

File No. 100556

Petitions and Communications received from April 27, 2010, through May 3, 2010, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on May 11, 2010.

From Department of Public Works, submitting their Defective Sidewalk Repair Account Quarterly Report for the period of January 1, 2010, through March 31, 2010. (1)

From Department of Public Works, submitting their Adopt-A-Tree Account Quarterly Report for the period of January 1, 2010, through March 31, 2010. (2)

From T-Mobile, submitting notification letter for a cellular site at 810 Battery Street. (3)

From T-Mobile, submitting notification letter for a cellular site at 1160 Illinois Street. (4)

From T-Mobile, submitting notification letter for a cellular site at 1200 Mason Street. (5)

From T-Mobile, submitting notification letter for a cellular site at 1501 Lincoln Way. (6)

From Municipal Transportation Agency, regarding the request for proposal process for the current parking meter procurement, coin counting and collections contract. Copy: Each Supervisor (7)

From Municipal Transportation Agency, submitting their Operating Budgets for FY2010-2011, and FY2011-2012. Copy: Each Supervisor (8)

From Municipal Transportation Agency, regarding adjustment to their Operating Budgets for FY2011 and FY2012. Copy: Each Supervisor (9)

From US Army Corps of Engineers, submitting notice that the San Francisco Public Utilities Commission has applied for a Department of the Army permit to construct the Crystal Springs/San Andreas Transmission System Upgrade. (10)

From Arts Commission, submitting their Quarterly Expenditure Report ending March 31, 2010. (11)

From San Francisco Grand Jury, submitting notice that the San Francisco Grand Jury has released its report to the public entitled "Americans with Disabilities Act: Is San Francisco in Compliance?" Copy: Each Supervisor, Government Audit and Oversight Committee Clerk (12)

From Office of the Chief Medical Examiner, submitting the Annual Report for FY2009-2010. (13)

From Emil Lawrence, regarding unauthorized removal of taxi driver documents by an airport employee. Copy: Each Supervisor (14)

From Emil Lawrence, regarding a DAJA airport employee and new taxicab taxes. Copy: Each Supervisor (15)

From San Francisco International Airport, regarding proposal to impose a new privilege fee on off-airport parking lot operators, and plans to increase its own long-term parking rates in January 2011. Copy: Each Supervisor (16)

From concerned citizens, submitting opposition to proposed resolution calling for a boycott of the state of Arizona and Arizona-based businesses until Arizona repeals Senate Bill 1070; and that many have cancelled their plans to visit San Francisco. Approximately 60 letters (17)

From S.F. Conventions and Visitors Bureau, submitting opposition to proposed resolution calling for a boycott of the state of Arizona and Arizona-based businesses until Arizona repeals Senate Bill 1070; and that many have cancelled their plans to visit San Francisco. Approximately 160 letters (18)

From Luis, submitting support for proposed resolution calling for a boycott of the state of Arizona and Arizona-based businesses until Arizona repeals Senate Bill 1070. (19)

From Noah Schlager, submitting petition on behalf of the Urban School of San Francisco, urging action to ban all shark products, and support local shark and coastal conservation. (20)

From concerned citizens, regarding the Beach Chalet Soccer Fields Project in Golden Gate Park. File No. 100053 (21)

From concerned citizens, submitting opposition to appeal filed against the Planning Department's decision regarding the Nob Hill Masonic Center at 1111 California Street. File No. 100451, 37 letters (22)

From concerned citizens, submitting support for appeal filed against the Planning Department's decision regarding the Nob Hill Masonic Center at 1111 California Street. File No. 100451, 23 letters (23)

From Brent Marks, regarding paramedics and firefighters in San Francisco. (24)

From concerned citizens, submitting support for expanding parking meter hours to Sunday. 2 letters (25)

From concerned citizens, submitting opposition to expanding parking meter hours to Sunday. 5 letters (26)

From Verizon Wireless, submitting notification letter for a cellular site at 6221 Geary Boulevard. (27)

From State Fish and Game Commission, submitting notice of proposed regulatory actions relative to Commercial Rock Crabs. (28)

From Office of the Controller, submitting a Compliance Review Report of the Municipal Transportation Agency's Work Orders for FY2008-2009. Copy: Each Supervisor (29)

From State Fish and Game Commission, submitting the revised findings rejecting the petition to list the American Pika as a threatened species. (30)

From Hut Landon, suggesting a one-week shop local first experiment in San Francisco. (31)

From concerned citizens, commenting on a recent news article in the San Francisco Chronicle regarding city employee wages. 2 letters (32)

From Gabriel Grill, urging the Mayor and the Board of Supervisors to fund full-time service for the Park Branch Library and other branches yet to be renovated. (33)

From Mark Duran, expressing concerns relating to violence against Asian-Americans in San Francisco. (34)

From Zen Lee, thanking the Department of Public Works for fixing a damaged road section near the corner of 41<sup>st</sup> Avenue and Judah Street. (35)

From concerned citizens, submitting support for the proposed legislation concerning the sit/lie law. File No. 100233, 8 letters (36)

From Michael Crandell, submitting opposition to the proposed legislation concerning the sit/lie law. File No. 100233 (37)

From Susan Grady, submitting opposition to the proposed cell tower at Miraloma Community Church. (38)

From Kash, submitting support for public power in San Francisco. (39)

From Pamela Thompson, submitting the Office of Citizen Complaints First Quarter Statistical Report for 2010. (40)

From Samantha Shields, submitting her health concerns with a cell phone tower at the corner of Clayton and Deming Streets. (41)

From U.S. Army Corps of Engineers, regarding proposal to accept funds from the California High-Speed Rail Authority. (42)

From Aaron Goodman, commenting on a news article in the S.F. Examiner entitled the "F-line extension faces setback" planning concerns put funding for Fort Mason project at risk. (43)

From Jon Wollenhaupt, regarding artist Elaine Badgeley who was seriously injured in an accident caused by a cab driver running a red light. (44)

From Law Offices of Snell & Wilmer, on behalf of T-Mobile, concerning site permits for personal wireless service. File No. 100041, Copy: Land Use and Economic Development Committee Members and Clerk (45)

From Nancy Cohrs, commenting on a news article in the Marina Times regarding San Francisco parks. (46)

From Carla Lehmann, regarding proposed Parkmerced development. (47)

From Mike Miller, regarding the amount of homeless individuals in San Francisco. (48)

From Norman Campbell, regarding Sharp Park Golf Course. (49)

From Patricia Tsang, urging the Department of Public Works to restore the public receptacles on Lake Street at Arguello Boulevard. (50)



City and County of San Francisco



Gavin Newsom, Mayor  
Edward D. Reiskin, Director



Phone: (415) 554-6920  
Fax: (415) 554-6944  
TDD: (415) 554-6900  
<http://www.sfdpw.com>

Department of Public Works  
Office of the Director  
City Hall, Room 348  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4645

April 22, 2010

Ms. Angela Calvillo  
Clerk of the Board  
Board of Supervisors  
City and County of San Francisco  
Room 244, City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4845

Subject: Quarterly Report of the Department of Public Works  
Defective Sidewalk Repair Revolving Account

Dear Ms. Calvillo:

Pursuant to Section 707 of the Public Works Code, attached is the Quarterly Report of the Department of Public Works Defective Sidewalk Repair Revolving Account for the period January 1, 2010 through March 31, 2010.

Sincerely,

Edward D. Reiskin  
Director of Public Works

Attachment: As noted

CC: Robert Quan, BSM  
Robert Carlson, DDFMA  
Jocelyn Quintos  
Sreed Pisharath

RECEIVED  
BOARD OF SUPERVISORS  
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2010 APR 27 PM 3:05  
BY fc



Department of Public Works  
Defective Sidewalk Repair Account  
Revolving Fund (Fund Type 2S)  
Quarterly Report  
March 31, 2010

Beginning Cash Balance January 1, 2010

Cash Balance - March 31, 2010

Sidewalk Abatements
<u>\$151,388</u>
<u><u>\$151,388</u></u>

City and County of San Francisco



Gavin Newsom, Mayor  
Edward D. Reiskin, Director



Phone: (415) 554-6920  
Fax: (415) 554-6944  
TDD: (415) 554-6900  
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Department of Public Works  
Office of the Director  
City Hall, Room 348  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4645

April 22, 2010

Ms. Angela Calvillo  
Clerk of the Board  
Board of Supervisors  
City and County of San Francisco  
Room 244, City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, California 94102-4845

Subject: Report of the Department of Public Works  
Adopt-A-Tree Account

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 APR 27 PM 3:05  
BY                     

Dear Ms. Calvillo:

Pursuant to Section 10.100-227 of the Administrative Code, attached is the Quarterly Report of the Department of Public Works Adopt-A-Tree Account for the period January 1, 2010 through March 31, 2010.

Sincerely,

Edward D. Reiskin  
Director of Public Works

Attachment: As noted

CC: Liz Lerma, BUF  
Carla Short, BUF  
Robert Carlson, DDFMA  
Jocelyn Quintos  
Sreed Pisharath

2

**Department of Public Works  
Adopt - A - Tree Fund  
Quarterly Report  
March 31, 2010**

Beginning Fund Balance - January 1, 2010	\$328,714.53
Revenues	52,010.75
Expenditures	(34,382.61)
Ending Fund Balance - March 31, 2010	<u>346,342.67</u>

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

T-Mobile

2010 APR 27 AM 11:20

T-Mobile West Corporation  
a subsidiary of T-Mobile USA Inc.  
Engineering Development  
1855 Gateway Boulevard, 9<sup>th</sup> Floor  
Concord, California 94520

BY AK

April 12, 2010

Anna Hom  
Consumer Protection and Safety Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

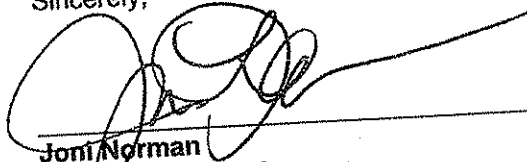
RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc.  
d/b/a T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF23213E

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: 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

3

**ATTACHMENT A**

**1. Project Location**

Site Identification Number: SF23213E  
Site Name: 810 Battery  
Site Address: 810 Battery Street, San Francisco, CA 94111  
County: San Francisco  
Assessor's Parcel Number: 0141-011  
Latitude: 37° 47' 55.36" N  
Longitude: 122° 24' 3.45" W

**2. Project Description**

Number of Antennas to be installed: 4  
Tower Design: Existing Building  
Tower Appearance: Installation of eight (4) panel antennas mounted onto an existing building.  
Tower Height: 94.5 feet  
Size of Buildings: 114.49 sq feet

**3. Business Addresses of all Governmental Agencies**

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 Clerk  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

**4. Land Use Approvals**

Date Zoning Approval Issued: 03/31/10  
Land Use Permit #: 200907233316  
If Land use Approval was not required:

**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

April 12, 2010

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. SF43557B**

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: 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

**ATTACHMENT A**

**1. Project Location**

Site Identification Number: SF43557B  
Site Name: 1160 Illinois Street  
Site Address: 1160 Illinois St, San Francisco, CA 94107  
County: San Francisco  
Assessor's Parcel Number: 4173-001  
Latitude: 37° 47' 25.46" N  
Longitude: 122° 23' 16.72" W

**2. Project Description**

Number of Antennas to be installed: 6  
Tower Design: Existing Building  
Tower Appearance: Installation of six (6) panel antennas side mounted onto an existing  
building.  
Tower Height: 78 feet  
Size of Buildings: 261 sq feet

**3. Business Addresses of all Governmental Agencies**

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 Clerk  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

**4. Land Use Approvals**

Date Zoning Approval Issued: 03/24/10  
Land Use Permit #: 200910138862  
If Land use Approval was not required:



**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

April 19, 2010

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. SF43584B**

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: Planning Director, 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  
City of San Francisco, Attn: City Clerk, 1 Carlton B. Goodlett Place, San Francisco, CA 94102

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**ATTACHMENT A**

**1. Project Location**

Site Identification Number: SF43584B  
Site Name: Gallery Cafe  
Site Address: 1200 Mason, San Francisco, CA 94108  
County: San Francisco  
Assessor's Parcel Number: 0191016  
Latitude: 37° 47' 41.58" N  
Longitude: 122° 24' 40.72" W

**2. Project Description**

Number of Antennas to be installed: 3  
Tower Design: Rooftop  
Tower Appearance: Installation of three (3) panel antennas mounted onto an existing  
rooftop building.  
Tower Height: 49.4 feet  
Size of Buildings: 25.8 sq feet

**3. Business Addresses of all Governmental Agencies**

City of San Francisco  
Attn: Planning Director  
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

City of San Francisco  
Attn: City Clerk  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

**4. Land Use Approvals**

Date Zoning Approval Issued: 03/01/10  
Land Use Permit #: 2009-07243422  
If Land use Approval was not required:

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

T-Mobile 2010 APR 27 PM 3:43

BY AK

T-Mobile West Corporation  
a subsidiary of T-Mobile USA Inc.  
Engineering Development  
1855 Gateway Boulevard, 9<sup>th</sup> Floor  
Concord, California 94520

April 19, 2010

Anna Hom  
Consumer Protection and Safety Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

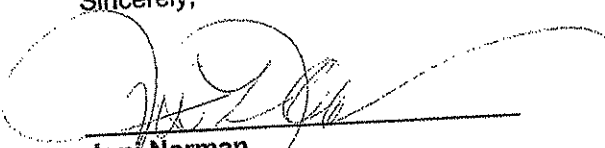
RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc.  
d/b/a T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF53430A

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: Planning Director, 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  
City of San Francisco, Attn: City Clerk, 1 Carlton B. Goodlett Place, San Francisco, CA 94102

6



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

April 15, 2010

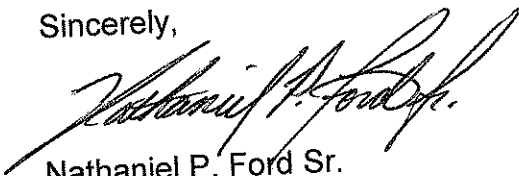
Angela Calvillo, Clerk of the Board  
 Board of Supervisors  
 City and County of San Francisco  
 1 Dr. Carlton B. Goodlett Place, Room 244  
 San Francisco, CA 94102-4689

Re: Status Report Request from the Board of Supervisors

Dear Ms. Calvillo:

Attached please find a report detailing the status of the Request for Proposal process for the current parking meter procurement and coin counting and collections contract, as requested in Resolution 288-08. Should you or members of the Board have additional questions, please forward them to Sonali Bose, Director of Finance and Information Technology and CFO.

Sincerely,



Nathaniel P. Ford Sr.  
 Executive Director/CEO

cc: Sonali Bose  
 Steven Lee

Attachment:

SB:lrf


RECEIVED  
 BOARD OF SUPERVISORS  
 SAN FRANCISCO  
 2010 APR 28 PM 3:51  
 BY \_\_\_\_\_  
 AK

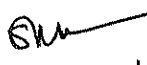
Gavin Newsom | Mayor  
 Tom Nolan | Chairman  
 Dr. James McCray Jr. | Vice-Chairman  
 Cameron Beach | Director  
 Shirley Breyer Black | Director  
 Malcolm Heinicke | Director  
 Jerry Lee | Director  
 Bruce Oka | Director  
 Nathaniel P. Ford Sr. | Executive Director/CEO

**MEMORANDUM**

DATE: April 15, 2010

TO: Honorable Members of the Board of Supervisors

THROUGH: Nathaniel P. Ford Sr. Executive Director/CEO 

FROM: Sonali Bose  Director of Finance and Information Technology/CFO

SUBJECT: Status Report: Meter Procurement and Coin Counting and Collections RFP

The following timeline serves as a response to the requirement from the Board of Supervisors, issued as part of Resolution 288-08, for periodic reports on the progress of developing a Request for Proposals for Meter Procurement and Coin Counting Services.

Date	Action
July 2008 – January 2009	Review of prior RFP; Developed outline for combined procurement/coin counting and collections RFP, with input from agency divisions including IT, Meter Shop (operations), Finance and Enforcement
Late January 2009	After initial review of draft, staff determined that RPF should be split into CC&C and procurement RFPs. Reason: meter technology had not been evaluated through SFpark program due to the delay of federal funding expected in Spring 2008. Funds were not formally obligated to SFMTA in January 2009, and authorization to spend against grant monies was not granted until June 2009.

Date	Action
April 2009	Hayes St. "pay by credit card" pilot (IPS meters). Sixty single-space meters were installed on the 400 and 500 blocks of Hayes Street. Anecdotal data identified some specifications for future procurement; some technical challenges and demonstrated that the public was interested in using this payment option. Pilot scope was too limited to draw general recommendations for meter specifications needed.
June 2009	SFpark authorization to expend grant monies granted.
July 2009	Cal-Steiner Street "pay by credit card" meter pilot (McKay Meters) Two multi-space paystations were installed at the California-Steiner Street parking lot to replace 54 single meters. Anecdotal data identified some specifications for future procurement; some technical challenges and further demonstrated that the public was interested in using this payment option. Pilot scope was too limited to draw general recommendations for meter specifications needed.
August 2009	Port meter installation. This installation, part of the SFpark pilot program, consisted of 99 multi-space paystations that accepted credit card payments as well as coinage. This pilot was larger than the two conducted previously, and significant challenges to the existing technology (both software and hardware-related) were discovered between September 2009 and April 2010. Most, however, have been resolved, or should be resolved by May 2010.
September 2009	SFMTA Board passed resolution (09-067) granting SFpark program an additional two years (till June 30, 2012) to evaluate meter technology along with parking management pilots.

Date	Action
October 2009	<p>Staff met to discuss feasibility of issuing any RFPs regarding meter procurement or support services. Despite ongoing challenges with technology, credit card payments have proved popular; however, we do not have enough information to determine the specifications for coin counting and collections because we do not yet have enough data to accurately project projected expenses for coinage volume and related infrastructure needs (equipments, vehicles, space, etc) after credit card capable meters are installed.</p>
November 2009 – January 2010	<ul style="list-style-type: none"> <li>• BOS passed ordinance (035-10) granting extension of SFpark pilot program to June 2012.</li> <li>• Negotiations entered into with current contractor for extension for CC&amp;C services; plan is now to draft combined procurement RFP with CC&amp;C in January 2011, once Citywide SFpark pilots been done and yielded sufficient data for specific meter procurement and support service requirements.</li> </ul>
February 2010 – Present	<p>Extension developed to maintain coin counting and collection services and to continue accurate monitoring of revenue; Extension request will be submitted to the SFMTA Board for review and approval by May 4, 2010; then forwarded to the Board of Supervisors for consideration.</p>



Bos-11 (By SFMTA)

COB page

- 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

April 21, 2010

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

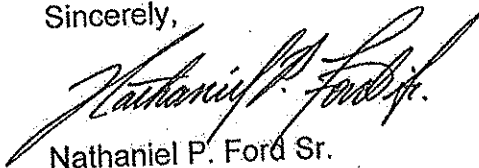
Subject: Transmittal of the San Francisco Municipal Transportation Agency  
 Operating Budget for FY 2011 and FY 2012

Mayor Newsom:

Enclosed is the San Francisco Municipal Transportation Agency (SFMTA) Operating Budget for FY 2011 and 2012 which was adopted by the SFMTA Board of Directors on April 20, 2010.

As you know, this was a difficult budget as it includes an ongoing 10 percent service reduction for FY 2011 given the unprecedented loss in revenues. However, in FY 2012, the budget proposed a 5 percent service restoration.

Sincerely,



Nathaniel P. Ford Sr.  
 Executive Director/CEO

Enclosures

cc: San Francisco Board of Supervisors  
 Controller

RECEIVED  
 BOARD OF SUPERVISORS  
 SAN FRANCISCO  
 2010 APR 28 PM 3:52  
 BY AK



## OPERATING BUDGET OVERVIEW

The SFMTA FY 2011 and FY 2012 Proposed Operating Budgets are presented in further detail in this document. The total revenues and expenditures projected for the two Budget Years are shown in the table below compared to the FY 2010 Board Adopted Amended Budget and the FY 2010 Projected Year End Results based on 8 months actual results.

	FY 2010 Board Approved Amended Budget	FY 2010 Projected Year End Results (Based on 8 months Actuals)	FY 2011 Proposed Budget	FY 2012 Proposed Budget
<b>Total Revenues</b>	\$768.6M	\$760.7M	\$749.5M	\$768.8M
<b>Total Expenditures</b>	\$768.6M	\$767.9M	\$749.5M	\$768.8M

The Proposed FY 2011 Operating Budget is \$19.1 million or 2.5 percent lower than the Board approved Amended FY 2010 Operating Budget and the Proposed FY 2012 Operating Budget is \$0.2 million or 0.026 percent higher than the Board approved Amended FY 2010 Operating Budget.

## REVENUES

The FY 2011 and FY 2012 Operating Budgets includes revenues from transit fares, operating grants, parking and traffic fees and fines, and other revenues such as advertising and interest income. The budgets also include General Fund support under the provisions of the Charter which requires the General Fund base Amount to be adjusted each year by the percentage increase or decrease in the aggregate City and County discretionary and unrestricted revenues. Additionally, fund balances that are projected to be available at the end of a Budget Year are carried forward into the next Budget Year.

The tables below summarize the actual revenues collected in Budget Year FY 2009, the revenues included in the FY 2010 Board Approved Amended Operating Budget, FY 2010 Projected Year End Results for revenues and the revenues projected for the FY 2011 and FY 2012 Proposed Operating Budgets.

Revenue Category	FY 2009 Actual Results	FY 2010 Board Approved Amended Budget	FY 2010 Projected (Based on 8 months Actual)	FY 2011 Proposed Budget	FY 2012 Proposed Budget
Transit Fares	\$153.0M	\$181.3M	\$181.3M	\$177.9M	\$182.3M
Operating Grants	\$99.5M	\$79.5M	\$87.9M	\$110.7M	\$106.9M
Parking and Traffic Fees & Fines	\$236.5M	\$244.8M	\$233.6M	\$252.4M	\$267.4M
Other (Advertising, Interest, Rent, etc.)	\$27.6M	\$24.3M	\$24.4M	\$23.6M	\$24.0M
Transfers and Fund Balance	\$251.2M	\$220.5M	\$219.1M	\$171.5M	\$174.7M
Taxi Fees	0	\$18.2M	\$14.4M	\$13.4M	\$13.5M
<b>TOTAL</b>	<b>\$767.8M</b>	<b>\$768.6M</b>	<b>\$760.7M</b>	<b>\$749.5M</b>	<b>\$768.8M</b>

The table below includes the variances between the Proposed FY 2011 revenues with FY 2009 and FY 2010 figures and also includes the variance between the Proposed FY 2012 revenues with the Proposed FY 2011 figures. The Proposed FY 2011 Operating Budget is \$18.4 million or 2.4% lower than Budget Year FY 2009 Actual Results, \$19.1 million or 2.5% lower than the FY 2010 Board Amended Operating Budget, and \$11.2 million or 1.5% lower than the FY 2010 Year End Projections. The Proposed FY 2012 Operating Budget is \$19.3 or 2.6% million higher than the Proposed FY 2011 Operating Budget.

Revenue Category	FY 2011 Proposed Budget Compared to FY 2009 Actuals	FY 2011 Proposed Budget Compared to FY 2010 Amended Budget	FY 2011 Proposed Budget Compared to FY 2010 Year End Projections	FY 2012 Proposed Budget Compared to FY 2011 Proposed Budget
Transit Fares	\$24.9M	(\$3.4M)	(\$3.4M)	\$4.4M
Operating Grants	\$11.2M	\$31.2M	\$22.8M	(\$3.8M)
Parking and Traffic Fees & Fines	\$15.9M	\$7.6M	\$18.8M	\$15.0M
Other (Advertising, Interest, Rent, etc.)	(\$4.0M)	(\$0.7M)	(\$0.8M)	\$0.4M
Transfers and Fund Balance	(\$79.7M)	(\$49.0M)	(\$47.6M)	\$3.2M
Taxi Fees	\$13.4M	(\$4.8M)	(\$1.0M)	\$0.1M
<b>TOTAL</b>	<b>(\$18.3M)</b>	<b>(\$19.1M)</b>	<b>(\$11.2M)</b>	<b>\$19.3M</b>

***Comparing Revenues in the Budget Year FY 2011 Proposed Operating Budget to the Budget Year FY 2010 Amended Operating Budget***

The revenues in Budget Year FY 2011 Proposed Operating Budget are \$19.1 million or 2.5% lower than the FY 2010 Amended Operating Budget. Significant changes to the revenue include the following key items:

- Increase in Operating Grants of \$31.2 million is mainly due to the partial restoration of the State Transit Assistance Funding that was signed by the Governor in March 2010.
- Parking and Traffic Fines and Fees show an increase of \$7.6 million mainly due to an increase in the residential permit fees of \$3.6 million and the institution of a new parking program that includes the addition of at least 1,000 new parking meters and the elimination of current free reserved on-street spaces in certain areas that will now require paid permits that are issued by SFMTA.
- Transfers and Fund Balances are projected to be \$49.0 million lower as fund balances were used in FY 2010 to balance the budget and have been completely expended.

***Percentage of Revenues by Category***

In the table below, the percentage of each revenue category for the prior budget year, the current budget year and the FY 2011 and FY 2012 Proposed Operating Budgets are shown. Parking and Traffic Fees & Fines have surpassed General Fund Transfers and the use of fund balance as the largest funding sources for SFMTA's operating expenses due to adjustments to fees & fines and the depletion of fund balances.

Revenue Category	FY 2009 Actual Results	FY 2010 Board Amended Budget	FY 2010 Projected (Based on 8months Actual)	FY 2011 Proposed Budget	FY 2012 Proposed Budget
Transit Fares	19.9%	23.6%	23.8%	23.7%	23.7%
Operating Grants	13.0%	10.3%	11.6%	14.8%	13.9%
Parking and Traffic Fees & Fines	30.8%	31.9%	30.7%	33.7%	34.8%
Other (Advertising, Interest, Rent, etc.)	3.6%	3.2%	3.2%	3.1%	3.1%
Transfers and Fund Balance	32.7%	28.7%	28.8%	22.9%	22.7%
Taxi Fees	0.0%	2.3%	1.9%	1.8%	1.8%
<b>TOTAL</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

## EXPENDITURES

Expenditures in SFMTA's Operating Budget fall into eight major categories as follows: Salaries and Benefits, Contracts and Other Services, Materials and Supplies, Equipment and Maintenance, Rent and Building, Insurance and Claims, Rainy Day Reserve, and Work Orders to Other City Departments.

The tables below summarize the actual expenditures incurred for Budget Year FY 2009, the expenditures included in the FY 2010 Board Amended Operating Budget, the Budget Year FY 2010 Projected Year End Results and the expenditures included in the FY 2011 and FY 2012 Proposed Operating Budgets.

Expenditure Category	FY 2009 Actual Results	FY 2010 Board Amended Budget	FY 2010 Projected (Based on 8months Actual)	FY 2011 Proposed Budget	FY 2012* Proposed Budget
Salaries & Benefits	\$475.6M	\$484.4M	\$475.9M	\$456.0M	\$469.3M
Contracts and Other Services	\$57.6M	\$64.0M	\$66.4M	\$67.5M	\$68.0M
Materials & Supplies	\$28.4M	\$40.7M	\$47.9M	\$43.0M	\$48.0M
Equipment & Maintenance	\$35.9M	\$42.5M	\$34.9M	\$50.0M	\$50.5M
Rent & Building	\$7.6M	\$7.0M	\$7.5M	\$7.0M	\$7.0M
Insurance & Claims	\$58.8M	\$66.2M	\$69.3M	\$66.7M	\$66.7M
Rainy Day Reserve	0	0	0	0	0
Services from City Departments	\$61.9M	\$63.8M	\$65.9M	\$59.3M	\$59.3M
<b>TOTAL</b>	<b>\$725.8M</b>	<b>\$768.6M</b>	<b>\$767.8M</b>	<b>\$749.5M</b>	<b>\$768.8M</b>

The following table includes the variances between the Proposed FY 2011 expenditures with FY 2009 and FY 2010 figures and also includes the variance between the Proposed FY 2012 expenditures with the Proposed FY 2011 figures. The Proposed FY 2011 Operating Budget is \$23.7 million or 3.3% higher than Budget Year FY 2009 Actual Results, \$19.1 million or 2.5% lower than the FY 2010 Board Amended Operating Budget and \$18.3 million or 2.4% lower than the FY 2010 Year End Projections. The Proposed FY 2012 Operating Budget is \$19.3 million or 2.6% higher than the Proposed FY 2011 Operating Budget.

Expenditure Category	FY 2011 Proposed Budget Compared to FY 2009 Actuals	FY 2011 Proposed Budget Compared to FY 2010 Amended Budget	FY 2011 Proposed Budget Compared to FY 2010 Year End Projections	*FY 2012 Proposed Budget Compared to FY 2011 Proposed Budget
Salaries & Benefits	(\$19.6M)	(\$28.4M)	(\$19.9M)	\$13.3M
Contracts and Other Services	\$9.9M	\$3.5M	\$1.1M	\$0.5M
Materials & Supplies	\$14.6M	\$2.3M	(\$4.9M)	\$5.0M
Equipment & Maintenance	\$14.1M	\$7.5M	\$15.1M	\$0.5M
Rent & Building	(\$0.6M)	0	(\$0.5M)	0
Insurance & Claims	\$7.9M	\$0.5M	(\$2.6M)	0
Rainy Day Reserve	0	0	0	0
Services from City Departments	(\$2.6M)	(\$4.5M)	(\$6.6M)	0
<b>TOTAL</b>	<b>\$23.7M</b>	<b>(\$19.1M)</b>	<b>(\$18.3M)</b>	<b>\$19.3M</b>

\* The FY 2012 Proposed Operating Budget includes \$15.5M for increases in transit services modified in FY 2010.

*Comparing Expenditures in the Budget Year FY 2011 Proposed Operating Budget to the Amended Budget Year FY 2010 Operating Budget*

The expenditures in the Proposed FY 2011 Operating Budget are \$19.1 million or 2.5 % lower than the Amended FY 2010 Operating Budget. Changes to the expenditures include the following key items:

- \$28.4 million decrease in Salaries due to the elimination of 284 positions and proposed labor concession estimated to be \$10.0 million.
- \$7.5 million increase in Equipment Maintenance due mainly to an effort to purchase essential operating equipment that was not included in the Amended FY 2010 budget.
- \$4.5 million decrease in Services from Other City Departments to coincide with transit service modifications, workforce reductions and citywide budget reductions.
- \$2.4 million increase in Insurance and Claims is due to the purchase of excess liability insurance on vehicles for catastrophic events.

**Percentage of Expenditures by Category**

In the table below, the percentage of each expenditure category for the prior budget year, the current budget year and the FY 2011 and FY 2012 Proposed Operating Budgets are shown. Salaries and benefits are projected to decline as a percentage of the operating budget between FY 2009 Actual Results and the Proposed FY 2011 and FY 2012 Operating Budgets. These expenditures make up approximately two-thirds of operating costs. Services from City Departments and Contracts and other Services are both projected to account for 7.9 % and 7.7% respectively of the Proposed FY 2011 and FY 2012 Operating Budgets. A significant effort was made to reduce salaries and services from other city departments.

Expenditure Category	FY 2009 Actual Results	FY 2010 Board Amended Budget	FY 2010 Projected (Based on 8months Actual)	FY 2011 Proposed Budget	FY 2012 Proposed Budget
Salaries & Benefits	65.5%	63.0%	62.0%	60.8%	61.0%
Contracts and Other Services	7.9%	8.3%	8.6%	9.0%	8.8%
Materials & Supplies	3.9%	5.3%	6.2%	5.7%	6.2%
Equipment & Maintenance	4.9%	5.5%	4.5%	6.7%	6.6%
Rent & Building	1.0%	0.9%	1.0%	0.9%	0.9%
Insurance & Claims	8.1%	8.6%	9.0%	8.9%	8.7%
Reserve	0.0%	0.0%	0.0%	0.0%	0.0%
Services from City Departments	8.5%	8.3%	8.6%	7.9%	7.7%
<b>TOTAL</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

**POSITIONS**

The chart below shows the number of overall positions in FY 2010 through FY 2012.

Positions	Budget Year Amended FY 2010	Budget Year FY 2011	Budget Year FY 2012
Positions Funded in Operating Budget	4,373.56	4,327.46	4,005.34
Unfunded Positions (Attrition Savings)	534.35	652.56	690.68
Position Elimination	(7.0)	(284.00)	0
Non Operating Positions (Capital Projects/Grant Funded)	449.87	375.00	375.00
<b>Total Positions</b>	<b>5,350.78</b>	<b>5,071.02</b>	<b>5,071.02</b>

The chart below shows the change in the number of positions each year and the percentage change from the prior year.

Positions	Budget Year FY 2011	Budget Year FY 2012
Positions Funded in Operating Budget	-46.1 (-1.0%)	-322.2 (-7.5%)
Unfunded Positions (Attrition Savings)	118.2 (22.1%)	38.1 (5.8%)
Non Operating Positions (Capital Projects/Grant Funded)	-74.9 (-16.6%)	0 (0%)
Total Positions	279.8 (5.2%)	0 (0%)

The overall number of positions is proposed to decrease by 279.8 or 5.2% for Budget Year FY 2011 compared to Budget Year FY 2010 while there is no change in overall positions proposed for Budget Year FY 2012.



San Francisco Municipal Transportation Agency  
Revenue Summary

Budget Years 2010-11 and 2011-12

Subject	Subobject Title	2009-2010 Amended Budget	2010-2011 Proposed Budget	2011-2012 Proposed Budget	2010-2011 Compared to 2009-2010 Amended Budget Increase/(Decrease)	2011-2012 Compared to 2010-2011 Proposed Budget Increase/(Decrease)
086CA	EXP REC FR ADM (AAO)	155,000	155,000	155,000	0	0
086ER	EXP REC FR EMERGENCY COMMUNICATIONS(AAO)	500	500	500	0	0
086EV	EXP REC FR ENVIRONMENT (AAO)	409,205	409,205	409,205	0	0
086PC	EXP REC FR POLICE COMMISSION (AAO)	10,000	10,000	10,000	0	0
086PQ	EXP REC FR PORT COMMISSION (AAO)	487,458	487,458	487,458	0	0
086PW	EXP REC FR PUBLIC WORKS (AAO)	50,000	50,000	50,000	0	0
086RG	EXP REC FR REGISTRAR OF VOTERS (AAO)	70,496	70,496	70,496	0	0
086SS	EXP REC FR HUMAN SERVICES (AAO)	1,176,231	1,156,231	1,156,231	(20,000)	0
086UC	EXP REC FR PUC (AAO)	72,409	72,409	72,409	0	100,000
20230	TAXI PERMIT FEES	2,784,638	2,966,297	3,066,297	181,658	0
20231	TAXI MEDALLION SALES	15,000,000	10,000,000	10,000,000	(5,000,000)	0
20235	TAXI WRAP - DRIVERS FUND	5,362	5,362	5,362	0	350,000
20330	NEIGHBORHOOD PARKING PERMITS	6,340,947	9,140,947	9,490,947	2,800,000	0
20331	SPECIAL TRAFFIC PERMIT	637,500	637,500	637,500	0	0
25111	RED LIGHT FINE - CAMERA VIOLATION	1,860,000	1,860,000	1,860,000	0	0
25112	RED LIGHT FINE - POLICE TICKET ISSUANCE	590,000	690,000	690,000	100,000	5,000,000
25120	TRAFFIC FINES - PARKING	101,384,000	99,184,000	104,184,000	(2,200,000)	0
25130	TRAFFIC FINES - BOOT PROGRAM	966,000	966,000	966,000	0	0
25305	PROOF OF PAYMENT FEES	207,195	207,195	207,195	0	380,000
30150	INTEREST EARNED - POOLED CASH	4,760,000	2,380,000	2,760,000	(2,380,000)	3,000,000
35110	PARKING METER COLLECTIONS	41,585,603	45,585,603	48,585,603	4,000,000	0
35111	PARKING METER CARD	1,029,276	1,029,276	1,029,276	0	0
35112	PARKING CARD METER REV-VENDORS	670,854	670,854	670,854	0	41,363
35211	GOLDEN GATEWAY GARAGE	4,152,619	4,160,109	4,201,472	7,490	1,559
35212	LOMBARD GARAGE	342,480	124,415	125,974	(218,065)	0

San Francisco Municipal Transportation Agency  
Revenue Summary  
Budget Years 2010-11, and 2011-12

Subject	Subobject Title	2009-2010 Amended Budget	2010-2011 Proposed Budget	2011-2012 Proposed Budget	2010-2011 Compared to 2009-2010 Amended Budget Increase/(Decrease)	2011-2012 Compared to 2010-2011 Proposed Budget Increase/(Decrease)
35213	MISSION BARTLETT GARAGE	454,735	493,097	508,713	38,362	15,616
35214	MOSCONE CENTER GARAGE	1,502,128	1,570,774	1,587,468	68,646	16,694
35215	PERFORMING ARTS GARAGE	1,072,487	787,509	776,930	(284,978)	(10,579)
35216	POLK-BUSH GARAGE	206,467	50,330	50,733	(155,137)	403
35217	SEVENTH & HARRISON LOT	109,386	168,688	168,273	57,302	1,585
35218	ST. MARY'S GARAGE	1,143,727	1,097,294	1,094,621	(46,433)	(2,673)
35220	VALLEJO ST. GARAGE	413,390	379,476	383,270	(33,914)	3,794
35221	NORTH BEACH GARAGE	919,784	840,860	849,890	(79,124)	9,230
35223	SUTTER-STOCKTON GARAGE-UPTOWN PKG.	7,273,284	6,227,209	6,276,550	(1,046,055)	49,341
35227	SFGH CAMPUS GARAGE	1,060,507	952,524	961,595	(107,969)	9,071
35230	LOMBARD POST OFFICE	585,269	288,263	296,911	(297,006)	8,648
35232	NEW PARKING PROGRAM	0	4,511,501	9,942,513	4,511,501	5,431,012
35233	16TH & HOFF PARKING GARAGE REVENUE	0	2,949	32,188	2,949	29,239
35234	1660 MISSION STREET GARAGE	200,000	28,393	29,813	(171,607)	14
35241	MOSCONE RETAIL	1,060,507	133,258	137,256	(927,249)	1,420
35242	PERFORMING ARTS RETAIL	1,143,404	1,409,909	1,390,545	266,505	3,998
35249	JAPAN CENTER GARAGES	8,506,735	9,036,314	9,045,075	529,579	(19,364)
35282	5TH & MISSION GARAGE	1,125,805	1,533,849	1,539,273	408,044	8,761
35283	ELLIS-OFARRELL GARAGE	76,715	75,222	77,479	(1,493)	2,257
35284	POLK BUSH RETAIL	69,819	75,226	77,483	5,407	2,257
35285	VALLEJO RETAIL	2,083,869	2,112,998	2,116,019	29,129	3,021
39899	OTHER CITY PROPERTY RENTALS	3,921,868	3,921,868	3,721,868	0	(200,000)
41101	TRANSIT OPERATING ASSISTANCE(FEDERAL)	2,949,378	2,949,378	2,949,378	0	0
46219	GAS TAX ADJUSTMENT BETWEEN DPW & MTA	28,031,267	25,181,889	25,281,889	(2,849,378)	100,000
47101	STATE SALES TAX(AB1107)					

San Francisco Municipal Transportation Agency  
Revenue Summary

Budget Years 2010-11 and 2011-12

Subobject	Subobject Title	2009-2010 Amended Budget	2010-2011 Proposed Budget	2011-2012 Proposed Budget	2010-2011 Compared to 2009-2010 Amended Budget Increase/(Decrease)	2011-2012 Compared to 2010-2011 Proposed Budget Increase/(Decrease)
		29,954,460	29,936,551	29,929,460	(17,909)	(7,091)
49101	TDA SALES TAX-OPERATING	9,670,000	9,670,000	9,670,000	0	0
49102	SF TRANSPORTATION AUTHORITY	1,250,000	1,250,000	1,250,000	0	0
49103	BART ADA	1,390,314	890,314	890,314	(500,000)	0
49104	BRIDGE TOLLS-OPERATING	0	35,900,000	31,400,000	35,900,000	(4,500,000)
49105	STA-OPERATING	2,300,000	1,000,000	1,800,000	(1,300,000)	800,000
49999	OTHER LOCAL/REGIONAL GRANTS	329,359	329,359	329,359	0	0
60199	OTHER GENERAL GOVERNMENT CHARGES	428,341	428,341	428,341	0	0
60611	PUBLIC PASSENGER MOTOR VEHICLE	114,700	114,700	114,700	0	0
60652	STREET CLOSING FEE	1,337,711	1,337,711	1,352,711	0	15,000
60687	CONTRACTOR'S PER TOW FEE	485,000	485,000	485,000	0	0
60688	ABANDONED VEHICLE FEE	5,122,000	5,122,000	5,122,000	0	0
60689	TOW SURCHARGE FEE	74,222,000	71,222,000	75,622,000	(3,000,000)	4,400,000
66101	ADULT MONTHLY PASS	1,588,492	1,588,492	1,588,492	0	0
66102	REGIONAL TRANSIT STICKER	2,400,000	2,400,000	2,400,000	0	0
66103	MUNI FEEDER SERVICE TO BART STATIONS	4,752,058	4,752,058	4,752,058	0	0
66104	YOUTH MONTHLY PASS	5,487,770	5,487,770	5,487,770	0	0
66105	SENIOR MONTHLY PASS	1,125,000	1,125,000	1,125,000	0	0
66109	CLASS PASS STICKER	6,183,410	6,183,410	6,183,410	0	0
66201	1 DAY PASSPORT-CABLE CAR	3,852,434	3,852,434	3,852,434	0	0
66203	3 DAY PASSPORT-CABLE CAR	1,899,228	1,899,228	1,899,228	0	0
66207	7 DAY PASSPORT-CABLE CAR	4,125,386	4,125,386	4,125,386	0	0
66222	SINGLE RIDE CABLE CAR TICKET	9,888,001	9,888,001	9,888,001	0	0
66295	CABLE CAR CASH - CONDUCTORS	61,471,702	61,471,702	61,471,702	(200,000)	0
66301	TRANSIT CASH FARES	927,496	927,496	927,496	0	0
66302	BART/MUNI TRANSFERS					

San Francisco Municipal Transportation Agency  
Revenue Summary

Budget Years 2010-11 and 2011-12

Subject	Subject Title	2009-2010 Amended Budget	2010-2011 Proposed Budget	2011-2012 Proposed Budget	2010-2011 Compared to 2009-2010 Amended Budget Increase/(Decrease)	2011-2012 Compared to 2010-2011 Proposed Budget Increase/(Decrease)
66304	DISCOUNT SINGLE RIDE TICKET BOOKLET	82,127	82,127	82,127	0	0
66401	TRANSIT SPECIAL SERVICE	1,885	1,885	1,885	0	0
66501	TRANSIT ADVERTISING	13,835,000	14,335,000	14,335,000	500,000	0
66601	TRANSIT TOKENS	800,000	800,000	800,000	0	0
66701	PARATRANSIT REVENUE	2,100,000	1,900,000	1,900,000	(200,000)	0
66999	MISC TRANSIT OPERATING REVENUES	221,432	221,432	221,432	0	0
69901	CUSTOMER SVC TRANSACTION FEES	0	648,000	648,000	648,000	0
69902	ONLINE COMPUTER TRANSACTION FEES	0	552,000	552,000	552,000	0
76251	SALE OF SCRAP AND WASTE	3,200	3,200	3,200	0	0
9201G	CTI FR 1G-GENERAL FUND	178,300,000	171,490,000	174,740,000	(6,810,000)	3,250,000
9301G	OTI FR 1G-GENERAL FUND	51,298,000	51,643,000	52,643,000	345,000	1,000,000
9305P	OTI FR 5P-PORT COMMISSION FUND	583,989	583,989	583,989	0	0
99999B	BEGINNING FUND BALANCE-BUDGET BASIS	42,204,422	0	0	(42,204,422)	0
<b>SEMTA Totals</b>		<b>768,592,202</b>	<b>749,500,000</b>	<b>768,800,000</b>	<b>(19,092,202)</b>	<b>19,300,000</b>

San Francisco Municipal Transportation Agency  
Expenditure Summary  
Budget Year 2010-11 and 2011-12

Object	Object Title	2009-2010 Amended Budget	2010-2011 Proposed Budget	2011-2012 Proposed Budget	2010-2011 Compared to 2009-2010 Amended Budget Increase/(Decrease)	2011-2012 Compared to 2010-2011 Proposed Budget Increase/(Decrease)
001	PERMANENT SALARIES-MISC	174,726,515	165,471,548	164,452,843	(9,254,967)	(1,018,705)
003	PERMANENT SALARIES-PLATFORM	150,385,312	133,969,355	133,931,458	(16,415,957)	(37,897)
005	TEMP SALARIES-MISC	2,157,250	2,087,534	2,087,534	(69,716)	0
009	PREMIUM PAY	6,358,498	6,313,498	6,313,498	(45,000)	0
010	ONE-TIME PAYMENTS	2,824,627	2,445,627	2,445,627	(379,000)	0
011	OVERTIME	6,854,517	6,830,792	6,825,792	(23,825)	(5,000)
012	HOLIDAY PAY	2,598,608	2,598,608	2,598,608	0	0
013	RETIREMENT	40,071,400	47,753,911	55,528,362	7,682,511	7,774,451
014	SOCIAL SECURITY	26,341,740	23,832,631	23,869,931	(2,509,109)	37,300
015	HEALTH SERVICE	69,155,377	66,218,366	74,145,741	(937,011)	5,927,375
016	DENTAL COVERAGE	6,578,435	6,914,934	7,477,189	336,499	562,255
017	UNEMPLOYMENT INSURANCE	691,836	799,421	955,303	107,585	155,882
018	PLATFORM TRUST FUND	6,000,000	6,000,000	6,000,000	0	0
019	OTHER FRINGE BENEFITS	1,256,623	(8,832,272)	(8,815,077)	(10,088,895)	17,195
020	OVERHEAD	59,440,727	61,635,180	63,091,843	2,194,453	1,456,663
021	TRAVEL	310,830	321,040	321,040	10,410	0
022	TRAINING	22,767	34,788	34,788	(93,895)	0
023	EMPLOYEE EXPENSES	112,915	170,502	170,502	57,587	0
024	MEMBERSHIP FEES	12,640	12,640	12,640	0	0
025	ENTERTAINMENT AND PROMOTION	0	14,500	14,500	14,500	0
026	COURT FEES AND OTHER COMPENSATION	55,133,152	60,184,850	60,688,362	5,051,698	503,512
027	PROFESSIONAL & SPECIALIZED SERVICES	7,213,999	8,230,828	8,818,311	1,016,829	587,483
028	MAINTENANCE SVCS-BUILDING & STRUCTURES	8,230,366	9,388,884	11,464,122	1,168,518	2,065,238
029	MAINTENANCE SVCS-EQUIPMENT	5,292,993	5,319,178	5,319,178	26,185	0
030	RENTS & LEASES-BUILDINGS & STRUCTURES	1,668,350	3,953,493	3,953,493	2,285,143	0
031	RENTS & LEASES-EQUIPMENT	1,927	0	0	(1,927)	0
032	UTILITIES	0	0	0	0	0

San Francisco Municipal Transportation Agency  
Expenditure Summary  
Budget Year 2010-11 and 2011-12

Object	Object Title	2009-2010 Amended Budget	2010-2011 Proposed Budget	2011-2012 Proposed Budget	2010-2011 Compared to 2009-2010 Amended Budget Increase/(Decrease)	2011-2012 Compared to 2010-2011 Proposed Budget Increase/(Decrease)
034	SUBSTANCE	1,586	1,500	1,500	(86)	-5.4%
035	OTHER CURRENT EXPENSES	4,791,748	4,606,845	4,606,478	(184,903)	-3.9%
051	INSURANCE	18,791,829	18,891,829	18,891,829	100,000	0.5%
052	TAXES, LICENSES & PERMITS	19,894,055	20,043,214	20,274,599	149,159	0.7%
053	JUDGMENTS & CLAIMS	27,498,850	27,734,916	27,504,230	236,066	0.9%
054	OTHER FIXED CHARGES	6,105	6,105	6,105	0	0.0%
040	MATERIALS & SUPPLIES BUDGET ONLY	8,029,888	11,386,976	11,392,451	3,357,088	41.8%
042	BUILDING & CONSTRUCTION SUPPLIES	1,678,027	1,680,822	1,680,822	2,795	0.2%
043	EQUIPMENT MAINTENANCE SUPPLIES	23,819,187	23,814,242	23,814,242	(4,945)	0.0%
045	SAFETY	1,233,021	1,362,904	1,362,904	129,883	10.5%
046	FOOD	22,284	20,284	20,284	(2,000)	-9.0%
047	FUELS AND LUBRICANTS	17,368,692	11,368,692	11,368,692	(5,998,000)	-34.5%
049	OTHER MATERIALS & SUPPLIES	11,735,903	16,595,059	21,589,584	4,859,156	41.4%
04A	EQUIPMENT (\$K OR LESS-CONTROLLED ASSET)	1,606,436	1,157,682	1,162,682	(448,754)	-27.9%
060	EQUIPMENT PURCHASE	0	3,444,871	1,287,150	3,444,871	100.0%
070	DEBT SERVICE - BUDGET ONLY	2,144,499	0	0	(2,144,499)	-100.0%
071	DEBT REDEMPTION	1,976,776	2,693,805	2,690,660	717,029	36.3%
079	ALLOCATED CHARGES	(11,820,882)	(10,914,555)	(10,953,886)	906,327	-7.7%
081	SERVICES OF OTHER DEPTS (AAO FUNDS)	63,807,162	59,300,000	59,300,000	(4,507,162)	-7.1%
087	EXPEND. RECOVERY FOR SVCS TO NON-AAO FDS	(59,245,873)	(59,094,637)	(60,625,624)	151,136	-0.3%
<b>SFMTA Totals</b>		<b>768,592,202</b>	<b>749,500,000</b>	<b>768,800,000</b>	<b>(19,092,202)</b>	<b>-2.5%</b>
					<b>19,300,000</b>	<b>2.6%</b>

**SFMTA**

Municipal Transportation Agency

# FY 2011 and FY 2012 Operating Budget



APRIL 20, 2010 SAN FRANCISCO, CALIFORNIA



## Overview

- Original approved FY 2010 budget (April 2008) = \$816.7M
- FY 2010 Approved Budget (April 2009) = \$768.6M (\$129M deficit balanced)
- FY 2010 = \$45M deficit remained (Nov 3, 2009)
- FY 2010 = \$14.4M solutions (February 26, 2010)
- Balancing the two year budget dependent on the actions taken to address the FY 2010 budget deficit
- Continued economic downturn has exhausted fund balance (reserves) and reduced revenues over \$230M (\$130M from State Transit Assistance over the last two years) since FY 2009
- New revenue sources needed to continue service levels
- SFMTA two-year budget for FY 2011 and FY 2012 approval required by May 1, 2010
- On March 22, 2010 the Governor signed two bills related to a gas tax swap formula (State Transit Assistance) which is expected to provide \$35.9M for FY 2010-2011 and \$31.4M for FY 2012. Timing of Funds Still Unclear.
- On March 30, 2010, the Board of Supervisors introduced Resolution 100408 requesting the creation of a Youth Discount Pass for qualified low-income youth. Based on conversation with the School District, the following is under discussion:
  - MTA would provide 12,000 Regular Youth Passes to the School District at a 50% discount over the regular Discount Pass or \$10 for Homeless and Displaced Youth
  - School District would reimburse MTA \$120,000 per month and be responsible for distributing the pass to homeless and displaced youth
  - MTA would require information to educate youth on responsible ridership
- On April 5, 2010, Controller's Office provided new figures for General Fund Baseline transfer (\$2m increase for FY 2011, \$1.4m increase for FY 2012)
- On April 6, 2010, the external auditors indicated that the \$35.9M for FY 2010-2011 from the State Transit Assistance cannot be recognized in FY 2010



**FY 2010 Budget  
Revenues Compared to  
FY 2011 and FY 2012 (\$M)**

Revenue Category	FY 2010 Amended Budget	FY 2010 Year End Projection (Feb 11, 2010)	FY 2011 Budget	FY 2012 Budget
Transit Fares	181.3	181.3	177.9	182.3
Operating Grants	79.5	87.9	110.7	106.9
Parking and Traffic Fees & Fines	244.8	233.6	252.4	267.4
Taxi Services	18.2	14.4	13.4	13.5
Other (Advertising, Interest, TIDF)	24.3	24.4	23.6	24.0
General Fund Transfer	178.3	176.9	171.5	174.7
Fund Balance - Appropriated	42.2	42.2	0.0	0.0
<b>TOTAL</b>	<b>\$768.6</b>	<b>\$760.7</b>	<b>\$749.5</b>	<b>\$768.8</b>
<b>Variance from Amended Budget</b>				
			<b>(\$19.1)</b>	<b>\$0.2</b>

**FY 2011 and FY 2012  
Change in Revenues  
Compared to FY 2010 Amended Budget (\$M)**

Line Item	FY 2011	FY 2012
Fund Balance (used in FY 2010)	(42.2)	(42.2)
Interest Earnings (economic impact/lower balance invested)	(2.4)	(2.0)
General Fund Transfer (lower tax receipts)	(6.8)	(3.6)
Fare Revenue (net of service modification impacts and TransLink usage)	(3.0)	(2.0)
Garage Revenues (economic impact)	(2.0)	(1.0)
Parking Meter Revenues (economic impact)	(4.0)	(2.0)
Parking Citations (economic impact, street sweeping reduction, overall issuance decline)	(5.0)	
Paratransit Fares (economic impact)	(0.2)	(0.2)
Taxi Reform (major revenue form pilot in FY 2010)	(5.0)	(5.0)
Regional Grants (Sales Tax-based Decline)	(4.7)	(4.0)
Impact of Proposals to Balance FY 2010 Budget	7.5	7.7
State Transit Assistance	35.9	31.4
Discount Pass for Homeless and Displaced Youth (12,000 x \$10)	(1.4)	(1.4)
Cost Based Recovery Fees, Taxi Fees, Indexing Formula	14.4	24.4
<b>Preliminary Revenue Change FY 2011 and FY 2012</b>	<b>(19.2)</b>	<b>0.2</b>

**FY 2010 Budget  
Expenditures Compared to  
FY 2011 and FY 2012 (\$M)**

Expenditure Category	FY 2010 Amended Budget	FY 2010 Year End Projection (Feb 11, 2010)	FY 2011 Budget	FY 2012 Budget
Salaries & Benefits	484.4	475.9	456.0	469.3
Contracts and Other Services	64.0	66.4	67.5	68.0
Materials & Supplies	40.7	47.9	43.0	48.0
Equipment & Maintenance	42.5	34.9	50.0	50.5
Rent & Building	7.0	7.5	7.0	7.0
Insurance & Payments to Other Agencies	66.2	69.3	66.7	66.7
Rainy Day Reserve	0.0	0.0	0.0	0.0
Work Orders	63.8	65.9	59.3	59.3
<b>TOTAL</b>	<b>\$768.6</b>	<b>\$767.8</b>	<b>\$749.5</b>	<b>\$763.8</b>
Variance from Amended Budget			(\$19.1)	0.2

**FY 2011 and FY 2012  
Change in Expenditures  
Compared to FY 2010 Amended Budget (\$M)**

Line Item	FY 2011	FY 2012
Schedule Realignment (FY 2010)	(3.0)	(3.0)
TWU Local 250-A (Transit Operators) Salary Increases	9.0	9.5
Labor Concessions	(10.0)	(10.0)
Salaries and Benefits Including Layoffs (FY2010)	(19.4)	(17.9)
Elimination of Sales Tax (Prop B) funding of staffing costs	1.1	1.1
Health, Retirement, and Other Benefit Increases	15.1	16.5
Vendor Discount Program	(4.0)	(4.0)
Replenish Materials and Parts Budget Reduced in FY 2010	10.0	10.0
Incremental Operating Costs from Capital Projects	15.0	16.0
Service Modifications 10%	(28.8)	(29.4)
Adding to Reserve (Board Policy)	0.0	0.0
Performing Arts Garage EIR	0.0	0.0
Excess Liability Insurance Premium	2.4	2.4
Work Order Reduction	(6.5)	(6.5)
5% Service Restoration		15.5
<b>Preliminary Expenditure Change FY 2011 and FY 2012</b>	<b>(19.1)</b>	<b>0.2</b>

# Balancing Actions (\$M)

Proposal	Description	Annual Revenue
Work Order Reduction	Reduction in Work Orders (included in budget)	6.5 in both years
Adding 1,000 new metered spaces	This estimate includes (i.e., nets out) all incremental costs, such as enforcement, meter maintenance, meter communications, coin collection, spare parts, etc., as well purchase of the new meters (included in budget)	0.8 - FY 2011; 1.6 - FY 2012
Eliminate Free Reserved On-Street spaces, Eliminate Free Permit Parking	Eliminate all currently free reserved on-street spaces (e.g. around the Emergency Center, City Hall) and require paid permits and add meters to these areas. For City Departments and Others. Honor SFMTA Issued paid permits only (included in budget)	2.8 in both years
Other Fees	Disabled Placard Improper Use, SFGH Daily Parking Rate, Translink/Clipper Card Initial Fee (included in budget if SFMTA revenues)	0.2 in both years
Window Advertising Wraps	Wrap windows on vehicles to allow for full wraps or partial wraps. Amend Vehicle Advertising Contract. (included in budget)	0.5 in both years

# Balancing Actions (\$M)

Line Item	Description	Annual Revenue
Taxi Penalties and Charges	(1) Authorizing motor vehicle for hire drivers to collect and retain a cleaning fee from customers who permanently stain or temporarily render a taxi vehicle unfit. \$100.00. (2) Authorizing drivers to charge and retain a Credit Card Convenience Fee charged to customers who pay with a credit card to recover fee associated with the transaction. (3) Amendment to include authorizing drivers to collect bridge tolls in advance. (included in budget if SFMTA revenues )	0.0
Automatic Indexing	<p>1/2 CPI Increase (2.8% in FY 2011 and 2.9% in FY 2012) + 1/2 Labor CPI-U Forecast (-5.8% in FY 2011 and 0.7% in FY 2012). No Increases in FY 2011. FY 2012: Adult Fast Pass \$62; Discount Pass \$21; No increases to cash fares; Cable Car Single Ride \$6 (included in budget in FY 2012)</p>	3.5 - FY 2012
Cost Recovery Fees	Residential Parking, Temporary Street Closures, Boot Fee, Traffic Permits, Color Curbs, Block Parties, Project 20, Translink/Clipper Limited Smart Card, Taxi Fees, Cable Car Rental Fee, Historic Street Car Rental Fee, Tow Fee, Storage Fee, Special Collections Fee (included in budget)	3.0 in both years



# FY 2011 and FY 2012 Balanced Budget

(\$M)

	FY 2011	FY 2012
Revenue	(19.1)	0.2
Loss		
Expenditure	19.1	(0.2)
Savings		
TOTAL	0.0	0.0

## Next Steps

### SFMTA Board Meetings (all Tuesdays)

- ✓ March 2, 2010 (Intent to Declare Fiscal Emergency, Review FY 2011-2012 Budget)
- ✓ March 30, 2010 (Declaration of Fiscal Emergency, Public Hearing on Fare, Fee, Fine changes)
- ✓ April 6, 2010 (Budget Discussion)
  - April 20, 2010 (Budget Adoption)
  - May 5, 2010 (BOS Deliberations)
  - May 12, 2010 (BOS Deliberations)
  - May 18, 2010 (Revenue Options for Possible Ballot)

**SFMTA Budget Updates:** [www.sfmta.com/sfmtabudget](http://www.sfmta.com/sfmtabudget)  
or Call 311



BOS-11 (by MTA)  
By [unclear] [unclear] page

- Gavin Newsom | Mayor
- Tom Nolan | Chairman
- Dr. James McCray Jr. | Vice-Chairman
- Cameron Beach | Director
- Shirley Brayer Black | Director
- Malcolm Heinicke | Director
- Jerry Lee | Director
- Bruce Oka | Director
- Nathaniel P. Ford Sr. | Executive Director/CEO

April 27, 2010

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

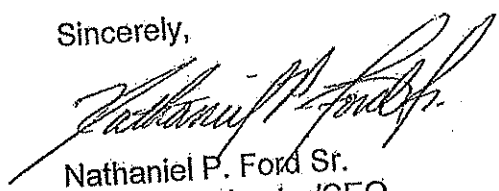
Re: Adjustment to San Francisco Municipal Transportation Agency  
 Operating Budget for FY 2011 and FY 2012

Dear Mayor Newsom:

On April 21, 2010, we transmitted to you the San Francisco Municipal Transportation Agency (SFMTA) Operating Budget for FY 2011 for a total of \$749.5 million and for FY 2012 for a total of \$768.8 million as they were approved by the SFMTA Board of Directors on April 20, 2010. Since the Board approved these budgets, we have made a technical correction to how revenues and expenses are recorded from the off-street parking facilities. Historically, the SFMTA Operating Budgets have only recorded the net amount (revenues less expenditures) from the parking garages and lots. The corrected Operating Budget for FY 2011 and FY 2012 now includes gross revenues from the garages and expenditures required to operate the garages to reflect best accounting practices. As a result, the SFMTA budget for inclusion in the overall City budget totals \$783.1 million for FY 2011 and \$802.9 for FY 2012. This change is entirely an accounting change and reflects no change in policy or business operations.

We apologize for any confusion.

Sincerely,



Nathaniel P. Ford Sr.  
 Executive Director/CEO

Enclosure

cc: San Francisco Board of Supervisors  
 SFMTA Board of Directors  
 Controller

RECEIVED  
 BOARD OF SUPERVISORS  
 SAN FRANCISCO  
 2010 APR 28 PM 3:53  
 BY [unclear] AK

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**CORRECTED FY 2011 AND FY 2012 OPERATING BUDGET (\$Millions)**

Revenue Category	FY 2011 Board Approved Budget	FY 2011 Corrected Budget	Variance	FY 2012 Board Approved Budget	FY 2012 Corrected Budget	Variance
Transit Fares	\$177.9	\$177.9	\$0	\$182.3	\$182.3	\$0
Operating Grants	\$110.7	\$110.7	\$0	\$106.9	\$106.9	\$0
Parking and Traffic Fees & Fines	\$252.4	\$282.0	\$29.6	\$267.4	\$300.0	\$32.6
Other (Advertising, Interest, Rent, etc.)	\$23.6	\$23.6	\$0	\$24.0	\$24.0	\$0
Transfers and Fund Balance	\$171.5	\$175.5	\$4.0	\$174.7	\$176.2	\$1.5
Taxi Fees	\$13.4	\$13.4	\$0	\$13.5	\$13.5	\$0
<b>TOTAL</b>	<b>\$749.5</b>	<b>\$783.1</b>	<b>\$33.6</b>	<b>\$768.8</b>	<b>\$802.9</b>	<b>\$34.1</b>

Expenditure Category	FY 2011 Board Approved Budget	FY 2011 Corrected Budget	Variance	FY 2012 Board Approved Budget	FY 2012 Corrected Budget	Variance
Salaries & Benefits	\$456.0	\$451.1	(\$4.9)	\$469.3	\$464.5	(\$4.8)
Contracts and Other Services	\$67.5	\$88.7	\$21.2	\$68.0	\$89.5	\$21.5
Materials & Supplies	\$43.0	\$43.0	\$0	\$48.0	\$48.0	\$0
Equipment & Maintenance	\$50.0	\$50.0	\$0	\$50.5	\$50.5	\$0
Rent & Building	\$7.0	\$7.0	\$0	\$7.0	\$7.0	\$0
Insurance & Claims	\$66.7	\$84.0	\$17.3	\$66.7	\$84.1	\$17.4
Rainy Day Reserve	\$0	\$0	\$0	\$0	\$0	\$0
Services from City Departments	\$59.3	\$59.3	\$0	\$59.3	\$59.3	\$0
<b>TOTAL</b>	<b>\$749.5</b>	<b>\$783.1</b>	<b>\$33.6</b>	<b>\$768.8</b>	<b>\$802.9</b>	<b>\$34.1</b>



US Army Corps  
of Engineers.

