strong exception with the statistical wizardry evident in defense of the USPSTF by Mehmet Oz, M.D. and Michael Roizen, M.D., who offer calculator boggling lip service to its recommendations with the following analysis:

"Screening younger women hasn't dramatically increased the number of lives saved. While mammograms have reduced the risk of breast cancer deaths overall by about 15%, that risk is so low in women under age 50 that the screenings don't save significantly more lives.

Research cited by the task force estimates that to spare the life of one woman in her 40s, 1,904 women would need one mammogram every year for ten years. In contrast, one life is saved for every 1,339 women in their 50s who get ten years worth of screenings and for every 377 women in their 60s."

Well let me say publicly to the good doctors Oz and Roizen that I have breasts and when it comes to statistics, I don't play! Let me rip into their arguments. First, there is strong statistical evidence that screening women beginning at age 40 has reduced overall mortality from breast cancer by up to 40%!

Secondly, the easiest way to play statistical games is to use a small sample size and to deliberately exclude high risk populations! There are millions of women in the U.S. population. Citing risks in the context of every 1,000 women is an inadequate reflection of the population at risk!

Excluding African American women in representative numbers in the task force statistical analysis is not only a blatant expression of racism in science, it lowers the overall risks calculated for a small unrepresentative sample!

African American women have a higher mortality for breast cancer, a higher incidence of triple negative breast cancer that is more aggressive, appears at a younger age and is unresponsive to conventional therapies. To enact the USPSTF recommendations for African American women and other women in high risk groups - ie: Askenazi Jews, women with BRAC markers and hereditary risk factors- is to widen a health disparity that has resulted in the deaths of thousands of women each year in this country prior to the gains made by screening mammograms.

Now in sympathy with the USPSTF recommendations let me offer my tear jerking personal story. I sympathize with the cost benefit analysis the task force applied to its recommendations because I paid \$500 for my screening mammogram in June of this year. It came right out of my checking account...not out of the wallet of some overpaid executive at Blue Cross. I have a pre-existing condition from a work related spinal injury that is covered by Workers Comp. Despite that I am denied health insurance and pay out of pocket for most of my medical and dental services.

I underwent screening mammography in my late 40's at UCSF and the mammogram showed what appeared to be benign cysts. Because it was my first screening and I was considered at higher risk as an African American women ( I had to complete a survey prior to the exam), I was referred for a diagnostic mammogram at UCSF Mt. Zion. The diagnostic mammogram also detected cysts but just to be sure, the radiologist ordered a breast ultrasound. By the time the ultrasound had been scheduled the cysts could no longer be located. Cysts fluctuate during a woman's menstrual cycle and can disappear entirely.

Because the radiologists were concerned they may have missed the cysts on ultrasound they ordered a repeat diagnostic mammogram on site. The repeat diagnostic mammogram confirmed the cysts were gone!

The moral of the story is that I was in the radiology suite for two hours, was embarassingly late for work, received a bill for over \$1,500 and when I applied for Blue Cross health insurance I was again denied coverage... I had an abnormal mammogram! I was offered a high risk policy for \$800 a month with reduced benefits... I would have to pay for my own mammograms.

The false positive rate for mammograms among women aged 40 is about 10% and I agree with the task force that receiving that form letter from UCSF Radiology documenting an abnormality on my screening mammogram had me thinking about formulating a will for the first time in my life.

The bottom line...every woman should have a screening mammogram at age forty!

**AHIMSA PORTER SUMCHAI, M.D.**

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Windows 7: I wanted simpler, now it's simpler. [I'm a rock star.](#)



JAMES CORRIGAN  
<marylouc@mac.com>

11/17/2009 11:39 AM

To board.of.supervisors@sfgov.org

cc

bcc

Subject Fwd: The SFFD will probably reply: "Forget it, Jake. It's Chinatown. "

Nov. 17th 10:15 AM

Dear S.F. Supervisors:

Nothing better describes the unequal, DPT world we live in than these pictures taken this morning.