Regulatory Division  
1455 Market Street  
San Francisco, CA 94103-1398

RECEIVED  
SAN FRANCISCO DISTRICT  
OFFICE OF SUPERVISORS  
SAN FRANCISCO  
MAY 12 2010

# PUBLIC NOTICE

NUMBER: 400143S  
RESPONSE REQUIRED BY: 3 June 2010

BY AK DATE 3 May 2010

PROJECT MANAGER: Bob Smith Phone: (415) 503-6792/E-mail: robert.f.smith@usace.army.mil

**1. INTRODUCTION:** The San Francisco Public Utilities Commission (SFPUC), 1155 Market street, Suite 600, San Francisco, California 94103 (Contact: Debbie Craven-Green, [415] 934-5756) has applied for a Department of the Army permit to construct the Crystal Springs/San Andreas Transmission System Upgrade (CS/SA) which includes the upgrade, repair, and seismic retrofit of their water delivery system structure from the Upper Crystal Springs Reservoir (UCSR) to the San Andreas Reservoir (SAR) in San Mateo County, California. The project would result in the temporary filling of 2.72 acres of wetlands and waters, and the permanent filling of 6.43 acres of wetlands and waters. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

**2. PROPOSED PROJECT:** The CSSA project boundary encompasses approximately 146 acres, including 24 acres of reservoir, located predominantly within SFPUC Peninsula Watershed lands, and entirely within unincorporated San Mateo County (Figures 1 and 2). The project area is approximately 7 miles long (north to south), bordered on its southern end by Upper Crystal Springs Reservoir and on its northern end by the San Andreas Reservoir and the Harry Tracy Water Treatment Plant.

The project is proposed to reduce facility vulnerability to earthquakes and increase water delivery reliability to meet the overall goals of their Water System Improvement Program (WSIP). As such, the proposed project's objectives are to:

- Improve the seismic reliability of the CS/SA Transmission System by reducing its vulnerability to earthquake-related damage

to ensure continued operation following a seismic event.

- Ensure that the CS/SA Transmission System provides transmission flexibility to the regional water system in a manner that will enable the SFPUC to meet its water supply and delivery reliability goals in the event of an emergency or during major water system maintenance.
- Ensure delivery reliability of the CS/SA Transmission System by providing a means to access and repair the CS/SA Transmission System facilities.
- Meet California Division of Safety of Dams requirements for dam facilities in an emergency drawdown scenario.

SFPUC proposes to upgrade, repair, and seismically retrofit their water delivery system structures from the UCSR to the SAR. Figure 2 provides an overview of the project area which contains five components: Upper Crystal Springs Dam, Crystal Springs Outlet Structures, Crystal Springs Pump Station, Crystal Springs/San Andreas Pipeline, and the San Andreas Outlet Structures described below. The project area is defined as the limit of work and is also referred to as the project boundary on figures and in this text. Work within the project boundary includes the following activities.

- Seismic upgrade and rehabilitation of system facilities, including reservoir inlets and outlets.
- Construction of a new pump station, including dissipation and outfall structure at San Mateo Creek.

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- Create new access roads or improve existing access roads

- Clearing: mowing vegetation and shrubs (when necessary) to within a few inches of existing ground to create staging areas and create/improve vegetated vehicle and foot paths and vegetated access roads.

- Grading: clearing, grubbing, and grading vegetated areas to create gravel or grassy access roads over steep or uneven terrain.

- Streambank Improvements: reducing channel bank slopes, applying erosion control fabrics and/or rock and coir rolls, and revegetation with typical native species.

- Pipeline repair and rehabilitation: relining and/or recoating the delivery pipeline, replacing blowoff and air vacuum valves, repairing support foundations (saddle repair), and constructing a new pipeline inlet to SAR

- Habitat restoration, including conversion of invasive and nonnative vegetation communities to native vegetation communities. The applicant states restoration activities within all areas affected by clearing and grading, except areas displaced by new gravel roads, would create a net benefit for endangered and threatened species including San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) (endangered), California red-legged

A total of 2.71 acres of Waters of the US would be temporarily affected and 6.43 acres would be permanently filled through the implementation of the proposed project. Of the 2.71 acres of temporary impacts, 2.23 acres of reservoir bottom (200 linear feet of shoreline), 0.37 acre of wetlands, and 0.12 acre (958 linear feet) of drainages would be disturbed. Of the 6.43 acres of permanent impacts, approximately 6.25 acres of reservoir bottom (250 linear feet of shoreline), 0.12 acre of wetlands, and 0.05 acre (504 linear feet) of drainages would be permanently altered.

Descriptions of the general construction activities associated with each of the five project components are discussed below.

### *Upper Crystal Springs Dam*

The Upper Crystal Springs Dam (UCSD), located where State Route 92 crosses the reservoir (Figure 3a) is the proposed project's southernmost component. Figures 3a through 3e show the plan profile and sectional views of the project elements described below.

The first project component includes seismic and functional upgrades to the UCSD upper and lower culverts, i.e., the culvert near the surface of the reservoir and the culvert near the bottom of the reservoir, respectively) that connect the reservoirs. Proposed improvements include installation of isolation devices at both the Upper Culvert and Lower Culvert, and seismic improvements to assure continued integrity and operability of the culverts following an earthquake. In addition, existing boat ramps in the Upper and Lower Crystal Springs Reservoirs would be upgraded as needed to accommodate on-water construction (i.e., deployment and use of barges in the reservoir). Temporary staging areas would be constructed at both the Upper and Lower Culvert and the boat ramps to allow offloading and storage of materials and loading of the barges. The gravel road leading to the boat ramp at LCSR would be improved and the existing metal culvert would be replaced with a concrete culvert.

The following activities encompass the proposed improvements at the Upper and Lower Culverts.

- Improve the access road to the LCSR boat ramp (R&R culvert).
- Reline the downstream portion of the Lower Culvert and construct a new vertical portal within the Lower Crystal

Springs Reservoir (downstream side of UCSD).

- Construct an isolation valve and trash rack at the inlet portal on the Lower Culvert (upstream side of UCSD).
- Install isolation slide gates and an operating platform on the upstream side of the Upper Culvert.

#### *Lower Culvert Relining and New Vertical Portal*

The entire Lower Culvert outlet portal would be relined with a new high-density polyethylene liner from approximately 22 feet downstream of the existing gate shaft to the outlet in Lower Crystal Springs Reservoir (approximately 328 feet). In addition, a portion of the liner would be encased in low-strength concrete to reduce the potential for collapse of the brick tunnel during a major seismic event.

The relined outlet portal would cross the San Andreas Fault rupture zone. In order to minimize the potential for failure of the improved outlet portal following a major seismic event, a new vertical portal would be added to the outlet portal on the east side of the San Andreas Fault rupture zone. The vertical portal would release water into the Lower Crystal Springs Reservoir east of the fault rupture zone and would ensure that water could continue to be transferred through the UCSD following an earthquake should the portion of the outlet portal crossing the fault rupture zone be damaged.

Construction of the new vertical portal (Figure 3c) would require excavating approximately 17,000 cubic yards (cy) of material within the reservoir below the normal maximum water level, and approximately 5,000 cy of dry material removal from along the shoreline. The wet spoils would be redeposited in deeper locations within the Lower Crystal Springs Reservoir (Figure 3a) and the dry material would either be deposited in an adjacent upland

area, deposited in Lower Crystal Springs Reservoir, or be utilized elsewhere for the proposed project (e.g. CS Pump Station or CSSA Pipeline) in the event there is a shortfall in acceptable local cut material.

#### *Upper Culvert Isolation Valve Gates and Operating Platform*

Isolation valve gates would be installed on the Upper Culvert inlet. Additionally, a 16-foot-by-25-foot steel operating platform and walkway, approximately 70 feet long by 3.8 feet wide, would be constructed on top of the Upper Culvert approximately 17.5 feet above the existing Upper Culvert inlet. The operating platform and walkway would allow above-water access to the valve gates for manual operation and for maintenance. Excavation would be limited to that necessary for construction of the platform and walkway footings.

Construction at the UCSD is expected to last approximately 120 days during which time the reservoir levels would be lowered to elevation 276 feet. For approximately 90 days within the 120 day construction period, the water level would be lowered further to elevation 265. This would coincide to the period of channel excavation. During construction at UCSD, both reservoirs would remain in operation. Water diversion would be used to dewater construction areas as necessary. Some temporary, intermittent restrictions on overflow at the Pulgas Reservoir and operation of the Crystal Springs Pump Station (CSPS) may be required to maintain velocities through the culverts below 2 feet per second (fps) during construction. The lower culvert would be shut down for 100 days in order to complete the structural modifications. The upper culvert would likely remain in service during this time.

#### *Crystal Springs Outlet Structures 1 and 2*

The second component is the seismic upgrade of the Crystal Springs Outlet Structures (CSOS) 1

and 2 located next to the Lower Crystal Springs Dam (LCSD). Figures 4a through 4d show the plan profile and sectional views of this project component. The outlet structures supply the pump station and direct delivery system. The project would upgrade the control system that is used to selectively withdraw water from different depths to restrict flow from different elevations/depths in the reservoir in order to avoid poor water quality. The seismic retrofit of the outlet towers and tunnels would ensure their continued operation following an earthquake.

Each outlet structure has three inlet adits (a horizontal tunnel) attached to a tower that extends 25 to 35 feet above the average water surface elevation and contains the adit valving and a connecting tunnel and pipeline to the CSOS. A maintenance access bridge spans between the shore and each tower and a connecting tunnel and pipeline to the CSOS. The existing tower structures extend approximately 25 to 35 feet above the average reservoir waterline. For both structures, water is drawn through the adits, into the tower and through the tunnel to the CSOS. The towers also serve as access points during outlet operation, maintenance, and repair activities. Figure 4b is profile views of each outlet structure.

The following construction elements would occur at the CSOS 1 and 2.

- Install turbidity screen around the CSOS to be upgraded.
- Excavate a 1.5:1 slope to the base of each adit (CSOS 1 only).
- Remove cylindrical iron fish screens from adits.
- Install new 40-inch liner pipe in all adits and 72-inch liner pipe in each tunnel to the pump station. Grout all annular space between the liner pipe and walls.
- Install new 42-inch butterfly valves and fish screens on all adits.

- Install new submerged hydraulic control lines to each butterfly valve.
- Remove interior platforms; ladders; ventilation system; and lighting, gate valves, and piping from towers.
- Apply reinforced concrete liner to inside of each tower.
- Remove upper section of each tower and dispose of in reservoir.

Improvements to both outlet structures are shown on Figures 4c (plan view) and 4d (profile views). In order to maintain system operation, one outlet structure would be worked on while the other would remain in operation. It is estimated that 8 months will be required to complete work on one tower, and work at both CSOS 1 and 2 will last a total of approximately 2 years.

The following sequence describes the process in more detail.

1. *Site preparation:* Prior to beginning any work the work site will be fenced off with exclusion fencing and construction fencing. Prior to in water work, a turbidity screen would be installed around the outlet structure to be worked on and would remain in place until the work is complete. All existing monuments, survey markers, and utilities would be protected; and shutdown of the pumps and pipeline would be coordinated with the SFPUC.
2. *Demolition:* Prior to beginning demolition, a total of approximately 115 cy of soil would be excavated from around the adits (CSOS 1) to create 1.5:1 slope. Divers with hydraulic dredges would conduct the work, and the material would be deposited within the turbidity screen area and away from the adit intakes. Divers would also remove

the existing underwater fish screens and all equipment from the towers.

The tower access bridges and piers would be removed, leaving pier footings in place. The upper 40 feet of CSOS1 tower and the upper 30 feet of the CSOS2 tower would be removed and deposited in the reservoir. The bridge structures would be disposed of offsite, except for the concrete portion on CSOS1 which may be used to repair existing riprap.

3. *New hydraulic control system:* A replacement upstream control system would be installed to provide a means to selectively withdraw water from different depths from the LCSR for water transfer to the CSPS and ultimately the San Andreas Reservoir. The new hydraulic valve control lines would be attached to submerged fence rails anchored with concrete anchors submerged in the reservoir bed (shown on Figure 4c). The rail system would run along and be anchored to the reservoir bed from the adits to the new utility control building located on shore. Hydraulically activated butterfly valves with actuator cylinders would be installed over the adit inlets and attached to the hydraulic valve control lines to operate the butterfly valves. The hydraulic system will be a water filled system (not oil filled) to ensure that any breaks in the system would not result in a contaminant spill into the water supply.
4. *Other upgrades:* New fish screens, and a new removable steel top with hatch to each tower would be installed. Access to the fish screens would occur while reservoir water levels are lowered.

5. *Hydraulic control building:* The small building will likely be prefabricated to minimize onsite construction activities; otherwise, the building will be built onsite. Power to the utility building would be supplied via a new buried conduit from the CSPS routed over LCSD (beneath the Skyline Boulevard bridge overpass). A new 15-foot-wide gravel access road (approximately 75 feet in length) would be constructed adjacent to the utility building. This construction has no impact in Corps jurisdiction.

6. *Tower equipment removal:* The interior platforms; ladders; ventilation system; lighting, gate valves; and piping would be removed and disposed of offsite. Rehabilitation work within the towers and pipelines would occur completely within the interior of the towers and pipelines, and would not affect the surrounding areas beyond the creation of the staging areas and access roads.

### *Crystal Springs Pump Station*

The CSPS is the third component of the project and includes construction of a new 120 million gallon per day (mgd) pump station and related facility upgrades. The CSPS is located below the LCSD near the intersection of Skyline Boulevard and Crystal Springs Road (Figure 4a). The CSPS site consists of a small flat valley with slopes to the north and west. San Mateo Creek runs along the southern edge. To the north, a quarter-mile-long narrow access road off of Crystal Springs Road provides access to the CSPS through a gated entrance.

All major facilities, pipelines, and pipeline connections at the CSPS would be replaced with the exception of the existing CSPS building, which would be retained as an unoccupied storage structure. All other existing on-site structures and appurtenances would be

demolished and replaced (Figure 5a). All work would be completed within the existing footprint of the CSPA facility. Existing roads within the CSPA site would be modified and/or relocated around the proposed new pump station building. Access to the CSPA Pump Station would remain in its current location off Crystal Springs Road.

The following three project components would involve excavation and/or fill below the ordinary high water mark (OHWM) of San Mateo Creek and are shown on Figure 5b.

#### *Air Gap Outfall Structure*

A new 42-inch pipe would be installed using conventional cut and cover technique on the bank of San Mateo Creek. The pipe would discharge onto a 12-foot by 4-foot by 4 feet high concrete outfall structure constructed on the creek bank below Pool 2.<sup>1</sup> The pipe would discharge releases from two air gap pipes intermittently to the creek. The air gap pipes prevent backflow into the potable water system and would each discharge approximately 2,000 cubic feet of water once per year to San Mateo Creek. The work required to construct the outfall structure would include removal of approximately 50 square feet of riparian vegetation along 15 feet of the creek, excavation of approximately 8 cy of the bank, and backfilling the excavated area with approximately 3 cy of concrete. Work is not expected to occur in the active channel and is estimated to require 14 days to complete.

#### *Stormwater Outfall Structure*

A new 42-inch pipe would be installed using conventional cut and cover technique on the bank of San Mateo Creek. The pipe would discharge onto a 12-foot by 4-foot concrete

<sup>1</sup> San Mateo Creek within the CSPA site contains two pools where the creek widens and deepens. Pool 1 is located near the base of the LCSD where the 60-inch reservoir outlet pipe discharges and Pool 2 is located downstream.

outfall structure constructed similar to the air gap outfall and on the creek bank below Pool 2. The pipe would discharge stormwater from the CSPA site. The work required to construct the outfall structure would include removal of approximately 50 square feet of riparian vegetation along 15 feet of the creek, excavation of approximately 8 cy of the bank, and backfilling the excavated area with approximately 3 cy of concrete. Work is not expected to occur in the active channel and is estimated to require 14 days to complete.

#### *Outlet Dissipation Structure and Outfall*

At Pool 2, the seven existing facility outfall pipes would be removed and a new concrete energy dissipater, and outfall would be constructed in their place and affecting the top of bank, bank, and bed of San Mateo Creek. The new dissipater would measure approximately 55 feet long and 30 feet wide, with two 25 by 25 foot chambers. Each chamber would be approximately 30 feet deep. The walls of each chamber would be made of 18 to 30-inch-thick reinforced concrete. Each chamber would receive a new 60-inch reservoir discharge pipe that would be fitted to a sleeve valve with an electric actuator. Within the chamber, each pipe would bend 90 degrees and discharge at the bottom of the chamber. Water filling the chambers would flow out of the top of the structure and down the bank to the creek. Riprap slope protection would be placed on the bank and keyed into the creek bed to provide erosion protection.

Construction of the dissipation structure would consist of the following activities.

- SFPUC would draw down the surface water level of Pool 2.
- A 70-foot-long temporary cofferdam would be constructed in Pool 2 approximately 5 feet out from the outfall construction area. The cofferdam would be constructed of



material over approximately 420 square feet of creek bed or it would be constructed of sheet piles. Upon completion, all temporary fill would be removed and the creek would be restored to preconstruction contours.

- Water within the cofferdam would be pumped to an upland sump or Baker tank and treated<sup>2</sup> before discharging it back to the creek. The dewatered area would be approximately 2,200 square feet (0.05 acre).
- Approximately 750 square feet of riparian vegetation along 75 feet of the creek would be cleared of vegetation (vegetation in this area consists of relatively sparse riparian shrubs and understory, including approximately three trees greater than 4 inches in diameter at breast height).
- Approximately 150 cy of the bank material, including the existing outfall pipes, would be excavated and removed. The excavated area would extend to the toe of the bank and affect an area approximately 0.03 acres below the OHWM of San Mateo Creek.
- Rock slope protection would be placed on the excavated streambank and keyed into the stream bed at the toe of the slope. Approximately 125 cy of rock would be placed on the bank below OHWM.
- Construction of the energy dissipater structure would occur on the top of bank above the rock outfall and out of the stream channel. Work would involve excavating approximately 1,300 cy of soil to create a large pit. The excavated area would be shored up with interlocking sheet piles to reduce groundwater infiltration. Groundwater that does infiltrate would be pumped from the pit to an upland sump or tank and treated as necessary to meet water

<sup>2</sup> The dewatered effluent would be treated to comply with the San Francisco Regional Water Quality Control Board's water quality standards for turbidity, etc.

quality standards prior to being discharged back to the creek. At the proper elevation, the excavation would be sealed and forms would be constructed within. Concrete would be poured into the forms. Soil excavated to create the pit would be stockpiled out of the stream zone where it cannot enter the stream. Approximately 400 cy of concrete would be used to construct the energy dissipater. After the concrete is cured, the structure would be fitted with two 60-inch pipes, sleeve valves, and electric actuators. Construction of the entire dissipation structure is expected to last approximately 365 days. The cofferdam would be used for approximately 6 months, and work on the bank is expected to take approximately 60 days.

The following component would involve minor riparian vegetation removal above the OHWM of San Mateo Creek.

#### *Abandon 60-Inch Discharge Pipe*

At Pool 1 the existing reservoir outlet pipe that discharges low flow to Pool 1 would be cut and removed or capped (Figure 5a). A low-flow valve would be incorporated into the new dissipation structure to maintain the pre-project stream flow condition. Because the low-flow valve would be incorporated into the design of the dissipation structure, installation of the low-flow valve would not result in any additional impacts on San Mateo Creek than would occur as a result of construction of the dissipation structure. Rock slope protection installed as part of the dissipation structure would prevent the release of water from the low-flow valve from causing erosion of the streambed and bank.

Work will require the use of a backhoe in the riparian fringe and possibly the creek channel in order to reach the end of the pipe, which extends approximately 3 feet beyond the bank of the creek. Prior to entering the riparian area or creek channel, SFPUC will draw down the water level

in Pool 1 so equipment will not have to enter the active stream. Approximately 20 linear feet of the riparian vegetation located along the creek would be removed to allow equipment access to the work area. One tree may be trimmed or removed. Work is expected to last approximately 2 days and would involve cutting and removing 3 to 10 feet of pipe in the creek bank and then restoring the bank. The rest of the work would be outside the creek.

If the pipe is to be left in place, work would include installing a form and filling the pipeline with grout. The form would be left in place. Upon completion, the affected riparian area would be allowed to restore naturally. If necessary, SFPUC will plant native cuttings within the disturbed area to promote rapid restoration of the disturbed area back to pre-project functions and value.

### *Crystal Springs/San Andreas Pipeline*

The fourth project component includes seismic upgrades to the CS/SA Pipeline. Figures 6a through 6i show the plan views of this component. The CS/SA Pipeline is an existing 60-inch steel pipe that conveys water approximately 25,000 feet (4.7 miles) from the CSPA north to the San Andreas Reservoir. The CS/SA Pipeline component of the project has three elements.

- Rehabilitation and replacement of pipeline and appurtenances.
- Replacement of approximately 1,100 feet of pipeline leading from the CSPA
- Construction of approximately 1,500 feet of new pipeline leading to new inlet to the SAR.
- Expansion and upgrade of the existing access road system to allow vehicle access to seismically vulnerable sections of the pipeline and appurtenances.

### *Pipeline Improvements*

Repairs are proposed along the entire length of the CS/SA Pipeline. At 19 locations, air vacuum/air release valves would be removed and replaced. At 18 locations, blowoff valves would be removed and replaced. The new or retrofitted replacement valve assemblies would be of similar size and designed with special attention to avoid failures between the valve assembly and the main pipe during severe ground motion or deformation. The manhole risers containing each valve assembly also would be replaced with new risers meeting current SFPUC standards.

At 17 locations, new flexible expansion joints would be installed to replace connections from the existing pipeline to valves, fire hydrants, and service connections. Corrosion protection (protection from corrosive soils and stray electrical currents) would be added to the entire pipeline; at eight locations, the existing pipeline exterior coating would be repaired; and at 32 locations, the interior cement mortar lining would be repaired. At three pipeline stream crossings, the support structures would be repaired and strengthened to meet seismic standards.

### *New Pipeline Construction*

Two sections of pipeline would be replaced: A 1,100-foot section of the CS/SA Pipeline downstream (northwest) of the CS Pump Station would be replaced with new 60-inch single-lap welded steel pipe to tolerate the higher pumping pressures from the new CS Pump Station; and the last 1,500 feet of existing pipeline would be abandoned and a new 60-inch steel pipeline would be constructed to direct flows to a new inlet structure and rock channel constructed in the SAR (Figure 6i and 6j). The old inlet and pipeline would be abandoned.

### *Pipeline Construction Methods*

New pipeline construction would occur primarily through an open trench construction method, and trench excavations would generally be 9 feet deep (see Figure 6j for typical trench section), but could be upwards of 20 feet in some limited areas due to existing topography at the site. Pipeline installation would also require vegetation removal (within 30 feet of the pipeline alignment, or 15 feet on either side of the centerline) prior to construction. Vegetation removal may include the removal of trees, shrubs, and grassland. Shrubs and grassland vegetation would be restored, but trees would not be replanted over the pipeline.

Additional earthwork, such as compaction and a temporary gravel roadway, may be required at the staging area to allow proper construction access. The CS/SA Pipeline replacement would require two 45-day and two 30-day shutdowns, for a total of four required tie-ins between the old and new facilities, relining the pipeline, and placement of seismic connections for services off the pipeline. No waters of the United States would be affected during pipeline construction.

### *San Andreas Reservoir Inlet Structure*

The terminus of the CS/SA pipeline would be at a new inlet structure and rock channel constructed below the OHWM of the SAR (Figure 6i). The new inlet structure would consist of a 9-foot-diameter steel stilling well encased in 2-feet of concrete and a 20-foot-wide, 110-foot-long riprap channel. The top of the stilling well would be at an elevation of 437 feet (SAR spillway elevation = 451.5 feet) and covered with a steel grate (Figure 6j). To install the stilling well, an area slightly larger than the structure would be excavated to approximately 422 feet using a backhoe. A 4-inch mud slab would be placed on the bottom of the excavation and then the prefabricated stilling well would be placed atop the mud slab. The void space between the stilling well and existing ground

would be backfilled with native soil. In order to reduce erosion and scour below and around the new inlet, a 2-foot-thick, 20-foot-wide rock channel would be created using 8- to 12-inch-diameter rock. The rock area would begin approximately 8 feet above the stilling well and extend approximately 125 feet down the reservoir slope.

During construction of the San Andreas Reservoir Inlet Structure (SARIS), the reservoir level would be drawn down to between 433 feet and 438 feet elevations. If necessary, a temporary cofferdam would be installed around the lowest work areas to allow work in the dry. Upon completion all temporary fills would be removed and the disturbed areas with the reservoir would be returned to pre-construction contours. The entire structure would be underwater after the reservoir level is returned to its normal elevations.

### *Access Road Construction*

Current access to the pipeline alignment is provided through vegetation management practices (i.e., mowing, clearing, and grubbing) for emergency repair and maintenance activities. However the existing grassland roads do not provide adequate vehicle access to approximately half of the existing pipeline. Under the proposed project, approximately 21,890 feet of 15-foot-wide vehicle access roads would be created or improved; 10,814 feet would be new gravel roads and 11,076 feet would be new or rehabilitated grassland roads. The grassland roads would be maintained according to current vegetation management practices for existing access roads (i.e., annual or biannual mowing and clearing). An additional 9,507 feet of 10-foot-wide vegetated paths would be created to allow foot travel or small utility truck access to maintenance sites in difficult locations.

See Figures 6a-6i for the locations, and Figure 6k for section views of gravel roads, vegetated access roads, vegetated paths, and drainage crossings. Use of the existing roads as maintenance access roads will be employed where feasible.

### *Drainage Crossings*

In order to access all the pipeline appurtenances requiring maintenance, and the LCSR boat ramp, gravel or vegetated access roads or vegetated paths would need to cross 36 drainages. Gravel and vegetated roads would be 12 to 15 feet wide and vegetated paths would be 10 feet wide. Vegetated paths would only be used by small utility trucks or foot travel. Eighteen drainages already have culvert crossings and one has a bridge. Seven of the existing drainages with culverts would be left and not improved. Three of the existing culverts only require cleaning out, six culverts would be replaced with reinforced concrete pipe culverts (RCPs), and two culverts would be integrated into gravel ford crossings. Of the remaining 18 drainages, four would receive RCP, six would receive gravel fords, one would be bridged, and seven would remain undisturbed except for vegetation clearing to create vegetated path crossings. Additional non-crossing related work within drainages includes bank stabilization and pipe saddle repair and is described below.

### *Culvert Removal and Installation*

At six locations, existing culverts would be removed prior to new RCP installation. The old culverts would be removed using an excavator or other heavy excavation equipment and placed outside of the channel. Following removal of the old culvert and prior to new RCP placement, a trench would be excavated using a back hoe or other piece of excavation equipment to a depth that would allow a minimum 3 feet of cover between the top of the culvert and the top of the road.

Excavation of material would be minimized by trenching no more than 1.5 feet wider than the RCP diameter. Excess fill would be used onsite for road fill, as needed. Excess fill not used onsite would be loaded into dump trucks and hauled offsite. Prior to placing the new RCP into the trench, a minimum of 6 inches of aggregate base material would be placed in the bottom of the trench. The new culvert would be placed into the trench on top of the aggregate and the trench would be backfilled and compacted.

For 24-inch RCP culverts (minor pipe crossings), the upstream and downstream ends of the pipe would be fitted with flared ends set at the natural channel elevation. The upstream end would gather inflowing water and the downstream end would help to dissipate the energy of the flow and reduce its erosive potential. Additional energy dissipation and scour protection would be placed upstream and downstream of the flared ends in the form of riprap (See Figure 6l).

For 36-inch RCP culverts (major pipe crossings), the upstream and downstream ends of the pipe would be fitted with concrete headwalls instead of flared ends. Additional energy dissipation and scour protection would be placed upstream and downstream of the headwalls in the form of riprap (See Figure 6m).

Fill material placed over the new culverts would be stabilized using erosion control fabric and hydroseeded to protect water quality. Other areas of surface soil disturbance would be stabilized with mulch, hydroseed, fiber rolls, and other measures. Trees and shrubby vegetation removed during construction would be replanted onsite with vegetation native to the general landscape immediately following completion.

### *Gravel Ford Installation*

At eight locations where the drainage crossings are shallow (not incised) and the slope of the drainages do not exceed 7%, gravel fords would be constructed within the drainages to allow vehicle passage. A typical gravel ford design is shown on Figure 6n. To construct the ford, clean rock aggregate is placed into the drainage to form a stable and drivable surface that water flows can overtop easily. The upstream and downstream shoulders of the ford are lined with riprap (12 to 15 inches typically) to reduce transportation of the rock aggregate downstream during storm events.

### *Other Work Affecting Drainages*

#### *Bank Stabilization*

At eight locations, bank stabilization would be implemented to control erosion and sedimentation of the drainage. Bank stabilization would begin with excavators reducing the bank slopes to 2 to 1. The excavated material would be removed from the channel used as road base material or elsewhere onsite as fill. The reduced bank would be stabilized with erosion control fabric (Rolanka Biod-ocf 30, North American Green Bionec SC 150BN or equivalent) and coir logs would be placed along the toe of the bank to reduce sedimentation. Native riparian or typical species of the area would be seeded or transplanted to the newly graded drainage slopes and maintained until established. Figure 6o provides the typical plan and cross section of a drainage bank stabilization (streambank improvement).

#### *Saddle Repair*

At three locations where the existing pipeline daylights across drainages, the supports (saddle) for the pipe have deteriorated and are in need of replacement. To complete a saddle repair, temporary supports would be constructed to hold the pipe. Then, an excavator or similar

piece of equipment would be used to remove the existing pipe support and complete excavation of a trench for the installation of a new support. The trench would be sized to approximately 8 by 5 feet and a minimum of 4 feet deep (Figure 6p). The new saddle would be fabricated within the trench or brought in pre-fabricated and positioned within the trench. Native material would be backfilled around the concrete and steel saddle foundation and compacted. The top of the foundation would rise at least 3 inches above existing ground and the pipeline would rest on a curved "saddle" with neoprene pad. Saddle repair is not expected to affect waters of the United States, although vegetation clearing on the bank would be required. Areas of surface soil disturbance would be stabilized with mulch, hydroseed, fiber rolls, and other measures. Trees and shrubby vegetation removed during construction would be replanted onsite with vegetation native to the general landscape immediately following completion.

The majority of the construction activities within drainages will occur from the access road and within the clearing boundary. Equipment is not expected to have to enter waters of the U.S., but if equipment cannot complete all project related activities from the road (e.g. bank stabilization and/or saddle repair) and equipment has to enter a water of the U.S., then construction mats or other suitable measures would be taken to minimize soil disturbance.

Table 1 provides a summary of project activities within drainages along the CS/SA Pipeline.

### **San Andreas Outlet Structures 2 and 3**

The SAR currently collects flows via pipeline from Pilarcitos Reservoir, the Crystal Springs Reservoirs and local runoff. Water from these sources is conveyed through the CS/SA Pipeline into the reservoir and then transported to the Harry Tracy Water Treatment Plant (HTWTP) through the two San Andreas outlet structures

(SAOS). SAOS 2 and 3 are located approximately 2,000 feet apart on the northeastern shore of the SAR (above the OHWM) (Figures 7a and 7b). Water is generally drawn through the adits, into the tower, and through the tunnel to the HTWTP.

The major seismic improvements to the towers would require excavation of the shoreline for a proposed retaining wall about 10 feet out from each of the structures to retain the shoreline and provide structural stability. Related improvements consist of excavating the reservoir bank and stabilizing the excavated side slopes to form a water-side approach to the new retaining walls. Excavated materials in dry condition will be off-hauled to reuse as fill materials as appropriate. Excavated reservoir soil will be disposed of within SAR at the proposed spoils disposal location identified in Figure 7c.

Other work within waters includes constructing a new boat ramp, removing the upper adits, replacing the lower adits (with new valves and flexible, ductile piping that would lie on the bottom of the reservoir), and installing new fish screens at the ends of the active adits. The removal of the equipment from the tower, replacement of the pipelines within the tunnel, and replacement of the controls are described in *Appurtenant Features*.

The sequence of activities for towers 2 and 3 is described in more detail below and shown on Figures 7d-7h.

1. Prior to beginning any work, install a turbidity screen around the functioning outlet to remain in place throughout the duration of work on the other outlet. Protect all existing monuments, survey markers, and utilities. Coordinate shutdown of the pumps and pipeline with SFPUC operations.
2. Excavate materials adjacent to the shoreline (except for the portion in front of the tower)

in order to install a secant pile retaining wall to retain the shoreline prior to dredging.

3. Lower the reservoir to the predetermined elevation.
4. Construct 108-foot-long concrete boat ramp.
5. Dredge the remaining shoreline to the approach channel, and construct a reinforced concrete retaining wall in front of the tower.
6. Leave a berm as a temporary cofferdam.
7. Excavate to and remove the adits, including the existing underwater fish screens, concrete wingwalls, aprons, and all foundations necessary for grading. Remove the existing rock riprap between the top and toe of bank.
8. Replace lower adits; install fish screens and their supports.
9. Raise the reservoir.
10. Place riprap along the shoreline and construct access road improvements.
11. Upgrade the pipelines from the towers to the HTWTP. (This activity would not affect waters of the United States; the description is included under *Appurtenant Facilities* below).

SAOS 2 and 3 would be shut down at separate times in concurrence with the construction activities taking place. SAOS 2 would be shut down first for 318 days, while SAOS 3 remained functional. After completion of SAOS 2 modifications and start-up, construction activities for SAOS 3 would commence. During this time, SAOS 3 would be shut down for 313 days.

#### *Appurtenant Facilities*

Remove and replace all mechanical, electrical, pipes, valves, platform, and roof frame inside the tower. For SAOS 2, approximately 800 feet of the steel pipeline within the connector tunnel

to the HTWTP and related appurtenances (e.g. pressure gages) would be replaced. In addition, to increase capacity of SAOS 2, a single emergency shutoff valve at the tunnel inlet would provide upstream shutoff for safety. Upon completion of the improvements to the adits and tunnels, the tower structure would remain dry and accessible for valve operation and maintenance. The aboveground portion of SAOS 3 is surrounded by steeply (2:1) sloped areas and would be stabilized above the tunnel portal and upslope towards HTWTP.

#### *Construction Equipment*

Construction equipment may include water trucks, fuel and lube cranes, barges, boats, decompression chambers, rigging and winches, dive equipment, remotely-operated vehicles, hydraulic jacks, cement trucks, stationary cement pumps and hoses, Baker tanks, drill rigs, lighting, crane trucks, flat bed trailer, low-boy trailer, dump trucks, bulldozers, backhoes, excavators, front loaders, graders, dewatering pumps, welding machines, multipurpose saws, wood saws, towable light stand/generator, drills (pneumatic), compressors, and jackhammers.

#### **Temporary Flow Diversions on Perennial Streams, Including San Mateo Creek**

In the event that water is flowing within the drainage work areas, flow would be diverted around the project area. To divert the flows, a temporary cofferdam will be constructed, using sandbags or sheet piles upstream of, or completely around, the project area. If the temporary dam is constructed upstream, then water will be pumped via a flexible hose through the work area and back into the stream below the project area. Though the exact volume of sandbags or sheet piles required or how many drainages would require these cofferdams is not known, temporary fill volumes are expected to be less than 6 cy where check dams are required.

Initiating the stream diversion will occur immediately prior to work and will remain in place until all instream work is completed, at which time natural flow will be restored to the channel. The coffer dam will be constructed with sandbags, vibration driven, or driven sheet piles and will be situated as close to the work area as practical to minimize impacts on the project area. Water would flow by force of gravity through the diversion pipe and return to the channel immediately below the work area.

The upper reach of lower San Mateo Creek adjacent to the Crystal Springs Pump Station may be electrofished to remove fish prior to commencing work following guidelines of the NMFS in *Guidelines for Electrofishing Waters Containing Salmonids Listed under the Endangered Species Act* (2000) if deemed appropriate as part of the NMFS Section 7 consultation for the proposed project. Fish caught would be counted, measured and released in appropriate habitat downstream of the project area. The flexible diversion pipe would be screened to prevent any intake of fish into the pipe upstream of the diversion.

#### **Avoidance Measures**

SFPUC states that, in consultation with USFWS, USACE, SFRWQCB, and CDFG, they will incorporate the following measures to avoid impacts to wetlands and other waters:

- Access roads to pipeline appurtenances will include existing roads and the Sawyer Camp Trail where possible to avoid the need for drainage crossings at thirteen drainages along the pipeline corridor.
- The access road plans have been modified and 10 foot wide vegetated paths have replaced roads down the banks of nine drainages to avoid impacts to the drainages.
- Road alignments will be "field adjusted" to avoid wetlands occurring near proposed access routes, as feasible.

- At least one drainage would be avoided by installation of a bridge or bottomless culvert.
- Work within non-fish bearing streams (i.e., intermittent or ephemeral drainages) would occur when the channels are dry. In the event of sudden thunderstorms or other unusual rain events, temporary dewatering may be used to avoid siltation of the channel.
- Riparian areas and wetland areas within 50 feet of designated work areas would be designated as Environmentally Sensitive Areas (ESAs) and clearly indicated as such on project construction plans. Project specifications would include a requirement that ESAs are clearly delineated with brightly colored fencing, rope, or equivalent prior to beginning of construction.
- Work areas within perennial streams will be dewatered to avoid work in flowing water, which could result in water quality impacts.
- Staging areas have been located outside of wetland boundaries where practicable.
- The use of floating barges will avoid shoreline impacts to reservoirs and minimize adverse water quality affects.

#### **Minimization Measures**

- Gravel fords will be used to cross drainages where possible to minimize the use of culverts.
- Culverts have been appropriately sized and placed to accommodate expected storm flows and to minimize morphological changes to drainages.
- Reservoir elevations will be lowered to reduce in-water work.
- A Storm Water Pollution Prevention Plan (SWPPP) will be developed and implemented that identifies all pollutant sources, including sediments, that may affect waters and Best Management

Practices (BMPs) to reduce or eliminate the pollutants from entering any water body.

- Drainage crossing work will be performed when the drainages are dry whenever possible to avoid minimize sedimentation.
- Sediment control devices would include placing silt fencing, straw wattles, check dams, and gravel bag berms below areas of planned disturbance.
- A sampling and analysis strategy will be implemented to monitor turbidity during excavation and deposition of materials in the reservoirs.
- ESA fencing for wetlands will be placed a minimum of 10 feet from wetland boundaries, when feasible.

#### **Restoration of Temporary Impacts**

On-site and in-kind mitigation would consist of restoring 0.37 acres of wetlands and 0.12 acres (1,078 linear feet) of drainages to preconstruction condition by restoring original contour and if necessary, planting both wetland and riparian vegetation (as applicable). Temporarily affected areas would be restored or replaced at a ratio of at least 1:1. Revegetation guidelines are outlined below. The success criteria and monitoring schedule will be addressed in a restoration and monitoring plan developed specifically for the project.

#### **Improvement of Habitats**

Approximately 74 acres would be either cleared or cleared and grubbed (grading areas). Clearing vegetation involves removing non-native trees, brush, and mowing vegetation to within a few inches of the ground surface to create staging areas and vegetated access roads. Native trees would not be removed within "clear only" areas. Clearing and grubbing involves the removal of all vegetation, native and non-native, and their roots. Clearing and grubbing vegetation is necessary in areas that require grading (cut and



fill), including areas to become permanent gravel roads, on steep terrain, or where fill material is needed to create grassland roads over uneven terrain.

### Compensatory Mitigation

To ensure that implementation of the proposed project results in no net loss of wetland and aquatic resource functions and values, the SFPUC states they will compensate for the permanent loss of 0.18 acres and temporary loss of 0.49 acres of wetlands, thru offsite creation/enhancement of wetland habitats at the San Andreas Reservoir Wetland Creation or Adobe Gulch Grassland Enhancement mitigation sites or through a similar feasible project. The SFPUC proposes to create/enhance a minimum of 0.30 acre to compensate for the permanent loss of wetlands due to the proposed project.

### 3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

**National Environmental Policy Act of 1969 (NEPA):** The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Division, 1455 Market Street, San Francisco, California. 94103-1398.

**Endangered Species Act of 1973 (ESA):** Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service

(NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. The Corps is currently conducting Section 7 consultations with both agencies since the project may affect five federally-listed species or their habitat:

- Mission blue butterfly (*Icaricia icarioides missionensis*) (E)
- California red-legged frog (*Rana aurora draytonii*) (T)
- San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) (E)
- Marin dwarf-flax (=western flax) (*Hesperolinon congestum*) (T)
- steelhead—Central Valley (T) and Central California Coast (T) (*Oncorhynchus mykiss*)

### Clean Water Act of 1972 (CWA):

**a. Water Quality:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

**b. Alternatives:** Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is water dependent.

**National Historic Preservation Act of 1966 (NHPA)** A Corps of Engineers archaeologist is currently conducting a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, State, and Federal agencies. If, based upon assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

**4. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**5. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials,

Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

**6. SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Division, 1455 Market Street, San Francisco, California 94103-1398. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Bob Smith of our office at telephone (415) 503-6792 or E-mail: robert.f.smith@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.

Table 1

Drainage number	Pipeline Station No.	Type of Access Crossing	Existing Culvert	Activity Within Drainage								
				R&R Existing	Clean Existing	New 24" RCP	New 36" RCP	New Ford	Bank Stabilization	Saddle Repair	New Bridge	
OW-1	NA	GR	X	X			X					
OW-3	21+60	VP	X									
OW-4	27+75	VP	X									
OW-5	42+00	VP	X									
OW-6	48+50	VP	X									
OW-7	53+60	GR					X					
OW-8a	61+20	GR							X			
OW-8b*	69+30	GR	X			X			X			
OW-8c*	71+00	VR	X			X						
OW-9	74+52	GR	X						X			
OW-10a	76+60	GR	X			X						
OW-10b	80+00	VR							X			
OW-11	82+75	GR	X	X		X				X		
OW-12	89+50	GR	X	X		X				X		
OW-13	94+92	GR	X	X								
OW-14*	101+00	GR				X				X		
OW-15a	104+40	GR	X	X						X	X	
OW-15b	110+56	VP										
OW-16	115+70	VP										
OW-17	125+00	VP	X									
OW-18	129+40	GR	X	X					X			
OW-19	134+30	GR				X						
OW-20	139+65	VP										X
OW-21	155+50	GR		X								
OW-22	161+00	VP										
OW-23	164+45	VR	X			X					X	
OW-24	168+40	VP									X	
OW-25	175+20	VP									X	
OW-26	176+00	VP										
OW-27	183+00	GR							X		X	
OW-28	186+62	GR								X		
OW-29*	192+50	GR							X			X
OW-30	199+50	GR	X	X						X		
OW-31*	202+00	GR								X		
OW-32*	210+50	GR										X
OW-33	231+83	GR	X									

\* Not federally jurisdictional  
 VP = vegetated path (clear only), GR = gravel road, VR = vegetated road (clear &/or grade)

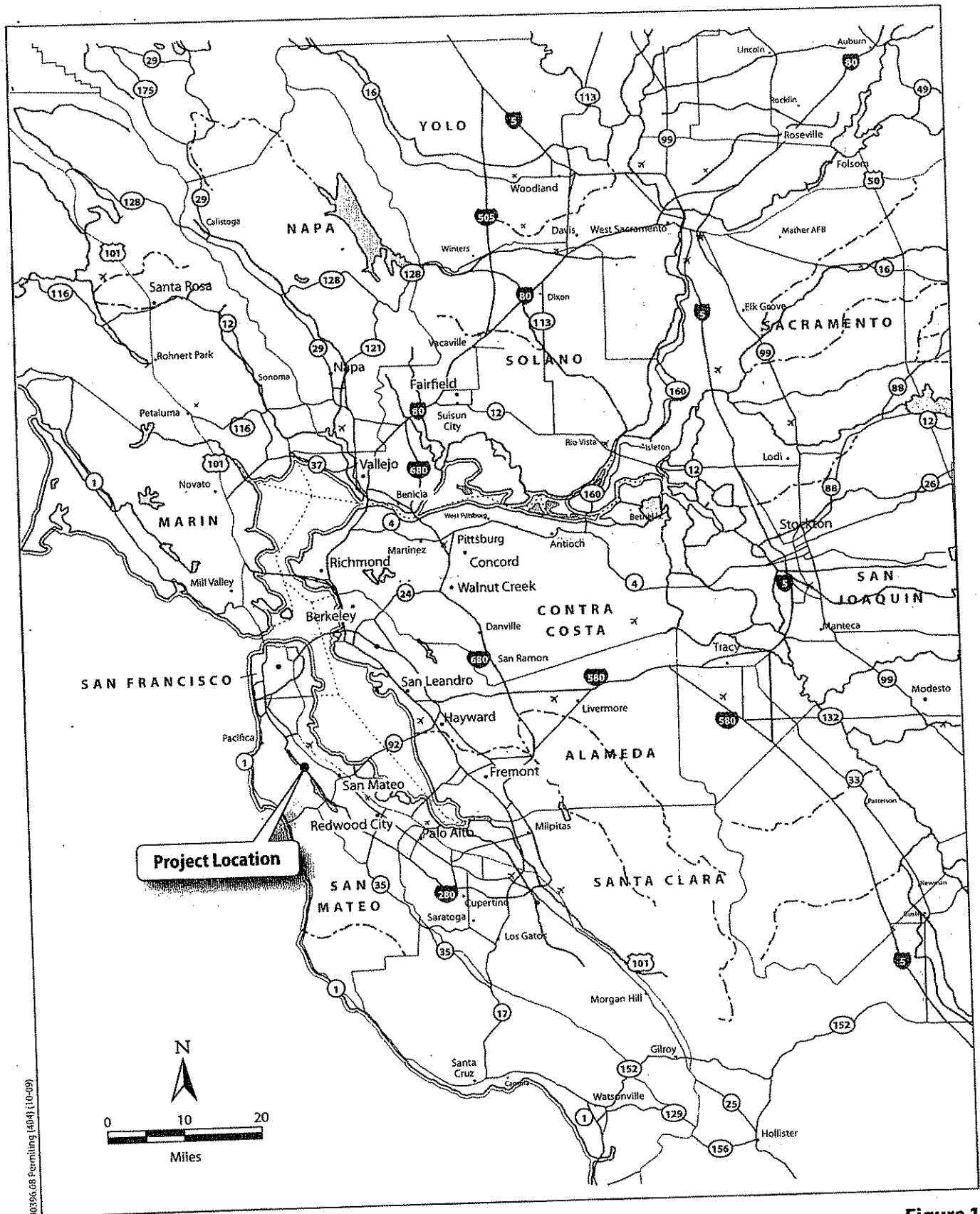
**Table 2. Summary of Estimated Surface Areas of Waters of the United States Filled**

Water Body	Project Component	Description	Permanent Impacts			Temporary Impacts			
			Other Waters		Wetlands	Other Waters		Wetlands	
			lf	ft <sup>2</sup>	ft <sup>2</sup>	lf	ft <sup>2</sup>	ft <sup>2</sup>	
UCSR	UCSD	Hydraulic Pipe Supports (~50)		50					
		Steel Foot Bridge Support		20					
				70					
<i>Subtotal UCSR</i>						200	19,166		
LCSR	UCSD	Channel Excavation							
LCSR	UCSD	Redeposit of Reservoir Soil		125,000					
LCSR	CSOS	Redeposit of Reservoir Soil		5,750					
LCSR	CSOS	Brick, mortar, and concrete from the outlet towers		1,380					
LCSR	CSOS	Hydraulic Pipe Supports (~100)		100					
LCSR	CSOS	Redeposit of Reservoir Soil		5,750			220		
LCSR	CSOS	Remove and Redeposit of Riprap for Hydraulic Lines							
<i>Subtotal LCSR</i>				137,980		200	19,386		
SAR	SAIS	Dewatered Area (SAR)					30,000		
SAR	SAIS	Inlet Structure and riprap channel		3,400				1,125	
SAR	CS/SA PL	Pipeline Trench						19,166	
SAR	SAOS 2	Channel Excavation							
SAR	SAOS 2	Channel slope protection		1,200					
SAR	SAOS 2	Secant Pile Wall	125	375					
SAR	SAOS 2	Fish Screens Steel							
SAR	SAOS 2	Boat Ramp		2,592				27,443	
SAR	SAOS 3	Channel Excavation							
SAR	SAOS 3	Channel Slope Protection		1,200					
SAR	SAOS 3	Secant Pile Wall	125	375					
SAR	SAOS 3	Fish Screens (Steel)							
SAR	SAOS 2 & 3	Redeposit of Reservoir Soil		125,000					
<i>Subtotal SAR</i>				250	134,142			77,734	
<i>Total Reservoirs</i>				250	272,122	0	200	97,120	0
								(2.23 ac)	
OW-1, x=2	UCSD	R&R 36-inch Culvert	30	60			48	96	
OW-7, x=3	CS/SA PL	New 36-inch Culvert	65	195			20	60	
OW-8a, x=1	CS/SA PL	Gravel Ford	30	30			20	20	
OW-8b*, x=2	CS/SA PL	Gravel Ford	30	60			20	40	
OW-8c*, x=3	CS/SA PL	Clean Out Only					20	60	
OW-9, x=2	CS/SA PL	Gravel Ford	20	40			20	40	
OW-10a, x=2	CS/SA PL	Clean Out Only					20	40	
OW-10b, x=4	CS/SA PL	Gravel Ford	30	120			20	80	
OW-11, x=2	CS/SA PL	R&R 24-inch Culvert	16	32			74	148	
OW-12, x=3	CS/SA PL	R&R 24-inch Culvert and Bank Stabilization,	16	48			124	372	
OW-13, x=1	CS/SA PL	R&R 36-inch Culvert and Bank Stabilization	20	20			60	60	
OW-14*, x=1	CS/SA PL	New 24-inch Culvert	70	70			20	20	

Water Body	Project Component	Description	Permanent Impacts			Temporary Impacts		
			Other Waters		Wetlands	Other Waters		Wetlands
			lf	ft <sup>2</sup>	ft <sup>2</sup>	lf	ft <sup>2</sup>	ft <sup>2</sup>
OW-15a, x=3	CS/SA PL	R&R 36-inch Culvert and Bank Stabilization	20	60		65	195	
OW-15b, x=6	CS/SA PL	Bank Stabilization and Saddle Repair				60	360	
OW-18, x=3	CS/SA PL	R&R 36-inch Culvert	20	60		74	222	
OW-19, x=4	CS/SA PL	New 24-inch Culvert	51	204		20	80	
OW-21, x=2	CS/SA PL	R&R Foot Bridge				20	40	
OW-23, x=1	CS/SA PL	Clean Out Only				20	20	
OW-24, x=2	CS/SA PL	Bank Stabilization				10	20	
OW-25, x=1	CS/SA PL	Bank Stabilization				48	48	
OW-26, x=3	CS/SA PL	Bank Stabilization				25	75	
OW-27, x=1	CS/SA PL	Gravel Ford	30	30		20	20	
OW-28, x=3	CS/SA PL	New 36-inch Culvert and Bank Stabilization	51	153		20	60	
OW-29*, x=2	CS/SA PL	Gravel Ford	30	60		20	40	
OW-30, x=2	CS/SA PL	R&R 36-inch Culvert and Saddle Repair	20	40		90	180	
OW-31*, x=2	CS/SA PL	Gravel Ford	30	60		20	40	
OW-32*, x=1	CS/SA PL	Gravel Ford	30	30		20	20	
OW-33, x=3	CS/SA PL	Saddle Repair				20	60	
OW-35	CSPS	Air Gap Outfall	15	48		20	100	
OW-35	CSPS	Storm Water Outfall	15	48		20	100	
OW-35	CSPS	Outfall Dissipation	55	1,307				
OW-35	CSPS	Cofferdam						2,200
OW-35	CSPS	Dewatered Area (San Mateo Creek)				0	1,078	5,336
<b>Total Drainages</b>			<b>694</b>	<b>2,775</b> <b>(0.06 ac)</b>			<b>5,336</b> <b>(0.12 ac)</b>	<b>0</b>
W-4	UCSD	Staging/Laydown Area			4,356			3,050
W-9	UCSD	Excavation Area						305
W-10	UCSD	Temporary Construction Impacts						175
W-1	CS/SA PL	Temporary Construction Impacts			697			
W-15	SAOS 3	Retaining Wall						12,589
W-15	SAOS 3	Staging Area	0	0	5,053 <b>(0.12 ac)</b>	0	0	16,119 <b>(0.37 ac)</b>
<b>Total Wetlands</b>								
Impacts on waters of the U.S. (ft <sup>2</sup> or linear feet)			754	274,617	5,053	1,158	102,236	16,119
Acres			NA	6.30	0.12	NA	2.35	0.37
Impacts on nonfederal waters of the state (ft <sup>2</sup> or linear feet)			190	280	0	120	220	0
Acres			NA	0.01		NA	0.01	0
<b>GRAND TOTAL WATERS of the U.S. and STATE (acres)</b>			<b>944</b>	<b>6.31</b>	<b>0.12</b>	<b>1,278</b>	<b>2.36</b>	<b>0.37</b>

\* = not federally regulated

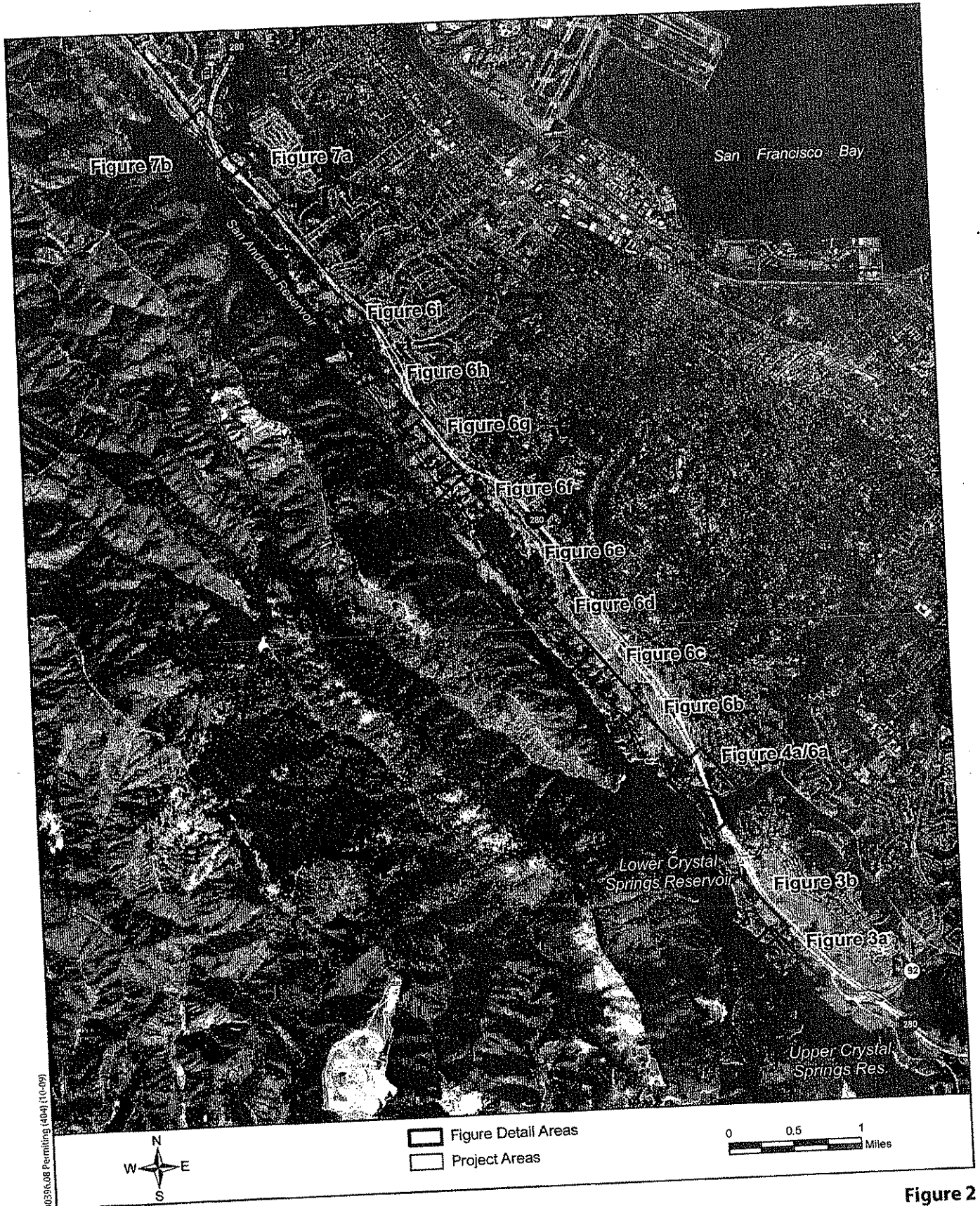
Deposition areas within the reservoirs for sediments and soils removed during outlet channel excavation and adit rehabilitation were considered permanent impacts although due to the fact these discharges would occur on unvegetated reservoir bottom, no loss of function or value is anticipated.



80396.08 Permitting (4/14) (1/10-09)

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
 Contact: Anastasio Mavroudis

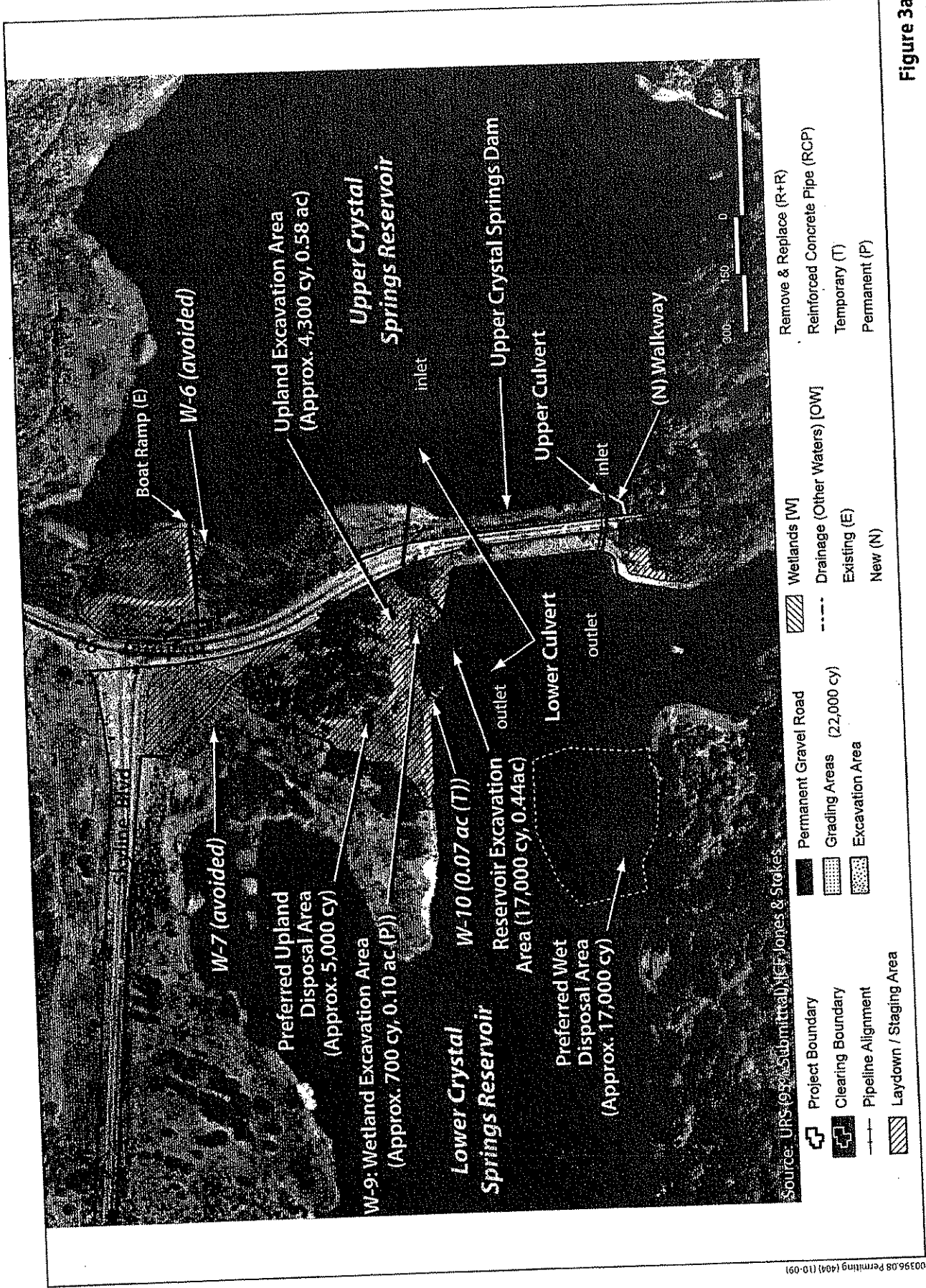
**Figure 1**  
**CS/SA Transmission System Upgrade Project –**  
**USACE File #400143S,**  
**Regional Location**



**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
 Contact: Anastasio Mavroudis

**Figure 2**  
**CS/SA Transmission System Upgrade Project –**  
**USACE File #400143S,**  
**Project Vicinity**

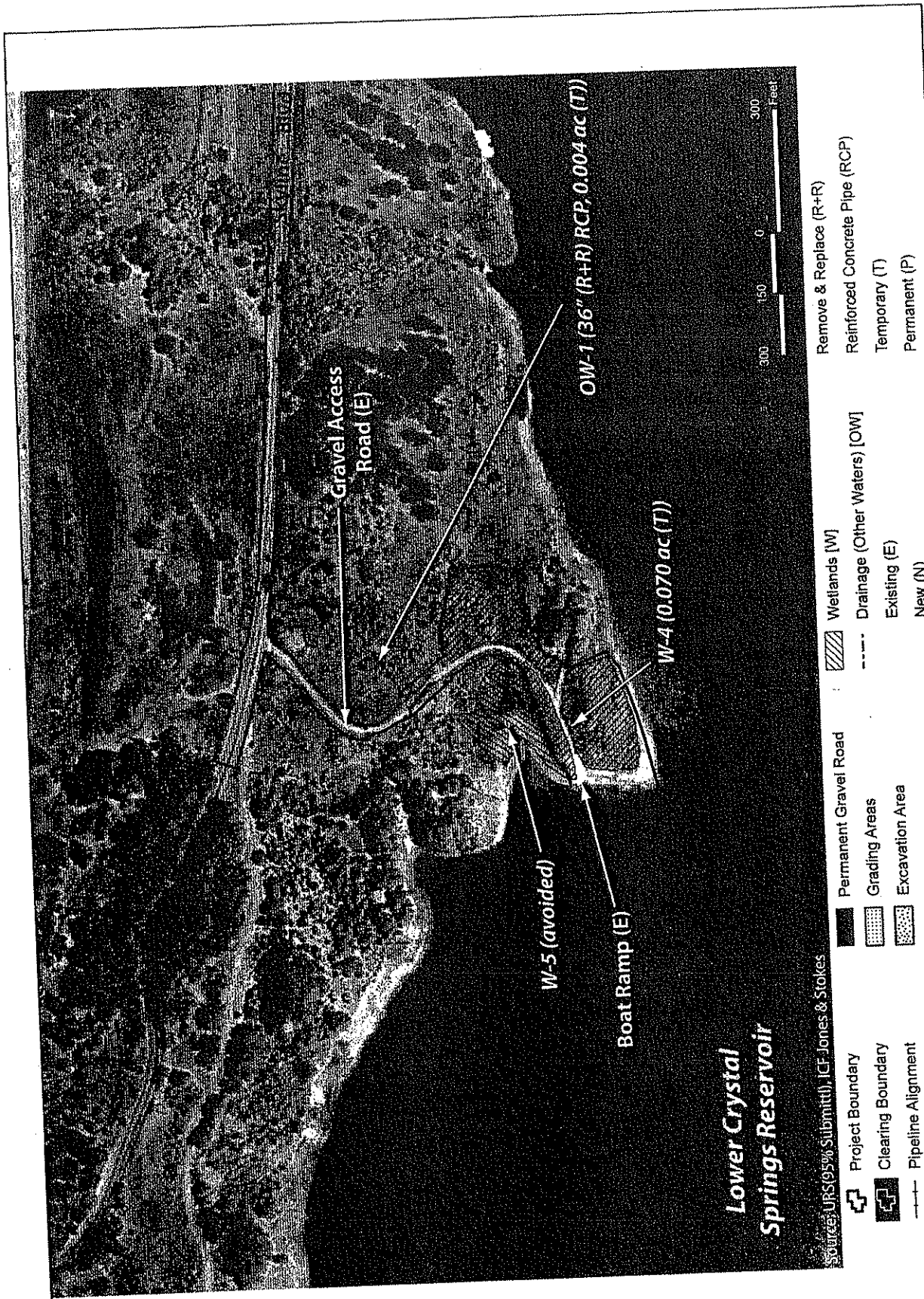




**Figure 3a**  
**CS/ISA Transmission System Upgrade Project - USACE File #400143S,**  
**Upper Crystal Springs Dam Culverts**

**Purpose:** Facility upgrades - reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
**Contact:** Anastasio Mavroudis





**Lower Crystal Springs Reservoir**

Sources: URS (95% Submittal), JCF-Jones & Stokes

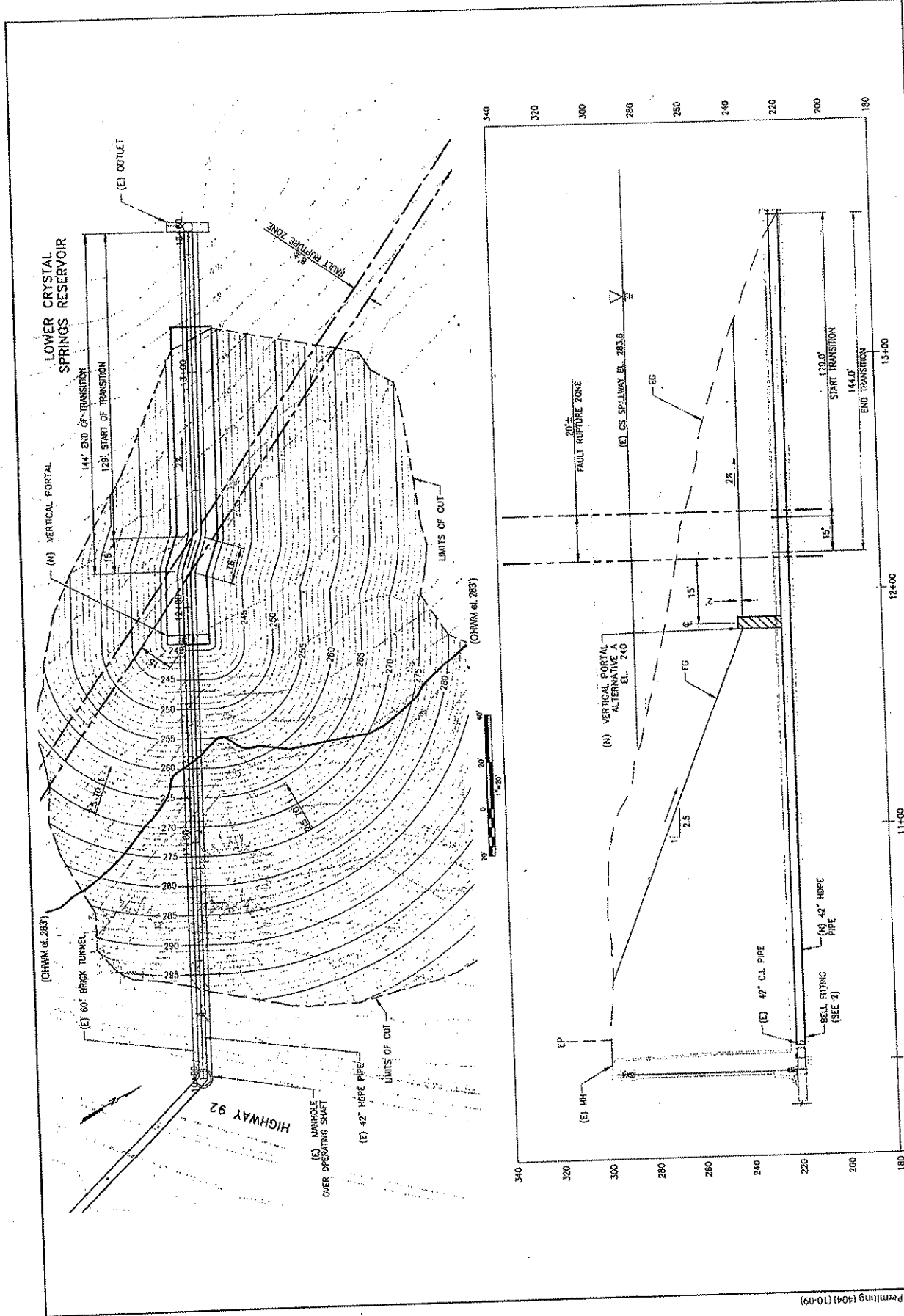
- Project Boundary
- Clearing Boundary
- Pipeline Alignment
- Laydown / Staging Area
- Permanent Gravel Road
- Grading Areas
- Excavation Area
- Wetlands [W]
- Drainage (Other Waters) [OW]
- Existing (E)
- New (N)
- Remove & Replace (R+R)
- Reinforced Concrete Pipe (RCP)
- Temporary (T)
- Permanent (P)

W-5 (avoided)  
 Boat Ramp (E)  
 W-4 (0.070 ac (T))  
 Gravel Access Road (E)  
 OW-1 (36" (R+R) RCP, 0.004 ac (T))



**Figure 3b**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**UCSD Lower Reservoir Boat Ramp**

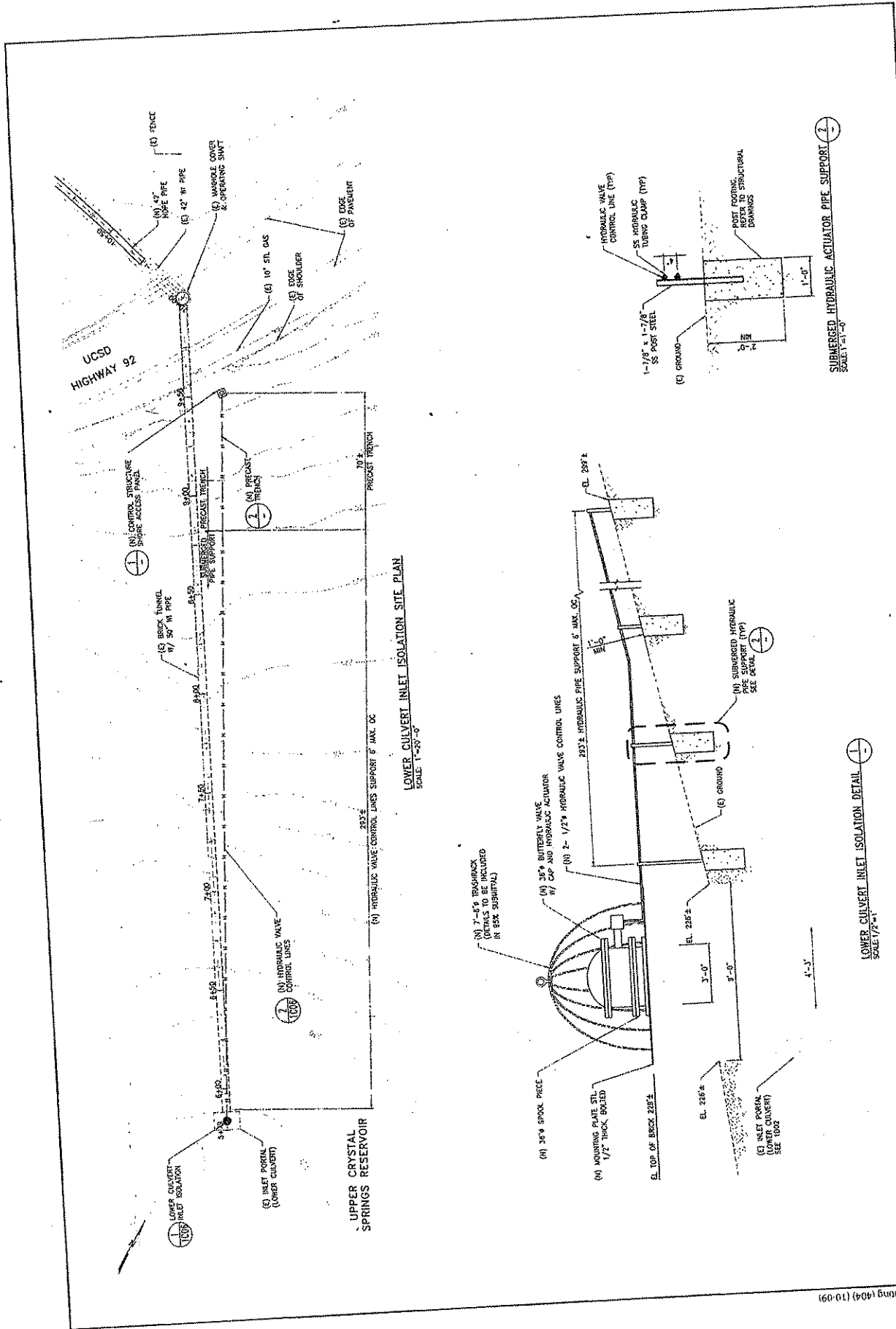
**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
**Contact:** Anastasio Mavroudis



**Figure 3c**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**Upper Crystal Springs Dam,**  
**Lower Culvert Outlet Plan and Profile**

Source: URS (65% Submittal), JCF Jones & Stokes  
**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
 Contact: Anastasio Mavroudis

00396.08 Permitting (404) (10-09)



**Figure 3d**  
**CS/SA Transmission System Upgrade Project – USACE File #4001435,**  
**Upper Crystal Springs Dam,**  
**Lower Culvert Inlet Plan and Profile**

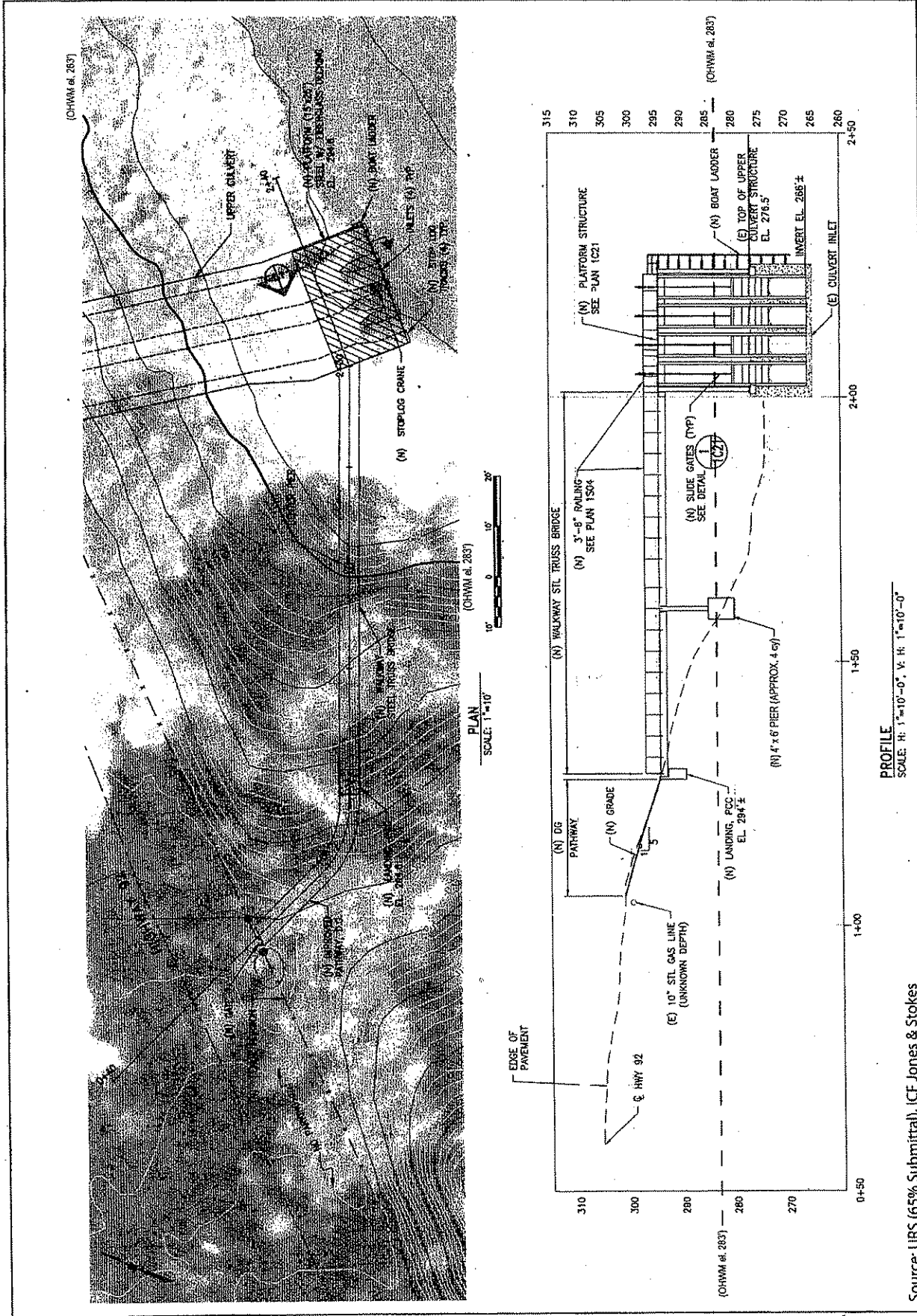
Source: URS (65% Submittal), JCF Jones & Stokes

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements

**Location:** San Mateo County, CA

**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103

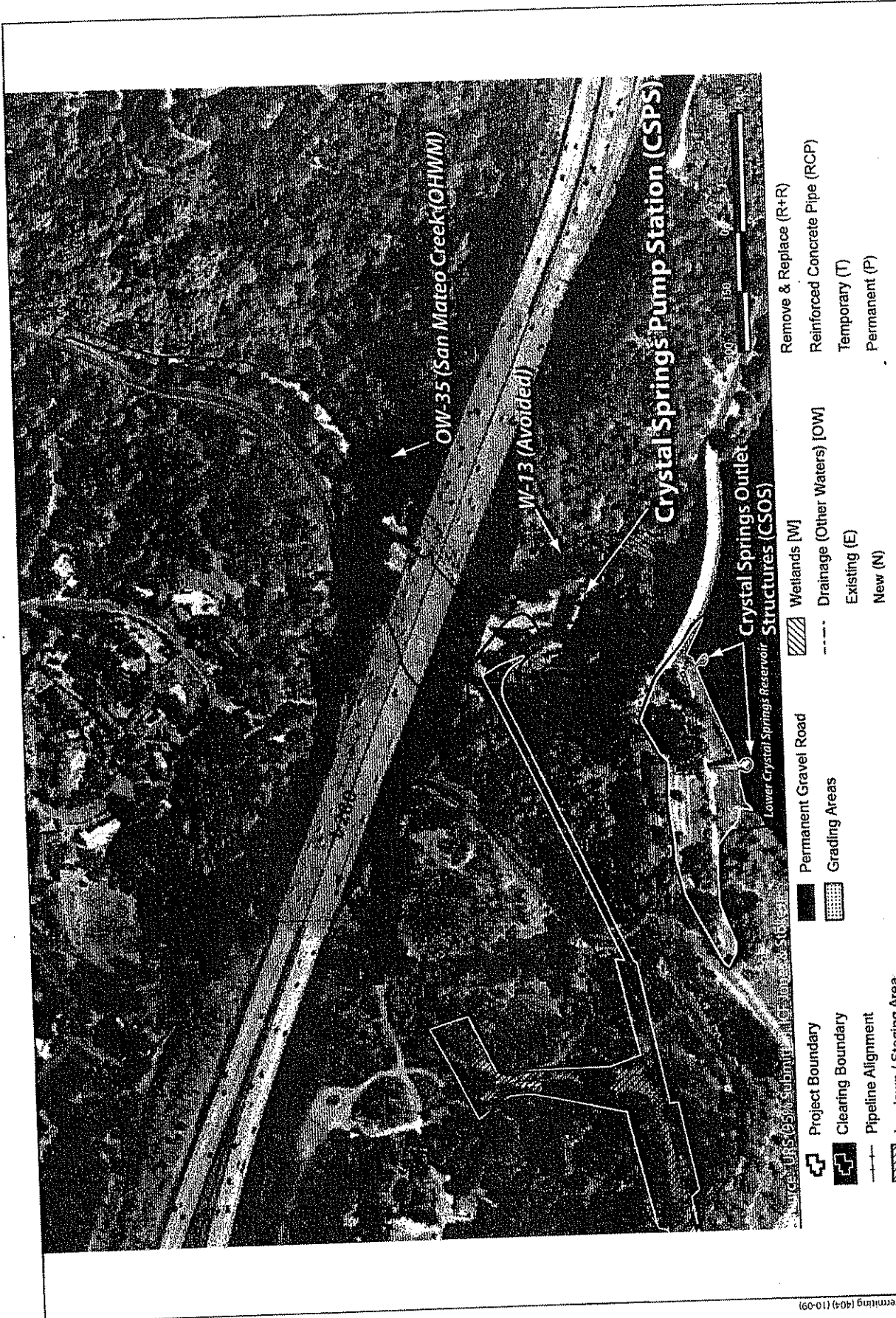
Contact: Anastasio Mavroudis



**Figure 3e**  
**CS/SA Transmission System Upgrade Project - USACE File #400143S,**  
**Upper Crystal Springs Dam,**  
**Upper Culvert Inlet Plan and Profile**

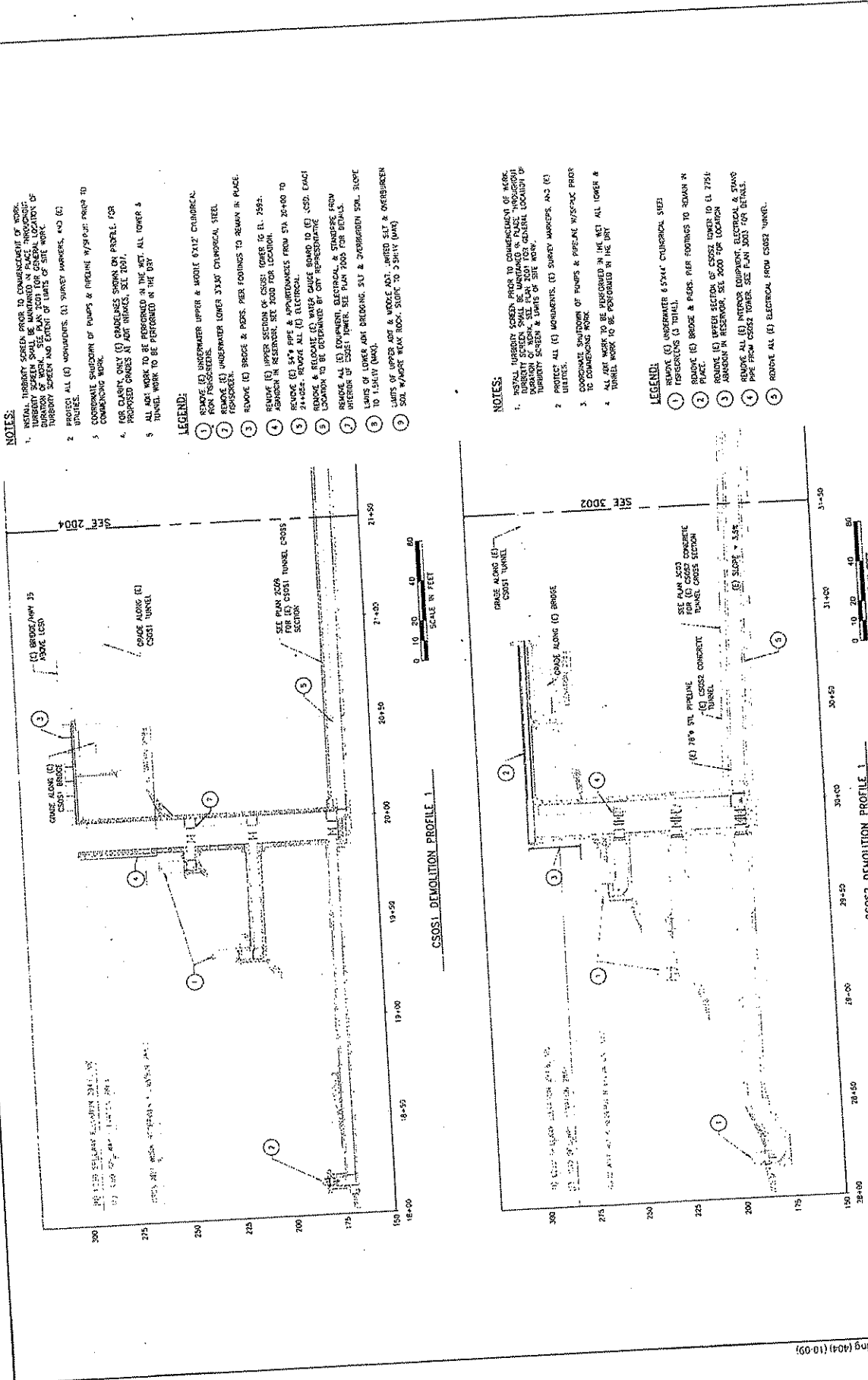
Source: URS (65% Submittal), ICF Jones & Stokes

**Purpose:** Facility upgrades - reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
**Contact:** Anastasio Mavroudis



**Figure 4a**  
**CS/SA Transmission System Upgrade Project – USACE File #4001435,**  
**Crystal Springs Outlet Structure/Crystal Springs Pump Station Plan View**

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
 Contact: Anastasio Mavroudis



- NOTES:**
- INSTALL TURBIDITY SCREEN PRIOR TO COMMENCEMENT OF WORK. TURBIDITY SCREEN SHALL BE MAINTAINED AS FULLY OPERATIONAL THROUGHOUT CONSTRUCTION AND REMOVED UPON COMPLETION OF WORK. PROTECT ALL (E) MONUMENTS, (E) SURVEY MARKERS, AND (E) CONCRETE WORK.
  - COORDINATE SHUTDOWN OF PUMPS & INFLOW BYPOINT PRIOR TO COMMENCING WORK.
  - FOR CLARITY, ONLY (E) CONCREDES SHALL BE PROBELED FOR PROPOSED CHANGES AT ART VIBRAC, SEE 2001.
  - ALL ART WORK TO BE PERFORMED IN THE ACT, ALL TOWER & TUNNEL WORK TO BE PERFORMED AT THE BRT.

- LEGEND:**
- REMOVE (E) UNDERMINER UPPER & MIDDLE 6"x12" CONCRETE. RUN FROM THE TOP OF THE UNDERMINER.
  - REMOVE (E) UNDERMINER LOWER 3"x3" CONCRETE. RUN FROM THE TOP OF THE UNDERMINER.
  - REMOVE (E) BRIDGE & PILES. PIER FORMS TO REMAIN IN PLACE.
  - REMOVE (E) UPPER SECTION OF CS02. OVER TO EL. 7592.
  - REMOVE (E) 3"x7" PIPE & APPURTENANCES FROM STA. 20+00 TO 21+00. REMOVE ALL (E) ELECTRICAL.
  - REMOVE & RELOCATE (E) WATER GAGE BEHIND TO (E) CS02. EXACT LOCATION TO BE DETERMINED BY CITY REPRESENTATIVE.
  - REMOVE ALL (E) EQUIPMENT, ELECTRICAL, & STRUCTURES FROM INTERIOR OF CS02 TOWER. SEE PLAN 3002 FOR DETAILS.
  - LAWS OF LOWER ART BUILDING, SVU & OVERBROWN SOL. SLOPE TO 1:5.5 (MAX).
  - LAWS OF UPPER ART & WOODS ART. LIMITED SLOPE & OVERBROWN SOIL. MAXIMUM WALK ROCK. SLOPE TO 3:5 (MAX).

- NOTES:**
- INSTALL TURBIDITY SCREEN PRIOR TO COMMENCEMENT OF WORK. TURBIDITY SCREEN SHALL BE MAINTAINED AS FULLY OPERATIONAL THROUGHOUT CONSTRUCTION AND REMOVED UPON COMPLETION OF WORK. PROTECT ALL (E) MONUMENTS, (E) SURVEY MARKERS, AND (E) CONCRETE WORK.
  - COORDINATE SHUTDOWN OF PUMPS & PIPELINE BYPOINT PRIOR TO COMMENCING WORK.
  - ALL ART WORK TO BE PERFORMED IN THE ACT, ALL TOWER & TUNNEL WORK TO BE PERFORMED IN THE BRT.
- LEGEND:**
- REMOVE (E) UNDERWATER 6.5"x6" CONCRETE. RUN FROM THE TOP OF THE UNDERWATER.
  - REMOVE (E) BRIDGE & PILES. PIER FORMS TO REMAIN IN PLACE.
  - REMOVE (E) UPPER SECTION OF CS02. OVER TO EL. 7754.
  - REMOVE ALL (E) INTERIOR EQUIPMENT, ELECTRICAL, & PIPES FROM CS02 TOWER. SEE PLAN 3002 FOR DETAILS.
  - REMOVE ALL (E) ELECTRICAL FROM CS02 TOWER.

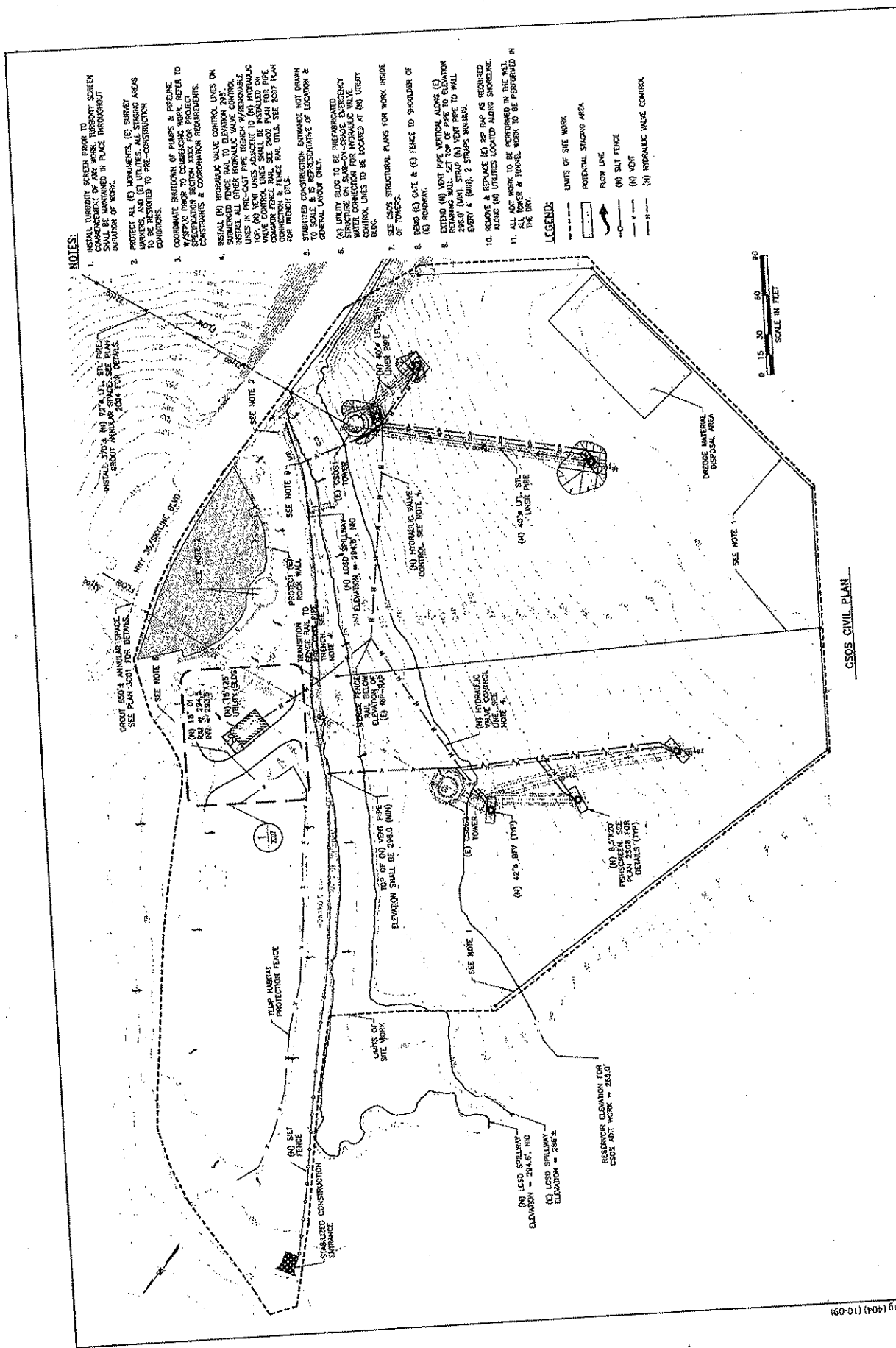
Figure 2a 4b  
CS/SA Transmission System Upgrade Project – USACE File #4001435,  
CS01 and 2, Existing (Showing Proposed Improvements),  
Profile View

Source: URS (65% Submittal), ICF Jones & Stokes

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements

**Location:** San Mateo County, CA

**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103

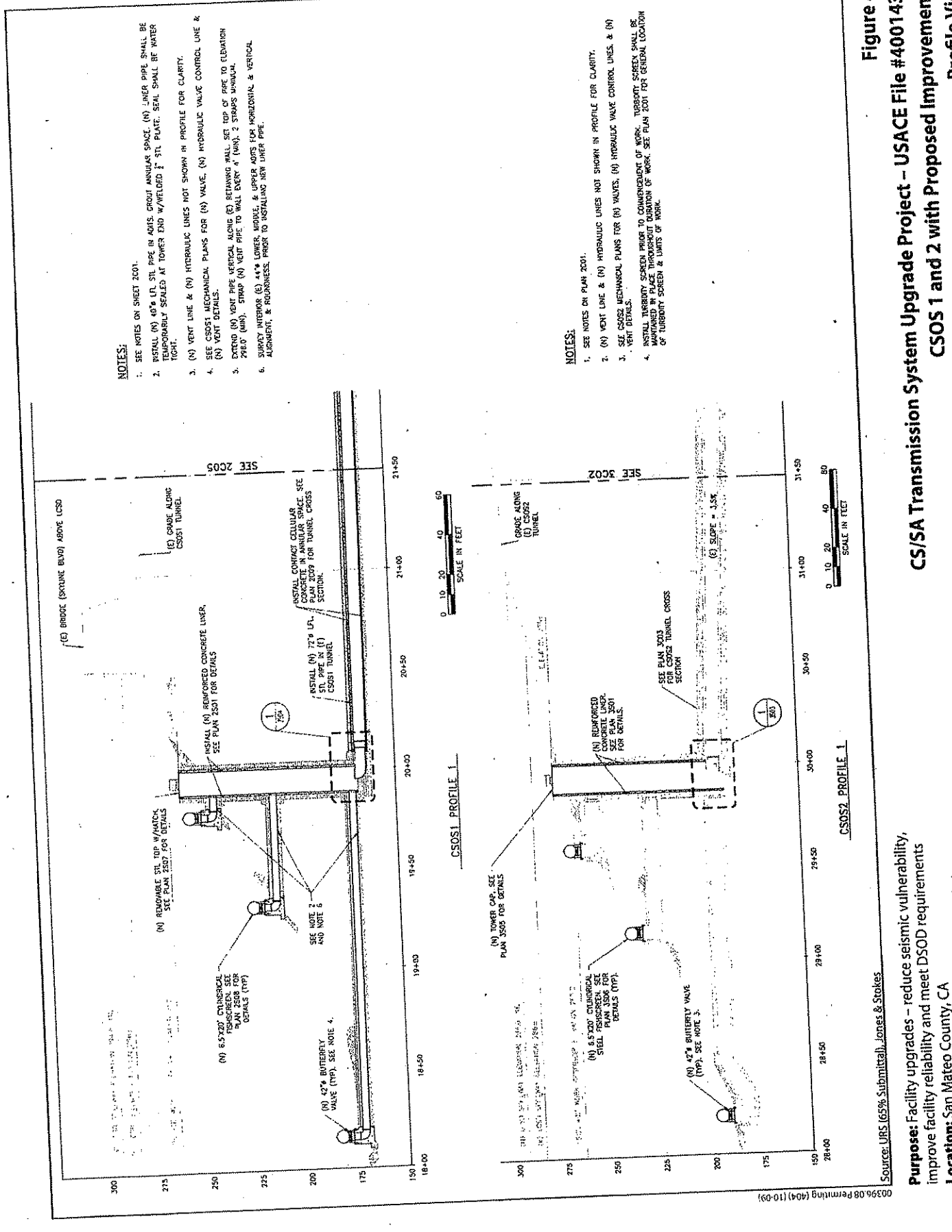


**Figure 4C**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**CSOS 1 and 2 with Proposed Improvements,**  
**Plan View**

Source: URS (65% Submittal), Jones & Stokes  
**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
 Contact: Anastasio Mavroudis

00396.08 Permitting (404) (11-09)





- NOTES:**
1. SEE NOTES ON SHEET 2001.
  2. INSTALL (N) 40" ID. STL PIPE IN ADJCS. GROUT ANNUAL SPACE. (N) LINER PIPE SHALL BE TEMPORARILY SEALED AT TOWER END W/WELDED 1" STL PLATE. SEAL SHALL BE WATER TIGHT.
  3. (N) VENT LINE & (N) HYDRAULIC LINES NOT SHOWN IN PROFILE FOR CLARITY.
  4. SEE CSOS1 MECHANICAL PLANS FOR (N) VALVE, (N) HYDRAULIC VALVE CONTROL LINE & (N) VENT DETAILS.
  5. EXTEND (N) VENT PIPE VERTICAL ABOVE (E) RETAINING WALL SET TOP OF PIPE TO ELEVATION 298.0' (MIN). STRAP (N) VENT PIPE TO WALL EVERY 4' (MIN). 2 STRAPS MINIMUM.
  6. SURVEY INTERIOR (E) 44" LOWER, MOVE, & UPPER AIDS FOR HORIZONTAL & VERTICAL ALIGNMENT, & READINESS. PRIOR TO INSTALLING NEW LINER PIPE.

- NOTES:**
1. SEE NOTES ON PLAN 2001.
  2. (N) VENT LINE & (N) HYDRAULIC LINES NOT SHOWN IN PROFILE FOR CLARITY.
  3. SEE CSOS2 MECHANICAL PLANS FOR (N) VALVES, (N) HYDRAULIC VALVE CONTROL LINES, & (N) VENT DETAILS.
  4. INSTALL TURBIDITY SCREEN PRIOR TO COMMENCEMENT OF WORK. TURBIDITY SCREEN SHALL BE MAINTAINED IN PLACE THROUGHOUT DURATION OF WORK. SEE PLAN 2001 FOR GENERAL LOCATION OF TURBIDITY SCREEN & LIMITS OF WORK.

**Figure 4d**

**CSISA Transmission System Upgrade Project – USACE File #400143S, CSOS 1 and 2 with Proposed Improvements, Profile View**

Source: URS (65% Submittal), Jones & Stokes

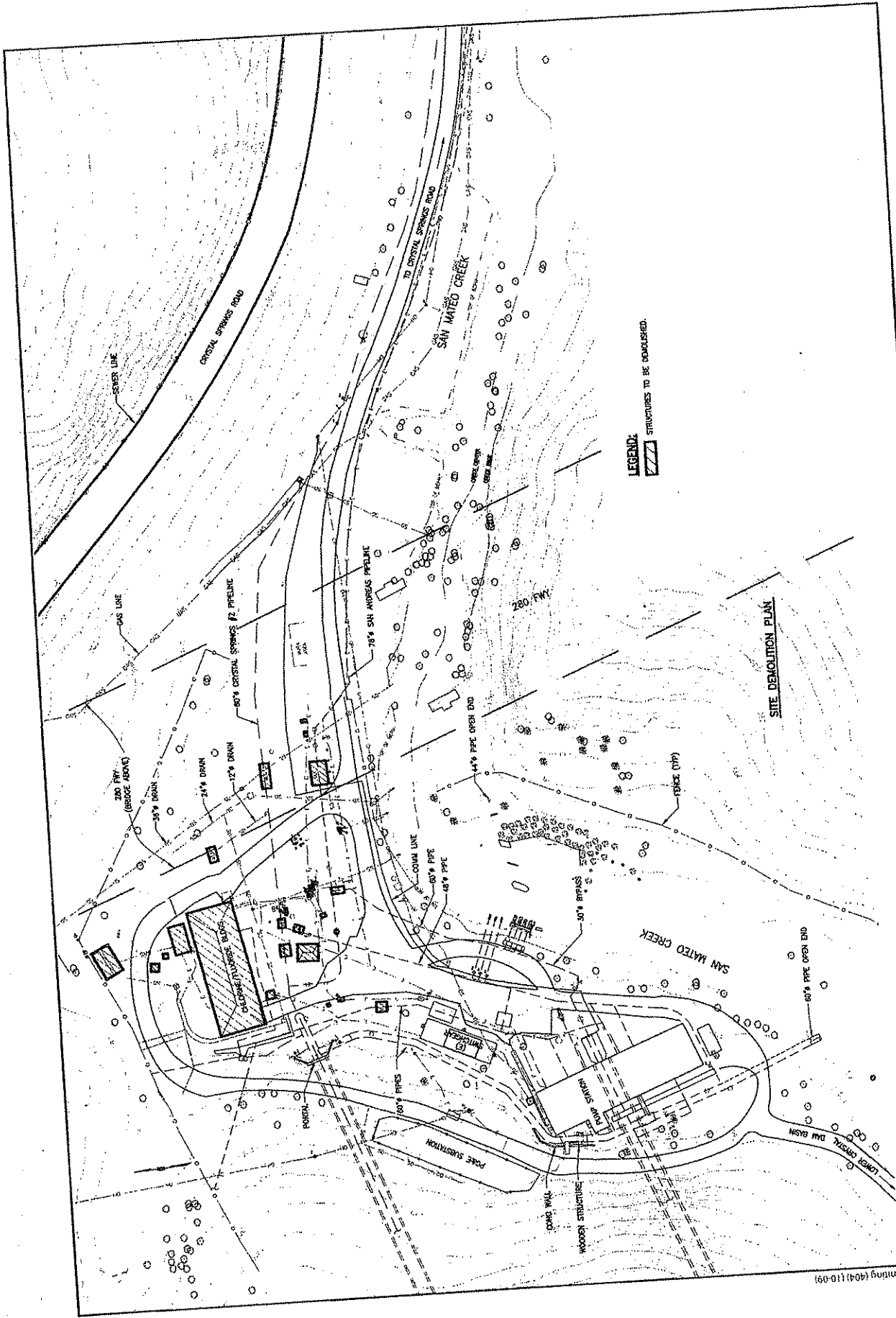
**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements

**Location:** San Mateo County, CA

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Contact: Anastasio Mavroudis

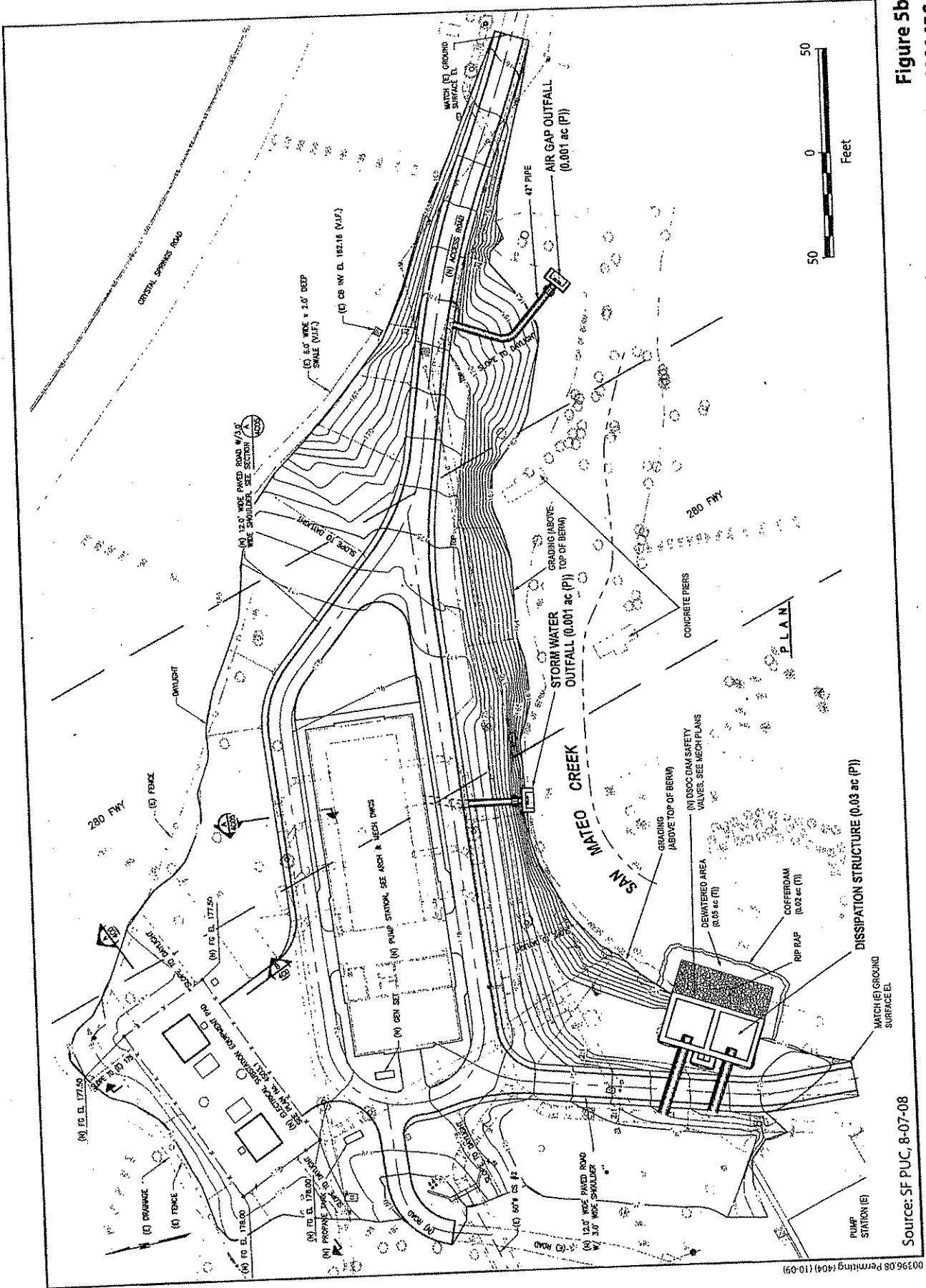




**Figure 5a**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**Crystal Springs Pump Station,**  
**Existing and Demolition Plan View**

Source: SF PUC, 8-07-08

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
**Contact:** Anastasio Mavroudis



**Figure 5b**  
**CS/SA Transmission System Upgrade Project – USACE File #4001435,**  
**Crystal Springs Pump Station,**  
**Proposed Grading Plan with Outfalls**

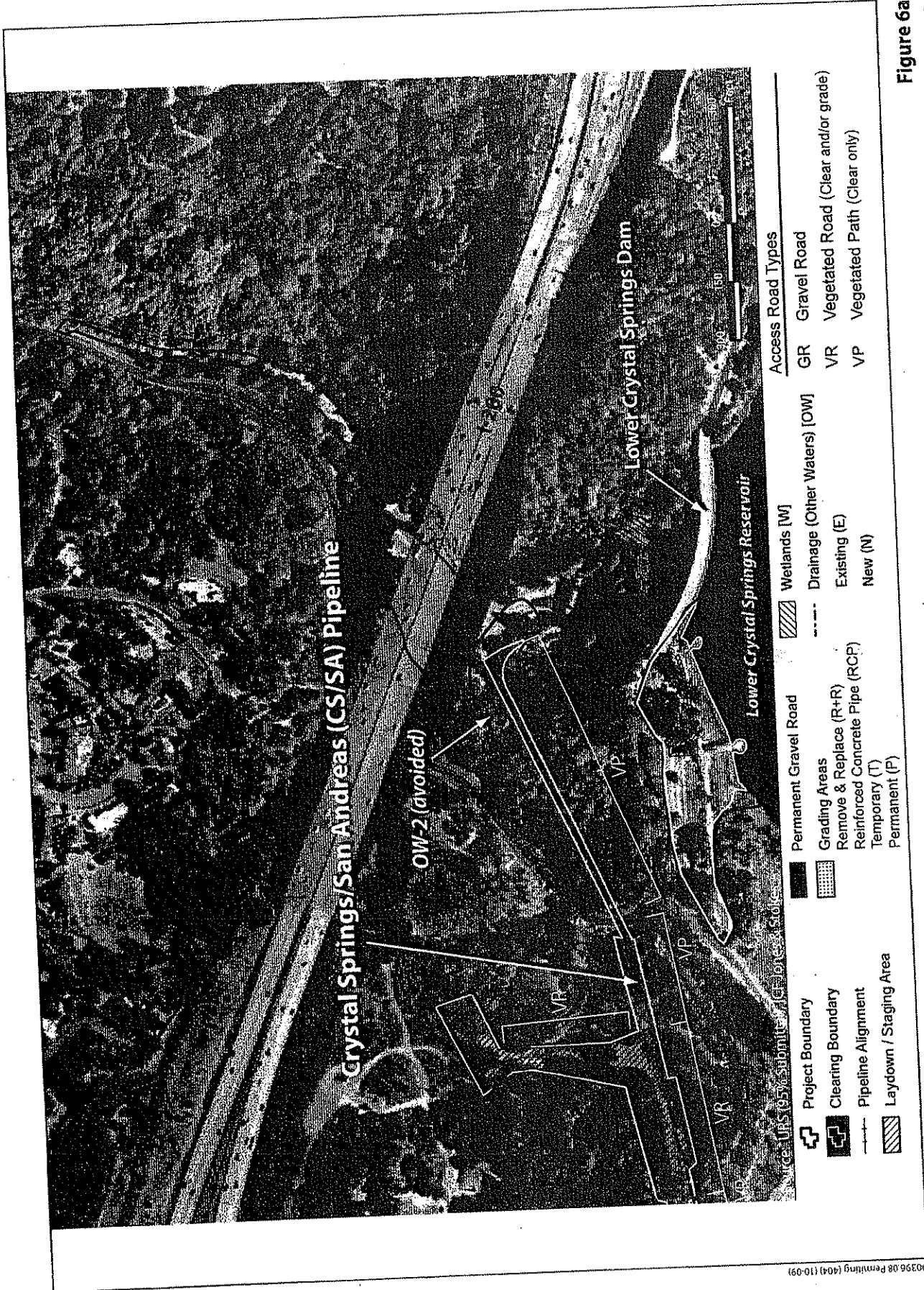
Source: SF PUC, B-07-08

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements

**Location:** San Mateo County, CA

**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103

Contact: Anastasio Mavroudis



**Figure 6a**  
**CS/SA Transmission System Upgrade Project – USACE File #4001435,**  
**Crystal Springs /San Andreas Pipeline, Plan View**

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
**Contact:** Anastasio Mavroudis

Access Road Types	
GR	Gravel Road
VR	Vegetated Road (Clear and/or grade)
VP	Vegetated Path (Clear only)

Wetlands [W]	
-----	Drainage (Other Waters) [OW]
-----	Existing (E)
-----	New (N)

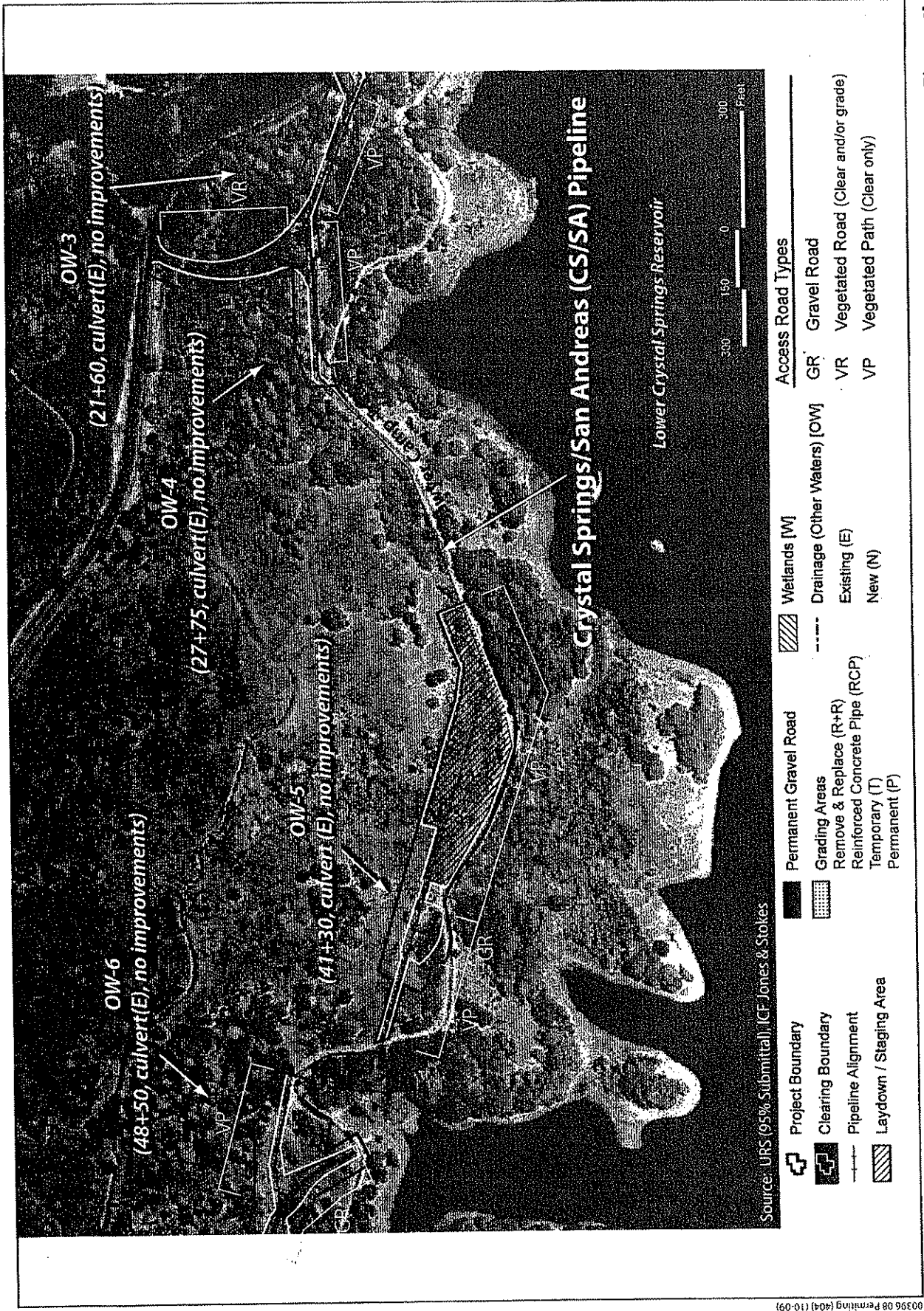
  

Permanent Gravel Road	
[Symbol]	Grading Areas
[Symbol]	Remove & Replace (R+R)
[Symbol]	Reinforced Concrete Pipe (RCP)
[Symbol]	Temporary (T)
[Symbol]	Permanent (P)

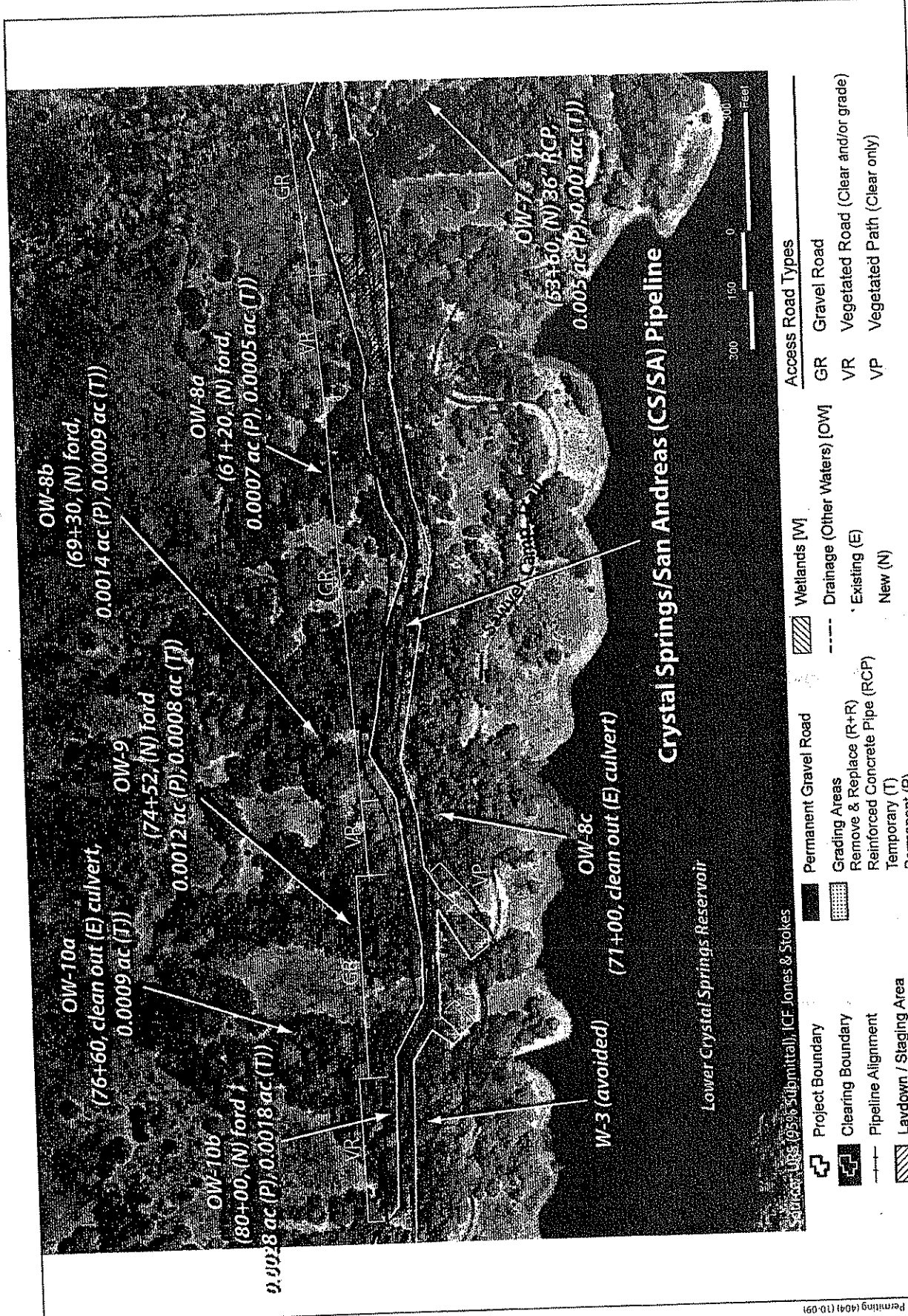
Project Boundary	
[Symbol]	Project Boundary
[Symbol]	Clearing Boundary
[Symbol]	Pipeline Alignment
[Symbol]	Laydown / Staging Area

00396 08 Permitting (404) (10-09)



**Figure 6b**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**Crystal Springs /San Andreas Pipeline, Plan View**

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
**Contact:** Anastasio Mavroudis



Access Road Types	
GR	Gravel Road
VR	Vegetated Road (Clear and/or grade)
VP	Vegetated Path (Clear only)

Wetlands [W]	
---	Drainage (Other Waters) [OW]
•	Existing (E)
•	New (N)

Permanent Gravel Road	
■	Permanent (P)
■	Temporary (T)
■	Reinforced Concrete Pipe (RCP)
■	Remove & Replace (R+R)
■	Grading Areas
■	Permanent (P)

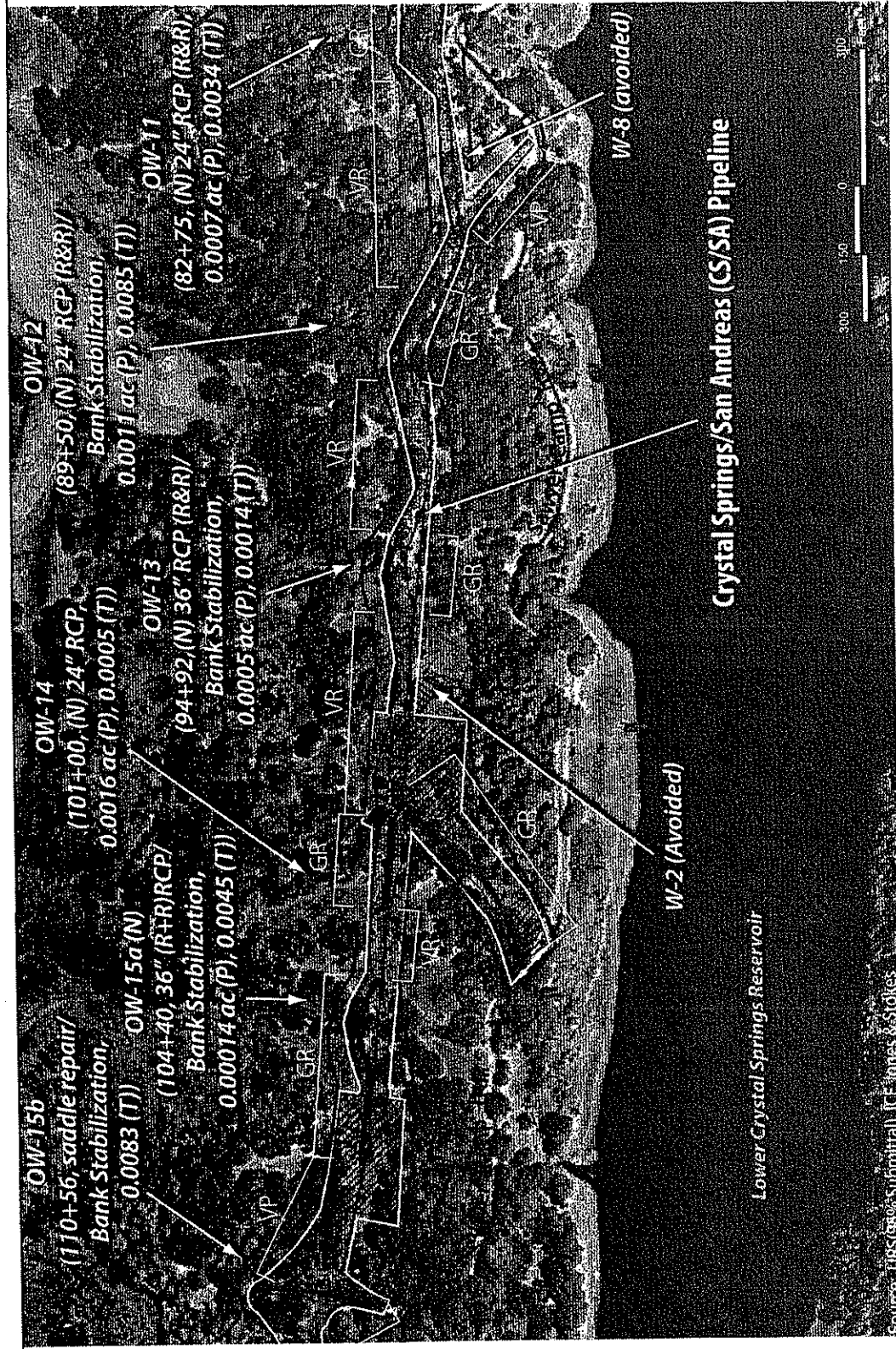
  

Project Boundary	
■	Project Boundary
■	Clearing Boundary
---	Pipeline Alignment
■	Laydown / Staging Area

**Figure 6c**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**Crystal Springs /San Andreas Pipeline, Plan View**

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
**Contact:** Anastasio Mavroudis





Access Road Types	
GR	Gravel Road
VR	Vegetated Road (Clear and/or grade)
VP	Vegetated Path (Clear only)

Wetlands [W]	
W-2 (Avoided)	Drainage (Other Waters) [OW]
W-8 (avoided)	Existing (E)
	New (N)

Permanent Gravel Road	
Grading Areas	Remove & Replace (R+R)
Reinforced Concrete Pipe (RCP)	Temporary (T)
Permanent (P)	

Project Boundary	
Clearing Boundary	Pipeline Alignment
Laydown / Staging Area	

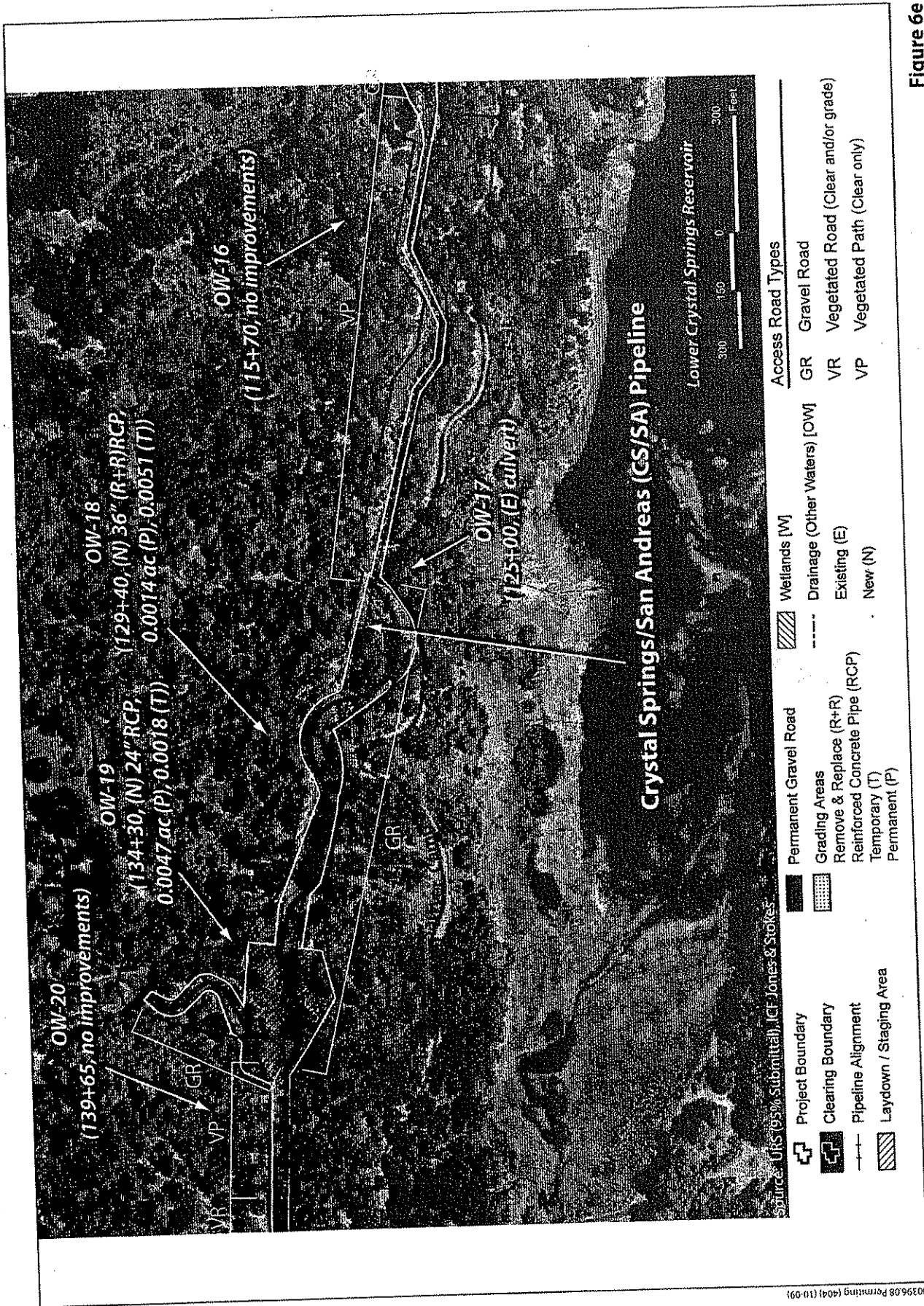
**Purpose:** Facility upgrades - reduce seismic vulnerability, improve facility reliability and meet DSOD requirements