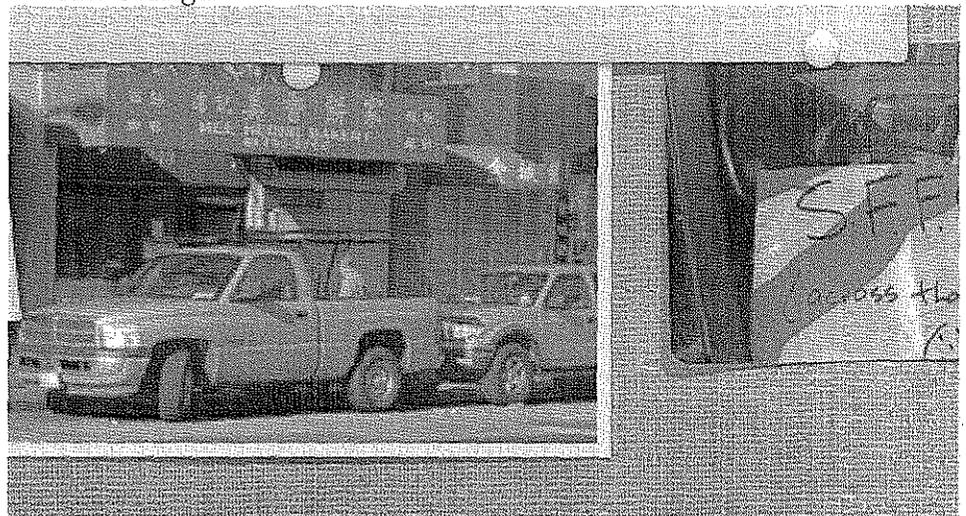
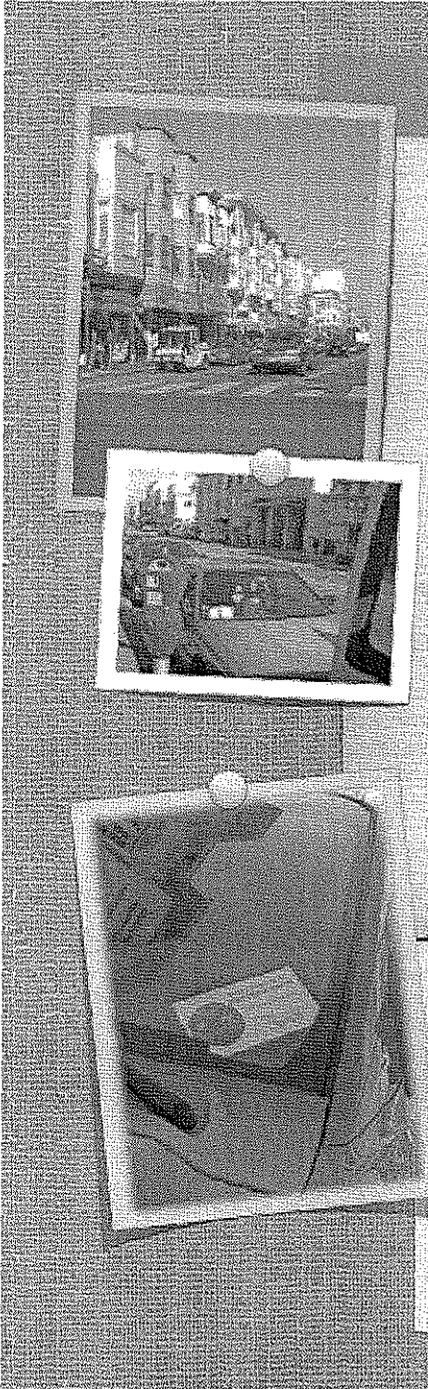
The upper-left photos show a red car being ticketed by a DPT control officer across from the firehouse. This is after the Enforcement Officer drove past 4 private vehicles of SFFD firefighters parked at meters for the next 24 hours that boasted wink-wink signs.