**Location:** San Mateo County, CA

**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103

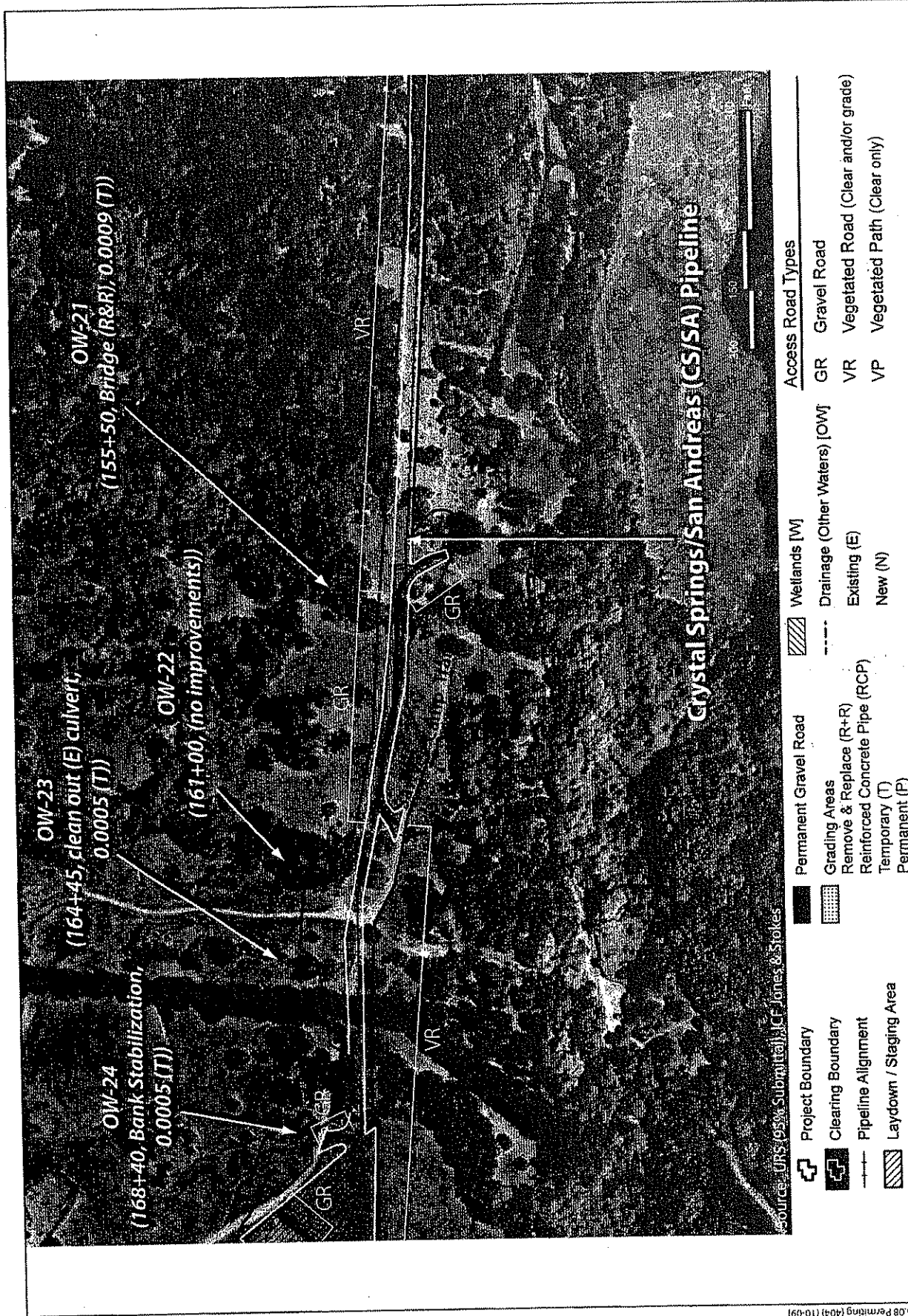
Contact: Anastasio Mavroudis

**Figure 6d**  
**CS/SA Transmission System Upgrade Project - USACE File #400143S,**  
**Crystal Springs /San Andreas Pipeline, Plan View**



**Figure 6e**  
**CS/SA Transmission System Upgrade Project - USACE File #400143S,**  
**Crystal Springs /San Andreas Pipeline, Plan View**

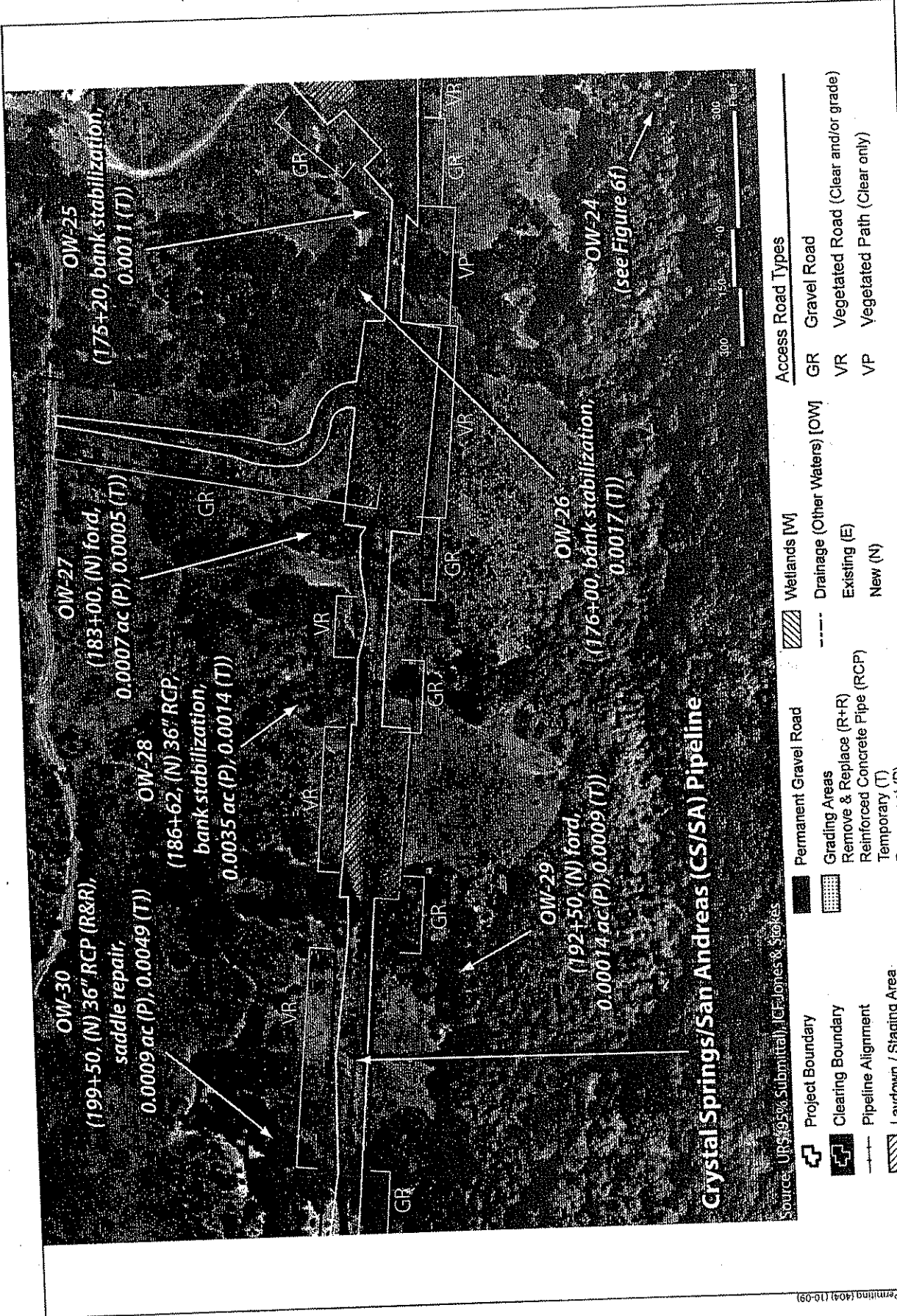
**Purpose:** Facility upgrades - reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
**Contact:** Anastasio Mavroudis



**Figure 6f**  
**CS/SA Transmission System Upgrade Project – USACE File #4001435,**  
**Crystal Springs /San Andreas Pipeline, Plan View**

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
 Contact: Anastasio Mavroudis

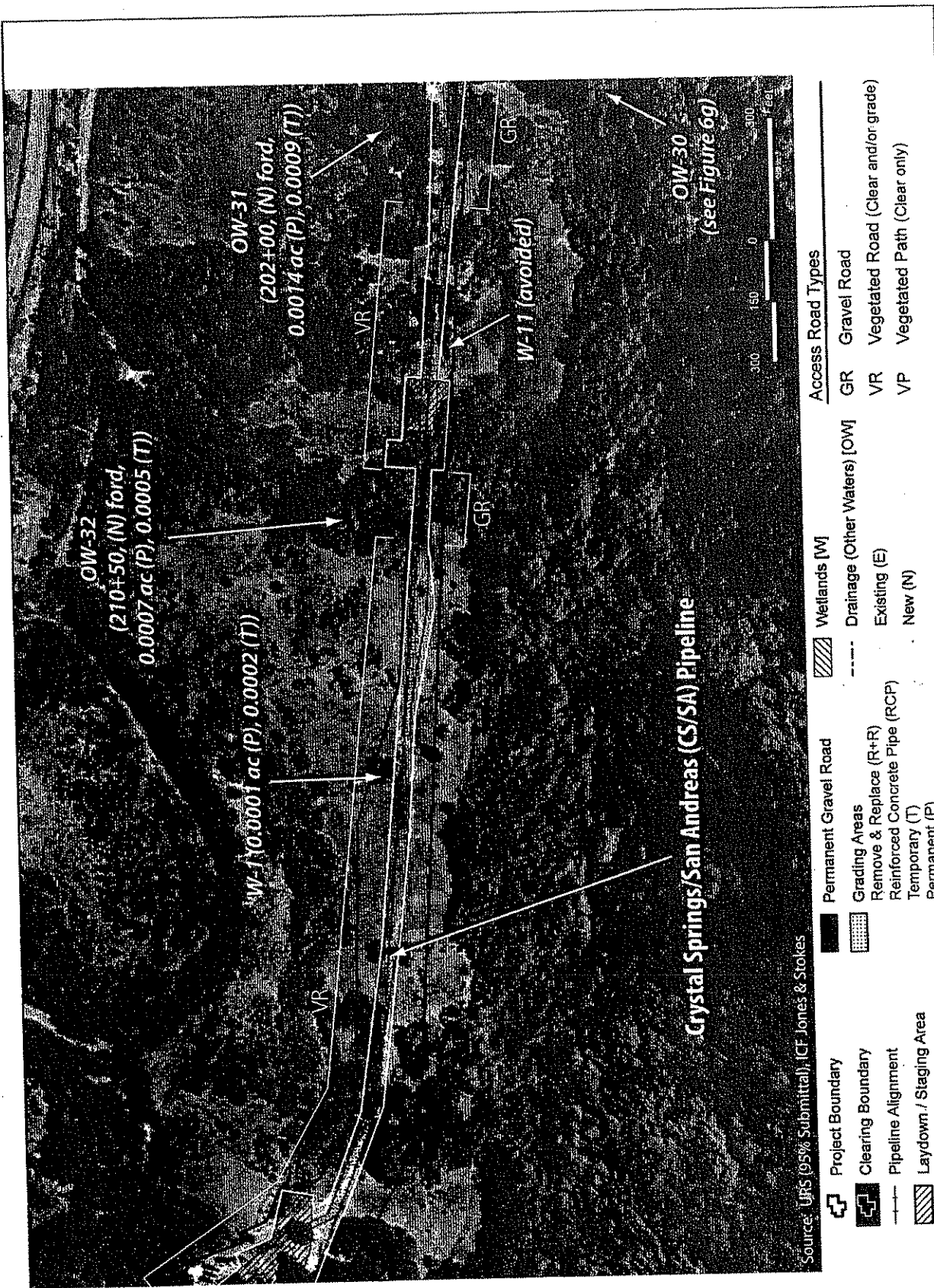




**Figure 6g**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**Crystal Springs /San Andreas Pipeline, Plan View**

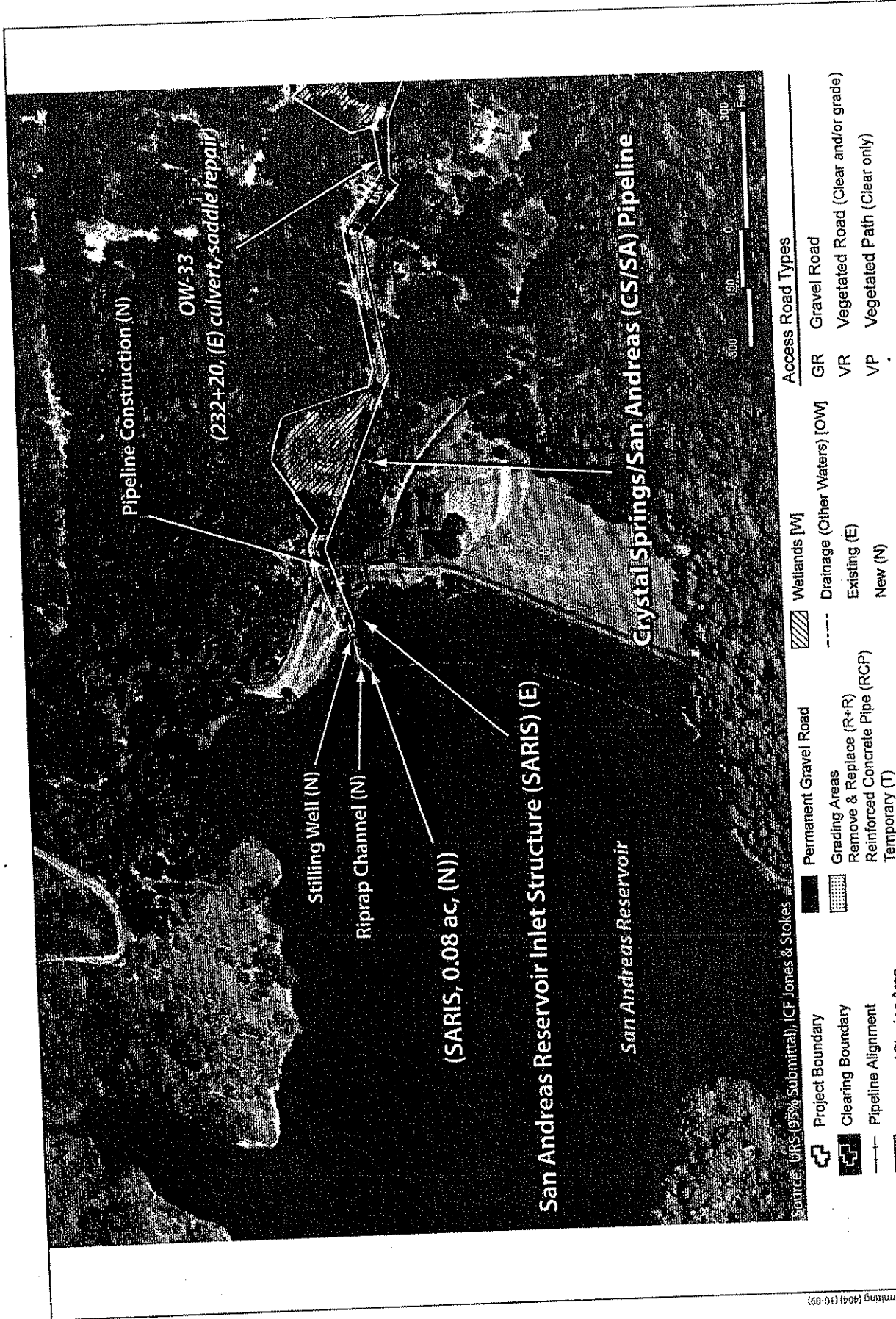
**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
**Contact:** Anastasio Mavroudis

0296.08 Permitting (4/9/19-09)



**Figure 6h**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**Crystal Springs /San Andreas Pipeline, Plan View**

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
**Contact:** Anastasio Mavroudis



**Figure 6i**

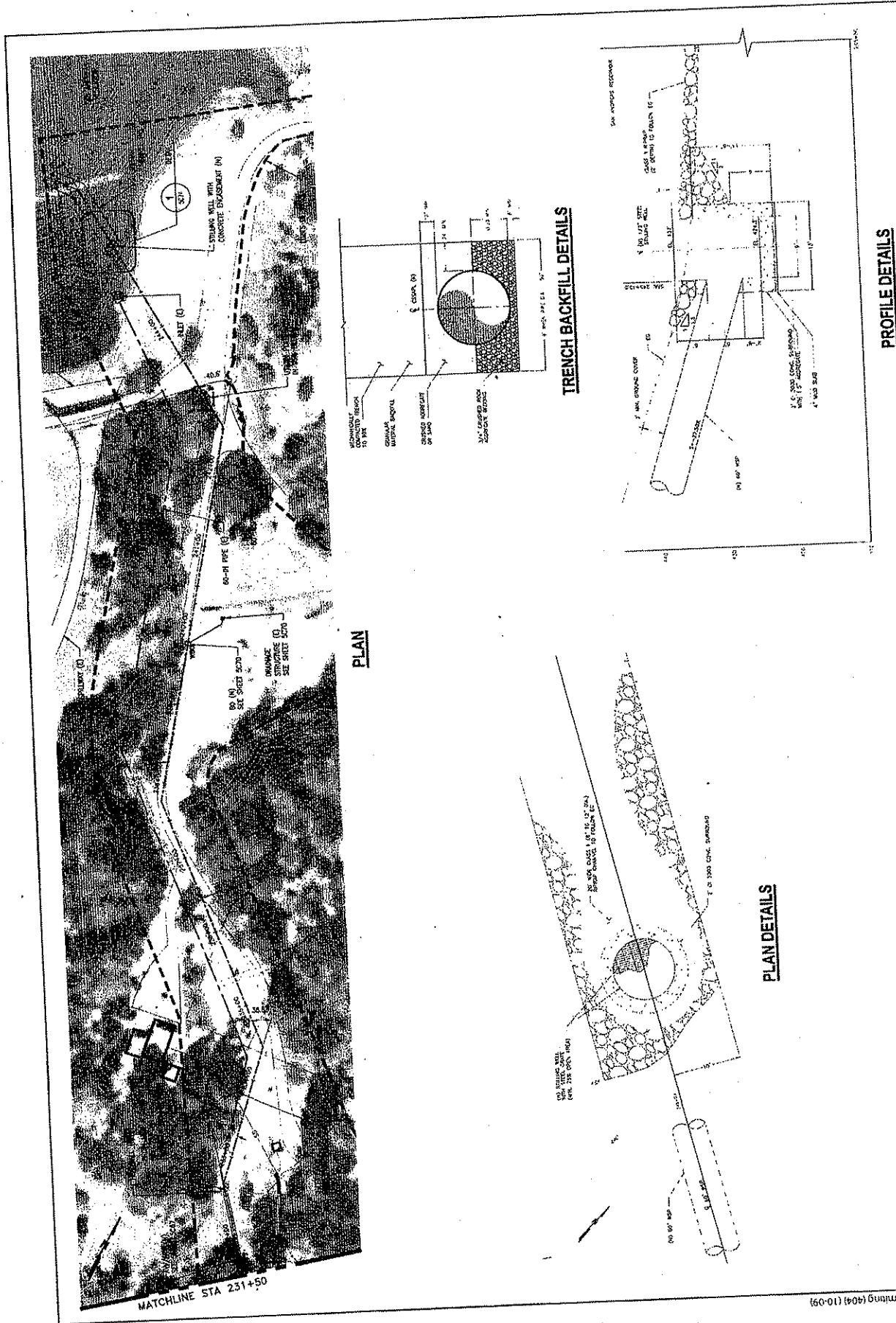
**CS/SA Transmission System Upgrade Project – USACE File #400143S,  
Crystal Springs /San Andreas Pipeline,  
San Andreas Reservoir Inlet Structure, Plan View**

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements

**Location:** San Mateo County, CA

**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103

Contact: Anastasio Mavroudis



**Figure 6j**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**(San Andreas Inlet Structure Details)**

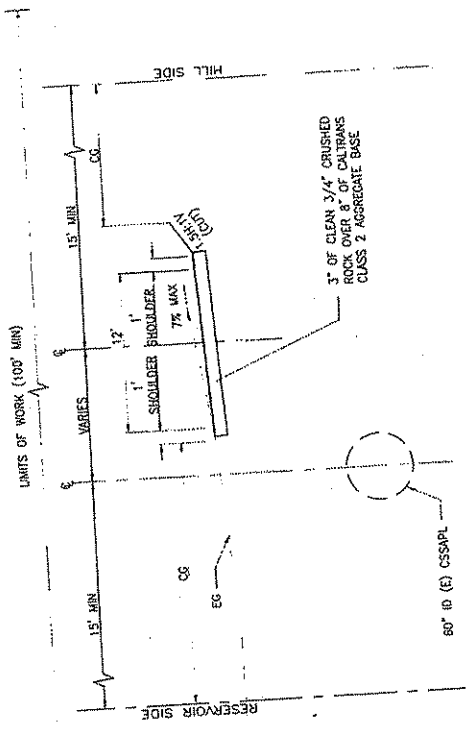
Source: URS (65% Submittal), ICF Jones & Stokes.

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements

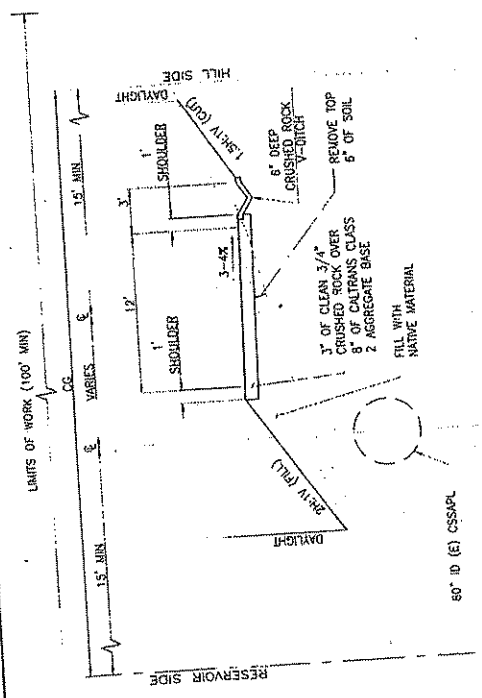
**Location:** San Mateo County, CA

**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103

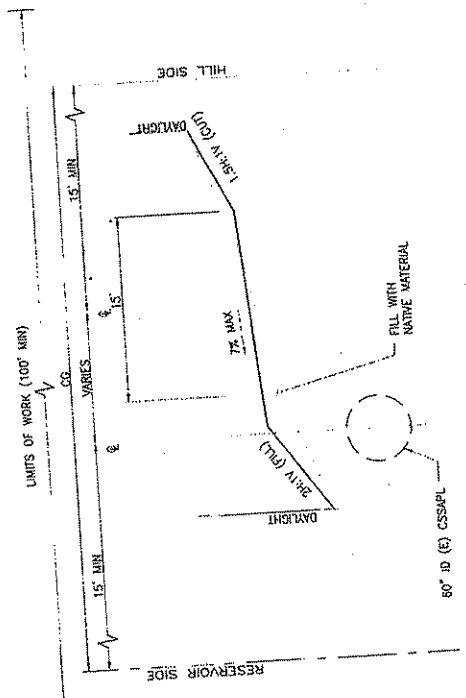
Contact: Anastasio Mavroudis



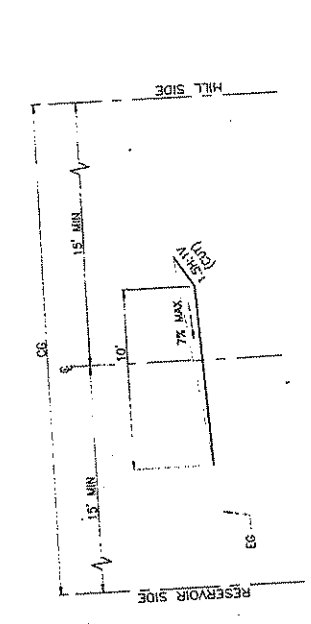
GRAVEL ACCESS WITHOUT V-DITCH TYPICAL SECTION 2  
SCALE: NTS



GRAVEL ACCESS WITH V-DITCH TYPICAL SECTION 1  
SCALE: NTS



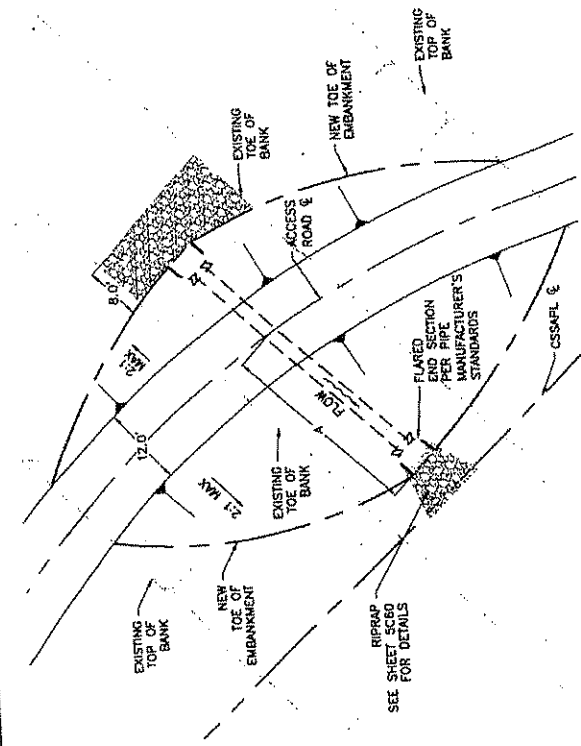
CLEAR AND GRUBB ACCESS ROAD TYPICAL SECTION 3  
SCALE: NTS



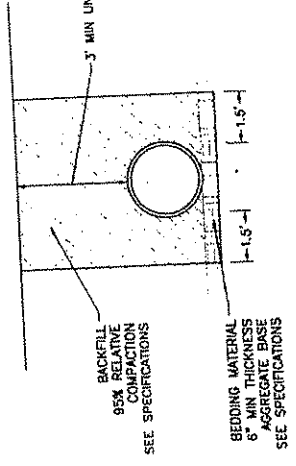
FOOTPATH AND SMALL UTILITY VEHICLE ACCESS TYPICAL SECTION 4  
SCALE: NTS

Figure 6k  
CS/SA Transmission System Upgrade Project - USACE File #400143S,  
(Typical Access Road Sections)

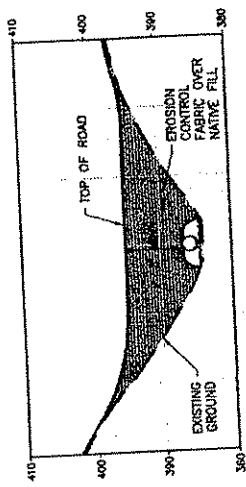
Source: URS (65% Submittal), ICF Jones & Stokes.  
**Purpose:** Facility upgrades - reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
 Contact: Anastasio Mavroudis



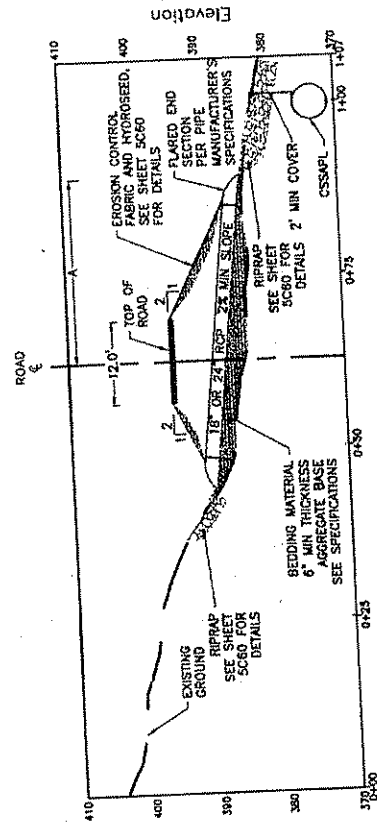
**MINOR PIPE CROSSING PLAN VIEW**



**TRENCHING AND BEDDING**



**MINOR PIPE CROSSING AT UPSTREAM AND DOWNSTREAM END**



**MINOR PIPE CROSSING PROFILE**



**Figure 61**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**(Minor Crossings Details)**

Source: URS (65% Submittal), ICF Jones & Stokes.

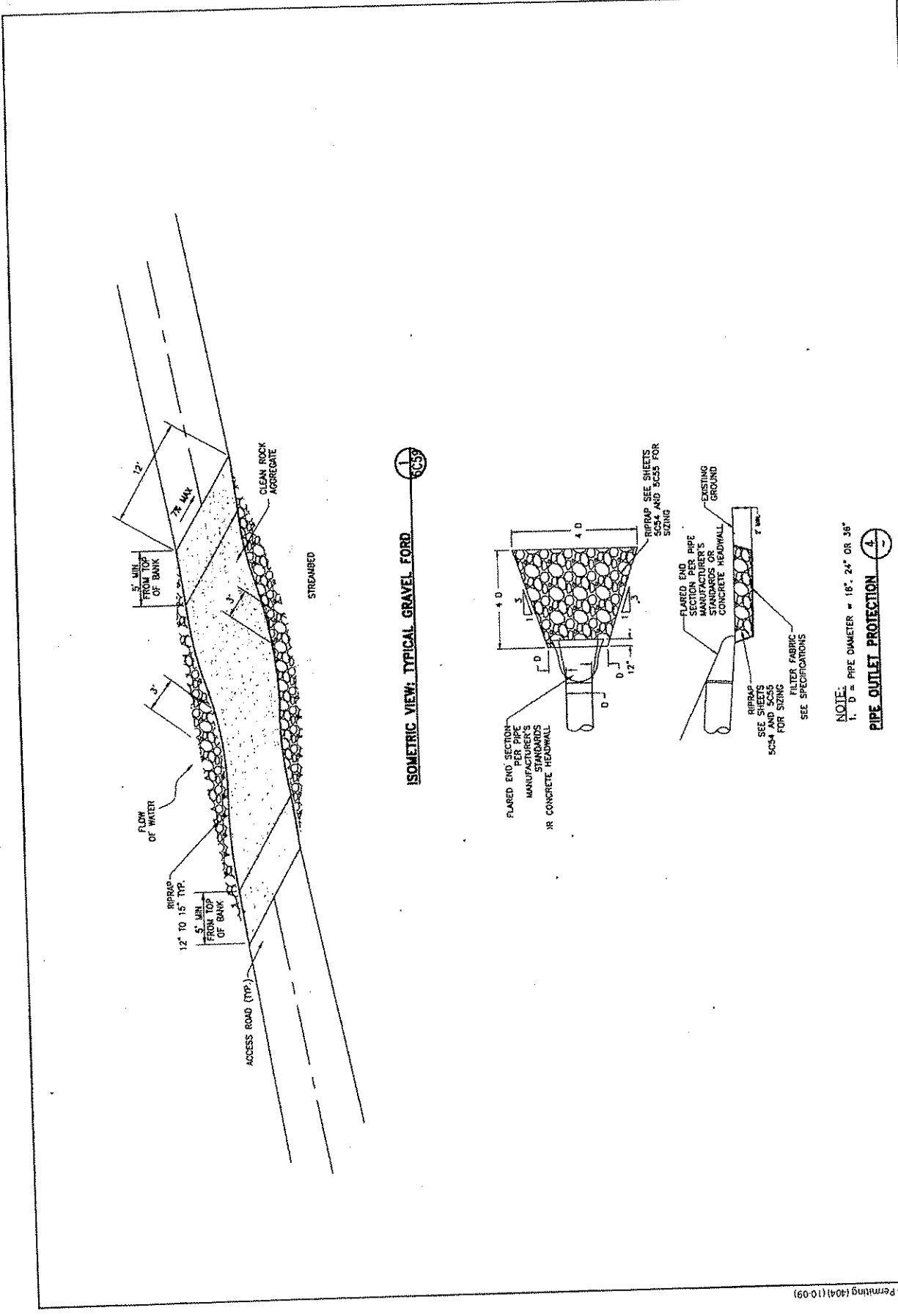
**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements

**Location:** San Mateo County, CA

**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103

Contact: Anastasio Mavroudis





1  
CS9

ISOMETRIC VIEW: TYPICAL GRAVEL FORD

1  
CS9

FLARED END SECTION PER PIPE MANUFACTURER'S STANDARDS OR CONCRETE HEADWALL

1  
CS9

FLARED END PIPE SECTION PER PIPE MANUFACTURER'S STANDARDS OR CONCRETE HEADWALL

NOTE:  
1. D = PIPE DIAMETER = 18", 24" OR 36"

1  
CS9

PIPE OUTLET PROTECTION

Source: URS (65% Submittal), ICF Jones & Stokes.

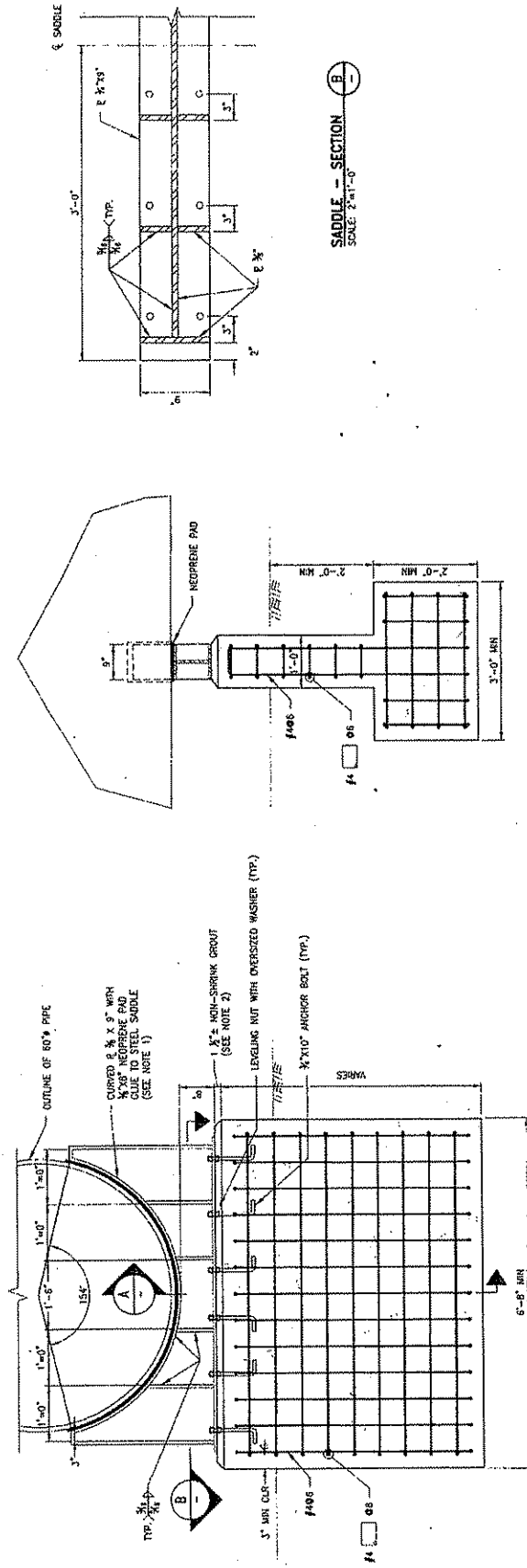
**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
**Contact:** Anastasio Mavroudis

Figure 6n

CS/SA Transmission System Upgrade Project – USACE File #400143S,  
(Typical Ford and Pipe Outlet Details)







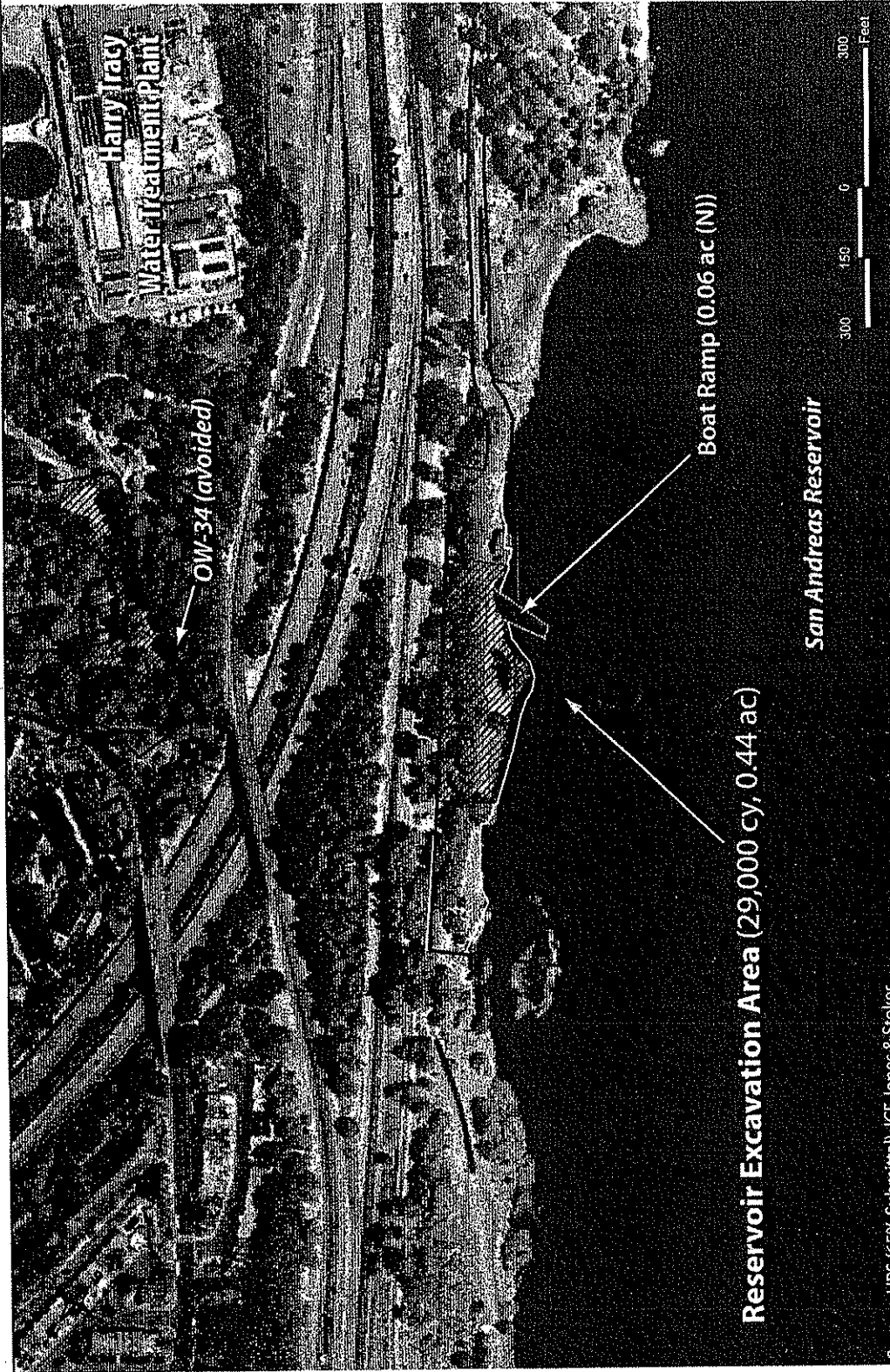
- NOTES:
1. PRIOR TO FABRICATION OF METAL SADDLES, THE POINTS OF SUPPORTS OF THE PIPE AT THE POINTS OF SUPPORTS TO OBTAIN THE PROPER SADDLE FITS
  2. TEMPORARILY SUPPORT PIPE, ADJUST LEVELING PLATES. GROUT SADDLE AFTER PIPE IS PRESSURIZED AND STRAIGHTENED.

PIPE SADDLE REPAIR/REPLACEMENT LOCATIONS	(PIPELINE STA)
	110+10
	209+80
	231+87
	232+26

Source: URS (65% Submittal), ICF Jones & Stokes.

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
 Contact: Anastasio Mavroudis

**Figure 6a**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**(Saddle Repair Details)**



Source: URS (65% Submittal), ICF Jones & Stokes

- Project Boundary
- Clearing Boundary
- Pipeline Alignment
- Laydown / Staging Area
- Permanent Gravel Road
- Grading Areas
- Excavation Area

- Wetlands [W]
- Drainage (Other Waters) [OW]  
Existing (E)
- New (N)

- Remove & Replace (R+R)
- Reinforced Concrete Pipe (RCP)
- Temporary (T)
- Permanent (P)

San Andreas Reservoir

Reservoir Excavation Area (29,000 cy, 0.44 ac)

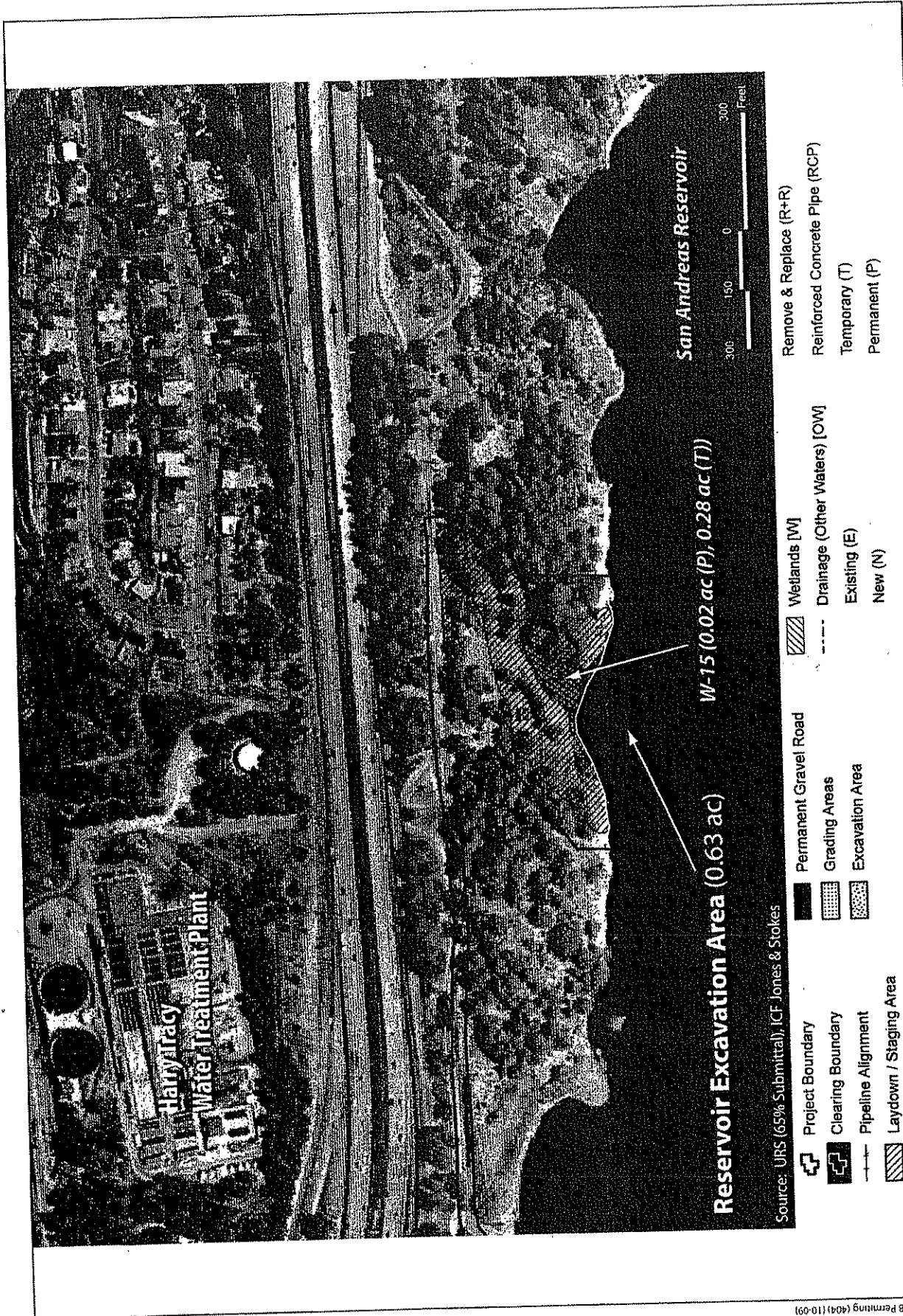
Boat Ramp (0.06 ac (N))

OW-34 (avoided)

Harry Tracy Water Treatment Plant

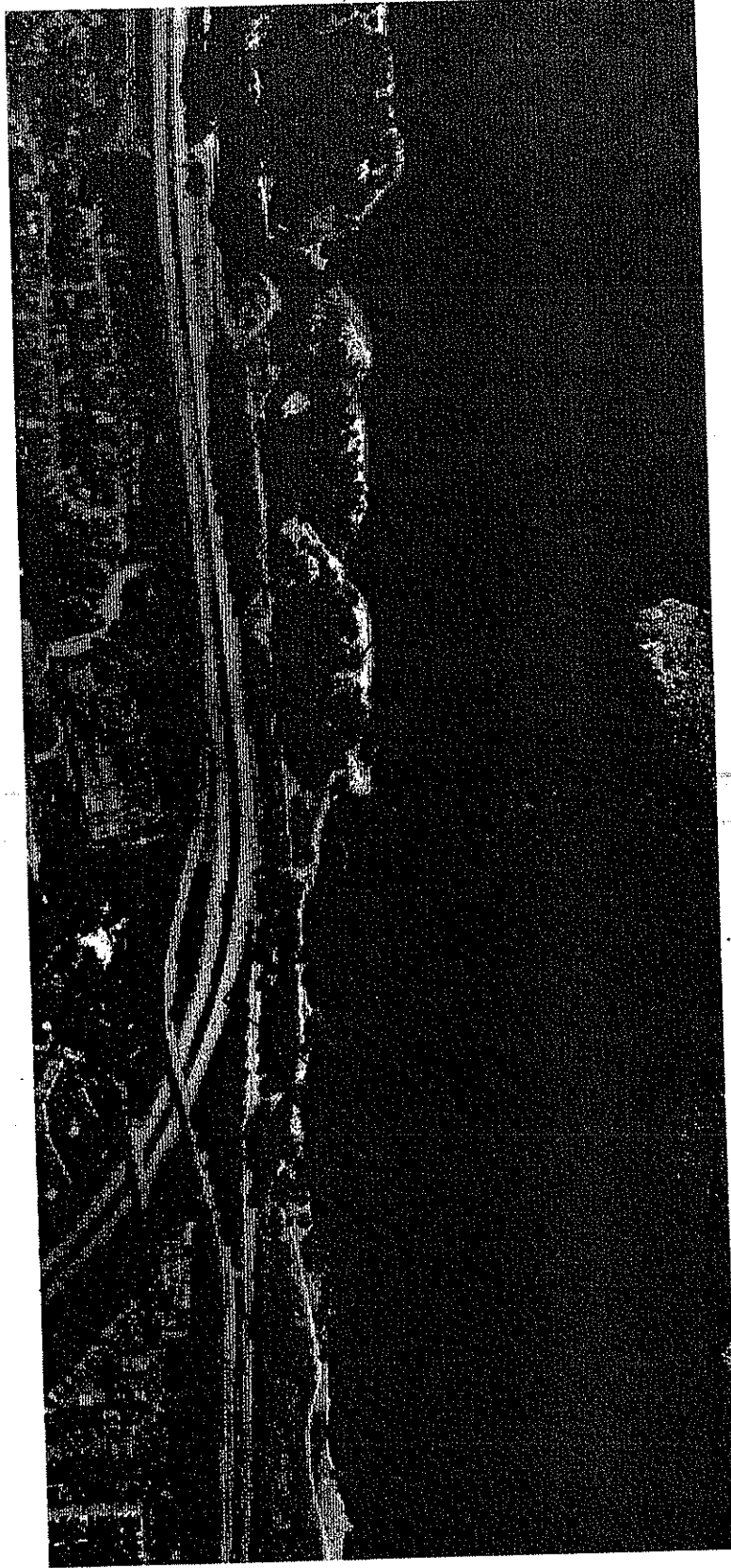
**Figure 7a**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**San Andreas Outlet Structure 2, Plan View**

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
 Contact: Anastasio Mavroudis



**Figure 7b**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**San Andreas Outlet Structure 3, Plan View**

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
**Contact:** Anastasio Mavroudis



Source: URS (65% Submittal), ICF Jones & Stokes.

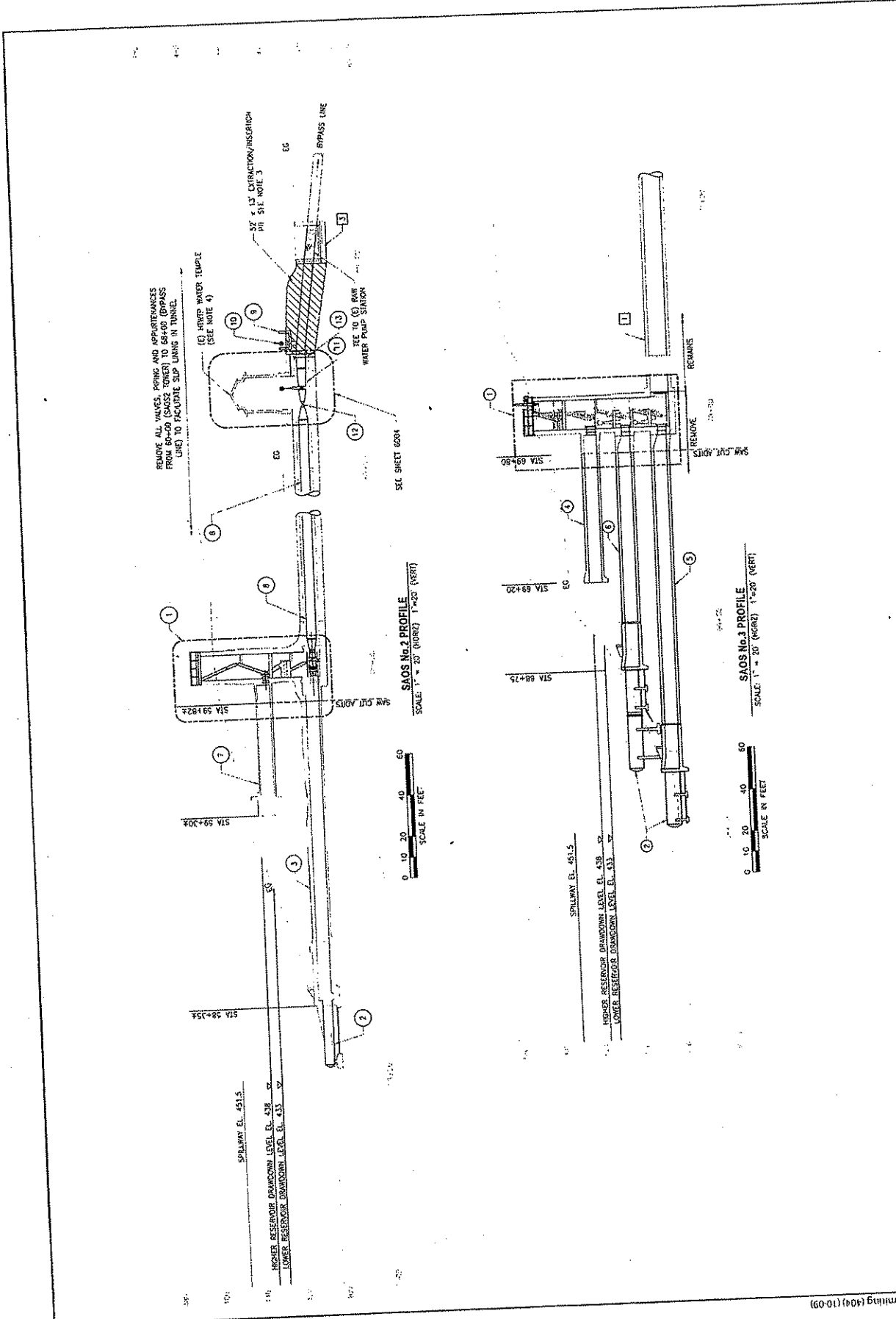
**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements

**Location:** San Mateo County, CA

**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103

Contact: Anastasio Mavroudis

**Figure 7c**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S, SAOS 2 and 3, Preferred Disposal Area**



**Figure 7d**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**SAOS 2 and 3, Existing Profile Views**

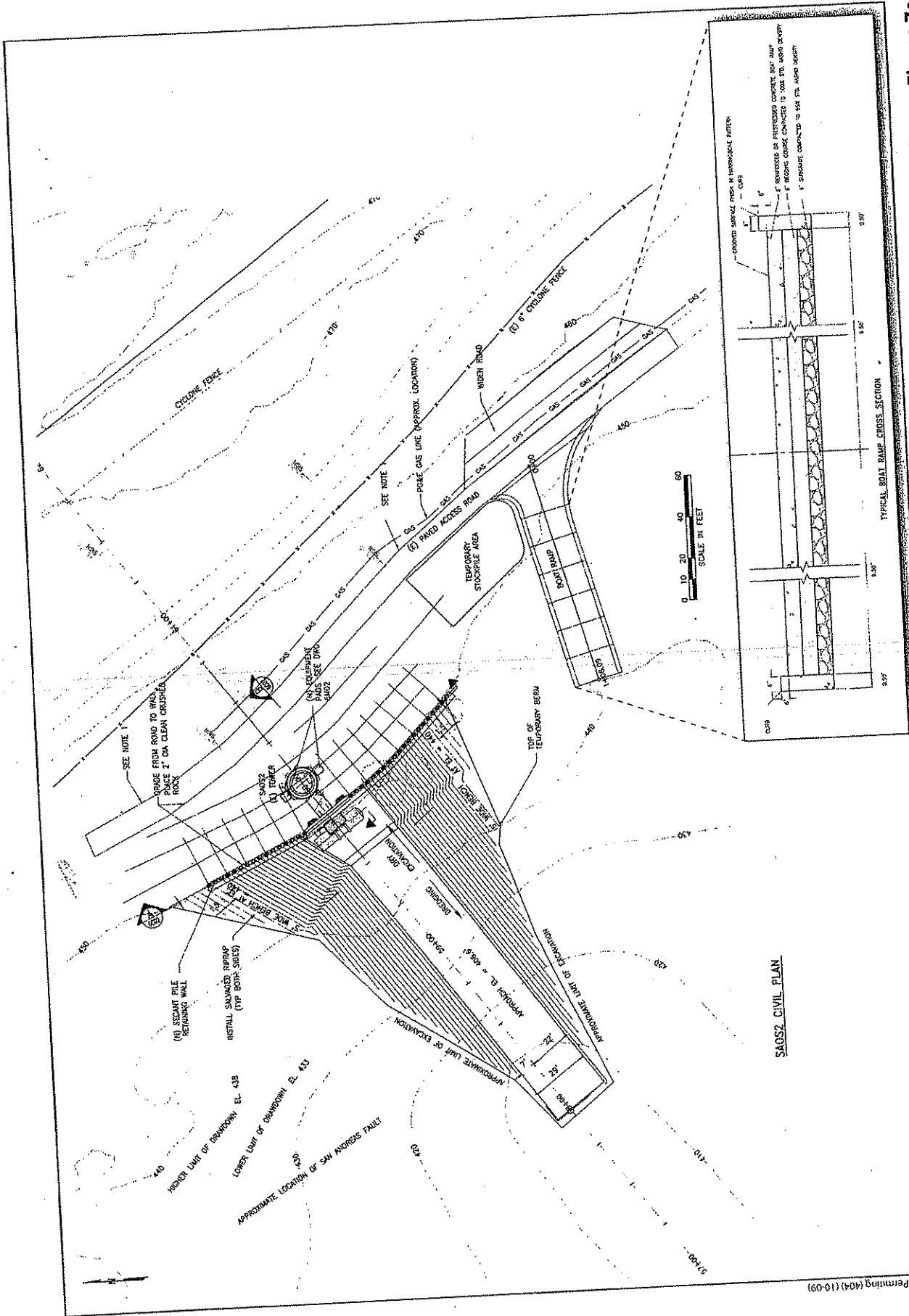
Source: URS (65% Submittal), ICF Jones & Stokes.

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements

**Location:** San Mateo County, CA

**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103

Contact: Anastasio Mavroudis



**Figure 7e**  
**CS/SA Transmission System Upgrade Project – USACE File #400143S,**  
**SAOS 2, Proposed Plan View**

Source: URS (65% Submittal), ICF Jones & Stokes.

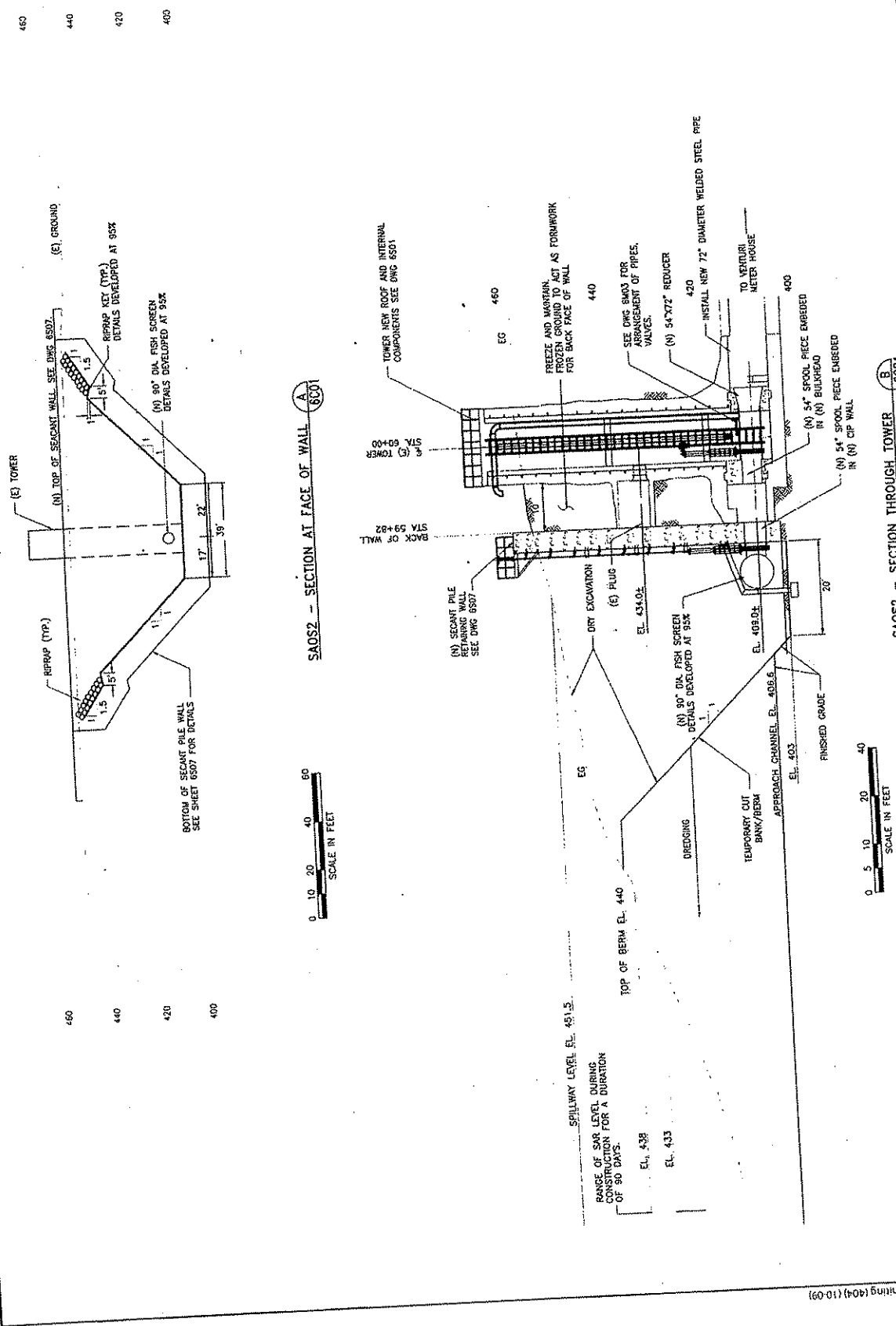
**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements

**Location:** San Mateo County, CA

**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103

Contact: Anastasio Mavroudis

00396.08 Permitting (494)(10-09)



**Figure 7f**  
**CS/SA Transmission System Upgrade Project - USACE File #400143S,**  
**SAOS 2, Profile and Section**

Source: URS (65% Submittal), ICF Jones & Stokes.

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements

**Location:** San Mateo County, CA

**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103

Contact: Anastasio Mavroudis



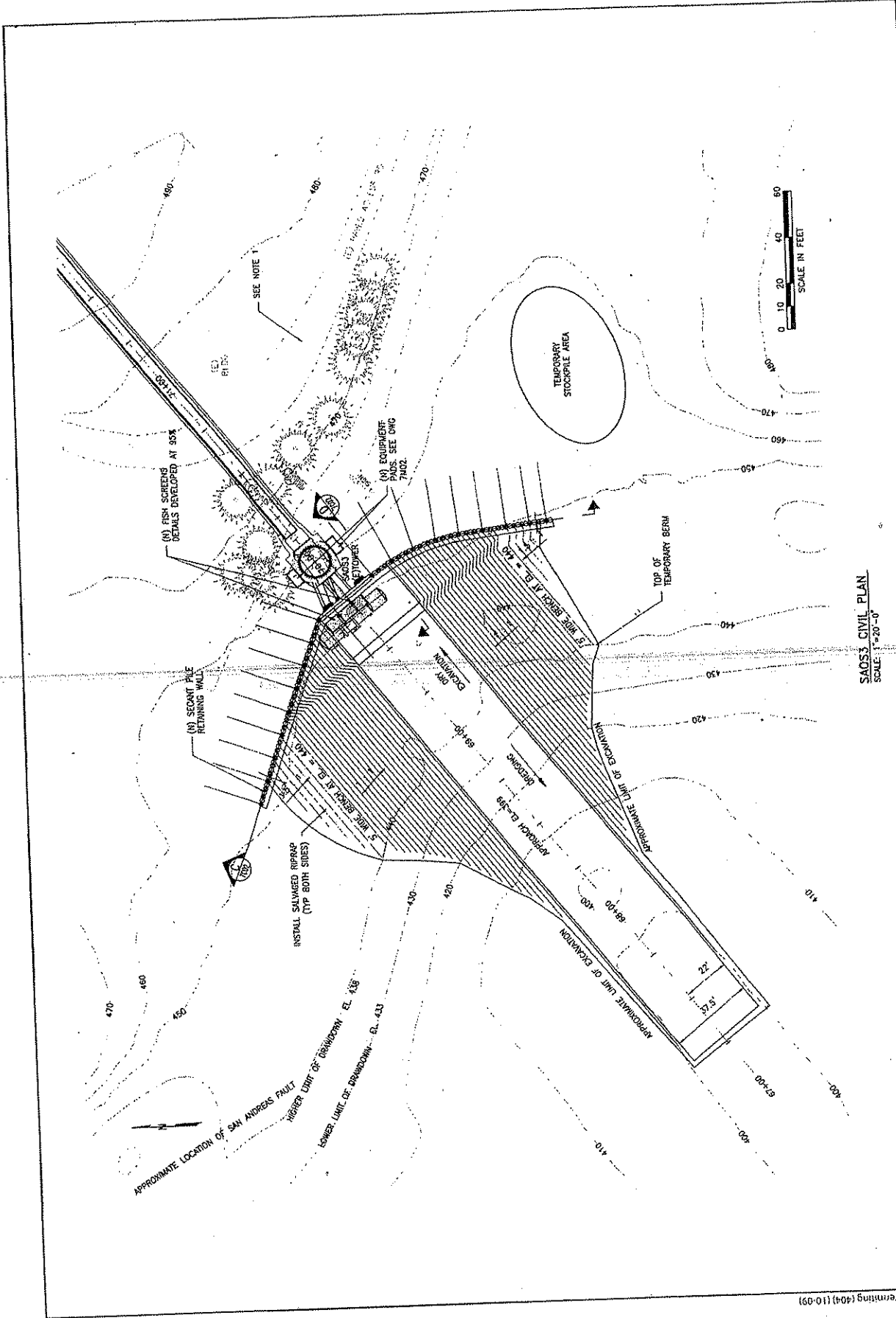


Figure 7g  
 CS/SA Transmission System Upgrade Project – USACE File #400143S,  
 SAOS 3, Proposed Plan View

Source: URS [65% Submittal], ICF Jones & Stokes.

**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements

**Location:** San Mateo County, CA

**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103

Contact: Anastasio Mavroudis

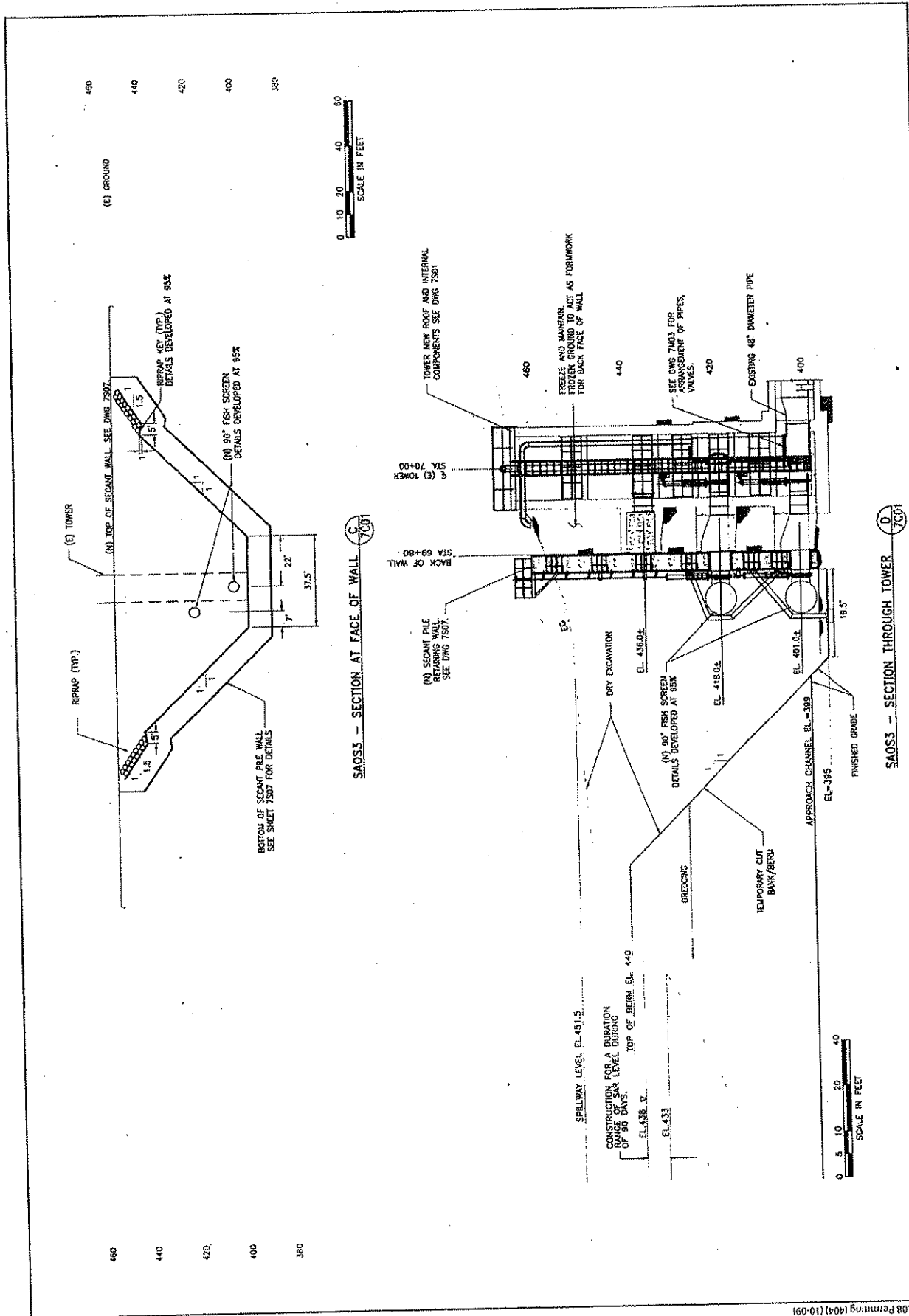


Figure 7h  
 CS/SA Transmission System Upgrade Project – USACE File #400143S,  
 SAOS 3, Profile and Section

Source: URS (65% Submittal), JCF Jones & Stokes.  
**Purpose:** Facility upgrades – reduce seismic vulnerability, improve facility reliability and meet DSOD requirements  
**Location:** San Mateo County, CA  
**Applicant:** San Francisco Public Utilities Commission, 1155 Market Street, 6th Floor, San Francisco, CA 94103  
 Contact: Anastasio Mavroudis



SAN FRANCISCO ARTS COMMISSION

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 APR 29 PM 2:45  
BY Le

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: April 28, 2010  
SUBJECT: FY 2009-10 Third 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 March - 2010", please see the attached Report with the explanation for the Arts Commission for the third quarter ending March 31, 2010.

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

Attachment: Report (2 pages)



CITY AND COUNTY OF  
SAN FRANCISCO

11

ARTS COMMISSION

FY 2009-10 QUARTERLY REPORT - EXPENDITURE

Quarter Ending: March 31, 2010

CHARACTER	FY09-10	FY09-10	% FY	Spend	EXPLANATION
	Budget	3rd Qtr Actual	Elapsed	Rate	
<b>Subfund: 1G AGF AAA General Fund Non-Project</b>					
001 Salaries	362,877	298,159	72.03%	82.17%	) The spending rate is 10% higher in Salary and 14.7% higher in benefit.
013 Mandatory Fringe Benefits	117,101	101,559	72.03%	86.73%	) 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.
081 Services of Other Depts	211,059	123,218	75.00%	58.38%	) Billing from other performing departments did not catch up the 3rd quarter rate.
Subfund :1G-AGF-AAA Totals	691,037	522,936		75.67%	
<b>Subfund: 1G AGF AAP General Fund Annual Project</b>					
001 Salaries	225,833	194,302	72.03%	86.04%	) The spending rate is 14.01% higher in Salary and 5.16% higher in benefit.
013 Mandatory Fringe Benefits	75,070	57,948	72.03%	77.19%	) The budget was set with attrition and savings on salary. Most of the employees are getting maximum step 5 salary, which results in less savings. The deficit will be to other surplus at the year end close to stay within the budget.
021 Non Personal services	1,967,829	2,051,124	75.00%	104.23%	) The majority of this amount is payment to the SF Symphony for the Summer in the City concerts. 100% of which was fully paid in the 2nd quarter.
038 City Grant Programs	3,090,490	2,258,855	75.00%	73.09%	) City's grant to the Cultural Centers, Arts Organizations and Neighborhood Art grants will are in line with the budget at the year end.
040 Materials & Supplies	-	68		na	) Will be abated to other surplus.
06F Facilities Maintenance	20,750	-	75.00%	0.00%	) Work in progress. Expense not billed by DPW yet.
081 Services of Other Depts	253,327	89,494	75.00%	35.33%	) 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)	(184,457)	75.00%	41.81%	) Billing rate is lower as per the actual adjustment entry by the Controller.
Subfund :1G-AGF-AAP Totals	5,192,070	4,467,334		86.04%	

ARTS COMMISSION									
FY 2009-10 QUARTERLY REPORT - EXPENDITURE									
Quarter Ending: March 31, 2010									
		FY09-10 Budget	FY09-10 3rd Qtr Actual	% FY Elapsed	Spend Rate	EXPLANATION			
CHARACTER									
Sub fund: 1G AGF WOF Work Order Fund - WritersCorps									
001	Salaries	110,434	64,383	72.03%	58.30%	The actual spending rate is less than the budget and at the year end the budget will be met.			
013	Mandatory Fringe Benefits	55,946	33,251	72.03%	59.43%				
021	Non Personal services	174,620	107,262	75.00%	61.43%	WritersCorps teachers expenses will be incurred mostly from the 2nd quarter onwards.			
086	Expenditure Recovery	(341,000)	(192,464)	75.00%	56.44%	Billings for \$12,432 will be made in the remaining quarters for the WritersCorps work order fund.			
	Subfund : 1G-AGF -WOF Totals	-	12,432						
ARTS COMMISSION									
FY 2009-10 QUARTERLY REPORT - REVENUE									
Quarter Ending: March 31, 2010									
		FY09-10 Budget	FY09-10 3rd Qtr Actual	FY08-09 Year End Projection		EXPLANATION			
Subfund: 1G AGF AAA GF Non-Project Controlled									
60127	Civic Design Fee	50,000	26,500	50,000		Expected to achieve the revenue at year end.			
Subfund: 1G AGF AAP GF Annual Project									
12210	Hotel Room Tax	1,516,000	633,767	1,516,000		Expected to achieve the full revenue at year end. The Controller's office records the revenue monthly based on the Hotel Tax collected for the month.			
9501G	ITI FR 1G-General Fund	250,000	250,000	250,000		GF-TA grant is fully received.			
		1,766,000	883,767	1,766,000					

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
GRAND JURY

4-22 BOS: PRES ps  
COB  
GAO clerk  
orig: Joy  
4-27 BOS-10, cpa

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

April 22, 2010

Supervisor David Chiu, President  
San Francisco Board of Supervisors  
#1 Dr. Carleton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94122

Dear Supervisor Chiu:

The 2009-2010 San Francisco County Civil Grand Jury will release its report to the public entitled "AMERICANS WITH DISABILITIES ACT: IS SAN FRANCISCO IN COMPLIANCE?" on Tuesday, April 27, 2010. Enclosed is an advance copy of this report. Please note that by order of the Presiding Judge of the Superior Court, James J. McBride, this report is to be kept confidential until the date of release.

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

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

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

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

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

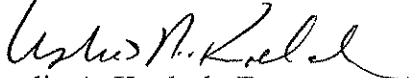
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 APR 22 AM 8:44  
BY [Signature]

12

(4) that the recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code sections 933, 933.05)

Please provide your responses to the Findings and Recommendations in this report to the Presiding Judge of the Superior Court, Hon. James J. McBride, not later than Wednesday, July 21, 2010, with an information copy sent to the Grand Jury Office at the above address.

Very Truly Yours,



Leslie A. Koelsch, Foreperson  
2009 -2010 San Francisco Civil Grand Jury

cc: Members of the Board of Supervisors  
Angela Calvillo, Clerk of the Board ✓

2009-2010 Civil Grand Jury

City and County of San Francisco

**AMERICANS WITH DISABILITIES ACT:  
IS SAN FRANCISCO IN COMPLIANCE?**

Report Released: APRIL 2010



## Purpose of the Civil Grand Jury

California state law requires that all 58 counties impanel a Grand Jury to serve during each fiscal year (Penal Code section 905, California Constitution, Article I, Section 23). In San Francisco, the presiding judge of the Superior Court impanels two grand juries. The Indictment Grand Jury has sole and exclusive jurisdiction to return criminal indictments. The Civil Grand Jury scrutinizes the conduct of public business of county government.

The function of the Civil Grand Jury is to investigate the operations of the various officers, departments and agencies of the government of the City and County of San Francisco. Each civil grand jury determines which officers, departments and agencies it will investigate during its term of office. To accomplish this task, the grand jury is divided into committees, which are assigned to the respective departments, or areas, which are being investigated. These committees visit government facilities, meet with public officials and develop recommendations for improving City and County operations.

The 19 members of the Civil Grand Jury serve for a period of one year from July through June 30 the following year, and are selected at random from a pool of 30 prospective grand jurors. During that period of time it is estimated that a minimum of approximately 500 hours will be required for grand jury service. By state law, a person is eligible if a citizen of the United States, 18 years of age or older, of ordinary intelligence and good character, and has a working knowledge of the English language.

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Applications to serve on the Civil Grand Jury are available by contacting the Civil Grand Jury office:

- by phone (415) 551-3605 (weekdays 8:00-4:30)
- in person at the Grand Jury Office, 400 McAllister Street, Room 008, San Francisco, CA 94102.
- online by completing the [application](#) at

<http://www.sfsuperiorcourt.org/Modules/ShowDocument.aspx?documentid=1988>

### State Law Requirement

Pursuant to state law, reports of the Civil Grand Jury do not identify the names or identifying information about individuals who provided information to the Civil Grand Jury.

Departments and agencies identified in the report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of Supervisors. As to each finding of the Civil Grand Jury, the response must either (1) agree with the finding, or (2) disagree with it, wholly or partially, and explain why. Further, as to each recommendation made by the Civil Grand Jury, the responding party must either report (1) that the recommendation has been implemented, with a summary explanation of how it was implemented; (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation; (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of this report); or (4) that recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code, Sections 933, 933.05.)

## PURPOSE OF THIS REPORT

The purpose of this report is to review the status of Title II compliance of the Americans with Disabilities Act (ADA 1990) by the City and County of San Francisco, and to support the Mayor's Office on Disability (MOD) in achieving that mandate within a reasonable time. Title II requires the facilities, programs, activities, and services of State and local governments to be made accessible to persons with disabilities.

### I. SUMMARY

The 2009/2010 Civil Grand Jury initiated an investigation to determine what has been done to comply with the 1990 Americans with Disabilities Act (ADA) and what, if anything, remains undone in order to complete the compliance with the Act.

The Jury identified three areas where support is needed in order for full compliance to be achieved:

1. The citizens' grievance procedures
2. The Facilities Transition Plan (FTP)
3. Training programs for City staff, especially for the public contact personnel at the San Francisco Police Department (SFPD) and Municipal Transportation Agency (MTA)

There are many areas in which further work needs to be done, nevertheless much has been accomplished, and the Civil Grand Jury finds it appropriate to extend its compliments for the dedication, effort, and achievement of the personnel in the Mayor's Office on Disability (MOD) and the Department of Public Works (DPW). Their efforts have brought San Francisco global recognition for leadership and achievement of accessibility for its disabled residents and visitors.

### II. INTRODUCTION

It has been twenty years since the ADA was passed. The 2009/2010 Civil Grand Jury investigated the status of Title II compliance in the City and County of San Francisco. Within the past ten years, the current Mayor's Disability Council (MDC) and the Mayor's Office on Disability (MOD) were established. Both are dedicated to achieving a broad array of responses to the 1990 mandates. Studies and evaluations were conducted, response plans devised, programs annually funded, and virtually every department and service of the City became involved.

A tremendous amount of work has been accomplished to date, but more remains. The primary focus of the Jury was to determine what remains undone, and whether San Francisco is on a reasonable track for the completion of compliance projects.

### III. METHODOLOGY

Information was gathered by extensive review of material available on the Internet, examination of studies and documents, and through confidential interviews with highly placed individuals in the Offices of the Mayor, the City Controller, the MTA (MUNI), the DPW, the City Attorney, and the San Francisco Police Department. Observations by and personal experiences of San Francisco residents were also taken into consideration.

### IV. DISCUSSION OF INVESTIGATION

Title II of the 1990 Americans with Disabilities Act (ADA) mandated local governments undertake reasonable accommodation(s) to render facilities and programs accessible to persons with disabilities. By 1999 the current Mayor's Disability Council (MDC) was established and the Mayor's Office on Disability (MOD) re-created to direct the efforts of the City and County of San Francisco to comply with those mandates. The 2000 census indicates some 150,000 San Francisco residents are disabled; that is nearly one San Franciscan in five, and the proportion could significantly increase as the population ages. San Francisco is in the forefront of compliance activities, and is consulted regularly by other jurisdictions both in the United States and internationally. The MOD became a focus of the investigation as it is responsible for a very broad range of duties: advising and training the staff of every city department; assisting in the design and direction of the Facilities Transition Plan (FTP - San Francisco's program for architectural barrier removal); implementing a new process for disabled citizen's input (a new grievance procedure); and advocacy for the full incorporation of disabled persons to all public programs and services.

The 2000/2001 San Francisco Civil Grand Jury investigated the Mayor's Office on Disability and the Mayor's Disability Council. Since the release of that report, the recommendations have been addressed and/or adopted. The recommendations were concerned with the structure and authority of the MDC and MOD, and the completion and publishing of the self-evaluation for City departments (late 2001) and the transition plan (mid-2002). These materials formed a basis for the report *Toward Unobstructed Access* (mid-2004) that became the foundation for compliance achievement. A brief timeline of disability actions dating back to 1984 can be found in the 2000/2001 Civil Grand Jury report.

The activities of the MOD span a very broad range of practice and disciplines with only three staff members and a budget of \$600,000 per annum. The Jury reviewed three activities for further discussion. These are:

- 1 - The citizens' grievance procedure
- 2 - The Facilities Transition Plan (FTP)
- 3 - Training programs for City staff, especially at SFPD and MTA

While the ADA does not specify any compliance completion date, San Francisco may be vulnerable to litigation where required accessibility has yet to be achieved. There is then

a sense of urgency to complete as much as possible as soon as possible. Settlements of past lawsuits (such as ADA Task Force, et al., v. CCSF, 1997 (settled 1999), Cherry v. City College of San Francisco, 2001 (settled 2006), King v. CCSF, 2007 (settled 2009)) have required the expenditure of millions of dollars toward Title II compliance, court costs, and attorneys' fees. The 1997 case settled for \$18,000,000, the 2001 case settled for \$20,000,000, and the 2007 case settled for \$4,000,000 (per year).

The City of Seattle was sued five years ago for their level of Title II compliance and settled on a twenty-year plan to achieve the ADA mandates. Caltrans also has been taken to court and was directed to reach compliance in thirty years. There are civil cases large and small currently working their way through the courts aimed at the Title II compliance of the City, and many departments are involved as expert witnesses in defending the City. These cases could be costly but may readily be settled due to the extensive efforts underway to meet and surpass the Title II mandates.

### **1) Grievance Procedures**

The ADA requires public entities to adopt "procedures providing for prompt and equitable resolution of complaints alleging" violations of the ADA. The City has developed an alternative to filing a complaint with the U.S. Department of Justice (DOJ) for residents to raise ADA Title II issues involving the programs and facilities of San Francisco called the Grievance Procedure. Complaints are taken, investigated, verified, and forwarded to the appropriate agency for resolution. Assistance for the City agency is available through the MOD for their response to the complaint, as well as the client raising the concern.

The MOD receives over 110 contacts from citizens each month. The majority of these contacts turn out to be requests for information, referrals, and general ADA questions or services. However, 10% are written complaints which require a significant investment of time by staff. The process includes conversation with the complainant, evaluation, and verification of the complaint by staff trained in the specific needs of the disabled. Only legitimate issues are presented to the appropriate departments, thus avoiding unnecessary work hours by individual departments.

In order to accomplish timely responses to the current numbers of complaints, the MOD stated the need for 1.5 full time equivalents (FTEs) for intake, verification, and direction of each case. An average of ten hours is needed per case. The staff dedicated to the handling of the grievance procedure was eliminated in the 2009/2010 budget. As the grievance procedure becomes more widely publicized, the number of contacts will increase. Staffing levels will need to increase accordingly.

### **2) Facilities Transition Plan**

The Facilities Transition Plan (FTP) has evolved from architectural barrier removal projects dating from the early 1970s, and has been updated periodically. The latest revision covering curb ramps and sidewalks was released in 2008. As stated in the 2008

FTP, there are 46,500 locations in the city. Only about 10,800 have curb ramps considered safe and usable. The remaining locations either have no ramps or ramps that need reconstruction to meet current standards. The San Francisco Capital Plan for 2009-2018 contains a schedule for the funding to address an inventory of over 17,728 corners in every district. To date the pace and funding levels have been maintained with no deferrals. Both the MOD and the Department of Public Works (DPW) stress the need for consistent levels of funding in order to maintain momentum and expertise. Any reduction of monies, however temporary, will likely result in the elimination of staff positions and cause unreasonable delays. When funding returns a new staff would have to relearn the practices and specifications already developed. The MOD assists in the design and some of the funding for the curb ramps and the DPW performs the construction work. The DPW has estimated a cost of almost \$14,000 per corner for curb cuts (see comments). The average number of curb cuts per corner is 1.8 (one cut for each crossing direction) which totals an average of \$56,000 for a four point intersection. This seems like a large amount of money, but each site requires individual assessment and design work by teams of skilled personnel as utility conduits, drainage grates, and physical layout of intersections are not standard. The task is very labor intensive due to the very nature of the work itself.

The major obstacle to accelerating the completion of curb ramps is financial. The departments performing the modifications are balancing staff levels with available funding in a direct correlation. As funding increases, so will the staff (and their level of expertise), and the number of locations brought into compliance. In order to achieve the goal with regard to curb cuts of the FTP in ten to fifteen years, the DPW would have to enlarge and train its staff. To achieve the goal of the FTP in less than ten years is possible but would require the DPW to outsource a significant portion of the work to private parties. The use of private contractors for curb cuts is likely to raise the cost of a curb cut significantly (DPW, 2010).

There are side benefits to staff expansion. These would include positive effects on the Better Streets Plan (a comprehensive set of street design guidelines to meet social, recreational, transportation, and ecological goals), and water runoff projects. They would also allow increased attention and resolution of the most complex and difficult sites to commence, increase and broaden the expertise in design, management, and execution of all public works projects. This experience and expertise is salable to other jurisdictions (consultations, etc.) and has the potential to generate revenue. San Francisco is seen as a global leader in accessibility and departments such as the MOD and DPW are consulted regularly by outside jurisdictions concerned with a broad range of accessibility issues and categories.

Another major barrier for disabled persons is the condition of sidewalks. Cracks, rough and missing pavements, tree stumps, missing street trees and/or the grates at the base of the trees, flags (pavement sections of a sidewalk) displaced by tree roots, inconsistent curb heights, and loose or missing utility covers are among the most common obstacles for foot travelers. Often property owners do not make the repairs even after official notification to do so, leaving the task to the DPW. The work will be done and the

property owners will be charged for the cost of the repairs either directly or by an assessment on their property tax bills. This process impacts the financial state of the DPW, as costs must be floated until payments are made by the property owner, necessitating the development and maintenance of a significant separate fund for that purpose.

In 2005 the DPW conducted a survey of 450 blocks to assess the sidewalk issue and by extrapolation determined the cost of repairs city wide to be in the range of \$250,434,000. The vast majority of the financial responsibility for sidewalk repair lies with property owners, State, and Federal jurisdictions. It is estimated that the City would be responsible for only \$10,000,000 to \$20,000,000 of that total. The cost estimate for full curb ramp completion is also in the range of \$250,000,000, totaling over \$500,000,000 in capital spending for street accessibility accommodations. These figures far exceed the amounts currently budgeted, and will most likely require a dedicated bond issue to make up what is not covered by the many and varied sources of available funds.

Planned and contemplated transit network adjustments (routes altered, eliminated or condensed, relocated stops, etc.) give an opportunity to correct the inconsistent layout of public transit boarding areas and site suitability, although this issue is not often reviewed very well. New construction and works performed by utility companies reduce the financial exposure of the City (DPW, 2010).

An additional responsibility of the DPW is the function of enforcement for the incursions to the public right of way. These include scaffolding, street tables/chairs, merchant signage, etc., whether permanently or temporarily installed, even parked cars in some situations. More than half of the complaints received by the DPW for sidewalk incursions violations are due to temporary conditions. Contractors who have been 'unaware' of the requirements for temporary obstructions of or closure to public rights of way readily make the necessary adjustments when instructed to do so. Information pertaining to the regulations is included with the permits required for sidewalk incursions and was updated in 2008.

Currently the enforcement of these issues for the entire city and county is covered by a team for complaint-based street encroachment projects, and a team for scheduled sidewalk improvement programs. The Bureau of Street Use and Mapping (in DPW) reports over 1000 complaints are on file at any given time, and with the advent of the San Francisco's 311 service, the numbers of new filings is increasing. On March 15, 2010 the backlog of complaints was 1152, and the Bureau is unable to respond to inspections and complaint processing in a timely fashion. With 1800 miles of sidewalk and over 400 complaints about streetscape issues per week the Bureau needs at least seventeen inspectors, several more than the present number, just to keep pace with investigations, site visits, education of persons seeking sidewalk incursion, and clearing the backlog of filings. Many businesses and contractors encroach on the right of way without obtaining a permit. Permit fees are used to support the enforcement and outreach tasks. Permits cost anywhere from \$55 to \$1000 (and up to \$3800 for a major encroachment). Over 20,000 permits are awarded each year (DPW). The Blind and Low Vision Priorities Project

(BLVPP, 2007) reports that despite existing DPW regulations, 60.6% of blind respondents and 32.8% of low vision respondents frequently encounter intrusions into the path of travel. Survey and focus group participants who are blind and low vision recommend that San Francisco increase the responsiveness of the DPW and DPT to complaints; develop and publicize a clear system for tracking intrusions or obstacles and addressing them or removing them; and enforce related policies and rules about keeping public pathways clear (focusing on the general public, business owners, homeowners, car owners, and city contractors) (BLVPP 2009; sec. III pp. 3).

### **3) City Staff Training**

The third area of concern is the education of city staff and departments, particularly the MTA and SFPD. Both departments have large numbers of employees with a great deal of public contact. Both departments already have means to update and sensitize their staff to the particular needs of disabled persons, and have some materials in their continuing education programs. Nevertheless, disabled persons continue to experience serious or dangerous failures of service, sometimes due to employee carelessness and sometimes by poor architectural design. Mandatory review of improved training materials combined with testing and some sort of certification granted upon successful completion would go a long way toward mitigating these negative experiences.

Blind and low vision MUNI riders cannot get consistent stop and line or route information announced by the operator when the digital voice announcement system (DVAS, an automated system) is either uninstalled, inoperable, drowned out by noise in the vehicle, or even turned off. The light rail vehicles' (LRVs) DVAS for route and stop announcements does not operate when the cars are above ground, making it imperative the operator use the onboard public address system. Despite hundreds of complaints over the last ten to twelve years, MUNI has not corrected this failure. Vehicles are stopped without regard for obstacles in the path of off-boarding passengers or curb heights beyond the ability of persons with limited joint movement to negotiate. In addition, boarding platforms should occasionally be considered necessary for disabled passengers not specifically confined to wheelchairs. And transit operators should never fail to notify a passenger of a requested stop. While evidence for the information above is anecdotal and not part of a systematic or scientific study, it does indicate a continuing need for improved service response to disabled persons. The BLVPP contains an entire section dedicated to public transit. A very high priority is given to audible information (either automated or by operator). The MTA rules and instructions handbook for vehicle operators specifically requires that announcements be made in any one of various forms and situations. The following chart of a survey from the BLVPP shows a ranking of useful adaptations for public transit:

**Table 4: Most Useful for Public Transportation**

(n = 177)

**Approaches for Accessible Transit %**

"Talking" buses or MUNI trains 72.9%

A driver who is helpful and freely gives information 53.1%

Bus stops or MUNI train stops that announce what bus is coming 22.6%

Bus stops or MUNI train stops that tell you what routes stop there 15.8%

Route and schedule information available by phone or Internet 11.3%

Other public transit workers who are helpful 9.6%

Other 7.9%

Don't know/no opinion 0.6%

\* Because respondents could select multiple response options, percentages add up to greater than 100%.

The BLVPP also states the number one priority of respondents (41.7 %) involves issues pertaining to transportation, travel, and pathways. "Most of the solutions proposed by those affected would not require new technological fixes or dramatic policy changes. Rather, the community urged better staff education and enforcing compliance with existing regulations." (BLVPP 2007, sec III pp 2)

When asked about these abuses and flagrant violations of reasonable accommodation, even the very highest levels of MTA personnel responded by merely quoting departmental policy and failed to answer the specific concerns about the poor service experienced by disabled passengers over many years and indicated by numerous examples (MTA, January 2010).

The SFPD fares somewhat better. The claims that police actively discourage disabled persons from filing reports when their civil rights have been violated have been declining. However, many victims still relate that the police will only write a report upon the insistence of the person experiencing a violation. This may be due to the attempt of the police to reach some sort of resolution at the scene. Most often the perception of reluctance by the SFPD to act appears to be a combination of incomplete familiarity with ADA and local laws, the importance to the victim, and available actions to be taken on the part of the police to address the situation. This may indicate that the department would benefit from targeted educational programs and clear enforcement policies from the Chief.

For example, injuries to service animals from attacks by pet dogs (most often off leash) have been viewed as 'property damage' and not typically as an assault on the handler. An impatient transit rider who squeezed past a blind person off boarding a bus tripped over and broke his white cane and did not render help or offer to cover the cost of a new cane (\$100). The Police refused to get involved, calling it a civil case, and would not even give the blind person the name of the assailant. The low level of enforcement for many "petty crimes" such as bicycles riding on the sidewalk, off leash pets, litter, and other activities result in the regular occurrence of avoidable obstructions and safety hazards that commonly endanger disabled persons.



A new ADA Coordinator has been named at SFPD. It is imperative that this person be given the tools and support to continue the work already accomplished and expand sensitivity training programs.

When questioned about the actions of SFPD with disabled persons, the MOD relates that in their experience with complainants, evidence of systematic disfavor in tending to the calls for assistance by disabled persons was not found, but there is a need for further sensitivity training in the areas of ADA civil rights protections and the importance for the enforcement of those protections. The MOD does see evidence for systematic ignorance of the rights and needs of users of service and support animals, but generally not in the police response to assistance calls from them. The ADA is particularly vague when it comes to the definition of and qualifications for service and support animals which significantly contributes to the frustration and ambiguity felt by both the SFPD and legitimate service animal handlers involved in situations where violations are alleged. This issue is being addressed on a national level, albeit slowly.

The department does have specialized units which respond to a variety of specific concerns, and many of these programs can form the basis for a program for officer education and response improvement. For example, the dangerous dog unit performs a highly useful role in targeting the specific issues arising from irresponsible pet ownership. A video was produced in 2005 with donated funds and in cooperation with Guide Dogs for the Blind (San Rafael, CA) and Guide Dog Users Inc. to inform police officers of the significance and effect of [dog] attacks on working service animals.

The MOD is working with these departments to develop training programs. Currently the approach is to aim for the top (directors and managers) to ensure buy-in and an understanding of the importance. The goal is to eventually have the resources for an on-line training curriculum that would require a mandatory refresher every two years. The on-line courses would include quizzes, tests that must be passed, perhaps some sort of certification, and record keeping of completion. The jury supports this approach as an effective and economical method of training a large group of city employees. Many local and state programs can serve as models for the approach, which can save development costs by adapting already successful methodologies.

## V. CONCLUSION

The investigation revealed that extensive legislation has been written and enacted by Federal, State, and local governments. A great deal of work has already been done to respond to the legislation. While both the planning and the execution of all City departments' compliance activities vary in complexity and extent, most are making significant progress and understand the importance of the accommodations currently underway. Many talented, dedicated, and diligent persons are accomplishing their goals to eliminate barriers and render San Francisco a fully accessible city, both architecturally and programmatically. In a world where embodiment is the norm, mobility and

communication in all its forms is essential to survival. Any impairment thereof threatens one's very existence.

The Jury wishes to commend the dedicated performance exhibited by so many employees in addressing the Title II mandates and their impact on every department and service in the City. Many external jurisdictions see San Francisco as leading the state, country, and beyond in addressing accessibility and the incorporation of a large segment of its population previously excluded from equal membership in their community. The ADA is an unfunded mandate which makes financial backing for timely compliance achievement both a priority and a challenge. San Francisco has many talented and capable leaders given the task to find ways to bring the requirements and resources together to achieve as much accessibility as possible as soon as possible. Our disabled residents deserve nothing less and have been waiting far long enough.

**VI. FINDINGS**

**VII. RECOMMENDATIONS**

<p>1. San Francisco is vulnerable to litigation for non compliance with Title II mandates of the ADA.</p>	<p>1. The City Attorney’s Office should assess the liability and risk to the City for the incomplete level of Title II compliance, and report its findings to the Mayor and BOS by October 31, 2010.</p>
<p>2. In response to the ADA mandates, a Grievance Procedure has been developed for intake, investigation, and referral of citizens’ Title II compliance issues. Complaints that are referred to the appropriate departments have already been processed and verified as valid, and assistance to the affected departments in producing appropriate responses is available. This process significantly reduces the cost of the investigation of a complaint and the construction of a viable response by that department. The level of complaints is expected to increase by as much as three fold as the availability of the grievance process becomes better known in the community. The budget for this work was reduced for the current fiscal year (2009-2010) resulting in the lengthening of the time to complete the process and generating a backlog of cases. The sooner a complaint is processed, the less liability and risk exposure there is for the City. Delays drive up the costs of response and can encourage litigation.</p>	<p>2. San Francisco should expand the Grievance Procedure to the level necessary for the “prompt and equitable” resolution of ADA complaints.</p>
<p>3. Currently only issues involved with Title II compliance are handled by the Grievance Process. The likelihood of disabled citizens requiring an alternative for and assistance in filing concerns outside of Title II is extremely high. The only alternative for the aggrieved is litigation at great expense in both time and resources, or filing a complaint with the DOJ. It is estimated to cost about \$750,000 to expand the Grievance Procedure to cover private sector complaints.</p>	<p>3. By January 2011, the MOD in association with City departments’ ADA Coordinators should initiate a study to determine the feasibility of the expansion of the grievance procedure to incorporate private sector ADA compliance issues as an alternative to litigation.</p>

<p>4. The Facilities Transition Plan (FTP) is comprehensive and is updated periodically. Over two thirds of the plan has been accomplished, with work on the final portion underway. The capital plan for the City allows for the continued work, especially regarding curb cuts and sidewalk issues, but extends the costs over the next twenty to twenty five years. Current cost estimates total over \$500,000,000 with more than half of the sum originating from public sources. These sources are varied, and come from Federal, State, and local coffers via myriads of programs, many with specific use criteria. Even with all known sources, the expenditures far exceed available funds. Of critical importance is the need to maintain consistent levels of funding, without which experienced staff will be lost with detrimental impact on their programs.</p>	<p>4. San Francisco should obtain and distribute the needed funding through all available and creative means including targeted bond issues to accelerate the achievement of compliance goals in ten years. Consistent funding levels must be maintained in order to retain, develop, and expand the pool of valuable experienced personnel.</p>
<p>5. The City incurs significant risk and liability from the insufficient monitoring of incursions to the public right of way and the maintenance of a clear-path-of-travel. The DPW is responsible for the investigation and enforcement of temporary and permanent sidewalk incursions involving the entire City. The majority of infractions are due to temporary barriers incorrectly erected. Over 1000 complaints are on file at any given time, and more than 400 new complaints are received weekly. The team of inspectors has been unable to keep pace with and process these complaints. Delays in the correction of incursions can lead to lawsuits.</p>	<p>5. The City should pursue full enforcement and monitoring of incursions to the public rights of way, especially with regards to temporary sidewalk incursions. Staffing levels must be maintained to address and complete inspections and investigations promptly and to eliminate backlogged cases.</p>
<p>6. The SFPD and MTA (MUNI) (DPT) have large numbers of employees whose work involves a great deal of public contact. Assistance and sensitivity training for the service to and interaction with disabled persons in a manner which is effective and respectful of their rights, has yet to be fully developed. A successful completion certificate would result in a higher degree of subject retention and grant a sense of accomplishment when awarded. The MOD is working with these departments in order to do so, but lacks</p>	<p>6. By June 2011, the City should develop training programs in areas of assistance and sensitivity to the needs of disabled persons, especially at MTA and SFPD. These programs should be implemented by December 31, 2011.</p>

the financial wherewithal needed for its accomplishment. Many viable models exist which can be adapted to fit training goals, reducing development and implementation costs.



## VIII. REQUEST FOR RESPONSE

Responses to the recommendations in this report are required by the Board of Supervisors and city offices and departments in accordance with the following list and state law. Responses are to be in writing and addressed to the Honorable James McBride, Presiding Judge, Superior Court of California, City and County of San Francisco, San Francisco Civic Center Courthouse, 400 McAllister Street, San Francisco, California, 94102.

<i>Board of Supervisors:</i>	<i>90 days</i>
<i>Office of the Mayor:</i>	<i>60 days</i>
<i>Mayor's Office on Disability:</i>	<i>60 days</i>
<i>Mayor's Disability Council:</i>	<i>60 days</i>
<i>Office of the DPW:</i>	<i>60 days</i>
<i>Office of the MTA:</i>	<i>60 days</i>
<i>San Francisco Police Department:</i>	<i>60 days</i>
<i>The Office of the City Attorney:</i>	<i>60 days</i>

### REQUIRED RESPONSES TO RECOMMENDATIONS

Recommendation	1	2	3	4	5	6
<i>Response 90 Days</i>						
<b>BOS</b>	X	X		X	X	X
<i>Response 60 Days</i>						
<b>Mayor</b>	X	X	X	X	X	X
<b>MOD</b>		X	X	X		X
<b>MDC</b>		X	X	X		X
<b>DPW</b>			X	X	X	
<b>MTA</b>			X	X		X
<b>SFPD</b>			X			X
<b>City Attorney</b>	X					

## **IX. COMMENTS**

### **SAN FRANCISCO GOALS and PRIORITIES**

The following is a list of items important to the disabled community:

- Expand the ability for people with disabilities to live as integrated members of the community by attention to community services and accessible housing.
- Require 80% of new housing to be adaptable (easily converted to access, and visitable by all people with disabilities).
- Provide tools to increase education on disability rights issues not only for city workers, but for all persons affecting the physical environment for and services provided to the disabled population – even focused trainings on service and support animals (better awareness of the rights and responsibilities of handlers)
- Incorporate disability concerns in new green and environmental efforts – sensitivity to mobility needs.
- Make San Francisco a leader in employing people with disabilities starting with a city wide survey to establish a baseline of the current level of employment
- Expand approaches to include the needs of people with disabilities in transit, parking, and alternative means of transportation.
- Programmatic access requires eternal vigilance to effect desired improvements in access to services and departmental culture sensitization with regards to flexibility and individual attention as warranted for accommodation.

### **BLVPP REPORT**

The BLVPP report has been used extensively in this report due to its uniqueness. It is a systematic and scientific study surveying accessibility issues among a specific group of disabled persons, and in many ways reflects the overall trends and frustrations experienced by persons with other disabilities. The primary issues in the deaf and hard of hearing community are around communication (although very few complaints are directed at the City due to the availability of accommodation found here). Persons requiring mobility devices have achieved significant recognition of their needs, but the extent of work required for accommodation is large. In a world where embodiment is the norm, mobility and communication in all its forms is essential to survival. Any impairment thereof threatens one's very existence.

### **EXPERIENCED STAFF ADVANTAGES**

As the design and construction work of the FTP progresses, the staffs of the MOD, DPW, and other departments become increasingly experienced in those adaptations. Improving the time lines of the completion of adaptation programs will require additional staff positions be created and filled. There are significant side benefits to the expansion of

staff, beyond the completion of accommodation in far less time than currently planned. These include, but are not limited to:

- Acceleration of review/approval processes for all DPW projects
- Increase the implementation of the Better Streets Plan
- Greatly improve water runoff projects
- Allow deferred work on the most difficult accessibility areas to begin
- Greatly help in updating policies and practices throughout the DPW, especially where accessibility issues are involved
- Develop a resource of more specialized teams
- Revenue generation potential through consultation fees, etc. as our reputation of leadership and accomplishment grows beyond the county and the nation.

### **CURB CUT EXPENSE**

The cost of curb cuts varies from about \$4,000 to upwards of \$40,000 depending on the characteristics of the site. Factors that increase the cost include 1) surveying each site for elevation and grade data; 2) engineering review and drawings; 3) flat and level landings are required at the top and base of each ramp which are not subject to standing water or pavement degradation, and which are in tolerance where access points of buildings occur; 4) contrasting colors and textures of surfaces necessitating that different concrete mixtures be used; 5) police/fire call boxes, utility boxes, and runoff catch basins (which can add as much as \$10,000) frequently must be relocated; 6) erection of compliant barricades and detours for vehicles and pedestrians; 7) work must be scheduled around commute times – even over night to minimize disruption (often at premium pay); 8) coordinating with other City departments and outside agencies to schedule and complete their portions; 9) changes to sidewalk configuration (such as bulb-outs) require variances, easements, and property owner notices (as sidewalk maintenance is the responsibility of the adjacent property owner, and these changes can increase their liability, etc.); 10) good engineering gives good results which last a very long time – a process which has not always been done in the past.

Factors that relate to the reconstruction of curb cuts include: 1) changing standards (from 1970s to 2003, both Federal and State specifications set and amended); 2) subsurface soil failure which causes cracks, uneven surfaces, sloped landings, and runoff ponding; 3) insufficient site preparation at earlier installations; 4) damage from heavy vehicles riding up and over curbs; 5) poor workmanship and/or product failure at existing installation; 6) unanticipated effects of new construction or other changes to streetscapes, etc.

These are just some of the numerous and complex issues involved with access ramps, and is by no means an exhaustive list. Each site is unique, and requires a high level of expertise and craftsmanship. A ramp appears simple enough at the outset, but can become very involved during execution.



## X. INFORMATION SOURCES

### Departments Consulted:

Bay Area Rapid Transit (BART) Board of Directors  
Department of Public Works  
Mayor's Disability Council  
Mayor's Office on Disability  
Municipal Transportation Agency  
Office of the City Attorney  
Office of the City Controller  
Public Utilities Commission  
San Francisco Police Department

### Documents/Videos:

*Americans with Disabilities Act, Title II* (1990)  
*ADA MOD 10 Years of Success* (September 2009)  
*ADA Transition Plan for Curbs & Sidewalks* (2010)  
*ADA Transition Plan Projects List (Master)* (2009)  
*Blind and Low Vision Priorities Project* (2007)  
*Capital Plan 2009-2018*  
*CCSF Ten Year Capital Spending Plan* (2006)  
*Disability Status: 2000 Census Brief* (2003)  
*Enforce Assistance Dog Protection Laws* (How to Respond to Guide or Service Dog Attacks) 2005  
*Mayor's Office on Disability/Mayor's Disability Council Report (Civil Grand Jury 2000-2001)*  
*MOD Grievance Procedure*  
*MTA Announce!*  
*SF Better Streets Plan* (2006/2010)  
*Toward Unobstructed Access* (June 2004)

## LIST OF ACRONYMS

ADA	Americans with Disabilities Act
BLVPP	Blind and Low Vision Priorities Project
BSP	Better Streets Plan
CCSF	City and County of San Francisco
DOJ	Department of Justice (Federal)
DPT	Department of Parking and Traffic
DPW	Department of Public Works
DVAS	Digital Voice Announcement System
FTP	Facilities Transition Plan
LRV	Light Rail Vehicle
MDC	Mayor's Disability Council
MOD	Mayor's Office on Disability
MTA	Municipal Transportation Agency
SFPD	San Francisco Police Department

Amy Hart/ADMSVC/SFGOV  
04/27/2010 06:06 AM

To Amy Hart/ADMSVC/SFGOV@SFGOV  
cc Adam Hellman/ADMSVC/SFGOV@SFGOV, Alan  
Pringle/ADMSVC/SFGOV@SFGOV, Alex  
Fuentes/ADMSVC/SFGOV@SFGOV, Ann  
bcc Board of Supervisors/BOS/SFGOV  
Subject Office of the Chief Medical Examiner-Annual Report for  
Fiscal Year 2009-2010

History: This message has been forwarded.

The Annual Report of the Office of the Chief Medical Examiner for Fiscal Year 2009-2010 representing the data from Fiscal Year 2006-2007 is now posted on the Medical Examiner's website and at the San Francisco Public Library website. This Annual Report represents the first annual report compiled by Ann Marie Gordon, M.S., Forensic Laboratory Manager/Supervising Forensic Toxicologist. This Annual Report represents the work of all of the staff of the Office and therefore thank you to everyone who answered the phones, investigated and brought in cases from the field, identified and notified families, did followed up on cases in the Office, received and processed specimens and evidence, examined and certified cases, ordered and paid for supplies, processed payroll, worked on the budget, kept the physical plant safe and functioning, and did I mention answer the phones. A special thank you to everyone who assisted Ann Marie Gordon especially Nikolas P. Lemos, PhD, Forensic Laboratory Director/Chief Forensic Toxicologist whose computer and editing expertise were helpful is extracting data from a rudimentary database that was not designed to automatically summarized this data and who devoted many hours to proof-reading drafts. The section on Toxicology is greatly expanded and I encourage everyone to look at this very interesting data.

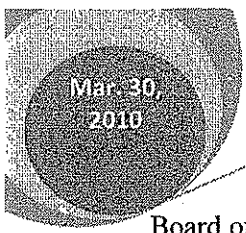


Annual Report.pdf

Amy P. Hart, M.D  
Chief Medical Examiner  
Office of the Chief Medical Examiner  
850 Bryant Street, North Terrace  
San Francisco, California 94103  
(415) 553-1799

13

BOS-11  
CWB



Emilelawrence@Yahoo.com

Board of Supervisors  
City & County San Francisco  
Room 250, City Hall  
One Dr. Carlton Goodlett  
San Francisco, CA 94102

**"As Delivered in front of the Board of Supervisors  
on March 30, 2010 recorded on SFGTV"**

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

Supervisors & Commissioners:

**Subject: UNAUTHORIZED REMOVAL TAXI DRIVER DOCUMENTS BY SFO EMPLOYEE**

I am submitting this letter which essentially are my "talking points" to the San Francisco Board. It will be mailed to the San Francisco Airport Commission, as well. Henry Thompson, Assistant Airport Director. Operations Management, a DAJA LLC employee has been removing letters, documents and other correspondence related to First Amendment rights, from bulletin boards at SFO which address taxi driver issues. He has consistently removed letters, documents, and cab driver postings for over one year. Mr. Thompson has had absolutely no authority to do so. Since 2009, he has removed up to 100 letters which I, alone, have posted related to taxi driver income.

Henry Thompson, as an employee of DAJA LLC, known to be friends of ex-Mayor Willie Brown, may have also fed stories to the media about taxi drivers speeding, (creating false incidents) to complete short fares, in order to help DAJA raise short-trip fees for taxi drivers returning to SFO. One recently published news story is false about taxis speeding back to SFO reeks with "dirty hands." Unlike DAJA or SFO employees, San Francisco taxi drivers do not have medical, dental, retirement funds/ plans and days off with pay. Yet, SFO wants to fund their specific paychecks with San Francisco's taxi driver income.

*DAJA has threatened San Francisco taxi drivers by stating: We will just let San Mateo cab drivers come into SFO and pay \$5 for short-fares. (Request that DAJA LLC to submit an audited budget.)*

Sincerely,

Emil Lawrence MBA  
660 Westfield Road  
Units 281 or 287  
San Francisco, CA  
94128

1-415-513-7705 Mobile PCS

BY \_\_\_\_\_  
AK

2010 APR 26 PM 2:31

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

**MTA management says bus drivers are over-paid.**  
*Los Directores del MTA dicen que los conductores están sobre pagados.*

**How much does an MTA manager make?**  
*¿Cuánto hace un director del MTA?*

Name / Nombre	Job title / Título	Total 2007 pay / Salario Total 2007 <u>NOT</u> including benefits / Sin incluir beneficios
Nathaniel Ford	Executive Director	\$315,000+
John Haley	Deputy CEO	\$235,000+
Bond Yee	Director Sustainable Streets	\$200,000+*
Carter R. Rohan	Director Capital Programs	\$199,000+
Sonali Bose	Director of Finance	\$197,000+
Kenneth Jew	Principal Engineer	\$173,000+
John Funghi	Assoc Engineer	\$173,000+
Chung-Ming Wen	Sr Engineer	\$171,000+
James Albert	IS Manager	\$169,000+
Vicki Rambo	Deputy Director	\$168,000+
William Nelson	Engineer	\$168,000+
Ashish Patel	Manager	\$160,000+
Diana Buchbinder	Deputy Director	\$159,000+
Nabil Tarazi	Engineer	\$158,000+
Gregg Wilcox	title unavailable	\$157,000+
Kerstin Magary	Manager	\$156,000+
Clifton Wong	Engineer	\$155,000+
Debra A. Johnson	Director of Administration	\$154,000+
Jun Chen	Manager	\$153,000+

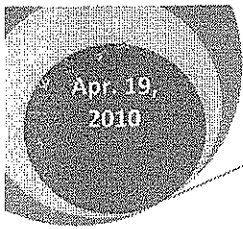
\*new hires

**The list goes on...but you get the point.**

*La lista sigue...pero usted agarra la onda*

**Maybe drivers aren't the problem.**

*Quizás los conductores no son el problema.*



EmileLawrence@Yahoo.Com

BOS-11  
LWB  
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 APR 26 PM 2:31

April 22, 2010

BY AK

DAJA International, LLC (DAJA)  
353 Sacramento Street  
Suite 1740  
San Francisco, CA 94111

Board of Supervisors  
City & County San Francisco  
Room 250, City Hall  
San Francisco, CA 94102

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

Supervisors, Commissioners & Directors:

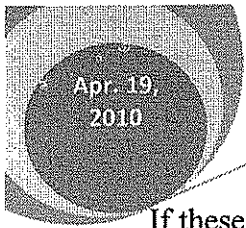
SUBJECT: DAJA Employee Henry Thompson & New Taxicab Taxes

This document serves two purposes, one to deal with the rogue DAJA Operations Manager Henry Thompson at San Francisco Airport (SFO) and the other to stop the increase of any taxi tax or fee which San Francisco taxi drivers are being pushed to pay upon entering or reentering SFO. These two issues are connected.

Several weeks ago I presented a letter and talk to the Airport Commission and the Board of Supervisors about SFO's Parking Management Company, which is DAJA and their employee Henry Thompson. I spoke about Henry Thompson's daily removal of documents that taxi drivers pinned to taxi driver bulletin boards at SFO. This rogue Operations Manager has no ethical or legal right to remove anything from this board. Yet, to quell taxi driver opposition to his unethical and immoral behavior, has continued to do so, at will. Henry Thompson's actions, I believe, are a violation of First Amendment Rights and the protocol of the Airport Commission and the federal authority that it operates under. This letter serves notice to the Airport Commission that the rogue agent Henry Thompson must be banned from approaching the taxi driver bulletin boards at SFO. At this juncture, he simple cannot be trusted as a negotiating agent for DAJA and the Airport Commission.

DAJA wants to increase taxi fees and shorts-trip fees that taxi drivers presently pay upon entering and re-entering SFO. The majority of taxi drivers are opposed to these increases that tax their income. In addition, DAJA has threatened to bring in San Mateo cabs to pick up shorts if San Francisco taxi drivers are opposed to DAJA's increased fees. At present, DAJA continues to manipulate taxi garage operation's cash flow at SFO to fatten their paychecks, pensions and profits, while San Francisco taxi drivers get no benefits at all, while serving the public at SFO.

15



If these threats to raise fees for taxis at SFO continue, if DAJA continues with this rampant war to squeeze drivers, then maybe the city and county of San Francisco should put SFO up for sale to the highest bidder. The majority of airports in Europe are managed this way, including Heathrow in London, England, such as their airport operator BAA. I can contact Morgan Stanley, JP Morgan or Goldman Sachs, to put together syndicates and look for buyers for SFO. If DAJA has to increase taxi fees, maybe SFO and DAJA do not really know how to make any money, running SFO, besides padding their paychecks and benefits. San Francisco taxi drivers get none of the benefits all SFO employees get, including DAJA.

I am putting the Airport Commission and the Board of Supervisors on notice, that these are not idle threats, voter initiatives can be put together to implement major changes here. And, those San Francisco taxi drivers, who have not benefits at all for serving SFO, while doing the City's business, should not tolerate being taxed. There are many other ways to monitor taxis, today.

### **THIS IS HOW BAA MANAGES TAXIS IN THE UNITED KINGDOM**

*The UK Heathrow Airport operator, BAA, is to introduce a new taxi management system from IT services provider, Steria, for London's Heathrow Airport. The solution aims to improve BAA's ability to monitor and manage **taxis** and is based on wireless RFID technology with mobile devices, replacing an existing PC-based system.*

Tailored to meet BAA's specific needs, the system draws on a core system already installed by Steria at *Charles de Gaulle* airport in Paris. Using automatic vehicle identification technology from NEDAP which identifies both a vehicle and its driver, BAA will be able to manage **taxis** and drivers. The airport operator will also use the system to predict customer demand and despatch **taxis** via handheld devices which are used by **taxi** management agents at both the Feeder Park and terminal ranks. The solution uses wireless communication links that are less intrusive than a cable-based.

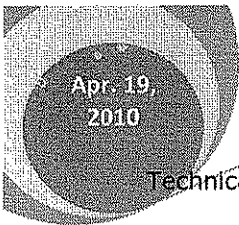
The flexibility of the system means that BAA will be able to respond to any unplanned factors affecting the dispatch of **taxis**, such as roadworks between the feeder park and terminals. This is vital to ensure the optimum numbers of **taxis** on the ranks at each airport terminal. The taxi drivers themselves will also benefit from improved management and user information.

#### **Technology partners**

"Our existing system has reached the end of its useful life in both hardware and software terms," explained BAA Plc's onward travel manager, Steve Cumber. The automatic vehicle and driver identification technology is to be provided by Steria's partner, NEDAP, an RFID (radio frequency identification) technology manufacturer and systems developer. Another of Steria's partners, WPS, will supply the barriers and payment equipment.

"The wireless nature of the system opens up a number of possibilities for enhanced airport vehicle management without the need for laying power or data cables, and its flexibility means that BAA can expand and enhance the system as future growth dictates," commented Guy Lambert, director of Steria's system integration business in the UK.

Steria has previously developed car park management systems for airports in Frankfurt, Paris (*Charles de Gaulle* and *Orly* airports), Lyon St Exupéry, and Geneva. The firm has implemented road traffic management systems for motorway management companies in France (ESCOTA, SAPRR, SANEF, AREA), Luxembourg, Malaysia, Singapore, and Switzerland, as well as by-pass systems for large agglomerations including Lille, Toulouse and Geneva.

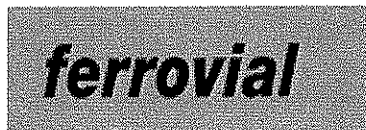


Technical Terms & Firms:

Steria: [www.steria.co.uk](http://www.steria.co.uk) Information services provider  
NEDAP: [www.nedap.com](http://www.nedap.com)  
RFID: Radio Freq Identification for blocking sleeves and tags  
WPS:  
ESCOTA: French Motorway Management Company  
SAPRR  
SANEF: French Motorway Management Company  
AREA: Swiss Motorway Management Company  
BAA: [www.baa.com](http://www.baa.com)

**BAA IS THE EUROPEAN FIRM THAT MANAGES ALL ENGLAND'S AIRPORTS AND GROUND TRANSPORTATION AT THESE AIRPORTS.**

-----**Ferrovial Owns BAA**-----



In June 2006 BAA was bought by a consortium led by Ferrovial, the Spanish construction company, and in August BAA officially delisted from the London Stock Exchange. Ferrovial is one of the world's leading infrastructure companies, with 104,000 employees and operations in 43 countries in a range of sectors including construction, airport, toll road, and car park management and maintenance, and municipal services.

The company leveraged construction, its original business, to finance expansion into other sectors that are more profitable and capable of generating growing cash flow in the long term. Since 2000, Ferrovial has invested approximately 10.2 billion euro in diversifying its business and moving into other countries. As a result, in 2007, 80% of the company's EBITDA came from outside Spain, and 73% came from infrastructure management.

Today Ferrovial has two clear business profiles: infrastructure operator and industrial company.

**Infrastructure operator**

The Airports, Toll Roads and Car Parks divisions make up the infrastructure area. They are more capital intensive, focus on creating value and provide steadily growing cash flow over the long-term. Through its subsidiary Cintra, Ferrovial also specialises in the construction and operation of toll roads and car parks. Cintra has a stake in 20 toll road concessions around the world and manages around 250,000 car parking spaces. In 2005 Ferrovial acquired Swissport, the world's leading provider of airport ground and cargo handling.

**Industrial company**

The industrial area is comprised of Construction and Services, which are less capital intensive but are cash-generative and provide positive net income. In the UK Ferrovial works through its subsidiary Amey, which focuses on infrastructure maintenance (roads, railways and the underground network)





EmileLawrence@Yahoo.Com

and facility management. Amey is also one of the most experienced companies in the field of private sector development and financing of infrastructure and services for government under the Private Public Partnership (PPP) and Private Finance Initiative (PFI) schemes.

Ferrovial was also selected from among the construction and engineering companies by AIS (Analistas Internacionales en Sostenibilidad) for its Triodos mutual fund. For the seventh consecutive year, Ferrovial has been included in the DJSI World and the DJSI STOXX, and for the fourth year in a row, it is part of the prestigious FTSE4Good index.

Prior to producing this document, I requested various public access documents and produced letters for the taxi driver bulletin boards at SFO.

If taxi drivers do not get a resolution to stop or terminate this one rogue agent of DAJA, or stop these increases in taxes, we will call or e-mail SFO management, possibly daily, to stop the new attempt to add another tax increase at SFO for taxi drivers. We will also start contacting federal authorities about what is perceived as the corruption at SFO and DAJA that consumes increases in cash, while taxi driver cash flow decreases.

Also, these taxi drivers will supplement my request for "Public Documents" which at this date, have not been addressed. Taxi drivers in England and Heathrow make a lot more than they make in San Francisco and SFO. These British drivers also have pensions, medical and dental benefits, which are partially paid for by Heathrow Airport.

Sincerely,

Emil Lawrence MBA

660 Westfield Road

Units 281 or 287

San Francisco, CA

94128

1-415-513-7705 PCS Mobile

el



San Francisco International Airport

BDS: 11  
COB 1  
cPage 1

April 23, 2010

P.O. Box 8097  
San Francisco, CA 94128  
Tel 650.821.5000  
Fax 650.821.5005  
www.flysfo.com

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

Dear Members of the Board:

AIRPORT  
COMMISSION  
CITY AND COUNTY  
OF SAN FRANCISCO

San Francisco International Airport (SFO) is planning to impose a new privilege fee on off-Airport parking lot operators. This proposed fee will bring SFO up to an industry standard and, if approved by the Airport Commission, would become effective July 1, 2010.

GAVIN NEWSOM  
MAYOR

The Airport has had several meetings with off-Airport parking operators regarding the proposed fee. Originally Airport staff proposed an 8% of total gross revenues fee which is comparable to other Bay Area airports. San Jose charges an 8% fee and Oakland a 4% fee, with an increase to 5% to take effect in FY 2011/12. After numerous discussions with the operators, the Airport is now proposing an initial 2.5% fee increasing to 5% in fiscal year 2011/12. The proposed fee would increase Airport revenues by approximately \$730,000 in FY 2010/11 and by approximately \$1.5 million in FY 2011/2012. The Annual Service Payment to the City and County of San Francisco would increase by 15% of those projected amounts and is reflected in our budget estimate submitted to the Mayor's Office.

LARRY MAZZOLA  
PRESIDENT

LINDA S. CRAYTON  
VICE PRESIDENT

CARYL ITO

ELEANOR JOHNS

RICHARD J. GUGGENHIME

SFO also plans to increase its own long-term parking rates (7% increase in January 2011) as well as airline rates and charges (13% increase).

JOHN L. MARTIN  
AIRPORT DIRECTOR

While SFO is in the fortunate position of seeing air traffic increase, off-airport parking operators are benefitting from this as well. SFO consistently levies a fee on all commercial corporations who generate revenue on City property. Off-airport parking operators are no exception. I strongly feel it is time to bring these fees to SFO in order to increase revenue, as well as to bring SFO up to the industry standard.

I would be happy to discuss this further with you if you have concerns.

Very truly yours,

John L. Martin  
Airport Director

BY \_\_\_\_\_ AK

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 APR 26 PM 1:36



Chad Kamp  
<chadkamp@gmail.com>  
04/29/2010 07:37 AM

To board.of.supervisors@sfgov.org, Eric.L.Mar@sfgov.org,  
Michela.Alioto-Pier@sfgov.org, David.Chiu@sfgov.org,  
Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org,  
cc  
bcc  
Subject AZ Boycott

*60 letters  
Received*

Dear Members of the San Francisco Board of Supervisors,

First I would like you to be aware that I like your city very much. I have walked your city streets, seen much of what you have to offer and enjoyed the beauty and feel of the city immensely.

But your recent position on Arizona's new anti-illegal immigration law, SB-1070, is missing a vital point in the debate. For in all the uproar and the noise coming from every side of this mess, there is a point of view I do not hear anyone talking about. It is one that I can imagine all the disparate sides finding some common ground on, if only they would examine it from their particular point of view.

In our local newspaper, the Arizona Republic, columnist Laurie Roberts asked if anyone is feeling terrorized by this new law. Here is my response to her question, it I think it is a point of view that you should consider and speak out upon:

Do I feel terrorized by SB1070? Well, perhaps the question needs to be pointed in a very different direction for a little perspective to leak through all the partisan walls surrounding the issue.

On their way to attempt crossing the US Border, long before they even reach it, fully 60% of migrant women and girls are raped in Mexico. It is in the news just right now:

<http://www.azcentral.com/ne...>

Along the way are countless opportunities for them to be robbed, kidnapped, beaten, raped, murdered and sold into sexual slavery by criminal gangs who sell them dreams and return only horrors.

Still hundreds of thousands do make it to our border. This is where the next gauntlet begins.

This gauntlet is not the one you would expect me to speak of. It is not the Border Patrol, all too often the Border Patrol saves immigrant lives. No this gauntlet is the Coyotes, the smugglers. They take them only far enough to rob them. Or they abandon them in the deserts. The sick, the infirm, the very young and the very old are dumped along the trails and back roads when they cannot keep up.

We know this as hundreds of their bodies are found each year rotting in the desert sun. Women and children mostly, some men too.

In the past ten days I have seen stories in the news. The Pima County Coroner was up to 87 bodies brought in already this year, the summer heat not even upon us yet.

The report just yesterday of a 15 year old boy rescued in the desert by the Border Patrol. He feared his mother had died he said. They had made it many miles by foot and met the smuggler that would drive them further. But his mother was getting sick in the van and the smuggler pushed her out onto the road side, where she appeared to faint.

With the boy's help the Border Patrol soon found her, dead on the side of a dirt road near Tucson.

What of those who make it to the big cities?

Well, many are kidnapped. Held in houses and in closets. Tied up, laying in their own filth. Their families back home forced to pay for their loved one's release under threat of death. Some do die, the bodies are found around Phoenix. Dumped in the weeds, the culverts, the trash bins of this big city.

You ask me if I feel terrorized?

I say you are asking the wrong person.

Now then, I will ask you a question. How do we stop all this horrendous human suffering?

Here is an answer for you: Take the profit out of it.

How you may wonder?

All too simple. Vastly improve security along our border. It worked in Southern California. It has worked in parts of Texas. Close the gaps, deploy all the personnel needed, by the multiple thousands if we must. Use existing provisions of the Posse Comitatus Act to get it done.

Do all that not to terrorize illegal aliens, but to terrorize the criminals that prey upon them. Make the possibility of success in smuggling small enough and the criminals will crawl away from the trade, seek some other way to make their money.

All this uproar over SB1070 ignores the hard and painful reality of illegal immigration. Individual cases aside, as bad as it is for all of us law abiding Americans it is far worse for the illegal's themselves. So if you want to help them out, get up and stand with those who favor securing the border first. Get that done and you will save many lives, halt endless suffering.

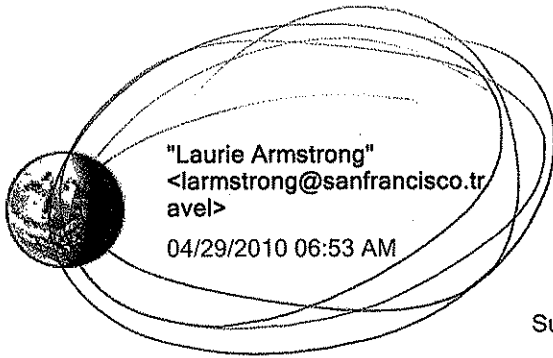
Do that, and you may make some friends who will at least talk with you about comprehensive reform.

Do not do it and the dying continues. The rapes continue. The bones still bleach white in the Arizona desert.

And nothing changes.

Chad in Chandler, AZ

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



"Laurie Armstrong"  
<larmstrong@sanfrancisco.travel>  
04/29/2010 06:53 AM

To <t\_p\_leonard@comcast.net.  
cc <gavin.newsom@sfgov.org>,  
<board.of.supervisors@sfgov.org>, "Laurie Armstrong"  
<larmstrong@sanfrancisco.travel>  
bcc  
Subject FW: canceled our trip to SF.Terry Leonard

*160 letters  
Received*

Thank you for your email. I am sharing your message with the offices of the Mayor and the Board of Supervisors. To express your concerns directly, please contact the Mayor's Office at [gavin.newsom@sfgov.org](mailto:gavin.newsom@sfgov.org) and the Board of Supervisors at [board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org).

As a sales and marketing organization, the San Francisco Convention & Visitors Bureau opposes travel boycotts in general. Our role is to market the city as a visitor destination. We have no position on political or governmental issues. Our hope is that this issue will be resolved quickly so that we can continue our work welcoming visitors to one of the world's favorite cities.

I know that this issue is important to you. I hope that, once it is resolved, we can welcome you as well.

Sincerely,

Laurie Armstrong  
Vice President, Public Affairs  
San Francisco Convention & Visitors Bureau

From: Terrence P Leonard [[mailto:t\\_p\\_leonard@comcast.net](mailto:t_p_leonard@comcast.net)]  
Sent: Wednesday, April 28, 2010 7:17 AM  
To: SFCVB Tourism Department  
Subject: canceled our trip to SF

Hello:



I just canceled my family's summer vacation to San Francisco as a result of your boycott of AZ. Now we are going to Arizona to show support of their actions to curb the illegal immigration problem.

Terry Leonard

Rockford, IL 61109

*18*

Board of  
Supervisors/BOS/SFGOV  
04/28/2010 12:00 PM

To David Campos/BOS/SFGOV,  
cc  
bcc  
Subject Thank You!!! (from AZ)



"Luis [home]"  
<asualumni@cox.net>  
04/26/2010 03:47 PM

To cityattorney@sfgov.org, board.of.supervisors@sfgov.org  
cc  
Subject Thank You!!! (from AZ)

Dear Mr. Dennis J. Herrera and Mr. David Campos (District 9),

I just wanted to take a moment to let you know how much I (personally) appreciate your help with, and stance against, the new "law" in Arizona!