All it takes is a tip-off to the DPT employee not to ticket another San Francisco City employee. It's a great City we live in, albeit unfair, unjust and full of petty scammers.

On October 27, 2009 I wrote Mr. Judson True asking this question: "Please provide to me any legal authority these signs have to grant free parking at meters."

Of course, no reply as of yet.

Jim Corrigan



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Board of  
Supervisors/BOS/SFGOV

11/23/2009 04:58 PM

To

cc

bcc

Subject **File 090583** No Rent Control on Post 1979 Buildings

----- Forwarded by Board of Supervisors/BOS/SFGOV on 11/23/2009 04:58 PM -----



"Amy Blakeley"  
<ablakeley@mcguire.com>

11/20/2009 04:13 PM

To <board.of.supervisors@sfgov.org>

cc

Subject No Rent Control on Post 1979 Buildings

Dear Supervisors,

I am writing to strongly **urge you to reject the ordinance proposed by Supervisor Avalos** to expand rent control laws to buildings built after 1979. Instituting such an ordinance will absolutely have a negative impact on the city's housing market: as ARMs continue to adjust from the current housing crisis, as the volume of short sales continue to rise, as HOA payment delinquencies rise, property owners will not be able to either a) maintain their rental unit or make necessary any improvements to them, or worse, b) be able to afford the mortgage, thus forcing them to sell. **When landlords have less cash flow, they invest less back into maintaining the buildings they own. HOAs will cut amenities on larger buildings, since homeowners will be looking everywhere to cut costs.**

**Rent caps artificially inflate market rate rents** because landlords are trying desperately to make up for lost income from rents that have been suppressed by rent control - sometimes for as long as 30 years or more!

This ordinance may also **cause an increase in the amount of small property owners who get out of the rental business** thereby minimizing the City's rental inventory: risking the hassle of long term, rent controlled tenants (some of them instantly obtaining protected status) is not worth it to a lot of owners of legal in-law units, rear cottages, or garden units that they may not financially need to rent. Equally, there is no investment benefit that comes from purchasing such a building.

**If you want to continue the City's housing market's downward spiral, if you want the City to lose much needed revenue from property exchanges, if you want to continue to be responsible to a constituency which is over 73% renters and stifle home ownership in SF, then by all means, support the measure.**

Thank you,  
Amy Blakeley  
Resident of District 2  
Board Member, CVIA, District 5

Amy Blakeley

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# SAN FRANCISCO PLANNING DEPARTMENT

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Suite 400  
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November 6, 2009

The San Francisco Planning Department would like to present you with a copy of the recently published *2009 Commerce and Industry Inventory*. This publication provides information on the city's economy and includes data through 2008.

The 2009 Commerce and Industry Inventory follows the same framework established in previous years. It also includes a Findings section detailing recent trends. Data on employment, number and size of businesses, wages, and building activity have been gathered from various public and private agencies and presented in a consistent format that allows for comparisons and cross-references. The various indicators are extensively described with tables, graphs, and maps.

Should you have any questions, comments or suggestions regarding the Commerce and Industry Inventory, please feel free to call Scott Dowdee, Project Manager at (415) 558-6259.

Sincerely yours,

John Rahaim  
Director of Planning

HSD: I:\Citywide\Data Products\C&I Inventory\2009\Outreach\2009 C&I Cover Letter.doc

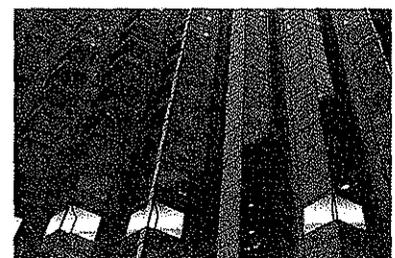
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BY Ke

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2009

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

# SAN FRANCISCO COMMERCE & INDUSTRY INVENTORY



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