<http://www.azcentral.com/news/articles/2010/04/26/20100426san-francisco-calls-for-arizona-boycott.html>

To Whom It May Concern:

My name is Noah Schlager, I am a 18 year old living in Tiburon California who is both a nature lover and a concerned citizen. For Earth day this year I volunteered and put extra effort into projects that I regularly work on and are important to me, from restoration work to talking to people about little things they can do to help out locally. I am just starting to get active in these sorts of things, but I realize how much I care and cherish the world I live in and all creatures we share it with, and resolute I am to speak out for what I love. I will go on to college soon, and I plan to grow and learn and will fight for and cherish the wilds that are so much a part of me. But at this moment I can only do so much, due to the limitations put on a citizen just able to vote by a few months. So I also decided this Earth Day I would put out this petition, with 3 others as well, to both give my school whatever voice we could achieve and even more so to get the environmental messages out to my fellow students and let them feel they could do something, even if it was a small as a signature. While a petition does little in itself, it is a symbol, just as the signatures on the declaration of independence are symbols. While I know this may or may not be read by its intended recipient and may be pushed aside as some hippy High School's cute petition, know that as the future of the country and planet, we have resolve and that these petitions are from the heart of those who more than anything, care. We care, and we are going to fight and speak up for what we believe, so while this letter is not much yet, just as the declaration was once little more than parchment with some crazy rebels marks, so too will we grow and change this world for what we care about and these signatures will be the ones that will fight for liberty, freedom, and all living beings. I hope you will listen to our voice even now while it is small, and do what you know is right. Thank you for you time and consideration.

Sincerely,

*CPT*  
*Noah Schlager*

Cpt. Noah M. Schlager  
116 Barn Road  
Tiburon, CA  
94920

BY \_\_\_\_\_ AK

2010 APR 30 PM 3:51

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

20



We of The Urban School Of San Francisco are petitioning the sale of shark fins and other shark products in San Francisco. Shark populations are being pushed to the limit, and our cities contribution to this cannot be ignored. We hope you will put forth action to ban all shark products and support local shark and coastal conservation.

Maddie in May, 2010

Sarah M. Munkel

SARA BROOKS

Alegria Gorkh

Adrienne van Schellkous

Neah Schlagger

Isabel Sember

Hannah R. Gorman Sophie Lieberman

Tali Bennett

Sara Ach

Taylor Bortwick

Danica Landen

Alex Faulha

Martin Lindsay

Victoria West

NATE STERN

Harper

Dawn Blum

Gabi Waldberg

Lera Segura

[Signature]

Isabel Ungen

Helena Kleiner

Talia Chaff

[Signature]

Hyacinth Parker

OVER →

Rina Stepan

~~Emma~~ Andersen

Jenny Ware

Rebecca Beames

Lily Burns

Michael Shigezumi

Minna Ocher

Albie Brown

Jam Epstein

Elisea

Young Martin

Marya Holman

Mei Li Isaacson

Sophie Raynor

Jill Fowler

Goff Platt

Jenna Waldman

Will Rothman

LeRoy G. Vato

Uly Moebergs

Daniel Mather

april 29, 2010

Dear Board of Supervisors

Please reconsider the placement of the

Access field in the Park. Artificial

Surf can best be

used over a paved

area. They don't need

to take areas where

water can percolate

into the aquifer.

Please reconsider.

Thank you,

Mrs. Michael Schepersky  
2531-45<sup>th</sup> Ave. SF 94116

RECEIVED  
EDUCATION  
25 APR 30 PM 3 15  
BY

File 100451  
CPAGE



Jill Bittner  
<jillkb@earthlink.net>

04/28/2010 04:46 PM

Please respond to  
Jill Bittner  
<jillkb@earthlink.net>

To board.of.supervisors@sfgov.org  
cc  
bcc  
Subject I support the Masonic Center.

Please support the renovations at Masonic Center and keep this historical venue open.

Jill Bittner  
District 8

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

37 letters  
received

22

File 100951  
cpage

Board of Supervisors/BOS/SFGOV  
04/28/2010 04:59 PM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject VOTE TO SUPPORT APPEALS OF CAT EX AND CUP FOR Case #2008.1072EC and Case # 2008.1072C



Gordon Morey  
<gordonmorey@gmail.com>  
04/28/2010 12:04 PM

To Ross.Mirkarimi@sfgov.org  
cc angela.calvillo@sfgov.org, larry.badiner@sfgov.org, board.of.supervisors@sfgov.org  
Subject VOTE TO SUPPORT APPEALS OF CAT EX AND CUP FOR Case #2008.1072EC and Case # 2008.1072C

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

23 letters received

I am a resident of District 3 and live at 1201 California Street.

I respectfully urge you to grant the appeal of the issuance of a Categorical Exemption from environmental review and request the Planning Department to prepare an Environmental Impact Report, and grant the appeal of the Conditional Use Authorization for 1111 California Street/California Masonic Memorial Temple.

There are many reasons why these appeals must be granted:

- Unusual Circumstances precluding a Cat Ex
- Incomplete Project Description
- Undeniable Conflicts with Land Use for the area i.e. Other entertainment and convention use is "borrowed" from Polk Street and not permitted in Nob Hill Special Use District
- Flawed Transportation Study
- Numerous Potential Adverse Effects on the environment

Put simply--the Planning Department has not adequately evaluated the potential significant impacts of this project. The lack of a full Environmental Impact Report sets a dangerous precedent for every neighborhood in our City and jeopardizes the health and safety of all San Franciscans..

Additionally, the Coalition for San Francisco Neighborhoods (CSFN) who represents 44 neighborhood organizations citywide agrees with our view and unanimously passed a resolution supporting Nob Hill and urging the Board of Supervisors to uphold the appeal and deny the Cat Ex.

We respectfully request that you please review these appeals as a matter of law and hope we can count on your support to grant both appeals for the sake of all San Francisco neighborhoods. If these appeals are not granted, no neighborhood is safe.

23

*e Page*

Honorable Supervisor.

I am currently employed with the San Francisco Fire Department as a Firefighter Paramedic (H3, Level 3) and wanted to voice my concerns regarding the current H2 (Firefighter) eligibility list and the lack of support that has been shown towards current EMT/Paramedic employees within the department (H3 levels 1 and 2) by Chief Hayes White. I do not know the exact number of these employees currently on the H2 eligibility list, but there are multiple members who have expressed concern.

I'm sure you are aware of the division within our ranks and acrimony within our department towards paramedics. The complaints started when the original Paramedics were transferred from DPH to SFFD. Never have I seem such animosity towards one rank (H3) and lack of support from a command staff to rectify the disparity of work conditions. I think you would be hard-pressed to identify another organization where people are looked down upon and belittled for having more education and knowledge.

Where am I going with this? Well, the rank discrimination and lack of support continues, and I can no longer remain quiet. We have current employees in the SFFD in the H3 level 1 and 2 ranks who are fully trained on the EMS portion of the job and have fire suppression knowledge from other employment or from reading SFFD manuals and running calls in San Francisco. They are dedicated employees, wear badges, run the majority of our calls (don't EMS calls account for >70% of our annual call volume?), and want to advance within the department in addition to maintaining their EMS skills and assisting in the medical aspect of the job. Excluding their current SFFD employee status as secondary criteria for promotional or lateral movement within this organization is a disservice to the department and a slap in the face to these employees. Using the "rule of the list" allows Chief Hayes White to pick and choose whomever she desires, bypassing all of these devoted employees.

I join all of those that have brought this subject to you in stating that besides being unfair and unjust, mandating that these employees join the masses and proceed through another testing process demonstrates class discrimination. If I were one of them I would certainly be looking for employment elsewhere. The right thing to do would be to implement their current employment as secondary criteria for promotional purposes. How can the City/Chief of the Fire Department justify hiring anyone else? Will you give the recent EMT graduate, Presidio Firefighters (once we acquire their department), or ordinary citizen looking to change vocations an equal opportunity for a job that would entail less training for the current employees who are already educated in the EMS policies and procedures? H3 levels 1 and 2 already know the city and have the experience. In the business world this would be financially advantageous, not to mention better for morale. Do the right thing.

Brent Marks, SFFD, H-3, Level 3  
SF city employee since 2001  
Brent825@gmail.com

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 APR 26 PM 4: 50  
AK  
BY

(24)

Board of  
Supervisors/BOS/SFGOV  
04/28/2010 02:46 PM

To Staff Dufty/BOS/SFGOV, Michela Alioto-Pier/BOS/SFGOV,  
David Chiu/BOS/SFGOV,  
cc  
bcc  
Subject SUPPORT Sunday metering



"A. Sojourner"  
<wd40@lmi.net>

04/27/2010 02:22 PM

Please respond to  
wd40@lmi.net

To board.of.supervisors@sfgov.org, gavin.newsom@sfgov.org  
cc  
Subject SUPPORT Sunday metering

Dear Supervisors and Mayor Newsom,

As a San Francisco homeowner and member of the nascent SF Transit Rider's Union, I am writing to express my enthusiastic support for expanding parking meter hours to Sunday. Muni is struggling with state funding cuts. It is not fair to balance the Muni budget by taking away service and increasing prices while doing nothing to increase funds from car drivers. Muni's performance and viability suffers from the surfeit of single-occupancy vehicles on the road. There simply isn't enough room in San Francisco to meet our mobility needs without excellent mass transit.

Anna Sojourner  
34 Cumberland St.  
San Francisco, CA 94110

25



"A. Sojourner"  
<wd40@lmi.net>

04/27/2010 02:22 PM

Please respond to  
wd40@lmi.net

To board.of.supervisors@sfgov.org, gavin.newsom@sfgov.org  
cc  
bcc  
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Anna Sojourner  
34 Cumberland St.  
San Francisco, CA 94110



Board of  
Supervisors/BOS/SFGOV  
04/28/2010 05:01 PM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject No to parking meters!



christian routzen  
<christianroutzen@gmail.com  
>  
04/28/2010 01:09 PM

To MTABoard@sfmta.com, Gavin.Newsom@sfgov.org,  
Board.of.Supervisors@sfgov.org  
cc  
Subject No to parking meters!

We should not be responsible for our state/city's poor budgeting.  
Local business will be deeply jeopardized and the moral of the city  
will be that of anger and contempt. We need to be more creative than  
this.

Please do not extend the meter hours or higher the already high costs of parking in the  
city.

Thank you!



"Philip Boissiere"  
<PhilipB@edgewood.org>  
04/28/2010 02:32 PM

To <MTABoard@sfmta.com>, <Gavin.Newsom@sfgov.org>,  
<Board.of.Supervisors@sfgov.org>  
cc  
bcc  
Subject PLEASE STOP PARKING METER EXPANSION

Sunday meters and extended hours will cripple already struggling business and practice owners.

**Phil Boissiere, MFTi**  
**Day Treatment Intensive Manager**  
**Direct: (415) 682-3174**  
**Edgewood, Center for Children & Families**





Linda Underwood  
<lunderwood@careyschool.com>

04/28/2010 11:50 AM

To board.of.supervisors@sfgov.org

cc

bcc

Subject Parking meters

When the headlines in the Chronicle blare out to the world that we have so many city employees that are members of the 6 figure club and that our muni workers are some of the highest paid in the US, it seems that the parking should be a non-issue. It is already difficult to use our city and people from out of town -- meaning the immediate Bay Area--complain about the lack of interest in making life a bit easier for us and how expensive it is to come to SF. No on Sunday meters and No on parking meters in Golden Gate park. Fines are not the answer to long term budget balancing.

Linda Underwood

1208 Bowdoin

SF CA 94134



kristina hansen  
<hansenkristina@yahoo.com  
>

04/28/2010 11:44 AM

To mtaboard@sfmta.com, gavin.newsom@sfgov.org,  
board.of.supervisors@sfgov.org

cc

bcc

Subject SF Parking Meters

Please do not extend parking meters into the evening and on Sunday. It is an outrage to increase fees at this time.

Spend your time fixing city services!

Increases will hurt citizens and decrease tourism.

**NO INCREASES. NO EXTENDED TIMES.**

Kristina Hansen  
2265 Broadway  
San Francisco, CA 94115



"erasvian@juno.com"  
<erasvian@juno.com>  
04/27/2010 03:19 PM

To board.of.supervisors@sfgov.org  
cc Sean.Elsbernd@sfgov.org  
bcc  
Subject Sunday parking meters

A note of **disagreement** on enforcing Sunday meters:

Even mass transit riders may enjoy a Sunday parking their car free of charge while shopping or dining out.

We live in the West Portal neighborhood. It is not fair to target any one neighborhood as a pilot program.

As it is, we limit our shopping and dining on West Portal because of parking costs and the constant risk of a parking ticket should the time expire before returning to the car. Just imagine the poor folks who will be stuck with a \$55 parking ticket because they were caught unsuspecting after so many years of free Sunday parking.

Vic & Anne Pagan  
SF Residents

---

### **Penny Stock Jumping 2000%**

Sign up to the #1 voted penny stock newsletter for free today!  
[AwesomePennyStocks.com](http://AwesomePennyStocks.com)

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SAN FRANCISCO

2010 APR 30 PM 4:00

BY AK

**verizon**wireless

1120 Sanctuary Pkwy  
Suite 150  
MC: GAS45REG  
Alpharetta, GA 30009  
(770) 797-1070

April 23, 2010

Ms. Anna Hom  
**Consumer Protection and Safety Division**  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
[alh@cpuc.ca.gov](mailto:alh@cpuc.ca.gov)

Re: Notification Letter for **25th & Geary** GTE Mobilnet of California Limited Partnership  
(U-3002-C), of San Francisco-Oakland, CA MSA

---

This is to provide the Commission with notice according to the provisions of General Order No. 159.A of the Public Utilities Commission of the State of California ("CPUC") for the project described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact Veleta Wilson of Verizon Wireless at (770) 797-1076.

Very truly yours,

*Veleta Wilson*

**Veleta Wilson**  
Verizon Wireless  
MTS Network Compliance

**Attachment A**

CPUC CELL SITE REPORT GTE Mobilnet of California Limited Partnership (U-3002-C)

**PROJECT LOCATION: 25th & Geary - I/B**

SITE NAME: 25<sup>th</sup> & Geary

SITE ADDRESS: 6221 Geary Blvd

LOCATION: San Francisco, CA 94121

COUNTY: San Francisco

APN: 1518-033

COORDINATES: 37° 46' 47.23"/122° 29' 10.77" (NAD83)

**1. PROJECT DESCRIPTION:**

GTE Mobilnet of California Limited Partnership (U-3002-C) proposes to collocate on an existing building rooftop with the installation and maintenance of nine (9) panel antennas and associated equipment cabinets.

ANTENNAS: Nine (9) panel antennas

TOWER DESIGN: Rooftop mount

TOWER APPEARANCE: Rooftop mount

TOWER HEIGHT: 58.7'

BUILDING SIZE: N/A

OTHER: Associated equipment cabinets

Notification Letter

GTE Mobilnet of California Limited Partnership (U-3002-C)

April 23, 2010

Page 3

**3. BUSINESS ADDRESSES OF ALL LOCAL GOVERNMENT AGENCIES:**

Cc: Sarah Dennis Phillips  
Planning Manager  
City of San Francisco, Planning Division  
1650 Mission St., Suite 400  
San Francisco, CA 94102

Edwin Lee  
City Administrator  
City Hall Rm. 262, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

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

Carlos Garcia  
Superintendent  
Dublin Unified School District  
555 Franklin St.  
San Francisco, CA 94102

**4. LAND USE APPROVALS:**

Type: Coordinated Use Permit  
Issued: 2/4/10  
Effective: 3/8/10  
Agency: City of San Francisco Planning Department  
Permit No.: 2008, 1332C  
Resolution No.: N/A



COMMISSIONERS  
Jim Kellogg, President  
Concord  
Richard Rogers, Member  
Carpinteria  
Michael Sutton, Member  
Monterey  
Daniel W. Richards, Member  
Upland  
Donald Benninghoven, Member  
Santa Barbara

ARNOLD SCHWARZENEGGER



Governor

JOHN CARLSON, JR.  
EXECUTIVE DIRECTOR  
1416 Ninth Street  
Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4899  
(916) 653-5040 Fax  
fgc@fgc.ca.gov

STATE OF CALIFORNIA

## Fish and Game Commission

April 30, 2010

### TO ALL INTERESTED AND AFFECTED PARTIES

This is to provide you with a copy of the notice of proposed regulatory actions relative to "Commercial Rock Crabs" in the sections identified in Title 14, California Code of Regulations, which will appear in the California Regulatory Notice Register on April 30, 2010. These documents as well as supporting documents will also be made available on the Commission's website at <http://www.fgc.ca.gov/regulations/new/2010/proposedregs10.asp>.

Please note the dates of the public hearing related to this matter and associated deadlines for receipt of written and oral comments, beginning on page 2 of this notice.

Dr. Craig Shuman, Fish and Game Commission's Marine Advisor, phone (310) 869-6574, has been designated to respond to questions on the substance of the proposed regulations; and inquiries concerning the regulatory process may be directed to me, at (916) 653-4899.

Sincerely,

  
Jen D. Snellstrom  
Associate Government Program Analyst

Attachment

BY

AR

2010 APR 30 PM 3:46

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

28

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

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050 and 8282, Fish and Game Code and to implement, interpret or make specific sections 1050, 7852.2, 7857, 8033, 8043, 8047, 8250.5, 8281, 8282, 8284, 9000, 9001, 9001.7, 9002, 9005, 9006, 9011 of said Code, proposes to amend Section 125 and 125.1, Title 14, California Code of Regulations, relating to Commercial Rock Crab Permits.

**Informative Digest/Policy Statement Overview**

Under current regulations (Section 125, Title 14, CCR), only persons who held a valid southern rock crab trap permit during the immediately preceding permit year are eligible to obtain a permit for the following permit year. This has resulted in a permit moratorium that prohibits any new entrants into the fishery. The proposed regulation would allow new individuals to enter the fishery by obtaining a transferable permit from an existing permit holder. The proposed regulation would greatly increase the data available on the fishery by requiring rock crab landed to be separated out by species and for nearshore trap fishermen to land rock crab and record those landings on a landing receipt prior to using them as bait. Finally, the proposed regulations would add regulatory language specifically allowing a rock crab trap permit holder to remove the traps of another permit holder in the event of illness or injury to the traps' owner.

Option 1: The proposed regulations would allow all existing southern rock crab trap permits that have not been suspended or revoked to become transferable.

Option 2: The proposed regulations would issue transferable permits to existing southern rock crab trap permit holders that have not been suspended or revoked that have landed a minimum of [1 – 5,000] pounds of rock crab during any calendar year from 2005 through 2008 using trap gear, inclusive, as documented by Department landing receipts submitted in an individual's name and commercial fishing license identification number with trap gear identified.

To address the concerns surrounding the impact of providing permits to more active participants, the proposed regulations would limit the number of transfers processed by the department each license year (April 1 – March 31) to [0-10] individuals. This would retard the rate of new entrants into the fishery and permit the early detection of an increase in catch levels or a change in the distribution of effort among permittees. The annual limit on permit transfers would not apply in the event of death of the permit holder.

It is proposed that a transfer fee of [\$200 - \$2000] would be levied for the transfer of a southern rock crab trap permit.

Applications to transfer permits are proposed to be in the form of a notarized letter from the existing permit holder, or the estate of the permit holder in the event that the permit holder is deceased, identifying the transferee and shall include the original transferable southern rock crab trap permit, a copy of the transferee's commercial fishing license and the nonrefundable permit transfer fee. Applications are proposed to be submitted to the department's License and Revenue Branch, 1740 North Market Boulevard, Sacramento, CA 95834. It is proposed that applications will be processed in the order received. If on any given day the number of applications received is greater than the available number of transfers, the department shall conduct a manual drawing to determine which application(s) shall be processed. Applications that are not processed will be returned and may be resubmitted on or after the first day of the following permit year for consideration.

In the event of death of the southern rock crab trap permit holder, it is proposed that the estate of the permit holder may renew the permit if needed to keep it valid. It is also proposed that the estate of a deceased transferable permit holder may transfer the permit not later than 1 year from the date of death listed on the death certificate.

The proposed regulations would require rock crabs to be identified at the species level: red, brown or yellow on all landing receipts. The use of "unspecified rock crab" would be prohibited.

Under current regulations (Section 125.1(d), Title 14, CCR), rock crabs may be used as bait in finfish traps. However, there is no mechanism to track the amount of rock crab used as bait. The proposed regulation would require that all rock crabs are brought ashore, landed and recorded on a landing receipt before they can be used as bait in finfish traps. The total pounds of rock crab to be used as bait from each landing will be required to be recorded in the "Note Pad" field on the landing receipt. Rock crabs used as bait in finfish traps will be required to be accompanied by a landing receipt demonstrating that the crab to be used as bait has been landed prior to being used as bait. The fisherman would also be required to keep copies of landing receipts documenting the catch of rock crabs that are used as bait on the fishing vessel for a minimum of 30 days from the date of landing as listed on the landing receipt.

Minor edits are also provided to better align the reference of permit fees and applications under a centralized Title 14 section being proposed by the Department's License and Revenue Branch.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the La Grande Room, Beach Resort Monterey, 2600 Sand Dunes Dr., Monterey, California, on Thursday, April 8, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS FURTHER GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Sierra Room, Lake Natoma Inn 702 Gold Lake Drive, Folsom, California, on June 24, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before June 14, 2010 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on June 14, 2010. All oral comments must be received no later than June 24, 2010 at the hearing in Folsom, California. E-mail comments sent to any e-mail address other than [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) does not guarantee the comments' inclusion in the rulemaking package.** If you would like copies of any modifications to this proposal, please include your name and mailing address.

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

### Availability of Modified Text

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

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

### Impact of Regulatory Action

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

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

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

The proposed regulations to allow transferable permits would allow new members to enter the fishery. This is needed to maintain a viable southern rock crab trap fishery in California, resulting in a positive economic impact for participants and businesses.

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

None

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

The proposed regulation to allow transferable permits would allow new members to enter the fishery. This is needed to maintain a viable southern rock crab trap fishery in California, resulting in a positive economic impact for participants and businesses. Increased competition for the resource is possible but not likely since market demand primarily controls the amount of crab harvested.

The proposed regulations for species specific landing data and landing of rock

crab used as bait have the potential to moderately reduce the efficiency of rock crab and nearshore trap fishermen in the short-term. In addition, Rock crab that are to be used as bait will be required to be landed which will incur a landing tax of \$0.0019 per pound pursuant to FGC § 8041 and 8051. It is anticipated, however, that the participants in these fisheries will easily adapt to the proposed regulations with no significant economic impact.

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

None

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

None

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

None

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

None

- (h) Effect on Housing Costs:

None

#### Effect on Small Business

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

#### Consideration of Alternatives

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

FISH AND GAME COMMISSION

Dated: April 27, 2010

John Carlson, Jr.  
Executive Director

1503-11  
(LOS) epage

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City Services Auditor

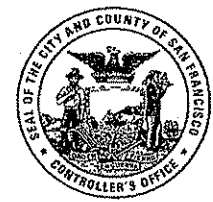
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City and County of San Francisco

Office of the Controller – City Services Auditor

# SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY:

## A Compliance Review of the Agency's Work Orders for Fiscal Year 2008-09



April 30, 2010

29



# City and County of San Francisco

## Office of the Controller - City Services Auditor

San Francisco Municipal Transportation Agency  
A Compliance Review of the Agency's Work Orders for Fiscal Year 2008-09

April 30, 2010

### Purpose of the Review

The Controller's Office, City Services Auditor (CSA) reviewed the San Francisco Municipal Transportation Agency's (SFMTA) work orders with various City and County of San Francisco (City) departments. The SFMTA contracts with these departments through the work order process to obtain services that support the SFMTA's operations. The purpose of the review was to determine whether departments are accurately billing the SFMTA for the provided services, whether these billings fairly represent the costs incurred to provide those services, and whether the costs are allowable under rules governing the SFMTA and baselines generally.

### Highlights

The cost of services purchased by the SFMTA from other departments has increased since the voters' initial adoption of the Municipal Transportation Fund in 1999. The majority of the overall increase in work order spending occurred between fiscal year (FY) 2005-06 and FY 2008-09, with these expenditures rising from 6.3 percent of SFMTA spending in FY 2005-06 to 7.5 percent in FY 2008-09. The majority of the growth during this period, representing approximately 85 percent of the increase, is associated with changes in five specific work orders.

This compliance review indicates the need for the SFMTA to enter into written agreements with provider departments to provide additional information on services purchased through the work order process. The Controller's Office determined that:

- SFMTA did not always have in place written work order agreements with departments to specify the specific services to be provided and the means to budget and bill for these costs.
- Provider departments did not always include sufficient supporting documentation in their billings, or adequate descriptions of the specific services provided.
- SFMTA payments were sometimes based on budgeted rather than actual costs.
- SFMTA did not request, nor did the Controller adjust, baseline allocations to account for the cost of certain services for which the City's Charter requires such an increased transfer from the General Fund. This required adjustment totals \$4.1 million for certain work order services for costs incurred in the current and prior fiscal years, and by approximately \$0.7 million annually in future years.

### Recommendations

The review includes 42 recommendations for the SFMTA to improve its work order management process. Specifically, the SFMTA should:

- Enter into a written contract in the form of a work order agreement with each performing department.
- Partner with work order departments to develop consistent reports that would enable SFMTA to verify that requested services are provided and costs are billed appropriately.
- Ensure that bills are paid only after the presentation of appropriate supporting documents from provider departments. The form of this documentation should be specified in each work order agreement to avoid unneeded staff confusion or delay in the payment of appropriate and agreed-upon costs.
- Request the Controller to adjust its baseline by \$4.1 million for current and prior year costs and by approximately \$0.7 million in future years.

*Copies of the full report may be obtained at:*

Controller's Office • City Hall, Room 316 • 1 Dr. Carlton B. Goodlett Place • San Francisco, CA 94102 • 415.554.7500  
or on the Internet at <http://www.sfgov.org/controller>

## **LIST OF ACRONYMS AND ABBREVIATIONS**

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311 Center	311 Customer Service Center
City	City and County of San Francisco
CSA	City Services Auditor
DHR	Department of Human Resources
DPW	Department of Public Works
DT	Department of Technology
FY	Fiscal Year
HRC	Human Rights Commission
HSA	Human Services Agency
OCA	Office of Contract Administration
OEWD	Office of Economic and Workforce Development
SFMTA	San Francisco Municipal Transportation Agency
SFPD	San Francisco Police Department
SPOT	Safe Paths of Travel Program



## INTRODUCTION

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### **Purpose of Review**

The Mayor, Board of Supervisors, and the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors requested that the Controller's Office, City Services Auditor (CSA) review the SFMTA's work orders with various City and County of San Francisco (City) departments.

The SFMTA contracts with these departments through the work order process to obtain services provided by these departments that support the SFMTA's operations. The purpose of the review was to determine whether departments are accurately billing the SFMTA for provided services, whether these billings fairly represent the costs incurred to provide those services, and whether these costs are allowable under rules governing the SFMTA and baselines generally.

### **Background**

#### *Municipal Transportation Fund and Baseline*

The SFMTA pays for the majority of its expenses from the Municipal Transportation Fund, which was first established by the voters in November 1999, and later amended by the voters in November 2007. The fund is to be appropriated, expended, or used by the SFMTA solely and exclusively for its operations, capital improvements, management, supervision, maintenance, extension, and day-to-day operations of the SFMTA. The fund may be used for any division subsequently created or incorporated into the SFMTA that performs transportation-related functions. The SFMTA's expenditures, including work order services purchased from other departments, are paid from the Municipal Transportation Fund.

The majority of revenues attributable to the SFMTA are deposited into this fund, including public transportation fare revenues, parking meter and citation revenues, and other federal and state public transportation subventions and grants. Additionally, these Charter amendments fixed a baseline level of General Fund support for that fund. This General Fund baseline support is indexed to general fund discretionary revenues, and therefore increases or decreases each year as general discretionary revenues change. In fiscal year (FY) 2009-10, the SFMTA's budgeted baseline was \$176.4 million, representing 9.15 percent of

the \$1.9 billion in general fund discretionary revenues.

The Charter authorizes the Controller to determine the initial baseline amount and to make necessary annual adjustments in certain prescribed circumstances. The Charter allows adjustments to the baseline amount related to work orders under the following conditions:

1. Work order services to the SFMTA provided in the baseline FY 1999-2000 that were not previously charged to the SFMTA. The change to the current baseline would be calculated based on what the impact would have been including the FY 1999-2000 costs of those services in the original baseline, as adjusted by the change in aggregate discretionary revenues since FY 1999-2000.
2. Work order services requiring appropriations for new services not provided in the base year, excluding appropriations for one-time expenditures. The appropriation required for these new continuing services should be added to the baseline in the first applicable year, creating a new baseline percentage of aggregate discretionary revenues that carries forward into future years.

*The City's Work Order  
Process*

City departments contract with each other to provide services in much the same way that City departments contract with outside vendors and non-profit organizations to provide needed services. For example, many City departments purchase power from the City's Public Utilities Commission, automotive maintenance services from the General Services Agency, or architectural services from the Department of Public Works. These work order relationships are considered standard governmental practice. Work order agreements allow a given City department to rely upon the core competencies of another department to support their operations, without the need to either recreate that specialization in their department or to purchase the service from an outside vendor.

In general, two departments are involved in a work order agreement: the performing department, which is the department *providing* the services, and the requesting department, which is the department *receiving* the services. While the City does not have standard adopted policies

governing these interdepartmental work order relationships, general governmental practices suggest that a written agreement between the performing and requesting departments should be adopted, in much the same way that a contract would be executed if the performing agency were not a City department.

These written work order agreements, signed by the directors of both departments, should specify the scope of work to be provided, the expected timeline or service level agreed upon, the cost of that work, and the basis for reporting and billing those costs.

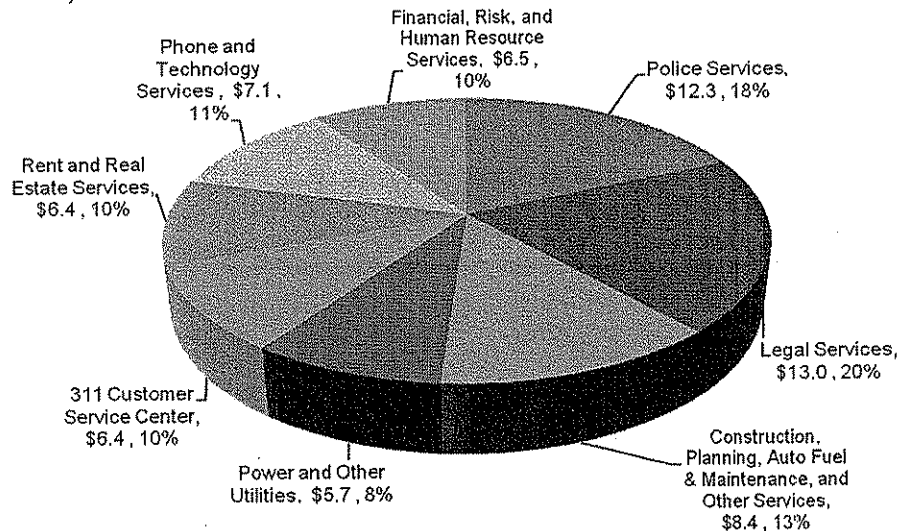
These work order budgets are reviewed, amended, and approved through the City's annual budget process, through the same means as other City expenditures. This typically involves review and approval of the corresponding department directors, commissions, and the Mayor and Board of Supervisors.

*The SFMTA's Work Orders*

In FY 2009-10, the SFMTA budgeted work orders with 18 City departments and agencies totaling \$65.8 million. This represents 8 percent of budgeted SFMTA expenditures from the fund for this fiscal year. Exhibit 1 below illustrates the general categories of services provided, and Exhibit 2 summarizes these work orders by department and function.

**EXHIBIT 1 SFMTA's Work Order Services by Category**

*(Amounts in Millions)*

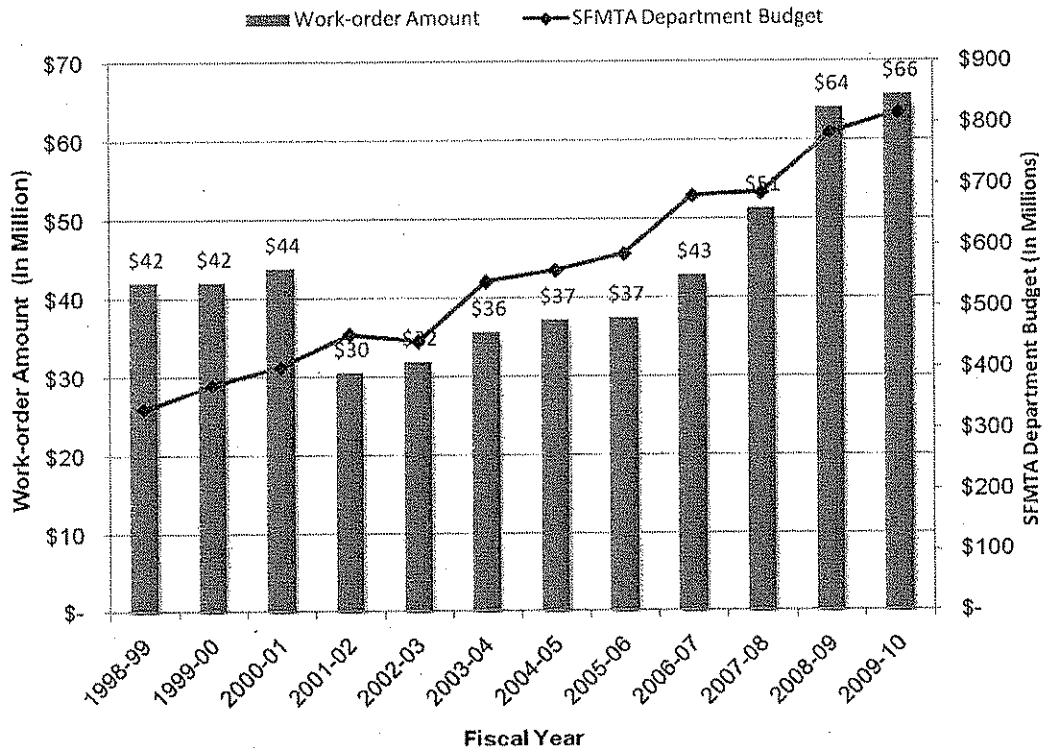


**EXHIBIT 2 SFMTA's Work Order Budget for FY 2009-10**

Department	Work Order Services	FY 2009-10 Original Budget
Building Inspection	Identification of Buildings Subject to the SFMTA Fees	\$43,257
City Attorney	Legal Services	13,015,727
Controller	Audit, Financial Systems, and Management Services	1,965,908
District Attorney	Graffiti Prosecution Coordinator	26,111
Economic and Workforce Development	CityBuild Program and Transit and Traffic Issues Reviews	239,956
Environment	Integrated Pest Management Program	19,308
General Services Agency	311 Customer Service Center	6,387,198
	Mail and Reproduction Services	638,088
	Vehicle Leasing, Purchasing Activities, and Labor Standard Enforcement	713,748
	Auto Maintenance and Fuel Stock	2,289,100
	Property Rental and Property Management Services	6,371,028
	Risk Management and Insurance	2,093,480
Human Resources	Civil Service Commission and Human Resources Services (Proposition E)	375,000
	Emerge and Peoplesoft Software	2,067,308
Human Rights Commission	Contract Compliance Services and Bonding and Technical Financial Assistance Program	244,140
Human Services Agency	Workfare and Lifeline Programs	821,990
Mayor	Lobbying and Greening Director Services	181,110
Planning	Environmental and Transportation Reviews	422,000
Police	Taxi Cab Enforcement Services	749,317
	Security and Traffic Enforcement Services	11,505,349
Public Health	Medical and Hazardous Waste Services	588,000
Public Utilities Commission	Utilities (Light, Heat and Power), Water, and Sewer Service Charges	5,713,116
Public Works	Construction Services	1,817,313
Technology	Technology and Telephone Services	7,144,610
Treasurer and Tax Collector	Administration of the SFMTA Related Sales and Collections	375,000
	<b>Total</b>	<b>\$65,807,162</b>

The cost of services purchased by the SFMTA from other departments has increased since the voter's initial adoption of the Municipal Transportation Fund in 1999, as illustrated in Exhibit 3.

**EXHIBIT 3 SFMTA's Work Order Growth Since 1999**



Note: Budgeted work order amount is used for fiscal year 2009-10.

Source: SFMTA Budget - Annual Appropriation Ordinance

The majority of the overall increase in work order spending, discussed in more detail in this report, occurred between FY 2005-06 and FY 2008-09, with these expenditures rising from 6.3 percent of overall the SFMTA spending in FY 2005-06, to 7.5 percent in FY 2008-09, resulting in a work order increase of \$26.7 million. The majority of this growth, representing 84.9 percent of the increase, during this period is associated with changes in five specific work order changes:

- The City purchased a formerly leased office facility at One South Van Ness during FY 2006-07. This change resulted in reduced rental costs for the SFMTA and a new work order payment to the General Services Agency's Real Estate Division to pay for a portion of the debt service and operating costs for the facility. While the purchase of this facility resulted in net savings to the

SFMTA, it has increased work order spending by \$5.9 million in FY 2008-09 versus FY 2005-06. This increase has been offset by a decrease in rental costs paid from other line-items in the SFMTA's budget.

- The City opened the 311 Customer Service Center in FY 2007-08. The portion of the center's cost attributable to the SFMTA calls and service requests are allocated to the SFMTA through the work order process, resulting in additional work order spending of \$6.6 million in FY 2008-09 versus FY 2005-06.
- The City is in the process of replacing its human resources, payroll, and employee benefit systems through the eMerge Project. The SFMTA pays a portion of the cost of this project, based upon its proportionate share of City employees supported by the new system. This has resulted in additional work order spending of \$2.9 million in FY 2008-09 versus FY 2005-06.
- The Department of Technology revised its method for allocating and billing costs during this period. This new allocation methodology, when combined with overall expenditure increases in the department, has resulted in increased SFMTA work order spending of \$4.3 million in FY 2008-09 versus FY 2005-06.
- The SFMTA's work order for services provided by the Police Department has grown by \$3.0 million during this period. As discussed later in this review, the various services provided by the Police Department and paid for by this work order have changed during this time period.

Adjusting for these changes, remaining work orders have increased from \$29.2 million to \$33.2 million between FY 2005-06 and FY 2008-09, which amounts to an average annual growth rate of 4.1 percent. This rate of annual growth is less than the overall annual growth rate of the SFMTA's budget of 11.4 percent during this period.

The SFMTA work orders with each of the departments listed above are discussed in greater detail in the next section of this review.

## Objectives

The Controller conducted a review of the SFMTA's work orders with City departments to determine whether:

- SFMTA has clear, written agreements with departments for the services provided, and any changes in work order terms are reflected in appropriate written modifications.
- Departments complied with SFMTA work order agreement terms and conditions.
- Department billings are sufficiently supported and controls over work order payments, such as required approvals, are in place.
- Services purchased through work orders are consistent with Charter rules governing the Municipal Transportation Fund and voter-adopted baselines generally.

## Scope and Methodology

The review primarily focused on work orders with General Fund departments for FY 2008-09, with some review of prior periods, as necessary. It does not reflect recent efforts and improvements by the SFMTA to establish work order agreements and improve work order oversight. In consultation with the SFMTA management staff, the Controller agreed to:

- Review documentation on file at the SFMTA and obtain limited verification from departments.
- Provide assurance that supporting documentation on file appeared reasonable.
- Review only the work orders from which the reviewers were independent. The reviewers did not assess any work orders between the SFMTA and the Controller's Office.
- Review baseline data provided by the Controller's Office, Budget and Analysis Division.

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## **SFMTA WORK ORDER REVIEW**

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### **Section Overview**

This section discusses in detail the Controller's compliance review of a sample of the SFMTA's FY 2008-09 work orders. The review is based on documentations available on file at the SFMTA and through limited verification with provider departments. This review identifies several areas in which the SFMTA needs to improve its general management of services purchased through the work order process.

### **General Findings**

1. The SFMTA does not have formal agreements for every work order, which are usually in the form of a written work order agreement, with most of its performing departments. For many years, the majority of these work orders have been included in SFMTA's budget.
2. The SFMTA does not always document changes with performing departments when budget amounts are changed. Without documentation and approval of such changes, SFMTA cannot adequately ensure that all department charges are appropriate and accurate.
3. The SFMTA paid for some services without sufficient support. For example, SFMTA paid some billings based on budgeted amounts and did not or was unable to obtain supporting documents to ensure that actual costs equaled these budgeted work order amounts. Good accounting practices require that all costs include enough support to substantiate that they are actual costs to the SFMTA.
4. In three circumstances, the SFMTA did not request nor did the Controller adjust baseline allocations to account for the cost of certain services for which the Charter requires such an adjustment.

The SFMTA staff appears to understand the work order billing issues discussed in this section, and has worked in the past year to implement improved procedures for management of the SFMTA work orders.

## Recommendations

The SFMTA should:

1. Enter into a written work order agreement with every department with which it contracts for services. To ensure all parties have a clear understanding of the work requested and the respective costs, these work order agreements should state the specific job tasks to be provided and the estimated costs of these services. The following should be included in each work order agreement:
  - a. *Type of service to be provided along with a timeframe for providing the services.* The agreement should specify the job tasks to be performed and a timeframe for the provision of these services. If the work order is for on-going services or projects, monthly or quarterly activity reports should be provided to the SFMTA as identified in the agreement.
  - b. *Cost basis for services.* Each work order agreement should indicate whether the cost allocation for services is based on a flat rate, hourly rate, or an allocation formula based on certain factors. If staff costs are based on hourly rates without overhead costs, work order agreements should include budgets of staff hours required to perform the tasks and expected staff hourly rates. If staff hourly rates include overhead costs, rates should be itemized in the agreement to show the items listed above and the allocation of overhead costs. If the service cost is based on an allocation methodology, the methodology should be stated in the work order agreement, in addition to stating any agreed-upon limit to the service cost.
  - c. *Outside vendor services.* To the extent that work order services include the use of vendors, the work order agreement should specify the nature and expected costs of these services. The agreement should also specify those circumstances where vendor invoices are required for the SFMTA review as part of the billing procedure.

- d. *Designated contact person in each department responsible for the work order services.* A contact person helps ensure that work provided is accountable and monitored.
  - e. *Signatory approval of the work order by each department in a timely manner.* Each agreement must be signed by both performing and requesting departments to validate the agreements. Ideally, these agreements should be approved by both departments by the beginning of each fiscal year, to ensure that departments have agreed on the services and costs prior to the start of work.
  - f. *Detailed billing procedures.* The SFMTA needs to state in its work order agreements the specific billing documents and procedures it requires from provider departments to approve payment. The SFMTA should indicate if it wants provider departments to submit quarterly, semi-annual or annual billings. Additionally, the work order agreement should specify the list of acceptable forms of billing documents.
2. At minimum, require written justification from the departments for any charges that differ from the approved services, budget, or service levels specified in the work order agreement.
  3. Not pay for costs without *sufficient support*. *Sufficient support* means that costs can be verified as actual costs. The SFMTA should make sure that provider departments and their contractors understand the level of detail needed to support charges appropriately. It is important that billing procedures be included in a work order agreement, so that both parties have a mutual understanding prior to the start of work.
  4. Ensure that the assigned liaison from the SFMTA to a given work order department monitor charges against that work order to ensure that the charges are warranted.

### Specific Findings

The following findings present the results of the Controller's compliance review for a sample of the SFMTA's FY2008-09 work orders.

**City Attorney's Office**

The Office of the City Attorney's general responsibilities include:

- Representing the City in legal proceedings.
- Providing advice or written opinions to any officer, department head, board, and commission.
- Approving as to form all surety bonds, contracts and ordinances.
- Examining and approving title to all real property to be acquired by the City.
- Investigating, evaluating, and recommending disposition of all claims made against the City.

The following is a breakdown of the attorney labor services by type to the SFMTA:

*73% Claims and Litigation:*

These expenses mostly involve tort claims and litigation, which arise from Muni operations. Other litigations include labor and employment, environmental, and other business disputes matters.

*27% Legal Advice and Transactional Work:*

Expenses incurred for these services are mainly for the SFMTA's capital improvement projects, and include service involving labor and employment, budget and finance, regulatory compliance, environmental, and issues related to contracting and procurement.

*Work Order Conditions*

1. The SFMTA did not have a written agreement with the City Attorney for services provided during FY 2008-09. The SFMTA and City Attorney are currently working to establish a formal work order agreement for future years.
2. The City Attorney's Office provided quarterly billing to the SFMTA, but SFMTA paid for its services at the end of the fiscal year. More frequent review and payment of provided work order billings would allow the SFMTA to better manage the work order relationship, and provide regular review and approval of billing transactions.
3. The SFMTA has not requested, nor has the City Attorney's Office included, detailed information on non-salary expenses in their regular billings. Non-salary litigation expenses for the SFMTA's operation and non-operation cases totaled \$1.6 million during FY 2008-09. In reviewing a sample of the expenses, the Controller

found that the majority of attorney expenses were for expert witnesses, document charges, transcripts, court reporters, and mediators.

4. Although the City Attorney's Office billed actual hours worked by City Attorney staff, the invoice did not indicate agreed-upon hourly rates for specific staff classifications. Verification of costs by the SFMTA staff is difficult without this information in the work order agreement or on each quarterly work order bill.

## Recommendations

The SFMTA should:

1. Enter into an agreement in the form of a written work order agreement with the City Attorney's Office.
2. Ensure its work order agreement specifies that the City Attorney's Office bill on a quarterly basis so that SFMTA can easily review, verify, and approve these billing transactions in a timely manner.
3. Work with the City Attorney's Office to develop a reporting process that enables the SFMTA staff to verify the legal services provided for non-salary expenditures in addition to billed staff costs. The form of these reports should be included in the agreement. Ensure that the agreement outlines the non-salary expenses for which the SFMTA requires supporting documents and invoices. The SFMTA should not pay for any expenses without sufficient support.
4. Work with the City Attorney's Office to ensure that the revised invoices will enable it to identify work performed on projects that the SFMTA can monitor and allocate, where possible and appropriate, to Federal and State grants. The City Attorney's Office and SFMTA report that they have completed a major overhaul of their billing procedure to accommodate this and other business needs.
5. Ensure that the work order agreement with the City Attorney's Office includes the rates for various classifications of attorneys and administrative staff providing services to the SFMTA, including allowable overhead expenses.

**Economic and Workforce Development**

The Office of Economic and Workforce Development (OEWD) oversees activities and programs related to business attraction and retention, workforce development, international business, development planning, and neighborhood commercial revitalization.

The SFMTA's work order with OEWD supports the CityBuild program and funds staff to manage traffic and transit issues related to special events. The CityBuild program is an employment program that provides workforce training and job placement services to San Francisco residents interested in pursuing a career in the construction industry.

*Work Order Conditions*

1. The SFMTA did not have a written agreement with the OEWD for the services provided for services during FY 2008-09.
2. The allocation for the CityBuild program costs is determined by the proportion of placements at each city agency. In FY 2008-09, approximately 19 percent of the program's placements have been to the SFMTA projects. The SFMTA has spent approximately \$160,000 annually during the past three years on this program.
3. OEWD's staff time in managing transit and traffic issues related to citywide civic, business and other special events has been in place since the establishment of the SFMTA baseline in 1999, and was paid directly from the General Fund. However, in FY 2006-07, the SFMTA began to pay for this service through a work order. This work order was initially paid at \$116,000, and subsequently was reduced by \$35,000 to \$81,000, due to budget constraints in subsequent years. As a result, the SFMTA paid a total of \$277,660 from FY 2006-07 through FY 2008-09, and is projected to pay an additional \$81,000 for FY 2009-10, for a total cost of \$358,660. This service was not accounted for in the initial baseline calculation, as is required by the Charter.

**Recommendation**

The SFMTA should request that the Controller adjust the baseline allocation from the General Fund in the amount of \$358,660 for OEWD's management of transit and traffic issues for the period from FY 2006-07 through FY 2009-10, and adjust the baseline allocation for this service in future years.

**General Services Agency:  
311 Customer Service  
Center**

The 311 Customer Service Center (311 Center) is the City's call center for government information and non-emergency services. The 311 Center provides the public with quick and easy access to all San Francisco government services and information.

Specific SFMTA services supported at the 311 Center include:

- Muni bus route information
- Next arrival information
- General SFMTA information
- Complaint and compliment reporting
- Lost and found reporting
- Abandoned vehicle reporting
- Street sign repair and replacement requests
- Parking and traffic construction permits
- Updates on service disruptions
- Curb painting appointments and requests
- Blocked driveway complaints
- Taxi Commission information
- A "self service" portal for SFMTA services
- Other customized reporting

The SFMTA first contracted for the 311 Center's services in 2007. The initial work order in FY 2006-07 was \$1.4 million, and was increased to \$6.6 million in FY 2008-09. The SFMTA increased the work order based on two primary factors:

1. The allocation of the 311 Center's charges in prior years was far below costs attributable to the SFMTA-related calls received by the center.
2. To maintain service standards due to dramatically increasing call volumes, predominantly for the SFMTA-related matters.

*Work Order Conditions*

1. The SFMTA has a written work order agreement in place with the 311 Center.
2. Originally, the SFMTA agreed to pay for 311 Center services at an estimated rate of 50 percent of the 311 Center's operational costs. The final invoice submitted by the 311 Center to the SFMTA for FY 2008-09 was billed at a rate of 61.5 percent of the 311 Center's actual

costs. As a result of 311 Center's analysis of its call volumes, it determined that the SFMTA's call intakes were higher than anticipated and thus the center raised the SFMTA service charges to this higher billing percentage, which was based upon actual call volumes.

**Recommendations**

The SFMTA should:

1. Amend the work order agreement with the 311 Center to require written justification and approval of any charges that differ from the approved services, rates, or allocation of costs in the original agreement.
2. Amend the work order agreement with the 311 Center to provide advance notice of potential billing rate changes to ensure that SFMTA adequately plans for potential budget adjustments.

**General Services Agency:  
Contract Administration**

The mission of the Purchasing Division of the Office of Contract Administration (OCA) is to support the procurement of the material, equipment, and services that are essential to providing governmental services for the citizens of San Francisco. The OCA, through its contracting and procurement services, also directly supports the operations of City departments.

SFMTA pays for the services of two full-time OCA purchasers. OCA also provides two part-time purchasers to the SFMTA for special requisitions projects. The SFMTA's work order budget for the past 10 years has been approximately \$100,000. However, in FY 2008-09, the work order amount was more than doubled to \$262,000. While OCA's service costs have increased during this period, the SFMTA paid only the maximum budgeted amount until FY08-09 when this increased work order budget was approved.

*Work Order Conditions*

1. The SFMTA did not have a written work order agreement with OCA for services provided in FY 2008-09.
2. Although the purchasers assigned to the SFMTA are located in SFMTA offices and dedicated to SFMTA work, OCA's invoices did not state the actual hours related to the salary costs charged to the SFMTA for these part-time purchasers.



3. OCA used estimated hours to bill the SFMTA for the as-needed purchasers. OCA's invoice did not indicate the actual hours worked on the SFMTA procurements.
4. OCA only stated the staff names and their respective salaries and fringe benefit amounts.

## Recommendations

The SFMTA should:

1. Enter into a written work order agreement with OCA for the services it provides.
2. Ensure that the work order agreement specifies appropriate documentation required to verify that billed work has been performed. This reporting requirement should be sufficient to ensure that costs billed to the SFMTA are not based upon estimated workload or staff-hours.
3. Ensure that the number of purchasers assigned to work on a full-time basis for the SFMTA is stated in the work order agreement along with the purchasers' classifications and salary ranges. In addition, the agreement should also specify the billable rates for the purchasers assigned to work for the SFMTA on a part-time or intermittent schedule.

## General Services Agency: Central Shops

The General Services Agency's Central Shops Division provides fleet services to City departments and is responsible for asset management, maintenance and repairs, vehicle leasing, motor pools, fueling services, vehicle acquisitions and dispositions, equipment specifications, and an alternative fuel program. The SFMTA contracts with Central Shops to purchase fuel for the SFMTA's non-revenue vehicles, car washing services, and towing services.

The SFMTA has used Central Shops' services since FY 1998-99. At its inception, the work order amount was \$148,147, and has increased to \$941,093 in FY 2008-09. The primary reason for the increase is the escalated cost for gasoline. Gasoline prices increased over 200 percent from 1998 to 2008. In addition, in FY 2008-09 funds from this work order were used to supplement another SFMTA work order with Central Shops for auto maintenance and repair in the amount of \$83,505.

*Work Order Conditions*

1. The SFMTA did not have a written agreement with Central Shops for services purchased in FY 2008-09.
2. Central Shops did not consistently provide nor did the SFMTA request sufficient information to allow the SFMTA to determine if the services provided by Central Shops were accurately billed and reasonable. For example, in some of its billings, Central Shops indicated the mileage of the vehicles each time they were fueled, but in other instances it did not provide this needed information to allow the SFMTA to determine if the fuel charges were reasonable.
3. Significant changes appear from month to month on fuel charges. Fuel charges for the Municipal Railway ranged from \$26,790 to \$61,378 per month during the review period. The Controller reviewed the changes in the cost of gas prices and concluded that the variances were largely due to the fluctuation of gas prices.

**Recommendations**

The SFMTA should:

1. Enter into a written work order agreement with Central Shops for the services it provides.
2. Specify in the work order agreement the level of detail to adequately monitor the work order, to ensure that all charges are reasonable and accurate.

**General Services Agency:  
Real Estate Division**

The Real Estate Division of the General Services Agency is responsible for the acquisition of all real property required for City purposes, the sale of surplus real property owned by the City, and the leasing of property required by various City departments. The Real Estate Division also provides custodial and engineering services for various City departments as well as full service property management services to various City-owned or leased buildings, specifically those located at 1 and 11 South Van Ness Avenue, 875 Stevenson Street, and 25 and 27 Van Ness Avenue, which are occupied by the SFMTA.

*Work Order Conditions*

1. The SFMTA and the Real Estate Division have a written work order agreement.
2. The Real Estate Division charges rent based on the SFMTA's leased square footage in the buildings and the

rental rates are stated in the work order agreement, and bills its staff costs based on hourly rates. The hourly rates are calculated based on the staff's direct salary plus an overhead rate. These staff rates are standard rates used for all City departments. The Controller did not identify any significant billing errors in this work order.

3. Although the work order agreement requires the SFMTA to pay rent on a monthly basis, the Real Estate Division instead has billed the SFMTA on a quarterly basis.

#### **Recommendation**

The SFMTA and the Real Estate Division should amend their current work order agreement to require quarterly billings.

#### **Human Resources - Project eMerge**

The Department of Human Resources (DHR) administers the City's civil service system, ensures payment of workers' compensation benefits to injured employees, negotiates and administers labor agreements with the City's labor unions, ensures equal employment opportunities for employees and applicants, and trains, develops and manages the City's workforce. DHR also conducts examinations that identify qualified applicants for City employment.

The SFMTA's work order with DHR is primarily used to pay for the testing and implementation of the new hardware and software systems, Project eMerge and PeopleSoft, to be used by all City departments. Project eMerge will provide improved human resources, benefits administration, and payroll services to the active, retired, and future workforce of the City through the implementation of a new integrated Human Capital Management system. Existing, centralized processes and tools will be replaced with one, consolidated, City-wide system, PeopleSoft 9.0. This system will be used by all City departments, including the SFMTA.

The budget for this work order was established by the Controller's Office and the Mayor's Office and allocated to each City department based on the employee count in each department's budget. The expenditures for these projects began in FY 2008-09 and SFMTA's allocated share of the projects' costs was \$2.9 million for that year.

*Work Order Conditions*

1. The SFMTA did not have a written agreement with DHR to pay SFMTA's allocated share of the project's costs for FY 2008-09.
2. DHR's invoices were based on the budgeted amount rather than actual amounts incurred for the eMerge and PeopleSoft projects. The SFMTA's share of the eMerge/PeopleSoft project was allocated using the SFMTA's proportion of the City's full-time equivalent position counts, a reasonable allocation methodology for project costs. A final true-up of actual versus budgeted costs is anticipated upon completion of the project.

**Recommendations**

The SFMTA should:

1. Enter into a written work order agreement for costs associated with Project eMerge.
2. Request periodic updates on current projected expenditures versus the original project budget, to allow for advance notification of any changes in anticipated project costs.

**Human Resources**

The SFMTA has a second work order with DHR for its personnel services. At the onset of the work order in FY 2002-03, the work order amount was \$225,836, and the amount has remained consistently at this level. In the last three years, The SFMTA has maintained the work order amount at \$235,000. DHR calculates its work order cost by determining its total cost for providing these services, and allocates these total costs to each City department based upon each department's number of full-time equivalent positions, a reasonable allocation methodology for these costs.

*Work Order Conditions*

1. The SFMTA did not have an updated written agreement with DHR for its personnel services for services provided in FY 2008-09.
2. DHR did not provide supporting documents to the SFMTA that described the specific services DHR provided or the number of hours worked by DHR staff in providing those services.

3. While the allocation of costs using each department's share of citywide full-time equivalent positions is a reasonable allocation methodology, invoices need to be based on actual citywide costs, and not budgeted costs. DHR billed on a budgeted amount rather than on the actual costs incurred to provide these services. Each quarterly billing was \$58,750, totaling \$235,000 for the year.

## **Recommendations**

The SFMTA should:

1. Enter into an annual written work order agreement with DHR for requested personnel services.
2. Ensure that the work order includes the requirement that invoices are based upon the allocation of actual costs, rather than budgeted costs. Documentation required to verify these costs should be specified in the work order agreement.
3. Withhold payments for billed amounts that are based on budgeted charges. As a good business practice, it should only pay for actual services rendered based on sufficient information to justify the charges.

## **Human Rights Commission**

The Human Rights Commission's (HRC) Surety Bond & Financing Assistance Program is designed to help contractors hired by City departments obtain or increase bonding and financing for City/Redevelopment Construction projects and increase the bidding pool for such projects. The program is for certified Small or Micro Local Business Enterprise contractors who are participating in City construction contracts.

The SFMTA's work order with HRC funds SFMTA's share of the costs for the administration of the program by HRC and an insurance company's fee. The SFMTA contracted with HRC for its services in FY 1999-2000, and the work order amount has ranged from \$42,459 to \$71,986 during the past 10 years. In FY 2008-09, the work order amount was \$48,573.

*Work Order Conditions*

1. The SFMTA did not have a written agreement with HRC.
2. HRC did not provide the insurance company's invoice documenting the vendor's fee to the SFMTA. Additionally, the invoice for the insurance premium invoice was not provided.

**Recommendations**

The SFMTA should:

1. Enter into a written work order agreement with HRC for the services it provides.
2. Request that the HRC provide supporting documents for its non-salary costs to verify that the charges are for SFMTA specific services or reasonably allocated citywide costs.

**Human Services Agency**

The Human Services Agency (HSA) is the central resource for public assistance in the City. HSA's mission is to promote well-being and self-sufficiency among individuals, families, and communities in San Francisco. One of HSA's responsibilities is to provide employment services for San Francisco public assistance recipients, as well as offering services to the general public.

The SFMTA has two work orders with HSA to pay for Workfare participants performing work at the SFMTA locations and to provide services for the administration of the Lifeline Fast Pass program.

**Workfare Program Work Order**

In FY 2004-05, the SFMTA began contracting with HSA to use its Workfare clients to provide cleaning services at SFMTA facilities. The services rendered by the participants included vehicle cleaning, maintenance yard sweeping, and general entry-level cleaning tasks. The SFMTA has used this service continuously since its inception and has not exceeded its \$571,990 annual budget. Actual annual costs for this work order have varied from \$251,930 to \$488,784.

**Lifeline Fast Pass Work Order**

In FY 2005-06, the SFMTA offered a new Lifeline Fast Pass in an effort to expand low-income residents' access to public transit. The Lifeline Fast Pass is a discounted Muni Fast

Pass for residents with incomes at or below 200 percent of the poverty line. HSA administers the program and determines the eligibility and distribution of the Lifeline Fast Pass. HSA provides the staff, technology, and other support to provide eligible clients with the discounted Muni fast passes. The work order for this program has been budgeted at \$250,000 annually since FY 2005-06.

*Work Order Conditions*

1. The SFMTA did not have a written agreement with HSA on file for either the Workfare or the Lifeline Fast Pass programs.

**Workfare Program Work Order**

2. The SFMTA did not have any documentation showing that it agreed to the hourly rates HSA charged to reimburse workfare clients working at SFMTA facilities.
3. The SFMTA staff did not maintain files containing detailed billings for the first and second quarter invoices for FY 2008-09.

**Lifeline Fast Pass Program Work Order**

4. HSA billings and SFMTA payments were made quarterly and were calculated by allocating the annual work order amount of \$250,000 into four quarterly payments of \$62,500 each quarter. According to the work order agreement, the work order is to pay for information technology support, staff salaries, and other support for the lifeline program. It would appear that no reconciliation of actual costs to the estimated budget has occurred.

**Recommendations**

The SFMTA should:

1. Maintain a written work order agreement each year with the HSA for work order services.
2. Include hourly rates for reimbursement of Workfare clients in the work order agreement.
3. Obtain written justifications for any billings that significantly vary from usual billings.
4. Collect additional support from the HSA to allow billing

for the lifeline program work order based upon actual expenses and not budget estimates.

### **Mayor's Office**

The Mayor's Office of Government Affairs oversees the relationship between the Mayor's Office and other local elected and appointed officials. It is also charged with ensuring that the Mayor's governmental agenda is communicated to community stakeholders and constituents. These costs are allocated to various departments through the annual budget based upon each department's budgeted expenditures.

The SFMTA's work order with the Mayor's Office pays for external lobbyists' services provided through the Mayor's Office of Government Affairs. In FY 2008-09, the lobbyists' services totaled \$140,890. The work order was also used to pay part of the salary of the City's Greening Director. The SFMTA paid 28 percent of the director's salary, or \$35,869. The Greening Director serves as the Mayor's staff lead for policy initiatives, capital improvements, and community programs related to greening the City's streets, parks, and plazas. The Greening Director is responsible for issues related to the physical character and quality of public space in the City, in contrast to environmentally focused programs. The SFMTA began paying for a portion of the Greening Director's salary in FY 2005-06. This position was previously budgeted in the City Planning Department's work order with the SFMTA, but the adopted budget shifted the position into the Mayor's Office in FY 2008-09.

### *Work Order Conditions*

1. The SFMTA did not have a written work order agreement with the Mayor's Office for FY 2008-09.
2. The Mayor's Office billed and the SFMTA paid work order payments for governmental affairs based upon budgeted allocated costs, rather than actual allocated costs. While summary information showing the SFMTA's proportion of overall costs was provided, these billings did not include summary information and supporting documentation for salary and non-salary costs. Work order billings did not include detailed information on the classifications, billed rates and hours, or non-salary contract costs allocated to the SFMTA.
3. While allocation-based billings can be appropriate, adequate documentation is not on file with the SFMTA



detailing the derivation of the proportion of work of the Greening Director attributed to the SFMTA's mission. The allocation methodology should be documented and agreed upon by both departments involved in a work order relationship.

## Recommendations

The SFMTA should:

1. Enter into a written work order agreement with the Mayor's Office for the services it provides.
2. Ensure that the work order agreement details the means of allocating costs to the SFMTA, including details of any allocation methodology used to allocate costs to various departments. These descriptions should include details on billing rates and the allocation methodologies for both governmental affairs and the Greening Director charged to the SFMTA.
3. Detail supporting documentation required in support of each billing in the work order agreement. This could include means of verifying total actual costs incurred in the provision of these allocated costs, and supporting documentation of salary and non-salary expenditures. The SFMTA should not pay invoices that are not adequately supported by predetermined documentation.

## Planning Department

The Planning Department guides the orderly and prudent use of land, in both natural and built environments, with the purpose of improving the quality of life and embracing the diverse perspectives of those who live in, work in, and visit San Francisco.

A few of the Planning Department's principal activities include, reviewing proposed development projects for consistency with the Planning Code and conformity with the City's General Plan to formulating planning controls, policies, and standards to ensure the highest quality living and working environment for San Francisco neighborhoods and districts, analyzing development trends to help the City understand changes to the City's housing stock and commercial uses, and implementing the Planning Code and applying the Administrative Code to permit applications.

The SFMTA pays the Planning Department to perform application reviews of environmental and transportation

studies related to SFMTA projects. The project review fees are based on a city-wide approved fee schedule. The Planning Department began providing services to the SFMTA through a work order in FY 2004-05. The work order amount in FY 2008-09 was \$195,515.

*Work Order Conditions*

1. The SFMTA does not have a written work order agreement with the Planning Department. The Planning Department reports that it has not previously entered into a written work order agreement because the work order amount is to pay development application fees based on the size and scope of projects the SFMTA submits for review.
2. Although Planning Department invoices to the SFMTA identified staff by name and the actual hours worked by staff, the invoices did not indicate the specific tasks or services provided to the SFMTA. The invoices only identified a project name.
3. Approved staff hourly rates are not indicated for the different employee classifications in any of the invoices or related documents reviewed by the Controller. The Planning Department billed employees at different rates, ranging from \$82 to \$146 per hour. No explanation of attributed overhead costs was included in the sample of documents reviewed by the Controller's Office.

**Recommendations**

The SFMTA should:

1. Enter into a written work order agreement with the Planning Department for anticipated work order services.
2. Require the Planning Department to state in its invoices the specific work tasks or reviews the planners perform.
3. Ensure that the work order agreement with the Planning Department includes the rates for the various employee classifications of planners. The overhead rate calculation should also be separately identified in the agreement.

## **Police Department**

The San Francisco Police Department (SFPD) provides security and law enforcement services to the SFMTA. The SFMTA contracts for these services to enhance public safety, prevent crime, detect criminal activity, and assist in the prosecution of offenses occurring on the public transit system. The SFPD also provides enforcement of parking regulations and restrictions and enforces laws related to taxi services. These services are funded through two work orders between the SFMTA and the SFPD.

### **Security Services Work Order**

The SFPD's security services work order includes costs for the salary of the Security Director, Muni Response Team, K-9 Officers, the Third Street Security Staff, SFPD Traffic Company, night enforcement of parking regulations and police "passbys" of parking lots and garages, and parking enforcement for the Safe Path of Travel (SPOT) Program.

### **Taxi Law Enforcement Work Order**

SFMTA first contracted with SFPD for taxi law enforcement in FY 2002-03, when the Taxi Commission was reorganized and placed under the jurisdiction of the SFMTA. This initial work order amount was \$757,000 and the work order was \$386,032 in FY 2008-09.

## *Work Order Conditions*

1. The SFPD documents the cost of providing security services to the SFMTA in a spreadsheet that lists payrolls costs of officer salaries, but the SFPD does not specify the services provided by the officers. As a result, the SFMTA does not have complete information to ensure that it is receiving the security and enforcement services for which it has contracted.

The SFMTA has a work order agreement with the SFPD. While this agreement has improved administration of this work order, it has not been uniformly adhered to. For example, the SFPD did not submit to the SFMTA any quarterly activity reports for FY 2008-09, although it has begun to submit these required reports for activities in FY 2009-10.

2. The SFPD is not adhering to the work order agreement requirement to provide explanations for overtime pay. During FY 2008-09, the SFPD billed the SFMTA for overtime pay totaling \$60,402 related to enforcement services provided by the SFPD's Muni Response Team. While this amount was less than four percent of the total salary costs for the team, the SFPD did not provide any reasons for the need for overtime in its billings to SFMTA. In addition, security services provided on the Third Street Light Rail were all staffed by officers on overtime pay, totaling \$901,835. The work order agreement does not address the use of overtime for this service and no explanations were stated in the invoices.
3. The SFMTA needs to improve the budgetary information in its work order agreement with the SFPD. The agreement does not provide a detailed budget breakdown for each SFPD service. Only a summary budget is provided. For example, enforcement services provided for the SFMTA's Third Street Light Rail and the Muni Response Team have a budget of \$3,152,858. According to the work order agreement, this budget covers 13 full-time officers' salaries, and the salary of the Security and Enforcement Director. However, ultimately the bills paid for this period included an additional \$901,835 for staff costs for the Third Street Light Rail security. These costs were not included in the work order agreement.
4. The security services work order has been in place since the inception of the SFMTA's baseline, and has increased by approximately \$9.8 million in the past 11 years, from \$1.7 million in fiscal year 1998-99 to \$10.9 million in FY 2008-09. It is budgeted at \$11.5 million for FY 2009-10. The first significant budget increase occurred in FY 2003-04, with a \$6.7 million increase from the budgeted work order amount of \$1.4 million for FY 2002-03. The primary reason for the increase in services was the addition of the SFPD Traffic Company officers to services paid by the SFMTA in FY 2003-04. The SFMTA currently pays for 62 percent of these services.
5. The second significant budget increase transpired in FY 2007-08, an increase of \$2 million from the prior fiscal year. In FY 2007-08, the SFMTA requested additional security services to support the newly completed Third

Street Light Rail project, K-9 officers, night-time security enforcement, and incurred additional costs for the SPOT Program. The cost for the light rail service was an additional \$1 million, K-9 officers \$365,929, night-time security enforcement \$268,689 and SPOT \$281,874, for a total of \$1.9 million. Subsequently, in FY 2008-09, the SFMTA incurred a \$1.3 million cost for Third Street Light Rail and night-time security enforcement (\$901,835 and \$424,962, respectively). As a result, the SFMTA paid \$1.9 million from FY 2007-08 through FY 2008-09 for the Third Street Light Rail security and is projected to pay an additional \$210,317 for FY 2009-10, a total cost of \$2.1 million. These costs were not accounted for in the adjusted baseline transfers from the General Fund in these years intended to cover the cost of this new continuing transit service, as required by the Charter.

## Recommendations

The SFMTA should:

1. Require SFPD to promptly submit quarterly reports to the SFMTA as required by the work order agreement. Without such reports, the SFMTA cannot verify the services provided by the SFPD. The payroll spreadsheet shows the salaries of officers, but it does not indicate to the SFMTA the type of services provided. Accompanying activity reports would provide SFMTA assurance that it is paying for the services included in the work order agreement.
2. Amend the work order agreement to include detailed salary budgets for each service category and request that the SFPD provide the officer salary budgets. For example, in the Police Security service, the salary of the chief, one sergeant, eight officers, and four K-9 officers should each be itemized. Absent these rate details in the work order agreement, the SFMTA cannot determine whether billed salary costs are accurate.
3. Request that the Controller's Office adjust the baseline allocation in the amount of \$2.1 million for the police services for the Third Street Light Rail (which were not included in the initial baseline adjustment calculation for the Third Street Light Rail line), and adjust future year's baseline amounts appropriately.

## Public Works

The Department of Public Works (DPW) designs, builds, operates, maintains, greens, and improves the City's infrastructure, public rights-of-way, and facilities.

For FY 2009-10, the SFMTA has seven budgeted work orders with DPW totaling \$1.8 million. The SFMTA contracts for the following services from DPW:

- Street Cleaning
- Graffiti Removal
- Street Paving
- Building Repair
- Hazardous Material Abatement
- Architectural Services

The actual cost of the billed services fluctuates because the services are project-related and are requested by the SFMTA on an as-needed basis. The DPW's primary work order with the SFMTA is for graffiti abatement services, cleaning of Municipal Railway islands on Market Street and Third Street, and maintenance of the Third Street Light Rail Corridor.

## Work Order Conditions

1. The SFMTA did not have a written work order agreement with DPW for services provided in FY 2008-09.
2. The SFMTA first contracted with DPW for graffiti removal services in FY 2006-07. DPW's invoices list labor costs and supply costs for graffiti removal. The calculation of the labor cost is unclear and the basis for the labor costs is not described in the invoices. The labor costs vary from \$11.42 to \$60.36 to paint over graffiti with no further explanation to justify the variance in costs. The Controller's Office identified a number of potential duplicate charges for which the location, costs, and descriptions of the graffiti were the same.
3. The operation of the Third Street Light Rail began in FY 2006-07. At that time, the SFMTA requested cleaning services related to this new transit line, totaling \$226,187. In FY 2007-08 and FY 2008-09, the SFMTA incurred costs of \$452,373 and \$444,416, respectively for cleaning services on the Third Street Light Rail Corridor. In FY 2009-10, the budgeted service cost for the Third Street Light Rail Corridor remained at \$452,373. These costs were not accounted for in the

adjusted baseline transfers from the General Fund in these years intended to cover the cost of this new continuing transit service, as required by the Charter.

## Recommendations

The SFMTA should:

1. Enter into a written work order agreement with DPW for the services it provides.
2. Specify in the work order agreement the labor and supply costs and reporting requirements for graffiti abatement services, so that the SFMTA staff can verify that charges are reasonable and appropriate.
3. Request that the Controller's Office adjust the baseline allocation in the amount of \$1.6 million for DPW services provided in support of the Third Street Light Rail (which were not included in the initial baseline adjustment calculation for the Third Street Light Rail line), and adjust future year's baseline amounts appropriately.

## Technology

The Department of Technology (DT) provides a variety of technology services to City client departments to enhance the level of service they provide to the public and to support productivity increases in these departments. DT's core technology services include operations and infrastructure, technology consulting, and communications.

In FY 2007-08 DT began charging client departments on a full cost-recovery basis for services provided to City client departments. Cost recovery is currently accomplished using work orders and transfers to bill for charges such as telephone usage, client-specific projects, and enterprise services. As a result, the SFMTA's share for the costs of these services in FY 2008-09 increased significantly and totaled \$4.3 million.

Enterprise services are services provided to every client department, and the costs are allocated based on a percentage share of services provided relative to a common measurement driver, such as the number of email accounts or number of personnel in the departments. These services include: email, wide area network, network planning, e-services, and geographic information systems.

In FY 2008-09, the SFMTA's share for the costs of enterprise technology services was \$4.3 million. The SFMTA's cost for these services increased significantly because, in FY 2007-08, DT restructured its cost-driver allocation methodology for billing. Prior to FY 2007-08, DT did not bill for these costs in full and primarily billed clients based on estimates by DT project managers of the amount of services provided. During that period, DT usually did not fully recover for its services.

*Work Order Conditions*

DT bills the SFMTA monthly electronically through an interface in the City's FAMIS accounting system from its own web-based client billings system, CIMS Server. Interfaced billings in FAMIS do not require SFMTA approval; the system automatically processes payments. DT client departments have access to CIMS and are responsible for reviewing their invoices and billing details online; it does not provide any hardcopy invoices to departments for review. However, a SFMTA representative indicated that SFMTA staff cannot easily determine the services provided from the CIMS.

**Recommendation**

The SFMTA should work with DT to obtain sufficient training and instruction to access the CIMS to allow SFMTA to review DT invoices in CIMS monthly, and ensure that DT is accurately charging SFMTA its share for technology services.



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Governor

**JOHN CARLSON, JR.**  
EXECUTIVE DIRECTOR  
1416 Ninth Street  
Box 944209  
Sacramento, CA 94244-2090  
(916) 653-4899  
(916) 653-5040 Fax  
fgc@fgc.ca.gov

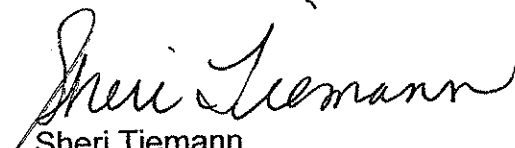
STATE OF CALIFORNIA  
**Fish and Game Commission**

April 27, 2010

**TO ALL AFFECTED AND INTERESTED PARTIES:**

This is to provide you with the revised Commission findings rejecting the petition to list the American Pika as a threatened species which will be published in the California Regulatory Notice Register on April 30, 2010.

Sincerely,

  
Sheri Tiemann  
Staff Services Analyst

Attachment

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## CALIFORNIA FISH AND GAME COMMISSION NOTICE OF FINDINGS

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Fish and Game Code Section 2074.2, the California Fish and Game Commission, at its June 24, 2009, meeting in Woodland, California, set aside its June 27, 2008, written findings in support of its decision to reject the petition filed by the Center for Biological Diversity to list the American pika (*Ochotona princeps*) as a threatened species. The Commission reconsidered the petition and rejected it based on a finding that the petition did not provide sufficient information to indicate that the petitioned action may be warranted. At this meeting, the Commission also announced its intention to ratify its findings.

NOTICE IS ALSO GIVEN that, at its October 1, 2009, meeting in Woodland, California, the Commission adopted findings outlining the reasons for its rejection of the petition.

NOTICE IS ALSO GIVEN that, at its April 7, 2010, meeting in Monterey, California, the Commission adopted the following findings outlining the reasons for its rejection of the petition and which supersede the findings adopted at the October 1, 2009 meeting.

### BACKGROUND

**August 22, 2007.** The Commission office received a petition from the Center for Biological Diversity (CBD) to list the American pika as threatened under the California Endangered Species Act (CESA).

**August 30, 2007.** The Commission office referred the petition to the Department of Fish and Game (Department) for review and analysis pursuant to Fish and Game Code Section 2073.5.

**September 10, 2007.** The Commission submitted a notice of receipt of the petition, for publication in the California Regulatory Notice Register, as well as for mailing to interested and affected parties.

**September 13, 2007.** The Department submitted a written request for a 30-day extension to evaluate the petition.

**October 12, 2007.** The Commission approved the Department's request for a 30-day extension to evaluate the petition.

**December 21, 2007.** The Department submitted its written evaluation of the petition.

**February 7, 2008.** The Commission announced receipt of the Department's evaluation of the petition to list the American pika as threatened and indicated its intent to consider the petition, the Department's evaluation, and public comments at the March 6-7, 2008 meeting.

**March 4, 2008.** The Commission office received a 25-page letter from CBD in rebuttal to the Department's evaluation. Six additional exhibits were appended to this letter.

**March 7, 2008.** The Department discussed its evaluation of the petition at the Commission meeting. The Commission took comments on the petition and the Department's evaluation. Because of the additional information submitted by CBD, the Commission continued its

consideration of the petition to the April 10-11 meeting in Bodega Bay.

**April 8, 2008.** The Commission office received an e-mail message from Mr. Brian Nowicki of CBD, with four attachments pertaining to the American pika.

**April 10, 2008.** The Commission considered the petition and took additional comments related to it and the Department's evaluation. At this meeting the Commission rejected the petition, finding that it did not contain sufficient information to indicate the petitioned action may be warranted. Staff was directed to prepare a draft statement of Commission findings pursuant to Fish and Game Code Section 2074.2.

**August 19, 2008.** CBD filed a Petition for Writ of Mandate in San Francisco Superior Court challenging the Commission's decision to reject the petition.

**May 11, 2009.** San Francisco Superior Court Judge Peter Busch issued a writ of mandate directing the Commission to set aside its June 27, 2008 findings rejecting the petition to list the American pika and reconsider its action in light of the court's judgment.

**May 19, 2009.** The Commission office received a 17-page letter from CBD requesting that the Commission take into account the information in the letter when reconsidering the petition.

**June 24, 2009.** The Commission considered the petition and took additional comments related to it. At this meeting, the Commission set aside its June 27, 2008 written findings in support of its decision to reject the petition. At this meeting, the Commission also reconsidered and rejected the petition without prejudice, finding that it did not contain sufficient information to indicate the petitioned action may be warranted. Staff was directed to prepare a draft statement of Commission findings pursuant to Fish and Game Code Section 2074.2. At this meeting, the Commission also decided and announced that any additional evidence submitted by CBD, including its May 19, 2009 letter, should be submitted to the Commission as part of any new petition CBD chooses to submit.

**October 1, 2009.** The Commission adopted findings outlining the reasons for its rejection of the petition.

## II STATUTORY REQUIREMENTS

A species is endangered under CESA (Fish and Game Code § 2050 et seq.) if it "is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease." (Fish & G. Code, § 2062.) A species is threatened under CESA if it is "not presently threatened with extinction [but] is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by [CESA]...." (Fish & G. Code, § 2067.) Responsibility for deciding whether a species should be listed as endangered or threatened rests with the Commission. (Fish & G. Code, § 2070.)

California law does not define what constitutes a "serious danger" to a species, nor does it describe what constitutes a "significant portion" of a species' range. The Commission makes the determination as to whether a species currently faces a serious danger of extinction throughout a significant portion of its range (or, for a listing as threatened, whether such a future threat is likely) on a case-by-case basis after evaluating and weighing all the biological and

management information before it.

Non-emergency listings involve a two-step process. First, the Commission "accepts" a petition to list the species, which immediately triggers regulatory protections by establishing the species as a candidate for listing and triggers up to a twelve-month study by the Department of the species' status. (Fish & G. Code, §§ 2074.2, 2074.6.) Second, the Commission considers the Department's status report and information provided by other parties and makes a final decision to formally list the species as endangered or threatened. (Fish & G. Code, § 2075.5. To be accepted by the Commission, a petition to list a species under CESA must include sufficient scientific information that the listing may be warranted. (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subds. (d) and (e).) The petition must include information regarding the species' population trend, range, distribution, abundance and life history; factors affecting the species' ability to survive and reproduce; the degree and immediacy of the threat to the species; the impact of existing management efforts; suggestions for future management of the species; the availability and sources of information about the species; information about the kind of habitat necessary for survival of the species; and a detailed distribution map. (Fish & G. Code, § 2072.3; Cal. Code Regs., tit. 14, § 670.1, subd. (d)(1).)

Within ten days of receipt by the Commission, a petition is forwarded to the Department for analysis. (Fish & G. Code, § 2073.) Within 90 days of receipt, the Department submits to the Commission an evaluation report of the petition and other available information (Fish & G. Code, § 2073.5), including a recommendation on whether the petitioned action may be warranted. The Department may request and be granted a time extension of up to 30 additional days to submit the evaluation report. After public release of the Department's evaluation report (Fish & G. Code, § 2074), the Commission will schedule the petition for consideration. In deciding whether it has sufficient information to indicate the listing may be warranted, the Commission is required to consider the petition itself, the Department's written evaluation report, and other comments received about the petitioned action. (Fish & G. Code, § 2074.2.)

The standard of proof to be used by the Commission in deciding whether listing may be warranted (i.e., whether to accept or reject a petition) was described in *Natural Resources Defense Council v. Fish and Game Commission* (1994) 28 Cal. App.4<sup>th</sup> 1104 (NRDC case). In the NRDC case, the court determined that "the Section 2074.2 phrase 'petition provides sufficient information to indicate that the petitioned action may be warranted' means that amount of information, when considered in light of the Department's written report and the comments received, that would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur...." (*Id.*, at p. 1125.) This "substantial possibility" standard is more demanding than the "reasonable possibility" or "fair argument" standard found in the California Environmental Quality Act, but is lower than the legal standard for a preliminary injunction, which would require the Commission to determine that a listing is "more likely than not" to occur. (*Ibid.*)

The NRDC court noted that this "substantial possibility" standard involves an exercise of the Commission's discretion and a weighing of evidence for and against listing, in contrast to the fair argument standard that examines evidence on only one side of the issue. (*Id.*, at p. 1125.) As the Court concluded, the decision-making process involves:

...a taking of evidence for and against listing in a public quasi-adjudicatory setting, a weighing of that evidence, and a Commission discretion to determine essentially a question of fact based on that evidence. This process, in other words, contemplates a meaningful opportunity to present evidence contrary to the petition and a meaningful consideration of that evidence.

(*Id.*, at p. 1126.) Therefore, in determining whether listing "may be warranted," the Commission must consider not only the petition and the report prepared on the petition by the Department, but other evidence introduced in the proceedings. The Commission must decide this question in light of the entire record.

In *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, the court acknowledged that "the Commission is the finder of fact in the first instance in evaluating the information in the record." (*Id.*, at p. 611, citing *NRDC, supra*, 28 Cal.App.4th at p. 1125.) The court explained:

[T]he standard, at this threshold in the listing process, requires only that a substantial possibility of listing could be found by an objective, reasonable person. The Commission is not free to choose between conflicting inferences on subordinate issues and thereafter rely upon those choices in assessing how a reasonable person would view the listing decision. Its decision turns not on rationally based doubt about listing, but on the absence of any substantial possibility that the species could be listed after the requisite review of the status of the species by the Department[.]

(*Ibid.*) Thus, without choosing between conflicting inferences, the Commission must objectively evaluate and weigh the information both for and against the listing action and determine whether there is a substantial possibility that the listing could occur. (*Id.*, at p. 612.)

### III REASONS FOR FINDING

This statement of reasons for the finding sets forth an explanation of the basis for the Commission's finding and its rejection of the petition to list the American pika as a threatened species. It is not a comprehensive review of all information considered by the Commission and for the most part does not address evidence that, while relevant to the proposed listing, was not at issue in the Commission's decision. However, all written and oral comments presented to the Commission prior to its April 10, 2008 meeting regarding the petition are considered part of the record.

In order to accept this petition, the Commission is required to determine that it has sufficient information to persuade a reasonable person that there is a substantial possibility that listing of the American pika could occur. Guided by the *NRDC* and *Center for Biological Diversity* cases, the Commission must objectively weigh and evaluate all evidence.

Fish and Game Code Section 2072.3 lists several informational categories to be evaluated in determining whether a petition should be accepted. The petition and record as a whole were insufficient to demonstrate that the listing action could occur.

The informational deficiencies and categories of information described in Section 2072.3 most relevant to this finding are:

- (1) Population trend;
- (2) Population abundance; and
- (3) Degree and immediacy of threat.

1. **Population Trend:**
2. **Population Abundance:**

The petition contains minimal information on population abundance, density or trends. The petition reports that "... pika populations have been lost from multiple low-elevation sites in Yosemite National Park during the past 90 years." Otherwise, it reports no information regarding population numbers, except for the White Mountains (*O. p. sheltoni*) subspecies. While it appears that near-annual surveys have occurred within or near Bodie State Historic Park (Nichols, personal communication to Gustafson, 2007), these surveys are not sufficient to conclude that listing of this subspecies may be warranted. Among its deficiencies, the survey results are not reported in the Population Status portion of the petition, the methodology and survey site selection is not adequately described, the information presented has not been independently verified, confirmed or peer-reviewed, and the scope and context of the surveys in relation to the entire Bodie Hills area is unclear, particularly since Dr. Nichols still observed pikas in Bodie State Historic Park.

The petition does not describe the overall geographic range of the pika in California or the geographic range of any of the five subspecies found in the State. The petition provides no information on the distribution of the pika within its California geographic range, other than to say that elevations of historic populations [in California] ranged from 1370 [meters] to 3700 [meters]. The petition provides no information or description on any overall trend in the size or distribution of populations of the pika in California or of populations of four of the five sub-species occurring in the State.

The Commission finds that the population status of the American pika in California is largely unstudied and unknown. There have been no systematic, comprehensive, rangewide studies of pikas in California, and the petition does not contain sufficient information about the American pika throughout all or a significant portion of its range in California. Parameters to describe abundance, density, recruitment and population trends are unknown or unavailable. Further, the petition's statement that populations were lost from multiple low-elevation sites in Yosemite was not justified, according to a key researcher in the Yosemite National Park pika study, who stated that pika populations appeared healthy (Patton, personal communication).

Petitioner asserts that because of the lack of monitoring information, a rationale for listing should not depend on showing that population status is declining in California. Instead, petitioner argues that global warming poses a threat to the long-term survival of pikas in California and listing is justified because:

1. the pika is a unique mammal and extremely vulnerable to high temperatures;
2. upper elevation habitat for California pikas has experienced significant temperature increases, making it less suitable;
3. pika range in California is contracting upslope;
4. a recent study (Beever et al., 2003) reported pika population extirpations at six Oregon and Nevada locations within the Great Basin ecoregion and attributed extirpations to thermal stress from climate change; and
5. pikas in California are threatened by continued habitat alteration due to climate change.

Petitioner described potential broad scale effects of climate change on wildlife and plant communities of the Sierra Nevada ecoregion, and has cited sources to establish the vulnerability of pikas to high temperatures. However, the petition does not discuss the potential for

behavioral adaptations in pikas as a method of mitigating at least some anticipated effects of global warming. This is especially relevant because pika populations at lower elevations (such as Bodie State Historical Park) apparently reduce mid-day activity as a means of avoiding the heat.

The petition also asserts that upper elevation habitat for California pikas has experienced significant temperature increases and is now less suitable because pika range in California is contracting upslope. However, the petition's evaluation of microhabitat conditions at upper elevation habitat is inadequate, especially subalpine microclimate conditions related to temperature. The petition does not adequately demonstrate that pika distribution in California has contracted (or is contracting) upslope. Moreover, the petition does not show that upslope habitat in California is significantly limited in its availability or quality, to the extent that an upslope shift in distribution would be expected to constitute a threat to pika populations statewide.

Most important, the petition apparently attempts to use habitat conditions and population trends in the Great Basin ecoregion as proxies to predict the demise of pikas in the Sierra Nevada ecoregion of California. It does so without adequately comparing or contrasting these ecoregions, and without providing sufficient information about this ecoregion in California. It is erroneous to assume that because they are adjacent to one another, these ecoregions are similar in terms of pika habitat suitability. Because of the availability of suitable, continuous high-elevation habitat, distribution of pikas along the Sierra Nevadas may be much more continuous than within the Great Basin. The petition fails to acknowledge or discuss this, and the Commission does not believe that the decline of some pika populations in the Great Basin constitutes sufficient information to create a substantial possibility that listing pikas within the Sierra Nevada ecoregion in California may be warranted.

Fish and Game Code Section 2072.3 clearly states that the petition must provide information about species' abundance and population trend. This information must be about the species in California. Although some may suggest that pikas are difficult to survey, it is worth noting that, in addition to the population trend data available from the Great Basin, abundance and population trend information is available for other subspecies of pika in Alaska and China. This petition is clearly deficient in that it fails to provide sufficient scientific information on both population trend and abundance.

### 3. Degree and immediacy of threat:

The lack of population abundance and trend information in the petition also impacts the discussion of purported threats to the American pika. Without a reliable population estimate, realistic assessment of the scope of the threat to the species is impossible. Most listings of other species by the Commission were clearly documented by utilizing population size to show dramatic and measurable declines caused by the lack of protections. Some listings of species looked to small population size initially to show the need for immediate protection.

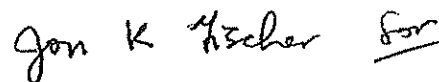
The petition lacks empirical data to describe population trend and abundance. Instead, petitioner implicitly assumes that extirpations of pika populations in the Great Basin are predictive of similar occurrences within the Sierra Nevada ecoregion. It is not reasonable to accept such an assumption without empirical data and a comparison of the Sierra Nevada and Great Basin ecoregions. Thus, in discussing purported threats to the American pika as a result of climate change, the petition is speculative and does not provide sufficient information for the Commission to determine that there is a substantial possibility that the listing of pikas could occur.

Fish and Game Code Section 2072.3 explicitly requires the presentation of sufficient credible information on the questions of degree and immediacy of threat and the impact of existing management efforts. Section 2072.3 provides that "Petitions shall include information regarding...the degree and immediacy of threat, the impact of existing management efforts...." The petition lacks sufficient information on the degree and immediacy of threat component of the statute under current conditions.

#### IV FINAL DETERMINATION BY COMMISSION

The Commission has weighed and evaluated all information and inferences for and against accepting the petition, including the scientific and general evidence in the petition, the Department's written report, and written and oral comments received from members of the public. Based upon the record, the Commission has determined that the petition and overall record provides insufficient evidence to persuade an objective, reasonable person that the petitioned action may be warranted. (Fish & G. Code § 2074.2.) In making this determination the Commission finds that the petition does not provide sufficient information in the categories of population trend, abundance, and degree and immediacy of threat to find that the petitioned action may be warranted. The Commission also finds that the petition provided insufficient information range-wide regarding population trends and abundance and degree and immediacy of threat for the Commission to adequately assess the threat and find that an objective, reasonable person would conclude there was a substantial possibility that listing the species could occur. The petition is rejected without prejudice to CBD submitting a new petition based on all available information about the status of the American pika in California.

Fish and Game Commission



John Carlson Jr.,  
Executive Director

Dated: April 7, 2010







Hut Landon  
<office@nciba.com>  
04/27/2010 10:40 AM

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

cc

Subject Local business and more revenue

Dear Supervisor,

Several recent economic studies, including the San Francisco Retail Diversity Study, have confirmed that local independent businesses provide considerably more economic value to their communities than chain stores or online sellers.

One quick example - if a consumer spends \$100 with local businesses, \$68 gets reinvested in the local economy. If the consumer spends that same \$100 at chain stores, only \$43 is returned to the economy. And if the \$100 is spent with out of state e-tailers who don't collect sales tax, the return is even lower.

These numbers underscore the importance of locally owned small business to San Francisco. You all know that small business is the job creation engine, but the economic value goes far beyond that. The San Francisco Retail Diversity Study also noted that a 10% shift in consumer spending from chains and internet to local merchants would result not only in 1300 new jobs but also \$190 million in increased economic output annually for the city.

In this time of budget challenges, I'd like to respectfully ask you to consider ways to drive more consumers to local businesses as a way to increase city revenues. Instead of additional neighborhood parking meter fees that make shopping malls and online searches seem more appealing (especially after a \$50 ticket), might it make more sense to encourage local shopping?

What about a one-week Shop Local First experiment? Pick a time and promote it as a fundraiser for the City - help local businesses and raise money for San Francisco at the same time. Partner with a few local merchants to track sales for the period and compare them to that same week a year ago. If revenue is up, maybe it makes sense to look for other such opportunities.

Sincerely,

Hut Landon  
Executive Director  
San Francisco Locally Owned Merchants Alliance  
Northern California Independent Booksellers Association

**Northern California Independent Booksellers Association (NCIBA)**  
Presidio National Park  
1007 General Kennedy Avenue  
PO Box 29169  
San Francisco, CA 94129  
415-561-7686, 415-561-7685 (fax)

31



Joe Krivan  
<its1967@yahoo.com>  
04/28/2010 12:26 PM

To Board.of.Supervisors@sfgov.org, David.Chiu@sfgov.org,  
Eric.L.Mar@sfgov.org, Michela.Alioto-Pier@sfgov.org,  
Carmen.Chu@sfgov.org, Ross.Mirkarimi@sfgov.org,

cc

bcc

Subject Simple Math

Simple Math (even a Pandering Pompadour s/b able to do):

San Francisco is in excess of **\$500 Million** over budget, that's a **SHALF BILLION!!**  
Per Monday's article in the SF Chronicle quoting the Controller's report that 1 in 3  
City employees  
(that's 9,000 employees) make in excess of \$100,000/yr.

The Arithmetic:  $9,000 \times \$100,000.00 = \$900,000,000.00$   
 $\$900,000,000.00 - \$500,000,000.00 = \$400,000,000 \text{ surplus!!!!}$

Notes:

- \* The \$400,000,000 surplus can be partially refunded, partially funded to schools & Muni! Instead of letting the Police Dept bankrupt the City. Of course one can argue ANY money going to the overpaid SF police is a waste since exactly what do they do for The People! But that's another issue itself.
- \* Note this paycheck trim is only for 1 in 3 City employees; the other 2 out of 3 are paid simply above the private sector scale.
- \* In excess means they make well over \$100,000 so trimming \$100,000, mostly in overtime, still leaves them w. with a hefty paycheck!

Joe - District 3 Voter

32

Board of  
Supervisors/BOS/SFGOV  
04/28/2010 01:53 PM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject SF Chron article on city wages



Robert Hall  
<bilgepump100@sbcglobal.net>  
04/27/2010 10:50 AM

To board.of.supervisors@sfgov.org  
cc  
Subject SF Chron article on city wages

I'm a big supporter of unions and living wages for everyone. However after reading the article in the SF Chronicle (1 in 3 San Francisco employees earned \$100,000) which stated that the city pays 20% over market for its staff, I had to wonder if you plan to take any action or rebut the facts and figures that were presented. These are extraordinarily difficult financial times for many people and something needs to be done to recognize that such exorbitant wages are out of touch. If the SF Chron's figures were taken out of context then that needs to be addressed as well. Sincerely, Robert Hall Western Addition 1946 Grove St. Apt. 3 San Francisco, CA 94117

32

Board of  
Supervisors/BOS/SFGOV  
04/28/2010 12:59 PM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject Library Closures



Gabriel Grilli  
<grilliode@hotmail.com>  
04/27/2010 03:32 AM

To <gavin.newsom@sfgov.org>,  
<board.of.supervisors@sfgov.org>,  
<libraryusers2004@yahoo.com>  
cc  
Subject Library Closures

Dear Mayor Newsom and Board of Supervisors --

I'm writing to urge you to fund full-time, full interim service for the Park Branch library and the other branches yet to be renovated.

I believe the community deserves to have continuing library service during the closure of branches for renovations. The book mobile, which is supposed to help replace the service of this library during closure, is nowhere near adequate to serve the population.

Please consider how library service might be continued to residents of the community during this renovation period.

Thank you,  
Gabriel Grilli  
659 Clayton St  
San Francisco CA 94117

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. Get busy.



Mark Duran  
<mark.duran@mac.com>  
04/27/2010 08:09 AM

To board.of.supervisors@sfgov.org  
cc 4listens@kron4.com  
bcc  
Subject African-American racist violence against Asian-Americans

This is a letter I sent to Sophie Maxwell today.

Sophie, You absolutely must do whatever you can to address and stop the rampant racist violence against Asian-Americans in my district. In my 30 years living in San Francisco, I have never witnessed the the amount pure racist hatred that I see today on MUNI, at the market, and on the street. Being African-American, you hold an advantageous position in your community and you must act now. You need to get on TV and go to the schools to call for an end to the violence. I am sickened seeing Black people (and yes in every racist event I've seen, its only Black people) taunting, making fun of, threatening, robbing and beating Asians. I've seen Asian MUNI drivers threatened and physically attacked, old ladies beat, young Asians, robbed and beat, and all of this is in my Visitation Valley neighborhood against people just trying to get on with their lives. AND, its not just my young African-American male neighbors, its also girls and boys and young women, and middle and old-aged men and women, that are perpetuating violence against my Asian-American neighbors. Its disgusting and I have come to hate living in my neighborhood because of it. The violence is wrong, you know it and YOU MUST DO SOMETHING TO STOP THE VIOLENCE AND LYNCHINGS. ---Mark Duran  
415-467-0271

34



zen lee  
<zen\_isme@hotmail.com>  
04/27/2010 09:06 PM

To <dpw@sfdpw.org>, <gavin.newsom@sfgov.org>  
cc <dadisi.najib@sfdpw.org>,  
<board.of.supervisors@sfgov.org>,  
<carmen.chu@sfgov.org>  
bcc

Subject Thank You for fixing the damaged road section

To All the Dedicated People

Thank You for all your hard work. This damaged section has been fixed as today. I appreciated for all those who have been worked so hard to make San Francisco become a better place to live. Thank You very much and have become a better city agency to San Francisco.

Denny Chen

From: zen\_isme@hotmail.com  
To: dpw@sfdpw.org  
CC: dadisi.najib@sfdpw.org; board.of.supervisors@sfgov.org  
Subject: Warning on a damaged road section  
Date: Tue, 16 Mar 2010 06:23:01 +0000

To Whom It May Concern:

Hi Department of Public Works, My name is Denny Chen and I have a warning about a damaged road section. I live between the 41<sup>st</sup> Ave and Judah St at Sunset district. My house is near the corner of the 41<sup>st</sup> and Judah St. Recently, because the road lack of maintenance, the space between the N Street Car' track and the concrete become wider (see attachment). Whenever, there is a car cross on the road it makes very heaves vibration on the road and it transfers to all the surrounding houses. It is easy to see and feel that when a car cross on the street car's track. It is very scary that we can distinguish the vibration is create by earthquake or damaged roads. I have discussed this with the entire neighborhood which they all have the same issues.

We all believe that safe, accessible and well-maintained infrastructure is at the very core of services a city provides to its residents. People rely on a safe, smooth, and accessible route to travel to and from work, to school or to their local shopping corridor, everyday.

Five year ago, there were no STOP signs at 41<sup>st</sup> and Judah St which created a lot of car accidents and I noticed this to San Francisco Municipal Transportation Agency which they put out a Four-Side stop sign within two weeks.

There are more than a thousand of car travel between Richmond and Sunset district through Golden Gate Park on 41<sup>st</sup> Ave everyday. I read the Safe Streets and Road Repair Bond from the San Francisco Mayor Office Plan which has available founding to fix these issues.

In the meantime, I found tow fracture on my house foundation; two five-feet long crack in my garage recently. If this issue is not going to fix soon, there will be more damaged to the surrounding real estate property. We all work hard to keep our life goes smoothly and all help each other to enjoy their life. Please send some people to fix this issues and we appreciated your help.

Sincerely  
Denny Chen  
415-812-3903

[http://www.sfgov.org/site/uploadedfiles/sfdpw/director/\\$368-%20Safe%20Streets%20and%20Road%20Repair%20Bond%20Report.pdf](http://www.sfgov.org/site/uploadedfiles/sfdpw/director/$368-%20Safe%20Streets%20and%20Road%20Repair%20Bond%20Report.pdf)

Board of  
Supervisors/BOS/SFGOV  
04/30/2010 06:18 PM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject from galerie marc maison, Paris France

----- Forwarded by Board of Supervisors/BOS/SFGOV on 04/30/2010 06:21 PM -----



Daisy- Galerie Marc Maison  
<marcmaison@gmail.com>  
04/30/2010 12:16 PM

To board.of.supervisors@sfgov.org  
cc  
Subject from galerie marc maison, Paris France

Sir, Madam

I am antique dealer in France, and I am travelling often in US to buy antiques.

San Francisco is very interesting town because there is the Bonhams auction house and good antique dealers.

When I visited last October, there were people laying on the sidewalks close the place where I parked my car, as soon as they heard us speaking a foreign language they yelled at us with words that my level of English could understand !

They got up walking towards us and we didn t feel very safe. We were happy that a shop was open and that we could walk quickly inside without waiting outside.

Please consider that people staying permanently on sidewalks, as in Paris, have detrimental consequences on the business. There are certainly arrangement and development to do to manage both sides.

Please excuse my english.

Best regards

Daisy Maison

Galerie Marc Maison  
7, Quai Voltaire 75007 Paris  
Tél: +33.1.42.25.12.79 Mobile: +33 6 60 62 61 90  
Showroom ouvert sur rendez vous:

36



6, Boulevard Biron 93400 Saint Ouen

[www.marcmaison.com](http://www.marcmaison.com)

Suivez nous:

<http://twitter.com/DaisyMarcMaison>

File 100233  
cpage

Board of  
Supervisors/BOS/SFGOV  
04/29/2010 05:56 PM

To David Chiu/BOS/SFGOV, Ross Mirkarimi/BOS/SFGOV, Staff  
Duffy/BOS/SFGOV, Gail Johnson/BOS/SFGOV,  
cc  
bcc  
Subject File 100233: Sit/Lie Ordinance

----- Forwarded by Board of Supervisors/BOS/SFGOV on 04/29/2010 05:59 PM -----



Maakestad Jan  
<jfmint@comcast.net>  
04/29/2010 05:30 PM

To board.of.supervisors@sfgov.org  
cc  
Subject Sit/Lie Ordinance

I am an interior designer working in the Design Center on a regular basis. Since this is primarily a walking area connecting many buildings that make up the Center, it is important to keep it safe for all those trying to make a living in Design--as well as the clients who necessarily accompany them.

I support the Sit/Lie ordinance.

Jan Maakestad  
Maakestad Interiors

36



AEvans604@aol.com  
04/29/2010 11:48 AM

To board.of.supervisors@sfgov.org  
cc  
bcc  
Subject Trophy Progressivism & the Sit-Lie Law

Dear Friends and Neighbors,

**Trophy progressivism** is the phenomenon where people take a stand on an issue, not based on its merits, but in order to get strokes as progressives. Facts and logic fall by the wayside. The important thing is winning a high notch on the progressive totem pole.

You find analogous behavior in many areas of life. There are examples of trophy Republicanism, trophy Islam, etc. In all these cases, the underlying dynamic is ideological posturing. It plays the same role in politics and religion that conspicuous consumption plays in economics. *"Look at my big trophy, I'm higher up on the totem pole than you."*

Which brings us to the current debate over the proposed sit-lie law in San Francisco. Many of the city's progressives are now falling over each other in their rhetorical denunciations of this measure, but without a regard for the facts. In their rhetorical competition for the trophy, they have lost their grip on reality and promoted the following falsehoods:

### **The Law Restricts Public Access to Sidewalks**

False. Exactly the opposite is the case. *This is a sidewalk-civility law.* It recognizes that the public has a right to civility and safety on sidewalks. Incivility and danger intimidate people from using sidewalks, especially in at-risk neighborhoods. The law provides a tool for keeping thugs from turning public sidewalks into their own turf. The thugs especially target women, the elderly, and gay men for their abuse.

### **The Law Is Unconstitutional**

False. It's modeled after a law in Seattle that the Ninth Circuit Court of Appeals upheld against constitutional challenges. The jurisdiction of the Ninth Circuit includes San Francisco.

### **The Law Is an Attack on the City's Homeless**

False. Only a small minority of the city's street people are San Francisco residents who have become homeless. Most are migratory addicts and alcoholics who wander up and down the West Coast in search of easy access to drugs and weak law enforcement. In any case, the law targets *behavior*, not *status* – the behavior of colonizing public spaces for personal (and often illegal) purposes, to the exclusion of others.

### **The Law Criminalizes Sitting on the Sidewalk**

False. It specifies that there shall be a warning only for first-time offenders, with no criminal sanctions. In most cities that have a sit-lie law, citations are rare, and court prosecutions even rarer. The purpose of the law is to give police the ability to keep sidewalks open and accessible for everyone, not blocked by an aggressive few.

### **The Law is Not Needed**

False. San Francisco police are not allowed to tell sidewalk squatters to move along without first having a formal civilian complaint. Many civilians, especially small-store owners, are reluctant to file formal complaints because of the fear of retaliation. No other California city imposes this limitation on police. It's the result of two arcane General Orders of the Police Commission. They resulted from a lawsuit in the early 90s, and the Commission may not readily rescind them.

### **More Foot Patrols, Without This Law, Are the Answer**

False. Foot patrols are hampered by the restrictions mentioned above. Advocating more foot patrols while opposing the sit-lie law is like driving a car with one foot on the gas and the other on the brake.

### **In sum:**

San Francisco progressives who are using the sit-lie law as a trophy contest are misguided. The law will make the city's sidewalks civil, safe, and accessible for all. It should be supported in the name of reason and progress.

Yours for rationality in politics,

Arthur Evans

\* \* \* \*

File 100233



AEvans604@aol.com  
04/28/2010 11:19 PM

To board.of.supervisors@sfgov.org  
cc  
bcc  
Subject Latest News on the Sit-Lie Law

Dear Friends and Neighbors,

Supporters of the sit-lie law held a press conference today (Wednesday) on its behalf in the Tenderloin. Ted Loewenberg, president of the Haight Ashbury Improvement Association, was among those who spoke in favor of the law.

Below is a brief, initial news report of the press conference. Perhaps there will be more detailed accounts later in other media:

<http://cbs5.com/politics/sit.lie.ordinance.2.1663170.html>

The supes' Public Safety Committee will take up on the measure on Monday, May 10.

Yours for rationality in politics,

Arthur Evans

\* \* \* \*

Board of  
Supervisors/BOS/SFGOV  
04/29/2010 04:31 PM

To David Chiu/BOS/SFGOV, Ross Mirkarimi/BOS/SFGOV, Staff  
Dufty/BOS/SFGOV, Gail Johnson/BOS/SFGOV,  
cc  
bcc  
Subject File 100233 Please pass Sit/Lie for the Design District

----- Forwarded by Board of Supervisors/BOS/SFGOV on 04/29/2010 04:33 PM -----



bobbi10267@aol.com  
04/29/2010 03:35 PM

To board.of.supervisors@sfgov.org  
cc  
Subject Please pass Sit/Lie for the Design District

I feel sorry that anyone is homeless, however the actions on the streets where I have gone alone and with design clients feels unsafe, filthy, and hostile to me.

This is sad after over twenty years of working in the City to walk to Showrooms and find people urinating, defecating, passed out and filthy on the streets of San Francisco, Design Professionals have to walk this area to insure the continuation of our profession in and around the Showrooms, especially in the area around 15<sup>th</sup> and 16<sup>th</sup> streets where some of the Nicest Showrooms are. The language used by some of the people living in and around the streets in that area is especially frightening as we try and walk to the showrooms.

There must be something that can be done that does not subject us to this behavior on the streets. This should be a priority to the Board of Supervisors !

Roberta Peters  
Roberta Peters Design  
650-455-7666

Board of  
Supervisors/BOS/SFGOV  
04/30/2010 06:18 PM

To Gail Johnson/BOS/SFGOV,  
cc  
bcc  
Subject File 100233: Sit Lie

----- Forwarded by Board of Supervisors/BOS/SFGOV on 04/30/2010 06:21 PM -----



"Doris Wagner"  
<dfwagner@sbcglobal.net>  
04/30/2010 01:04 PM

To <board.of.supervisors@sfgov.org>  
cc  
Subject Sit Lie

I support Sit Lie, and hope you will vote for it.

I haven't been to the city in almost a year because I don't feel safe walking to my car or other destination any more.

The city that I have loved since 1957, the first time we were transferred here is gone, and I want it back. Please support this measure and do everything you can to bring this city back to its former glory,

Sincerely

Doris F Wagner



Board of  
Supervisors/BOS/SFGOV  
04/30/2010 06:14 PM

To Gail Johnson/BOS/SFGOV,  
cc  
bcc  
Subject file 100233 Fw: Sit/Lie

----- Forwarded by Board of Supervisors/BOS/SFGOV on 04/30/2010 06:17 PM -----



Connie Sloma  
<connie@allureinterior.com>

To board.of.supervisors@sfgov.org

04/30/2010 06:56 AM

cc

Please respond to  
Connie Sloma  
<connie@allureinterior.com>

Subject Sit/Lie

Dear Sirs;

Please pass sit/lie ordinance to allow me freedom to walk freely on the streets of San Francisco, with out being hassled by pan-handlers or folks "living" on the sidewalks. I have experienced friends/family being harassed by aggressive pan-handlers....this can be frightening to those who are not accustomed to seeing this, especially tourists.

I also believe you should find a suitable place that is a "free zone" for vagrants, although I realize no neighbors wants to have all the homeless congregate in "their neighborhood. I don't have the answers, but I know know when vagrants park themselves in front of your business, it makes it difficult for patrons to visit your establishment.

PASS no SIT/LIE!

***Connie Sloma,***

***Allied ASID, Principal/Designer***

***www.allureinterior.com***

***650-965-4175 (office) 650-996-8882 (cell) 650-386-1148 fax)***

***Designs the way you want to Live!"***



AEvans604@aol.com  
05/01/2010 08:58 AM

To board.of.supervisors@sfgov.org  
cc  
bcc  
Subject The Geography of Incivility

Dear Friends and Neighbors,

The proposed **Civil Sidewalks Law** (formerly known as the Sit-Lie Law) will come before the supes' Public Safety Committee on Monday morning, May 10th, at City Hall.

This measure will allow police to direct sidewalk squatters to move along, without first having a complaint from a civilian, as is now required. The law specifies that first-time offenders shall be given a warning only, with no criminal prosecution. It's based on a Seattle model whose constitutionality has been upheld.

The Civil Sidewalks Law is needed because of the geography of incivility in San Francisco. That is, the law frankly addresses the role of turf in the struggle to keep our neighborhoods safe, clean, and peaceful.

Here's the turf problem: Packs of migratory addicts and alcoholics flock here from across the state and nation, in search of easy access to drugs and lax law enforcement.

They have created a toxic subculture for themselves based on addiction and hostility to recovery programs. They squat in public spaces, colonizing them as their own turf, to the exclusion of others. Many have out-of-control dogs.

They become rooted in these pieces of turf, fanning out from them and returning to them in the course of days and weeks. They use the turf as a basis for drug dealing, assaults on residents, urination and defecation, setting fires, dumping used hypodermic needles, spray-painting graffiti, and other activities that destabilize neighborhoods.

The police have difficulty in dealing with these turf seizures because of the irrational requirement of needing a formal civilian complaint before they can act to unblock sidewalks. The proposed Civil Sidewalks Law will help level

the playing field, giving the police a needed tool in restoring public civility and safety, especially in at-risk neighborhoods.

Ross Mirkarimi, who represents the Haight a the board of supes, says he hasn't made up his mind about the Civil Sidewalks Law. He claims that the answer to the geography of incivility is more police foot patrols, without such a measure.

However, this law will make foot patrols more effective. To call for more foot patrols while opposing the law is like driving a car with one foot on the gas and the other on the brake.

Homelessness Inc, which receives many millions of dollars in grant money every year from the city, has mobilized to oppose the Civil Sidewalks Law, packing public meetings and lobbying heavily with politicians. The measure will fail unless we, the ordinary citizens, take a stand on its behalf.

Let your supe know that you support the Civil Sidewalks Law and, if possible, come to the meeting at City Hall on May 10th.

Let's bring civility and safety back to the geography of San Francisco.

Yours for rationality in government,

Arthur Evans

\* \* \* \*

BOS-11  
orig: PS clerk - 65  
Cpage  
File 10023

To: San Francisco Board of Supervisors, San Francisco City Hall

From: Michael Crandell, P.O. Box 423803, San Francisco, CA 94142

Date: 4/30/10

Re: Opposition to the Proposed No-Sit/No-Lie Ethnic-Cleansing Ordinance.

This is to voice opposition to the no-sit/no-lie ordinance currently proposed by Mayor Newsom, and any policy which criminalizes and persecutes the poor and homeless. I have been very concerned about the issue of homelessness and the human and civil rights of those who are forced to dwell in the cold, damp, grime, and danger of the streets, persecuted by mercenary out-of-towner police and the privileged who direct, empower, and fund this persecution. Discriminatory policies like the proposed ordinance are simply another manifestation of bigotry and ethnic cleansing. Being forced to live on the sidewalks or other public areas is a human rights issue, and the homeless have the right to live there without harassment if they have nowhere else to go. Homelessness is a symptom of a misguided and exclusive system which excludes and criminalizes persons based on income, class, or desirability. People do not "get" jobs, they are given them, unless they create their own businesses, and as long as an unjust and exclusive system prevails, its victims should not be blamed, targeted, or persecuted.

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BOARD OF SUPERVISORS  
MAY 10 2010  
10:55 AM

What is being proposed is an inhuman policy of one arrogant, callous, and entitled group against another misfortunate, helpless, and voiceless group, which seeks to eradicate them and deprive them of their (inalienable) human rights. It's their way of sending them to concentration camps for disposal. Hostility towards certain groups is fostered by society and within bureaucratic institutions. Already, every night in the Tenderloin patrol cars prowl through the streets stalking their prey and rooting them out of doorways and improvised shelters, forcing them to move along or detaining them and dumping their possessions. No rest or pity is granted the unwanted and unemployed. Imagine the surprise of the sleeping as they are awakened by piercing sirens directed at them by blue bullies in warm'n'cozy high-tech patrol cars while those regarded as vermin are swept from the streets. But after a night's round-up at least these mighty hunters can return to their adoring suburban families and home-sweet-homes instead of an alley or a cell like their captives. One can even observe how much they actually enjoy persecuting their victims and having the chance to brutalize, cuff, club, or taser them. At least it's one legalized way to assuage one's insecurities or take out one's aggressions. But one cannot claim to just be doing one's job. One actually has a choice whether to comply with the inhumanity ordered by a segment of society or to refuse, resign, and turn in one's badge. It is sad that few make the latter choice, preferring paycheck to principle, persecution to pity.

In marked contrast to the unfortunate treatment of the destitute, we observe the arrogance, privilege, entitlement, and wastefulness of our City bureaucracy as Gavin's gluttons engorge themselves. The Mayor maintains privileged (generally administrative) bureaucrats who routinely abuse the public trust and City funds, but who's activities and positions go unquestioned and are protected by the Mayor. The Mayor and his circle of Stalinettes respond with hostility and retaliation to reports exposing these self-indulgent practices in which those with the highest paychecks in the nation turn their departments into their own personal day-spa paid for by struggling citizens. Bureaucracy becomes their own possession, its power to abuse as they please even as a personal or corporate weapon, baubles for the mayoral appointee harem. They make up their own reasons to throw parties and sequel parties for themselves at public expense, such as Human Resource Department's initiation of a new personnel/payroll system as cited in a 8/15/08 report to the Board of the lavish 2/13/08 event for which no accounting or justification was ever made. The existence and cost to the public of events like this party, as well as its sequels, and the annual August, October, and December DHR parties, staff family/friend parties, make-work seminars, quasi-religious (Franklin-Covey) workshops, discriminatory indoctrinations vilifying the homeless, yoga, tai-chi, stair-climbs, ballgames, fund-drives, hula-moolah collections, salad days, and wasteful meetings go hidden from the public. Those

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who expose and oppose the arrogance and gluttonous self-indulgence of bureaucracy are considered threats to bureaucratic privilege and entitlement, and are targeted, suppressed, and eliminated for their conscience, pluralism, and free speech, being subjected to ruthless and sinister retaliation also at significant public expense, just as misfortunate fellow citizens are criminalized and persecuted. Bureaucratic hiring and promotion is not based on talent, experience, and integrity, but on conformity with the values and intentions of bureaucratic groupism (or gangism), which include self-interest, self-indulgence, and malice, turning bureaucracy into the malignancy it currently represents. Why should Mayor Newsom be allowed to vilify others when he and the members of his own circle are the greater offenders? He exhibits a double standard which seeks to maintain privilege for his circle, group, or class, and attacks and seeks to eradicate the underprivileged and misfortunate. Gavin Newsom evinces hypocrisy, elitism, corruption, and bigotry as some of his fundamental values.

So instead of criminalizing and persecuting the homeless, please devote your energies to creating a just and equitable system which recognizes the worth of all human beings. For example, instead of hiring more overly-compensated commuting persecutors of the poor, why not reduce all public sector pay to below private sector minimums and hire the people you would persecute. Instead of polarizing society into highly-paid predatory haves and little or no paid have-nots, create an inclusive society and inclusive public sector which insures a place for everyone who cannot find one in the private sector. The public sector thereby becomes low-cost workfare with real, permanent jobs, work experience, job training, and the abode of the dedicated and altruistic who value public service above higher pay. The lower pay would create a natural emigration from public to private sectors for the many seeking more lucrative livelihoods and maintain a natural balance between the two systems in which the public sector might expand during lean times while the private sector expands during abundant times. One has an obligation to taxpayers to keep taxes as low as possible, yet a responsibility to see that everyone is welcomed by society and is able to be self-sufficient. This should also reduce crime. City bureaucrats might indignantly protest, but, as cited above, one observes that many City bureaucrats do not merit the comparatively higher pay they currently receive (including and perhaps especially the administrative), and a lower pay scale would reduce arrogance and drive out power-seeking malpractitioners, while fostering virtues such as sharing, equality, respect, and concern. However, it might be considered that a solution such as this would be more effective at a state or national level, as an inclusive City system might attract unemployed hopefuls from outside the City and be more than the City could manage. A system of universal employment is advocated that observes inclusivity for all persons and alienates none. Further, if one includes a universal retirement program and universal healthcare, making available the same system for those in both the public and private sectors, there would be no advantage to preferring the public sector, and this would support business by relieving them of this expense and responsibility. One could also create a quantity of City or state owned marketplaces, shop spaces, or offices (like City Malls) in which space is leased to businesses at a minimal profit, which would help to foster free enterprise since leases are otherwise prohibitively high. Modest, low-cost, permanent public housing could also be operated at a minimal profit. An ideal system is one in which different systems cooperate to the benefit of each other and to the entire population. However, if minimal government is preferred, then one would have to accept and legalize (as well perhaps as regulate) homeless encampments, shanty towns, and sidewalk living since everyone could probably not be accommodated, as well as legalize sidewalk marketing.

It is recommended that the members of the Board embrace higher purpose and greater morality, and support human rights despite how popular and commonplace the disdain directed against the misfortunate may be, and despite the advocacy of inhumanity proposed by the Mayor and his fellow elitists. So a "No" vote is advocated on the proposed ordinance which attacks, criminalizes, and persecutes the poor, and it is advised that the Board come up with a more just solution to poverty, such as I have suggested, or better.

Thank you for your consideration.

Attachment: 8/15/08 report, Appreciation for DHR Project eMerge Party Expenses.



Gavin  
Newsom/MAYOR/SFGOV  
08/15/2008 02:49 PM

To: Micki Callahan/DHR/SFGOV@SFGOV  
cc  
bcc  
Subject: Fw: Appreciation for DHR Project eMerge Party Expenses.

History: This message has been forwarded.

FYI

-----Forwarded by Gavin Newsom/MAYOR/SFGOV on 08/15/2008 02:50PM -----

To: Gavin Newsom/MAYOR/SFGOV@SFGOV, Aaron Peskin/BOS/SFGOV@SFGOV, Jake McGoldrick/BOS/SFGOV@SFGOV, Michela Alioto-Pier/BOS/SFGOV@SFGOV, Carmen Chu/BOS/SFGOV@SFGOV, Ross Mirkarimi/BOS/SFGOV@SFGOV, Chris Daly/BOS/SFGOV@SFGOV, Bevan Dufty/BOS/SFGOV@SFGOV, Tom Ammiano/BOS/SFGOV@SFGOV, Sophie Maxwell/BOS/SFGOV@SFGOV, Gerardo Sandoval/BOS/SFGOV@SFGOV  
From: Michael Crandell/WC/DHR/SFGOV  
Date: 08/15/2008 02:00PM  
Subject: Appreciation for DHR Project eMerge Party Expenses.

Now that nurses are being laid off, SFGH's Occupational Medicine Clinic is closing, homeless restrooms and showers are closing, and Laguna Honda cuts are planned, we have enough to pay for more worthwhile events like DHR's mandatory all-staff Project eMerge 2/13/08 Kickoff Party at Brooks Hall where DHR and other departmental participants feasted on a catered breakfast of prepared fruit, muffins, bagels, and beverages (of course, once the homeless were cleared out of the doorways). Project eMerge will combine payroll and personnel functions into one system, and that's something to celebrate. Why simply implement a new payroll/personnel system when it can be turned into a gala haute-couture event? And yes, a professional photographer was on hand to capture every exciting moment on film.

Party participants were even presented with logoed pens and magnets. The new logo appears to be of contracted professional design, but it is not understood why it must be so gender-biased and why other genders should not be represented too. After a general introduction featuring DHR Director Micki Callahan, participants were assigned to introduce their neighbor to the others at their logo-ballooned and enclothed table as an exercise in communication, including some fun fact about their neighbor. Then they went on to flow chart the detailed steps of their Sunday Laundry (yes, complete with detergent, whites and colors, dry, fold, and more!). What better way to illustrate that Project eMerge design will involve development of sequential processes and subprocesses? Then participants were enjoined to list questions and hopes for the project, to give talented Project staff some clue as to how to proceed. And finally an exciting raffle was held to conclude the memorable event with prizes for the attending winners.

DHR thanks the citizens of San Francisco for their generosity and for SFGH and Public Health sacrifice of expendible staff, clinical operations, and homeless services which helped to fund the event. In fact, it might be recommended that DHR staff be served a catered breakfast and lunch everyday as part of their routine or even as a benefit, in order to insure good staff nutrition and encourage dedicated service to those funding the meals. Perhaps the

closure of more clinics and discontinuation of more homeless services might be in order to better fund DHR activities and provide DHR staff with the perks and privileges that are so richly deserved.

In order to better thank the citizens of San Francisco and staff of SFGH, itemization of costs associated with the celebration were requested from the Project administration. However, no response has yet been received. Even so, appreciation is expressed. We know how difficult it may be for some to keep up with their taxes and hold onto their homes, particularly the elderly or those on low or fixed incomes. So their sacrifice is the more appreciated.

DHR is fortunate to have other programs as important, that help us better serve the community. We have DHR sponsored runs, walks, stair climbs, ball games, competitions, health society events, exercise programs, social events, yoga, tai chi, and more, all organized with funds generously provided by our supportive public. We have worktime classes or workshops in Franklin-Covey quasi-religious training (complete with planner, texts, notebooks, DVDs, and even "talking sticks" or hand-size totems) which allows education in character or morals for those staff who may have neglected or declined such training prior to employment with the City. We also have discrimination meetings which (curiously) appear actually to guide us in the practice of discrimination, as it appears our human resource professionals (as DHR titles its staff) may still be trying to think through the principles involved. In 2007 they banned colored Christmas lights, allowing whites only, interestingly imposing a kind of segregation in an unusual attempt to make Christmas somehow less discriminatory. But it's all a learning experience. Learning, experimenting, hit-or-miss, success/failure are aspects of working too. We have informative department-wide meetings at which our quarterly employees of the year are selected and announced, and awarded cash prizes. These meetings sometimes include various presentations, such as one which informed us that DHR is an upscale City within a forboding and menacing City, that warn of the dangers surrounding us, but that with the removal of surrounding squalid low cost tenements and their inhabitants and the creation of more malls and shopping centres, the situation will improve for DHR's deserving commuters. Please also visit our online DHR newsletter sometime and see our party photos, lists of social events, health tips, and try out the favorite healthy recipes published in every issue. Struggling taxpayers and the needy or working poor should receive encouragement from the fact that their tax contributions for our newsletters have enabled DHR staff to eat better, think about fitness more, and have made our workdays more entertaining and enjoyable. And since the recipes come from our Human Resource Professionals, you know they have to be good. Consistent with the DHR approach, even our former sister division, Health Service, has been able to increase its administration from 2 to 8, fund many style-conscious corporate publications, and even provide massages for employees. Corporate gloss and free-bees work wonders in helping to pacify enrollees and divert attention from the fact that they've increased their insurance and medical costs to fund these extras and get them past the budget committees.

Abundant thanks are expressed to our Mayor and Board of Supervisors who are so generous to DHR and make possible its many fun and delicious programs. DHR would not enjoy these privileges without the continued favor of elected officials. We look forward to future Project eMerge celebrations (whatever the undisclosed costs may be). Keep the good times emerging!

02/13/2008 04:04 PM

To  
Michael Crandell/WC/DHR/SFGOV@SFGOV

cc

Subject  
Re: Project eMerge.

Hi Michael -  
Thank you for your note. I will get back to you very soon.

Jan

+++++  
Jan Crosbie-Taylor  
Project eMerge, Change Management  
(415) 554-2337  
25 Van Ness Ave, Suite 345, San Francisco, CA 94103  
Department of Human Resources  
City & County of San Francisco  
jan.crosbie-taylor@sfgov.org  
Michael Crandell/WC/DHR/SFGOV

Michael Crandell/WC/DHR/SFGOV  
02/13/2008 03:18 PM

To  
Jan Crosbie-Taylor/DHR/SFGOV@SFGOV

cc

Subject  
Project eMerge.

Thank you for inviting us to the mandatory 2/13/08 Project eMerge kickoff event.  
Some questions which occurred are listed below.

- What was the cost of the kickoff event?
- What was the cost of the breakfast (including fruit, pastries, bagles, muffins, beverages, table cloths, utensils, caterer, set up, and clean up, etc.)?
- What was the cost of the pens, magnets, and balloons with logo (including helium and preparation)?
- Who created the logo?
- Was there a cost associated with logo creation (i.e. an independent firm)? If so, what cost (and what firm)?
- Who was the professional photographer and what was the cost of hiring the photographer and related photographic services?
- What was the cost of 3 hours of all-DHR and non-DHR staff time for the kickoff event (including over-schedule and transit)?

Please let us know.  
Thank you for your assistance.





susan grady  
<suegsf@yahoo.com>  
04/28/2010 05:14 PM

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

Subject Miraloma Community Church becoming a cell-tower site

Dear Angela Calvillo,

As a homeowner in Miraloma park, I am concerned about the Miraloma Community Church building at 480 Teresita becoming a cell-tower site. I understand that the owner of the building, Reformed Church in America, has signed a lucrative contract with T-Mobile to install eight flat panel antennas in the church steeple and five radio cabinets in the basement of the Church.

As there is considerable debate and uncertainty within the scientific community as to the potential health effects to individuals, especially children, from exposure to extremely low-frequency electromagnetic and radio-frequency radiation, I am opposed to this plan.

Miraloma Church and its surrounding neighborhood is zoned RH-1: single-family residential.

We value our neighborhood as a safe, community-oriented place to live and raise our children.

I oppose using our neighborhood as the site of an installation originally approved only for industrial or mixed-use areas because the installation emits low-intensity RF radiation 24/7.

The cell phone tower at Miraloma Church will require a conditional use permit to bypass our residential zoning. I protest the issuance of this permit and urge you to protect the health and welfare of the citizens who live here.

Sincerely,

Susan Grady

38



Kash <kash@sfbike.org>

04/29/2010 07:39 AM

Please respond to  
kash@sfbike.org

To gavin.newsom@sfgov.org

cc board.of.supervisors@sfgov.org

bcc

Subject CCA comment

Mayor Newsom-

I just got a pretty slick anti Proposition 16 mailer. I don't usually bother sending notes to officials about upcoming legislation, but it suggested that I let you know my opinion. Ok, here goes.

Thanks for supporting Community Choice Aggregation. I strongly support it. Don't be scared of PGE, there's been enough press on the subject that every time they put out a mailer or commercial, half the viewers turn to their companions and say, "that's PGE trying to get you to screw yourself again" so they're actually spending money to defeat their own proposition.

Keep up the good work and come out strongly against Prop 16.

39

Pamela  
Thompson/OCC/SFGOV  
04/30/2010 11:32 AM

To Matthew Goudeau/MAYOR/SFGOV@SFGOV, Board of  
Supervisors/BOS/SFGOV@SFGOV

cc

bcc

Subject Office of Citizen Complaints Statistical Report 1st Qtr 2010

Attached is the Office of Citizen Complaints First Quarter Statistical Report for the year 2010.



OCC Statistical Report\_1st Qtr 2010.pdf

Thanks,

Pamela Thompson  
Executive Assistant  
Police-Office of Citizen Complaints  
25 Van Ness Avenue #700  
San Francisco, CA 94102  
415-241-7721  
[www.sfgov.org/occ](http://www.sfgov.org/occ)

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

40



Samantha Shields  
<samantha.shields@gmail.com>  
m>

04/28/2010 04:45 PM

To board.of.supervisors@sfgov.org

cc

bcc

Subject Health Concern -- Cell Phone Tower at Corner of Clayton  
and Deming Streets

Hello,

I'm writing to implore your help with a health concern I have regarding a cell phone tower which was recently installed directly outside of my apartment building on the corner of Clayton and Deming Streets. I am VERY concerned about the proximity of this cell phone tower, as it was mounted to a telephone pole with is less than 5 feet away from where my neighbor's dining room table resides. From the research I've done, cell phone towers should NEVER be located this close to where people live, as they can pose a huge health risk.

I'd like to propose having the tower relocated, or at the very least having a measurement taken of the radio frequency field strength to ensure it is within the acceptable range. Your help in this matter is greatly appreciated.

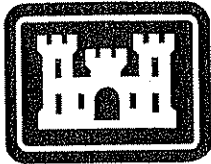
Please feel free to contact me with any questions or concerns at: 515.1196.

Best,  
Samantha Shields

41

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2010 APR 30 PM 3:59



**US Army Corps  
of Engineers®**

BY Ak

# SPECIAL PUBLIC NOTICE

PROPOSAL TO ACCEPT FUNDS FROM  
THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY

*LOS ANGELES DISTRICT*

Public Notice/Application No.: SPL-AM-2010-0001-PJS  
Comment Period: April 21, 2010 through May 20, 2010  
Project Manager: Phil Serpa

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This Public Notice announces the preliminary intent of the Los Angeles, San Francisco and Sacramento Districts of the U.S. Army Corps of Engineers ("Corps") to accept funds contributed by the California High-Speed Rail Authority (the "Authority"). The Los Angeles District would allocate funds internally and distribute funds to the Sacramento and San Francisco Districts in order to expedite processing of the Authority's Department of the Army (DA) permit applications in accordance with 33 U.S.C. 408<sup>1</sup> (Section 408), subject to a series of limitations specified below.

Section 214 of the *Water Resources Development Act of 2000* (WRDA 2000, Public Law No. 106-541) as amended, provides:

(a) The Secretary (of the Army), after public notice, may accept and expend funds contributed by non-federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decision making with respect to permits, either substantively or procedurally.

(c) The authority provided under this section shall be in effect from October 1, 2000 to December 31, 2010.

The Secretary of the Army has delegated this responsibility to the Chief of Engineers and his authorized representatives, including District Commanders of the U.S. Army Corps of Engineers. The authorization to accept and expend funds from non-Federal public entities after December 31,

<sup>1</sup> 33 USC 408 provides authority to the Secretary of the Army to grant permission for the alteration or modification of Corps projects when in the judgment of the Secretary such alteration or modification will not be injurious to the public interest and will not impair the usefulness of the project.

2010 is conditional on the extension of Section 214 of WRDA 2000. The District Commanders for the Los Angeles, San Francisco and Sacramento Districts for the Regulatory Program are negotiating an agreement with the Authority to accept and expend funds to expedite evaluations of permits pursuant to Clean Water Act Section 404 (13 U.S.C. 1344) and/or Rivers and Harbors Act Section 10 (33 U.S.C. 403) for the Authority's priority projects.

**Definition of non-Federal public entities:** Non-federal public entities are defined for Section 214 purposes as state and local governmental agencies and Indian tribal governments. They include, but are not limited to, local transportation agencies desiring to expedite highway projects, port authorities wanting permits expedited for marine terminals, flood and storm water management agencies, and governmental economic development agencies seeking to expedite permit applications for certain kinds of work, including industrial or commercial development. The Authority meets this definition.

**How the Los Angeles, San Francisco and Sacramento Districts would expend the funds:** The Corps' Operation and Maintenance budget is funded through the Corps' Civil Works program in the annual Federal budget. Additional funds would be received by the Los Angeles District from the Authority and would be added to the Operation and Maintenance budgets of the Los Angeles, Sacramento, and San Francisco Districts, in accordance with the provisions of Section 214 of WRDA 2000. Each Corps District would establish a separate account to track receipt and expenditure of the funds in the Corps of Engineers Financial Management System. With the supplemental funding, each Corps District would pay for support services, both technical and administrative. Corps personnel would charge their time against a specific account when working on those permit applications of the Authority that the Authority has deemed a priority.

**Activities for which funds will be expended:** Funds would be expended primarily on the labor and overhead of Corps' Civil Works personnel evaluating priority permit applications designated by the Authority. Such permit processing activities would include, but not be limited to, the following: technical analyses and writing, real estate evaluation, risk analysis, copying or other clerical/support tasks, acquisition of GIS data, site visits, training, travel, coordination activities, additional personnel (including support/clerical staff), technical contracting, environmental documentation preparation and review. Funds will not be used for drafting, negotiating, or issuing any necessary real estate instruments.

If the Authority's funds are fully expended and are not renewed, their remaining priority permit applications would be handled like those of any other non-participant, subject to the availability of funds.

**Procedures to be used to ensure impartial decision-making:** Approval of the Authority's Section 408 permit applications may be at the Director of Civil Works level or at the District Commander level, depending on the estimated magnitude of the impacts of the proposed modifications on Corps projects. To ensure the funds will not impact impartial decision-making, the following procedures would apply:

a. No funds received under a Section 214 agreement shall be expended to complete the District level determinations, including the determinations of the District Commander, whether these determinations are to result in a recommendation to the Director of Civil Works through the Division Commander, or whether they are to result in a final permit decision by the District Commander under delegated Section 408 approval authority.

b. All final permit decisions for cases where Section 214 funds are used will be made available on the Los Angeles District web page and the web page for the District where the permit originated.

- c. The Corps will not eliminate any procedures or decisions that would otherwise be required for that type of project and permit application under consideration.
- d. The Corps will comply with all applicable laws and regulations.
- e. Section 214 funds will only be expended to provide priority review of the participating non-federal entity's permit application.

**Impacts to the Civil Works Program:** We do not expect priority review of the Authority's projects to negatively impact the Los Angeles, Sacramento, or San Francisco District's Civil Works Program, or to increase the time for permit evaluations of other projects .

**Consideration of Comments:** The Corps is soliciting comments from the public, Federal, State and local agencies, and officials, and other interested parties. Comments will be made part of the record, and they will be considered in determining whether it would be in the public interest to proceed with this action. If the Los Angeles, San Francisco, and Sacramento District Commanders determine, after considering public comments, that the acceptance and expenditure of the funds is in compliance with Section 214 of WRDA 2000 and is not otherwise contrary to the general public interest, the Los Angeles, San Francisco, and Sacramento Districts will implement Section 214 of WRDA 2000 through a signed Memorandum of Agreement ("MOA") and accept the funds from the Authority. A second public notice will be issued regarding the final decision on this matter.

Provided that the purpose for accepting funds remains the same as that described in this notice, a new public notice is not required in the event that the MOA is amended to extend the term of the agreement; to modify the list of priority projects identified in the MOA; or to adjust the terms of the annual advance payment contemplated under the MOA.

**Submission of Comments:** Comments on implementing Section 214 of WRDA 2000 will be accepted and made part of the record, and they will be considered in determining whether it would be in the best public interest to proceed with this administrative practice. Interested parties may submit, in writing, any comments concerning this proposal. Comments should refer to Proposed Acceptance of Funds from the California High-Speed Rail Authority and the date of this Public Notice, and be forwarded by the comment due date. Comments must be sent to the U.S. Army Corps of Engineers, Los Angeles District, Asset Management Division, ATTN: Phil Serpa, P.O. Box 532711, Los Angeles, California 90053. Alternatively, comments can be sent electronically to:  
Phillip.J.Serpa@usace.army.mil

For additional information, please call Phil Serpa of my staff (213) 452-3402. This public notice is issued by the Commanders of the Los Angeles, San Francisco and Sacramento Districts of the U.S. Army Corps of Engineers.



Aaron Goodman  
<amgodman@yahoo.com>  
04/27/2010 11:26 AM

To board.of.supervisors@sfgov.org  
cc wreisman@sfxaminer.com  
bcc  
Subject Simple Solutions to Public Park Access - Should not be  
blocked by a proponent of Accessibility....

SF Board of Supervisors;

I am appalled at the stance of Supervisor Alioto-Pier on this issue. The old Pan-American Exhibition Line ran continuously out to the Chrissy Field area during the 1915 exhibition. There should be direct access to the parks for the public and the extension is a positive solution to the consistent driving that occurs in-out/bound to the financial district. I worked on a simple design project that looked at this extension, long the marina green, and out past Ft. Mason. To state that people would "park" in the marina and commute is ridiculous as most drive downtown, and there is a definitive need to restrict the lanes of driving into urban areas, by "marin-ites" and marina green inhabitants who consider those roadways a private thoroughfare such as the Doyle Drive project. To not include the funding to look seriously at this connection is limiting and discriminating against ALL other city citizens in terms of ACCESSIBILITY to our neighborhood parks and open space amenities in the city. We need public transit routed out towards the cities western side, on the north end and the south-west end. and everything in-between. The extension to the Ft. Mason Center, and access to 2-national parks, is a "NO-BRAINER", and is primary over Alioto's "parking concerns" of the marina green. To claim "minimal outreach", "inadequate funding" or any other quip by Alioto is road-blocking of public transit in a supposedly transit first city, it is like stating the Doyle Drive project did not make anyone aware of transit issues in that district. The people living there know the issues of parking and transit, but are lax in addressing and solving them with a positive public transit re-route or new lines that would alleviate the congestion of the roads. Remind Alioto on how she intends to get to those areas WITHOUT a car, and taking public transit, and the bus, along van-ness is not an option from most areas of the city. The F-line extension should be funded, and studied and built, regardless of her thrown road-blocks on public transit extensions that link people from Point A to Point B. Rick Foster is right and should be allowed to use both parks, Alioto is wrong and she should be restricted to her supervisorial chamber and not provided any public access to these parks till she gives access to ALL of San Francisco. Thank you W.Reisman for pointing out a serious issue of this transit first policy that needs the full boards attention....

Sincerely  
Aaron Goodman

See the article "F-line extension faces setback" - planning concerns put funding for fort mason project at risk.

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Board of  
Supervisors/BOS/SFGOV  
04/28/2010 02:27 PM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject Renowned SF artist Elaine Badgley Arnoux seriously  
injured in accident caused by cab driver running a red light



"Jon Wollenhaupt"  
<jonw@excelmeetings.com>  
04/27/2010 12:14 PM

To <lgarchik@sfchronicle.com>  
cc <robin@hartlemedia.com>, <jpollock@hartlemedia.com>,  
<board.of.supervisors@sfgov.org>,  
<gavin.newsom@sfgov.org>,  
<sfpdcommunityrelations@sfgov.org>,  
<sfpdmediarelations@sfgov.org>,  
<AmericanVoices@mail.house.gov>, "Susan Hillhouse"  
<curator@santacruzmah.org>, <sfcacabbie@gmail.com>,  
<juhaener@ktvu.com>, <mojblog@gmail.com>  
Subject Renowned SF artist Elaine Badgley Arnoux seriously  
injured in accident caused by cab driver running a red light

Our dear friend and celebrated San Francisco artist Elaine Badgley Arnoux was seriously injured recently when a cab driver ran a red light and broadsided her car. She was taken to SF General where she required surgery to fuse vertebrae in her neck. She is still not out of the woods regarding partial paralysis. Her recovery will not be easy as she is 84 years old.

Cab drivers in San Francisco have become a complete menace to public safety. In our neighborhood near AT&T Park and throughout the city, cab drivers constantly play "intimidation chicken" with drivers, forcing their way into lanes, make crazy erratic turns, assuming you will stop because you want to avoid an accident.

Anyone who has taken a cab from SFO into the city probably knows the "30 minute return rule" that SFO imposes on cab drivers that encourages them to drive at breakneck speeds into the city so they make it back to the airport in time to catch another fare. I have experienced 90 MPH rides on 280 from SFO into the city where the driver continues at 50 MPH on city streets, running red lights in an effort to make the return.

I am outraged that this completely irresponsible and pervasive behavior continues and seems to be tolerated by the City and the police department. I am horrified that it almost took the life of a dear friend, a renowned artist and a great San Franciscan.

Please do something to stop SF cab drivers from being a constant menace to public safety.

## **Elaine Badgley Arnoux Displays "The People of San Francisco" at the Old Mint Building**

<http://www.7x7.com/blogs/clamour/elaine-badgley-arnoux-displays-people-san-francisco-old-mint-building>

**A life's work of portraits -- and more**

**By: Tiffany Maleshefski**

**The Examiner**

44

**April 2, 2009**

Read more at the San Francisco Examiner:

<http://www.sfexaminer.com/entertainment/A-lifes-work-of-portraits----and-more-42306677.html#ixzz0mKSCqWoh>

Read more at the San Francisco Examiner:

<http://www.sfexaminer.com/entertainment/A-lifes-work-of-portraits----and-more-42306677.html#ixzz0mKRzru3Y>

The artist's web site

<http://www.ebaart.com/>

CC:

Senator Diane Feinstein  
Congresswoman Pelosi  
Senator Mark Leno

Jon Wollenhaupt  
Vice President  
Excel Meetings and Events  
Tel: 415.777.1231  
Email: [jonw@excelmeetings.com](mailto:jonw@excelmeetings.com)

# Snell & Wilmer

LLP  
LAW OFFICES

15 West South Temple, Suite 1200  
Beneficial Tower  
Salt Lake City, Utah 84101-1531

801.257.1900  
801.257.1800 (Fax)  
www.swlaw.com

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Land Use Clerk  
Land Use Members*

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## FACSIMILE TRANSMISSION

DATE: 04/30/10 TIME OUT: 04:25:05 PM

TO:	NAME	FAX NUMBER	PHONE NUMBER
	John Avalos, President	14155545163	

FROM: Heather Smith PHONE: 801-257-1992

### MESSAGE:

Proposed Article 25, San Francisco Public Works Code--Personal Wireless Service Facilities

ORIGINAL DOCUMENT: Will not be sent	NUMBER OF PAGES (Including Cover): 65
CONFIRMATION NO.: 88283836	CLIENT MATTER NO.: 33941.0440
PLEASE RETURN TO: Heather Smith	PERSONAL FAX:
REQUESTOR: Heather Smith	DIRECT LINE: 801-257-1992

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OUR FACSIMILE NUMBER IS (801) 257-1800.

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L.L.P.  
LAW OFFICES

Beneficial Tower  
15 West South Temple  
Suite 1200  
Salt Lake City, Utah 84101-1531  
801.257.1900  
801.257.1800 (Fax)  
www.swlaw.com

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April 30, 2010

**VIA E-MAIL [BOARD.OF.SUPERVISORS@SFGOV.ORG](mailto:BOARD.OF.SUPERVISORS@SFGOV.ORG)**  
**VIA FACSIMILE (415) 554-5163**

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

Re: *Proposed Article 25, San Francisco Public Works Code--Personal Wireless Service Facilities ("Proposed Ordinance")*

Dear President Avalos:

We write on behalf of our client, T-Mobile, to provide written comments to the Proposed Ordinance captioned above. Included with this letter, please find T-Mobile's redline to the March 19, 2010 version of the Proposed Ordinance. The redline contains T-Mobile's suggested changes to and its comments on the Proposed Ordinance.

This letter also incorporates the comments submitted to the City in our attached letter of February 11, 2010. Given the many issues raised by the Proposed Ordinance, T-Mobile strongly urges the City to start the process over with industry comment and consideration; however, if the City insists on proceeding, then it should adopt T-Mobile's redline version after addressing its comments. In submitting the attached redline of the Proposed Ordinance and its comments to the same, T-Mobile is not relinquishing or otherwise waiving any, and expressly reserves all, of its rights, objections, defenses, privileges, claims, or causes of action arising from or relating to any ordinance that ultimately may be adopted by the City.

T-Mobile's redline of the Proposed Ordinance modifies the Tier I dimensions, eliminates Tier II and renames Tier III with Tier II. Based on multiple discussions with the wireless carriers and other stakeholders, the redlined dimensions for the new Tier I will accommodate the least intrusive FCC-approved technology of ALL the carriers. This change is in response to *New York SMA Ltd. v. Town of Clarkstown*, 603 F.Supp.2d 715, 719 (S.D. N.Y. 2009), which struck down a city's attempt to create multiple tiers and a technology preference for the first tier over FCC-approved technologies. T-Mobile's approach recognizes that each major carrier has different technology needs. The FCC is very clear that technology choices are left to each individual

Snell & Wimer  
LLP

City and County of San Francisco Board of Supervisors  
April 30, 2010  
Page 2

carrier to maintain a neutral and competitive marketplace. T-Mobile's redline takes into consideration all carriers' ability to provide service within the Tier I limits.

Although we have been advised that the City claims to be choosing a "preferential design," we also understand that this so called design is patterned after wireless technology advanced in New York City. This technology preference cannot withstand review under federal law. In *Clarkstown*, the court found that the town's "preference interferes with the FCC's regulatory scheme" and held that the ordinances "are preempted by federal law." *Id.* at 726. The Ninth Circuit Court of Appeals has established that "essentially, the [Telecommunications Act] represents a congressional judgment that local zoning decisions harmless to the FCC's greater regulatory scheme – and only those proven to be harmless – should be allowed to stand." *Metro PCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 736 (9<sup>th</sup> Cir. 2005). The Proposed Ordinance is not harmless; however, T-Mobile's redline attempts to resolve this issue.

Moreover, T-Mobile's redline should resolve a fundamental flaw of the Proposed Ordinance that forced T-Mobile's technology into the Tier III quagmire. This would be an unlawful market entry regulation that would violate Sections 253 and 332(c)(3) of the Communications Act of 1934, as amended. See *Southwestern Bell Wireless, Inc., v. Johnson County Bd. Of County Comm'r*, 199 F.3d 1185, 1991-93 (10<sup>th</sup> Cir. 1999) *cert denied* 530 U.S. 1204 (2000); *Ogden Fire Co. No. 1 v. Upper Chidester Township*, 504 F.3d 37, 395 (3<sup>rd</sup> Cir. 2007).

A principal concern for T-Mobile was the Proposed Ordinance's compatibility and necessity standards were both linked to a Tier I technology that does not exist for T-Mobile and the other FCC-licensed carriers. These standards would force T-Mobile and other carriers into the unfair, unreasonable and impossible position of trying to prove a negative—that the Tier I technology does not exist. T-Mobile's redline resolves this by defining inside of Tier I the least intrusive dimensions for FCC-approved technology that exists now for the wireless carriers. Under T-Mobile's revision, carriers can now make a sensible comparison between two existing technologies for Tier I and Tier II. In the future, as technology evolves, the City could consider amending Tier I dimensions to what is then available to licensed carriers.

Notwithstanding the foregoing, the City should understand that, while the new Tier I should cover T-Mobile's 2G and 3G technology, T-Mobile's federally-mandated E911 emergency equipment may not fit within the new Tier I dimensions, and therefore, even if the City adopts this approach, that ordinance would still have a material conflict with federal law.

T-Mobile's redline also simplifies the compatibility review by the Planning and Recreation and Parks Departments. That review needs to be balanced by taking into consideration existing physical improvements and visible infrastructure within and surrounding the proposed site location.

**SNELL & WILMER**  
LLP

City and County of San Francisco Board of Supervisors  
April 30, 2010  
Page 3

T-Mobile's revision also makes other material changes to the ordinance. The city already has an elaborate noise regulation in Article 29 of the San Francisco Police Code. Under the Public Health Compliance Standard, we simply refer to that regulation. Carriers have the right to appeal any conditions of approval, and conditions must be lawful. You will see changes relating to that process. T-Mobile has serious concerns about how the City plans to conduct inspections of its facilities and the frequency of those inspections.

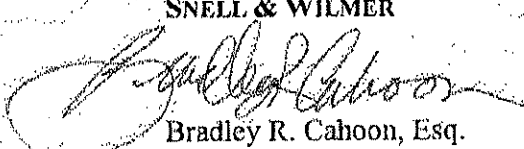
There should be no term limits imposed on Tier I facilities. Non-Tier I sites must have at least ten-year terms or the term is presumed unreasonable by California Senate Bill 1627. Section 1519 of the Proposed Ordinance is draconian. Once the City issues a permit and the site is compliant, it should remain there. There are federal protections in place to prevent cities from dictating FCC-approved technology.

Under Section 1520 of the Proposed Ordinance, if replacement equipment is substantially the same or less intrusive, then there should be no notice or review.

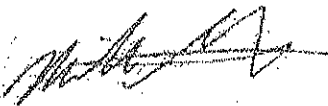
T-Mobile extends its sincere appreciation to the City, the Board and the Planning Department for involving T-Mobile and other wireless industry members in this process. Should you have any questions or need more information, please contact us any time.

Very truly yours,

SNELL & WILMER



Bradley R. Cahoon, Esq.



Michael A. Gehret, Esq.

Enclosures

cc: Tim Sullivan, Esq.  
Marian Vetro, Esq.  
Joni Norman  
Brad Chapman  
Bill Daugherty  
Paul Albritton, Esq.

**Snell & Wilmer**  
 L.L.P.  
 LAW OFFICES

15 West South Temple  
 Suite 1200  
 Beneficial Tower  
 Salt Lake City, UT 84101  
 801.257.1900  
 801.257.1800 (Fax)  
 www.swlaw.com

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 TUCSON

February 11, 2010

**VIA E-MAIL [BOARD.OF.SUPERVISORS@SFGOV.ORG](mailto:BOARD.OF.SUPERVISORS@SFGOV.ORG)**  
**VIA FACSIMILE (415) 554-5163**

Committee Clerk of the Land Use Committee  
 San Francisco Board of Supervisors  
 1 Dr. Carlton B. Goodlett Place, Room 244  
 San Francisco, CA 94102

Re: Proposed Ordinance Amendment Concerning Personal Wireless Service Facility  
 Site Permits in the right of way and Associated Fees (the "Proposed Ordinance")

Dear Supervisors:

We write on behalf of our client, T-Mobile, to provide written comments to the Proposed Ordinance. We commend the City for its effort to maintain a streamlined process for approving personal wireless facilities co-located on utility and light poles. As you understand, the co-location of facilities on poles is a practical and efficient way for carriers to meet the ever increasing public demand for ubiquitous wireless coverage. The public now looks for and requires wireless connectivity in their home, at their place of work, and wherever they travel throughout the city. The location of facilities on streetlight and utility poles allows carriers to use existing infrastructure to provide important services and to meet this strong and growing public demand. Existing utility pole infrastructure is part of the street landscape and largely goes unnoticed by those traveling from place to place along the rights of way.

A principal purpose for this letter is to identify some issues that would limit T-Mobile's, and likely other carriers', ability to place and maintain facilities within the city rights of way. The issues discussed herein are of particular concern to T-Mobile given its strong commitment to providing consistent service with all available technologies to its customers. This commitment is of utmost importance because T-Mobile must locate and upgrade facilities to provide 3G and other emerging technologies that consumers and citizens require. Please consider our comments and feel free to contact the undersigned with any questions. We encourage the City to open a dialog with the wireless carriers about the Proposed Ordinance on the matters discussed below that have not yet been discussed at the past working group meetings.



Committee Clerk of the Land Use Committee, San Francisco Board of Supervisors  
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### *The Proposed Ordinance*

The Proposed Ordinance classifies facilities attached to poles into three tiers with three corresponding review processes and a series of sub-tier review processes for two of the tiers. The key component that determines which tier applies to a location is the size of the equipment that is being proposed. Tier I describes a process for obtaining an administrative approval for a facility permit where a proposed facility requires no more than two equipment enclosures, each of which must be smaller than three cubic feet in volume and can be no wider than twelve inches and no deeper than ten inches. Tier II is similar in that it describes a process for obtaining an administrative approval for a proposed facility that requires no more than two equipment enclosures, each of which may not be larger than 3.5 cubic feet in volume and can be no wider than twelve inches and no deeper than ten inches. A Tier III facility does not limit the number or size of equipment enclosures but in the case of both a Tier II and Tier III facility each requires the satisfaction of a "compatibility" standard as well as a "necessity" standard.

A principal area of concern for T-Mobile is that the compatibility and necessity standards are both linked to the Tier I technology. In particular, T-Mobile's technology is for the use of three equipment boxes plus an electrical box and not two enclosure boxes as is contemplated by the Proposed Ordinance. The first and second boxes house T-Mobile's 2G and 3G technology. The third equipment box is necessary because it houses federally-mandated E911 emergency equipment. This technology makes it possible for emergency personnel to know the location of callers who are in need of emergency services. Limiting the number of cabinets that T-Mobile can use to two inhibits T-Mobile's ability to use its FCC licensed 3G frequencies and interferes with T-Mobile's ability to comply with federally-mandated E911 requirements.

While an initial response to this issue may be that there are some companies who advertise technology that houses "neutral host" wireless facilities in only two enclosures of the size contemplated for Tier I, that particular technology is different than those used by T-Mobile. The FCC is very clear that technology choices are left to each individual carrier to maintain a neutral and competitive marketplace. In addition, the Proposed Ordinance simply refuses to recognize that each major carrier has different technology needs. From a practical standpoint, lumping all carriers into a single category without taking into consideration their ability to provide service within those limitations has a prohibitive effect which T-Mobile believes violates federal law. Simply put, the current minimum equipment "micro-cell" configuration, which is utilized by T-Mobile to supply 2G and 3G wireless services to customers pursuant to FCC licenses while remaining compliant with FCC E-911 regulations, will not fall into Tier I or Tier II review. Forcing all of T-Mobile's micro-cell sites into Tier III review, we believe, is an unlawful market entry regulation that violates Sections 253 and 332(c)(3) of the Communications Act of 1934, as amended. See *Southwestern Bell Wireless, Inc., v. Johnson County Bd. Of County Comm'r*, 199 F.3d 1185, 1991-93 (10<sup>th</sup> Cir. 1999) cert denied 530 U.S.





Committee Clerk of the Land Use Committee, San Francisco Board of Supervisors  
February 11, 2010  
Page 3

1204 (2000); *Ogden Fire Co. No. 1 v. Upper Chidester Township*, 504 F.3d 37, 395 (3<sup>rd</sup> Cir. 2007).

Another issue is that the Proposed Ordinance does not specify what must be shown to satisfy the "compatibility" and "necessity" standards. In the case of compatibility, the Proposed Ordinance requires the evaluator to compare the "impact" of Tier III technology with the impact from the preferred smaller Tier I or Tier II technology. We respectfully wish to suggest that the City is on very shaky ground in trying to make technology choices. Presumably, although not stated, an evaluator measures the "impact" determined by considering aesthetics with size of the installation being the determinative factor. The same is true with respect to Tier II technology that must be compared to Tier I technology, again presumably based on the compatibility of the aesthetics and size of the installation. The problem with this system is that all facilities are being measured against dimensions that may not work for a particular technology or for certain carriers, and there is no definition of what constitutes a comparative impact. In other words, the compatibility standard lacks objective standards for comparing impacts and establishes as the preferred installation size a size that discriminates against carriers that do not use equipment that falls within the preferred smaller dimensions.

With respect to meeting the "necessity" standard, the metric in each definition, both the Tier III Necessity Standard and the Tier II Necessity Standard, is whether utilizing Tier I installation technology would require a carrier to have more locations. T-Mobile will not be able to meet the necessity standard under any scenario. This is because T-Mobile will not be able to show that any of its needs will ever be met with the Tier I technology. These two concepts of compatibility and necessity illuminate the problem that is linked to an ordinance which selects a single technology preference.

An additional concern is the complex review processes that are required for Tier II or Tier III installations. The Proposed Ordinance contemplates an additional approval from the Parks Department or the Planning Department based on the proposed facility's location. The standards to be applied by the Parks Department or Planning Department are not well defined. For example, the Park Department is instructed to review a Tier II or Tier III installation to determine whether such a facility would "significantly degrade the aesthetic or natural attributes that define the City park or open space." Another example is where the Planning Department is required to determine whether a proposed facility would impact a "Planning Protected Location" which could be something as unknowable as a "structure of merit" or a "locally significant building." These indefinite terms render it difficult for T-Mobile to evaluate a potential facility locations and predict the range of standards that must be satisfied.

A review of the structure of the Proposed Ordinance uncovers a complex pattern. The Proposed Ordinance appears to go too far, particularly in light of the requirements imposed by federal law. The Proposed Ordinance provides a preference for Tier I technology. Tier I



Committee Clerk of the Land Use Committee, San Francisco Board of Supervisors  
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Page 4

technology does not need to satisfy the necessity, compatibility or the additional reviews by other City departments. If a proposed equipment enclosure is more than 0.5 cubic feet larger than Tier I installations, then it must complete a much longer and uncertain path. It is subjected to additional reviews and in the case of Tier III technology will be subjected to a public review process. This is even the case where a company, such as T-Mobile, has more than two equipment enclosures in order to comply with federal law requirements mandating caller location for first responders.

### *Clarkston Case*

There have been other cities that have attempted to create multiple tiers and a preference for one technology over FCC-approved technologies. A recent effort confirmed that a technology preference cannot withstand review under federal law. Just last year, a federal court in New York struck down a town ordinance that established a four-tiered approval system for wireless permits with a preference for "Category A" technology. See *New York SMA Ltd. v. Town of Clarkstown*, 603 F.Supp.2d 715, 719 (S.D. N.Y. 2009). In striking down the town ordinance, the court stated that the town's "preference interferes with the FCC's regulatory scheme" and the town's ordinances "are preempted by federal law." *Id.* at 726. The court relied in part on the Ninth Circuit Court of Appeals in stating that "essentially, the [Telecommunications Act] represents a congressional judgment that local zoning decisions harmless to the FCC's greater regulatory scheme – and only those proven to be harmless – should be allowed to stand." *Metro PCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 736 (9<sup>th</sup> Cir. 2005).

T-Mobile points out this case so that the City is aware that efforts to prefer a non-licensed technology over FCC-licensed wireless technology may get struck down. The FCC is the agency empowered to make decisions concerning technology used to provide personal communications services. See 47 C.F.R. § 24.50.

### *Recommendations*

T-Mobile suggests that the Proposed Ordinance be revised to remove the three tiers. A single tier would be the appropriate method to continue regulating applications to attach facilities to poles in the rights of way. That tier, however, should not limit the size of attachments so as to exclude technology that is in use by licensed FCC carriers and has been approved by the FCC for pole applications. Moreover, each carrier should provide the City with its minimum pole attachment design for use in the rights of way. The City should grant a pre-approval for each design. Any new applications should comply with that design and be subject to expedited review and approval. Further, carriers should resubmit designs to the City as their technology changes so that expedited review and approval will continue as the technology changes.

**Snell & Wilmer**  
LLP

Committee Clerk of the Land Use Committee, San Francisco Board of Supervisors

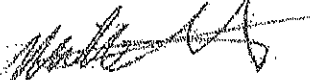
February 11, 2010

Page 5

Again, T-Mobile commends the city for its efforts to streamline the process. However, we think it is necessary to open a dialog with the City about the Proposed Ordinance on the foregoing matters that have not been discussed at any of the past working group meetings. T-Mobile's request is that the Proposed Ordinance be revised so that all carrier technologies are allowed to participate in the same process enjoyed by those using the Tier I technology.

Very truly yours,

**SNELL & WILMER**



Bradley R. Cahoon, Esq.  
Michael A. Gehret, Esq.

cc: Tim Sullivan, Esq.  
Marian Vetro, Esq.  
Wade Budge, Esq.  
Claire Dossier, Esq.  
Paul Albritton, Esq.

**Smith, Heather**

---

**From:** Smith, Heather  
**Sent:** Thursday, February 11, 2010 2:37 PM  
**To:** 'board.of.supervisors@sfgov.org'  
**Cc:** Cahoon, Brad  
**Subject:** San Francisco - Proposed Ordinance  
**Attachments:** 2010 0211 [L] to San Francisco Board of Supervisors.PDF

Dear Supervisors,

Please find attached a letter from Snell & Wilmer L.L.P. regarding the Proposed Ordinance Amendment.

Thank you,  
Heather K. Smith  
*Legal Secretary to Bradley R. Cahoon and Wade R. Budge and Paralegal Jennifer Ames*  
SNELL & WILMER L.L.P.  
Beneficial Tower  
15 West South Temple  
Suite 1200  
Salt Lake City, UT 84101  
801-257-1992 Direct  
801-257-1800 Fax  
hksmith@swlaw.com

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**Smith, Heather**

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**To:** Smith, Heather  
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FILE NO.

ORDINANCE NO.

1 [Personal Wireless Service Facility Site Permits.]

2  
3 **Ordinance amending the San Francisco Public Works Code by adding Article 25,**  
4 **Sections 1500 through 1526, to establish new requirements for Personal Wireless**  
5 **Service Facility Site Permits and to increase certain fees for obtaining such permits,**  
6 **amending the San Francisco Administrative Code by amending Chapter 11, Article 1,**  
7 **Section 11.9 to eliminate obsolete provisions related to such permits, making the**  
8 **provisions of the ordinance retroactive, and making environmental findings.**

9 NOTE: Additions are single-underline italics Times New Roman;  
10 deletions are ~~strike-through italics Times New Roman~~.  
11 Board amendment additions are double-underlined;  
Board amendment deletions are ~~strike-through normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Findings.

14 (a) Background

15 (1) Growing demand for wireless telecommunications services has resulted in  
16 increasing requests from the wireless industry to place wireless antennas and other  
17 equipment on utility and street light poles in the public-rights of way.

18 (2) Federal law limits the authority of local governments to enact laws that prohibit  
19 or have the effect of prohibiting the provision of telecommunications service. At the same  
20 time, federal law allows local governments to regulate the use of the public rights-of-way to  
21 provide telecommunications service.

22 (3) The permissible boundaries of local government regulation under federal law  
23 have been the subject of considerable litigation. In 2008, the United States Court of Appeals  
24 for the Ninth Circuit interpreted a key provision of federal law to allow local governments to  
25 regulate the placement of wireless facilities in the public rights-of-way based on, among other



1 factors, aesthetic impacts, provided that such regulation does not have the effect of  
2 prohibiting the provision of telecommunications service.

3 (4) Federal law also limits the authority of local governments to regulate wireless  
4 facilities based on the environmental effects of radio frequency emissions. Local  
5 governments may only ensure that such wireless facilities comply with the regulations of the  
6 Federal Communications Commission ("FCC") regarding radio frequency emissions.

7 (5) Under state law, "telephone corporations" have a right to use the public  
8 rights-of-way to install and maintain "telephone lines" and related facilities required to provide  
9 telephone service. Local governments, however, may enact laws that limit the intrusive  
10 effect of these lines and facilities.

11 (6) As of the date of this Ordinance, state law is unresolved as to: (a) whether the  
12 rights of "telephone corporations" to install and maintain "telephone lines" in the public  
13 rights-of-way apply to companies that install and maintain wireless facilities; and (b) whether  
14 and to what extent local governments may regulate the installation and maintenance of  
15 "telephone lines" in the public rights-of-way based on aesthetic impacts. While a state court  
16 has yet to decide these issues, in 2009 the United States Court of Appeals for the Ninth  
17 Circuit interpreted state law to authorize local governments to consider aesthetics in deciding  
18 whether to permit the installation of wireless facilities in the public rights-of-way.

19 (7) The City has been regulating the installation of wireless facilities in the public  
20 rights-of-way since 2007. At that time, the Board of Supervisors (the "Board") adopted  
21 Ordinance No. 214-07 to amend Chapter 11, Article 1, Section 11.9(b) of the San Francisco  
22 Administrative Code to require a telecommunications carrier seeking to install a personal  
23 wireless service facility in the public rights-of-way to obtain a personal wireless service  
24 facilities site permit from the Department of Public Works (the "Department").  
25

(b) The Need to Regulate the Size and Appearance of Wireless Facilities

(1) Surrounded by water on three sides, San Francisco is widely recognized to be one of the world's most beautiful cities. Scenic vistas and views throughout San Francisco of both natural settings and human-made structures contribute to its great beauty.

(2) The City's beauty is vital to the City's tourist industry and is an important reason for businesses to locate in the City and for residents to live here. Beautiful views enhance property values and increase the City's tax base. The City's economy, as well as the health and well-being of all who visit, work or live in the City, depends in part on maintaining the City's beauty.

(3) The types of wireless antennas and other associated equipment that telecommunications providers install in the public rights-of-way can vary considerably in size and appearance. The City needs to regulate the size and appearance of such facilities in order to prevent telecommunications providers from installing wireless antennas and associated equipment in the City's public rights-of-way either in manners or in locations that will diminish the City's beauty.

Section 2. The San Francisco Public Works Code is hereby amended to add Article 25, to read as follows:

ART. 25 PERSONAL WIRELESS SERVICE FACILITIES.

SEC. 1500. PERSONAL WIRELESS SERVICE FACILITY SITE PERMIT.

(a) Personal Wireless Service Facility Site Permit Required. The Department shall require any Person seeking to construct, install, or maintain a Personal Wireless Service Facility in the Public Rights-of-Way to obtain a Personal Wireless Service Facility Site Permit.

(b) Minimum Permit Requirements.

1           (1) The Department shall not issue a Personal Wireless Service Facility Site Permit if the  
2 Application for a Personal Wireless Service Facility Site Permit does not comply with all of the  
3 requirements of this Article 25.

4           (2) The Department shall require an Applicant for a Personal Wireless Service Facility  
5 Site Permit to demonstrate to the satisfaction of the Department that:

6           (A) The Department has issued the Applicant a Utility Conditions Permit as required by  
7 San Francisco Administrative Code Section 11.9;

8           (B) The pole owner has authorized the Applicant to use or replace the Utility or Street  
9 Light Pole identified in the Application; and

10           (C) The Applicant has obtained any approvals that may be required under the California  
11 Environmental Quality Act (California Public Resources Code Section 21000 et seq.) to construct,  
12 install, and maintain the proposed Personal Wireless Service Facility.

13           (c) The Department shall not issue a Personal Wireless Service Facility Site Permit if the  
14 Applicant seeks to:

15           (1) Install a new Utility or Street Light Pole on a Public Right-of-Way where there  
16 presently are no overhead utility facilities; or

17           (2) Add a Personal Wireless Service Facility on a Utility or Street Light Pole for which a  
18 Personal Wireless Service Facility Site Permit has already been approved.

19           (d) Permit Conditions. ~~The~~Subject to Applicable Law, the Department may include in a  
20 Personal Wireless Service Facility Site Permit such conditions, in addition to those already set forth in  
21 this Article 25 and other Applicable Law, as may be required to govern the construction, installation,  
22 or maintenance of Personal Wireless Service Facilities in the Public Rights-of-Way, and to protect  
23 and benefit the public health, safety, welfare, and convenience. ~~Such~~Subject to Applicable Law, such  
24 conditions may also govern the installation and use of equipment that is not located on a Utility or  
25 Street Light Pole, but that is necessary for the use of a permitted Personal Wireless Service Facility.

1           (e) Other Provisions Inapplicable. Notwithstanding the requirements of San Francisco  
 2 Business and Tax Code Sections 5, 6, and 26(a), the provisions of this Article 25 shall govern all  
 3 actions taken by the City with respect to the approval or denial of an Application for a Personal  
 4 Wireless Service Site Facility Site Permit under this Article 25.

5  
 6 **SEC. 1501. DEPARTMENT ORDERS AND REGULATIONS.**

7           The Department may adopt such orders or regulations as it deems necessary to implement the  
 8 requirements of this Article 25, or to otherwise preserve and maintain the public health, safety,  
 9 welfare, and convenience, as are consistent with this requirements of this Article 25 and subject to  
 10 Applicable Law.

11  
 12 **SEC. 1502. DEFINITIONS.**

13           For purposes of this Article 25, the following terms, phrases, words, abbreviations, their  
 14 derivations, and other similar terms, when capitalized, shall have the meanings given herein. When  
 15 not inconsistent with the context, words used in the present tense include the future tense; words in the  
 16 plural number include the singular number; and words in the singular number include the plural  
 17 number.

18           (a) "Adjacent" means:

19           (1) On the same side of the street and in front of the building or the next building on either  
 20 side, when used in connection with a ~~[[COMMENT: THESE TERMS NEED DEFINITIONS:~~  
 21 national historic landmark, California landmark, San Francisco landmark, structure of merit,  
 22 architecturally significant building, or locally significant building]]; and (2) In front of and on  
 23 the same side of the street, when used in connection with a City park or open space.

24           (b) "Applicable Law" means all applicable federal, state, and City laws, ordinances,  
 25 codes, rules, regulations and orders, as the same may be amended or adopted from time to time.

- 1           (c) "Applicant" means any Person submitting an Application for a Personal Wireless  
2 Service Facility Site Permit under this Article 25.
- 3           (d) "Application" means an application for a Personal Wireless Service Facility Site  
4 Permit under this Article 25.
- 5           (e) "City" means the City and County of San Francisco.
- 6           (f) "Conditions" means any additional requirements that a City department reviewing an  
7 Application for a Personal Wireless Service Facility Site Permit has determined are necessary, subject  
8 to Applicable Law, for the Application to meet those requirements of this Article 25 that are within that  
9 department's purview.
- 10           (g) "Department" means the Department of Public Works.
- 11           (h) "Director" means the Director of Public Works.
- 12           (i) "FCC" means the Federal Communications Commission.
- 13           (j) "Park Protected Location" means a proposed location for a Personal Wireless Service  
14 Facility in the Public Rights-of-Way that is Adjacent to a City park or open space.
- 15           (k) "Park Protected Location Compatibility Standard" means whether a Personal Wireless  
16 Service Facility that is proposed to be located in a Park Protected Location would significantly impair  
17 the views of a City park or open space or significantly degrade the aesthetic or natural attributes that  
18 define the City park or open space while taking into consideration existing physical improvements  
19 and visible infrastructure within and surrounding the City park or open space.
- 20           (l) "Permittee" means a Person issued a Personal Wireless Service Facility Site Permit.
- 21           (m) "Person" means any individual, group, company, partnership, association, joint stock  
22 company, trust, corporation, society, syndicate, club, business, or governmental entity. "Person" shall  
23 not include the City.
- 24           (n) "Personal Wireless Service" means commercial mobile services provided under a  
25 license issued by the FCC.

1 (o) "Personal Wireless Service Facility" or "Facility" means antennas and related  
2 facilities used to provide or facilitate the provision of Personal Wireless Service.

3 (p) "Personal Wireless Service Facility Site Permit" or "Permit" means a permit issued  
4 by the Department pursuant to this Article 25 authorizing a Permittee to construct, install, and  
5 maintain a Personal Wireless Service Facility.

6 (q) "Planning Protected Location" means any of the following proposed locations for a  
7 Personal Wireless Service Facility:

8 (1) On ~~an~~ Street Light Pole, which Applicable Law recognizes as historic, historically or  
9 architecturally significant, decorative, or specially designed ~~Street Light Pole~~, located in the Public  
10 Rights-of-Way;

11 (2) On a Utility or Street Light Pole ~~that~~, which is on a Public Right-of-Way, that  
12 ~~is~~ Applicable Law recognizes to be within a national historic landmark district, listed ~~or~~ eligible  
13 national register historic district, listed ~~or~~ eligible California register historic district, San Francisco  
14 landmark district, local historic or conservation district, or locally significant district ~~as more~~  
15 specifically and described and cataloged in materials prepared and maintained by the  
16 Planning Department;

17 (3) On a Utility or Street Light Pole ~~that is on~~ a Public Right-of-Way ~~that is~~ and Adjacent  
18 to an area that Applicable Law recognizes as a national historic landmark, California landmark, San  
19 Francisco landmark, structure of merit, architecturally significant building, or locally significant  
20 building, ~~as more~~ specifically and described and cataloged in materials prepared and  
21 maintained by the Planning Department;

22 (4) On a Utility or Street Light Pole ~~that is on a Public Right-of-Way that the San~~  
23 ~~Francisco General Plan has designated as being most significant to City pattern, defining City form,~~  
24 ~~or having an important street view for orientation;~~

25

1 ~~(5) On a Utility or Street Light Pole that is on a Public Right of Way that the San~~  
2 ~~Francisco General Plan has designated as having views that are rated "excellent" or "good"; or~~

3 ~~(6) On a Utility or Street Light Pole that is on a Public Right of Way that is within a~~  
4 ~~Residential or Neighborhood Commercial zoning district under the San Francisco Planning Code.~~

5 ~~(7) "Planning Protected Location Compatibility Standard" means whether the Applicant~~  
6 ~~for a Personal Wireless Service Facility Site Permit demonstrates that a proposed Personal~~  
7 ~~Wireless Service Facility would be compatible with any of the Planning Protected Locations as~~  
8 ~~follows:~~

9 ~~(1) For a historic, historically or architecturally significant, decorative, or specially~~  
10 ~~designed Street Light Pole, the applicable standard is whether a proposed Personal Wireless Service~~  
11 ~~Facility would significantly degrade the aesthetic attributes that distinguish the Street Light Pole as~~  
12 ~~historic, historically significant, architecturally significant, decorative, or specially designed.~~

13 ~~(2) For a Public Right of Way that is within a national historic landmark district, listed or~~  
14 ~~eligible national register historic district, listed or eligible California register historic district, San~~  
15 ~~Francisco landmark district, local historic or conservation district, or locally significant district, the~~  
16 ~~applicable standard is whether a proposed Personal Wireless Service Facility would significantly~~  
17 ~~degrade the aesthetic attributes that were the basis for the special designation of the district.~~

18 ~~(3) For a Utility or Street Light Pole that is adjacent to a national historic landmark,~~  
19 ~~California landmark, San Francisco landmark, structure of merit, architecturally significant building,~~  
20 ~~or locally significant building, the applicable standard is whether a proposed Personal Wireless~~  
21 ~~Service Facility would significantly degrade the aesthetic attributes that were the basis for the special~~  
22 ~~designation of the building. (4) For a Public Right-of-Way that the San Francisco General~~

23 ~~Plan has designated as being most significant to City pattern, defining City form, or having an~~  
24 ~~important street view for orientation;~~

1 (5) On a Utility or Street Light Pole in a Public Right-of-Way that the San Francisco  
2 General Plan has designated as having views that are rated "excellent" or "good"; or street view for  
3 orientation, the applicable standard is whether a

4 (6) On a Utility or Street Light Pole in a Public Right-of-Way that is within a Residential  
5 zoning district under the San Francisco Planning Code,

6 (v) "Planning Protected Location Compatibility Standard" means whether the proposed  
7 Personal Wireless Service Facility would significantly degrade the aesthetic attributes that were the  
8 basis for the designation of the street for special protection under the General Plan or views of the  
9 Planning Protected Location while taking into consideration existing physical improvements and  
10 visible infrastructure within and surrounding the Planning Protected Location.

11 (5) For a Public Right-of-Way that the San Francisco General Plan has designated as  
12 having views that are rated "excellent" or "good," the applicable standard is whether a proposed  
13 Personal Wireless Service Facility would significantly impair the views of any of the important  
14 buildings, landmarks, open spaces, or parks that were the basis for the designation of the street as a  
15 view street.

16 (6) For a Public Right-of-Way that is in a Residential or Neighborhood Commercial  
17 zoning district, the applicable standard is whether a proposed Personal Wireless Service Facility  
18 would significantly detract from the character of the neighborhood.

19 (8) "Public Health Compliance Standard" means whether: (i) any potential human  
20 exposure to radio frequency emissions from a proposed Personal Wireless Service Facility described  
21 in an Application is within the FCC guidelines; and (ii) noise at any time of the day or night from  
22 the proposed Personal Wireless Service Facility described in an Application is not greater  
23 than forty five (45) dBA substantially complies with Article 29 of the San Francisco  
24 Police Code regulation on noise, as measured at a distance three (3) feet from any  
25 residential building facade.



1 (t) "Public Rights-of-Way" means the area in, on, upon, above, beneath, within, along,  
2 across, under, and over the public streets, sidewalks, roads, lanes, courts, ways, alleys, spaces, and  
3 boulevards within the geographic area of the City in which the City now or hereafter holds any  
4 property interest, which is dedicated to public use and which, consistent with the purposes for which it  
5 was dedicated, may be used for the purpose of installing and maintaining Personal Wireless Service  
6 Facilities to provide Personal Wireless Service to customers.

7 (u) "Street Light Pole" means a pole used solely for street lighting and which is located in  
8 the Public Rights-of-Way.

9 (v) "Tier III-A Compatibility Standard" means ~~the Planning Department's application~~  
10 ~~of the Planning Protected Location Compatibility Standard by which the Planning Department shall~~  
11 ~~make a compatibility determination based on an analysis of the additional impact, if any, that to a~~  
12 ~~proposed Tier III-A Facility would have on the character of the neighborhood, as compared to the~~  
13 ~~impact a Tier I Facility or a Tier II Facility would have at the same location.~~ II-A Facility.

14 (w) "Tier III-BC Compatibility Standard" means ~~a Planning~~ the Recreation and Park  
15 Department's application of the Park Protected Location Compatibility Standard ~~by which the~~  
16 Planning Department shall make a compatibility determination based on an analysis of the additional  
17 impact, if any, that a proposed Tier III-B Facility would have on a Planning Protected Location, as  
18 compared to the impact a Tier I Facility or a Tier II Facility would have at the same location.  
19 Proposed Tier II-C Facility.

20 (x) "Tier III-C Compatibility Standard" means a Park Protected Location Compatibility  
21 Standard by which the Recreation and Park Department shall make a compatibility determination  
22 based on an analysis of the additional impact, if any, that a Proposed Tier III-C Facility would have  
23 on a Park Protected Location, as compared to the impact a Tier I Facility or Tier II Facility would  
24 have at the same location. (y) "Tier II-B Compatibility Standard" means a Planning Protected  
25 Location Compatibility Standard by which the Planning Department shall make a compatibility

1 ~~determination based on an analysis of the additional impact, if any, that a proposed Tier II B Facility~~  
2 ~~would have on a Planning Protected Location, or compared to the impact a Tier I Facility would have~~  
3 ~~at the same location.~~

4 ~~(#) "Tier II C Compatibility Standard" means a Park Protected Location Compatibility~~  
5 ~~Standard by which the Recreation and Park Department shall make a compatibility determination~~  
6 ~~based on an analysis of the additional impact, if any, that a Proposed Tier II C Facility would have on~~  
7 ~~a Park Protected Location, or compared to the impact a Tier I Facility would have at the same~~  
8 ~~location. (aa) "Tier I Criteria" is the criteria for the equipment allowed to be used with a Tier I~~  
9 ~~Personal Wireless Service Facility, as set forth in Section 1503(a) below.~~

10 ~~(bb) "Tier II Criteria" is the criteria for the equipment allowed to be used with a Tier II~~  
11 ~~Personal Wireless Service Facility, as set forth in Section 1503(b) below.~~

12 ~~(cc) "Tier I Facility" is a Personal Wireless Service Facility that complies with the Tier I~~  
13 ~~Criteria. (dd) "Tier III Facility" is a Personal Wireless Service Facility that does not meet the Tier I~~  
14 ~~or Tier II Criteria.~~

15 ~~(ee) "Tier II Facility" is a Personal Wireless Service Facility that complies with the Tier II~~  
16 ~~Criteria.~~

17 ~~(#aa) "Tier I Facility Permit" is a Permit to install a Tier I Facility.~~

18 ~~(#ab) "Tier III Facility Permit" is a Permit to install a Tier III Facility.~~

19 ~~(#bbb) "Tier II Facility Permit" is a Permit to install a Tier II Facility.~~

20 ~~(#cc) "Tier III Necessity Standard" means whether a Tier III Facility is insufficient to meet~~  
21 ~~the Applicant's service needs because the Applicant has demonstrated one of the following:~~

22 ~~(1) Approval of the Application for a Tier III Facility Permit would reduce the number of~~  
23 ~~Personal Wireless Service Facilities that the Applicant would otherwise need to install in the vicinity~~  
24 ~~of the proposed Tier III Facility; or~~

25

1 ~~(2) Any other showing related to the Applicant's service needs that the Department may~~  
2 ~~allow by order or regulation;~~

3 ~~(i) "Tier II Necessity Standard" means whether a Tier I Facility is insufficient to meet the~~  
4 ~~Applicant's service needs because the Applicant has demonstrated one of the following: (i)~~

5 ~~Approval of the Application for a Tier II Facility Permit would reduce the number of Personal~~  
6 ~~Wireless Service Facilities that the Applicant would otherwise need to install in the vicinity of the~~  
7 ~~proposed Tier II Facility; or~~

8 ~~(2) Any other showing related to the Applicant's service needs that the Department may~~  
9 ~~allow by order or regulation allowed by Applicable Law.~~

10 ~~(#d) "Unprotected Location" means a proposed location for a Personal Wireless Service~~  
11 ~~Facility that is neither a Planning Protected Location nor a Park Protected Location.~~

12 ~~(#e) "Utility Pole" means a power pole, telephone pole, or other similar pole located~~  
13 ~~within the Public Rights-of-Way.~~

14  
15 **SEC. 1503. TYPES OF PERSONAL WIRELESS SERVICES FACILITIES.**

16 ~~(a) Tier I Facility. The Department shall not approve an Application for a Tier I Facility~~  
17 ~~Permit unless the Application complies with the following Tier I Criteria:~~

18 ~~(1) Antenna. A Tier I Facility may add no more than three (3) antennas to a Utility or~~  
19 ~~Street Light Pole. Each antenna shall be cylindrical in shape and shall be no more than ~~three~~four~~  
20 ~~(3) feet high ~~and two~~ (2), excluding the antenna mounting bracket or base, and eighteen (18) inches~~  
21 ~~in diameter. If Applicable Law, or generally applicable written rules of the pole owner, require a~~  
22 ~~supporting element for the antenna such as a cross-arm or pole top extension, such supporting~~  
23 ~~element shall be no larger, longer, or bulkier than is necessary to comply with Applicable Law or such~~  
24 ~~generally applicable written rules.~~

25

1           (2) Equipment Enclosures. A Tier I Facility may add no more than two (2) equipment  
2 enclosures, as follows:

3           (A) A primary equipment enclosure to be installed on the same Utility or Street Light Pole  
4 as the antenna(s), which shall be no larger than three and one-half (3.5) cubic feet in volume with a  
5 width not exceeding ~~twelve~~ twenty (20) inches and a depth not exceeding ~~ten~~ fourteen (14) inches.  
6 An electricity meter and a cut-off switch may be located outside of the primary equipment enclosure.  
7 The Department may, by order, allow a larger primary equipment enclosure if the Applicant  
8 demonstrates that the enclosure will contain an electricity meter and cut-off switch, provided that the  
9 width of the enclosure does not exceed ~~twelve~~ twenty-eight (28) inches and the depth does not  
10 exceed ~~ten~~ eighteen (18) inches; and

11           (B) A secondary equipment enclosure to be installed on a Utility or Street Light Pole that is  
12 near the Utility or Street Light Pole to be used for the antenna(s) and primary equipment enclosure,  
13 which shall be no larger than three and one-half (3.5) cubic feet in volume with a width not  
14 exceeding ~~twelve~~ twenty (20) inches and a depth not exceeding ~~ten~~ fourteen (14) inches.

15           (b) Tier II Facility. The Department shall not approve an Application for a Tier II Facility  
16 Permit unless the Application complies with the following Tier II Criteria:

17           (1) Antennas. A Tier II Facility may add one (1) or more antennas to a Utility or Street  
18 Light Pole provided that the antennas would fit completely within one (1) of the following enclosure  
19 sizes. The use of an antenna enclosure is not required to qualify as a Tier II Facility:

20           (i) For an installation on top of a Utility or Street Light Pole, the antenna or antenna  
21 enclosure shall:

22           (i) Be cylindrical in shape;

23           (ii) Not exceed three (3) feet in height; and

24           (iii) Not exceed the diameter of the top of the pole; or

1 ~~(b) For an installation on the side of a Utility or Street Light Pole, the size of the antenna~~  
2 ~~or antenna enclosure shall:~~

3 ~~(i) Not exceed three (3) feet in height; and~~

4 ~~(ii) In the case of a cylindrical antenna or antenna enclosure, not exceed eighteen (18)~~  
5 ~~inches in diameter; or~~

6 ~~(iii) In the case of a rectangular antenna or antenna enclosure, not exceed eighteen (18)~~  
7 ~~inches in width or depth.~~

8 ~~(2) Supporting Elements. If Applicable Law or generally applicable written rules of the~~  
9 ~~pole owner require a supporting element for any antenna or antenna enclosure such as a cross-arm~~  
10 ~~or pole-top extension, such supporting element shall be no larger, longer, or bulkier than is necessary~~  
11 ~~to comply with Applicable Law or such generally applicable written rules.~~

12 ~~(3) Equipment Enclosures. A Tier II Facility may add no more than two (2) equipment~~  
13 ~~enclosures, as follows:~~

14 ~~(A) A primary equipment enclosure to be installed on the same Utility or Street Light Pole~~  
15 ~~as the antenna(s) or antenna enclosure, which shall be no larger than three and one-half (3.5) cubic~~  
16 ~~feet in volume, with a width not exceeding twelve (12) inches and a depth not exceeding ten (10)~~  
17 ~~inches. An electricity meter and a cut-off switch may be located outside of the primary equipment~~  
18 ~~enclosure. The Department may, by order, allow a larger primary equipment enclosure if the~~  
19 ~~Applicant demonstrates that the enclosure will contain an electricity meter and cut-off switch,~~  
20 ~~provided that the width of the enclosure does not exceed twelve (12) inches and the depth does not~~  
21 ~~exceed ten (10) inches; and~~

22 ~~(B) A secondary equipment enclosure to be installed on a Utility or Street Light Pole that~~  
23 ~~is near the Utility or Street Light Pole to be used for the antenna(s) and primary equipment enclosure,~~  
24 ~~which shall be no larger than three and one-half (3.5) cubic feet in volume with a width not exceeding~~  
25 ~~twelve (12) inches and a depth not exceeding ten (10) inches.~~

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~~(A) Location.~~

~~(A) A Tier II Facility shall be designated a Tier II A Facility if the proposed location for the facility is in an Unprotected Location.~~

~~(B) A Tier II Facility shall be designated a Tier II B Facility if the proposed location for the facility is in a Planning Protected Location.~~

~~(C) A Tier II Facility shall be designated a Tier II C Facility if the proposed location for the facility is in a Park Protected Location. (c) Tier III Facility. The Department shall not place any limitations on the antennas or other equipment that may be contained in an Application for a Tier III Facility Permit.~~

~~(1) Tier III-A. A Tier III Facility shall be designated a Tier III-A Facility if the proposed location for the facility is in an Unprotected Location.~~

~~(2) Tier III-B. A Tier III Facility shall be designated a Tier III-B Facility if the proposed location for the facility is in a Planning Protected Location.~~

~~(3) Tier III-C. A Tier III-C Facility shall be designated a Tier III-C Facility if the proposed location for the facility is in a Park Protected Location.~~

**SEC. 1504. INITIAL REVIEWS OF APPLICATIONS.**

(a) Completeness Review.

(1) Initial Determination. Following receipt of an Application for a Personal Wireless Service Facility Site Permit, the Department shall make an initial determination whether the Application is complete.

(2) Notice of Completeness Determination. The Department shall promptly notify an Applicant for a Personal Wireless Service Facility whether the Application is complete.

(b) Tier Review.

(1) Initial Determination. Following a Department determination that an Application for a Personal Wireless Service Facility Site Permit is complete as required by Section 1504(a) above, the

1 Department shall make an initial determination whether the Application is for a Tier I, or Tier II, or  
2 Tier III Facility Permit and whether, because of the proposed location for the Personal Wireless  
3 Service Facility, the Department must refer the Tier II Facility Permit Application to the Planning  
4 Department or the Recreation and Park Department (or both if required).

5 (2) Notice of Tier Determination. The Department shall promptly notify an Applicant for a  
6 Personal Wireless Service Facility of the Department's determination concerning whether the  
7 Application is for a Tier I, or Tier II, or Tier III Facility Permit and whether the Planning Department  
8 and/or Recreation and Park Department must also review the Tier II Facility Permit Application.

9  
10 **SEC. 1505. CONDITIONS OF APPROVAL.**

11 (a) Conditions of Approval. Any City department reviewing an Application for a Personal  
12 Wireless Service Facility Site Permit, as required by this Article 25, may add lawful Conditions to its  
13 approval, tentative approval, or determination.

14 (b) Conditions in Writing. Any Conditions that a City department includes in its approval,  
15 tentative approval, or determination with respect to an Application for a Personal Wireless Service  
16 Facility Site Permit shall be in writing.

17 (c) Notice of Conditions. The Department shall promptly notify the Applicant of any such  
18 Conditions and shall give the Applicant a reasonable time to accept or reject the Conditions.

19 (d) Acceptance of Conditions Required. The Department shall not approve an Application  
20 for a Personal Wireless Service Facility Site Permit unless the Applicant accepts all ~~of the~~ lawful  
21 Conditions added to an approval, tentative approval, or determination by any City department that  
22 reviewed the Application. If the Applicant rejects the proposed Conditions, then the Applicant may  
23 appeal the proposed Conditions pursuant to Section 1514 below.

24

25 **SEC. 1506. DEPARTMENT OF PUBLIC HEALTH REVIEW.**

1 (a) Department of Public Health Referral. The Department shall refer every Application  
2 for a Personal Wireless Service Facility Site Permit to the Department of Public Health for review of  
3 the proposed Personal Wireless Service Facility under the Public Health Compliance Standard.

4 (b) Department of Public Health Determination. The Department of Public Health shall  
5 make a determination whether the Application satisfies the Public Health Compliance Standard. The  
6 determination of the Department of Public Health shall be in writing and shall set forth the reasons  
7 therefor. ~~therefor.~~ The Department of Public Health shall transmit its determination to the  
8 Department within ten (10) business days of receipt of the Application from the Department. With the  
9 concurrence of the Applicant, the Department of Public Health may extend this review period beyond  
10 ten (10) business days.

11 (c) Affirmative Determination Required. The Department shall not approve an Application  
12 for a Personal Wireless Service Facility Site Permit unless the Department of Public Health makes a  
13 determination that the Application satisfies the Public Health Compliance Standard.

14  
15 **SEC. 1507. DEPARTMENT REVIEW OF A WIRELESS FACILITY PERMIT APPLICATION.**

16 (a) Tier I Facility Permit. The Department shall review an Application for a Tier I Facility  
17 Permit to determine whether the Application:

18 (1) Satisfies the Tier I Criteria; and

19 (2) Receives an affirmative determination from the Department of Public Health under the  
20 Public Health Compliance Standard.

21 (b) Tier II-A Facility Permit. The Department shall review an Application for a Tier II-A Facility  
22 Permit to determine whether the Application:

23 (1) Satisfies the Tier II Criteria;

24 (2) Satisfies the Tier II Necessity Standard; and



1 ~~(3) Receives an affirmative determination from the Department of Public Health under the~~  
2 ~~Public Health Compliance Standard;~~

3 ~~(e) Tier II-B or Tier II-C Facility Permit. The Department shall review an Application for~~  
4 ~~a Tier II-B or Tier II-C Facility Permit to determine whether the Application:~~

5 ~~(1) Satisfies the Tier II-Criteria;~~

6 ~~(2) Satisfies the Tier II-Necessity Standard;~~

7 ~~(3) Receives an affirmative determination from the Department of Public Health under the~~  
8 ~~Public Health Compliance Standard; and~~

9 ~~(4) Receives an affirmative determination from the Planning Department or the Recreation~~  
10 ~~and Park Department (or both if required) under the applicable Tier II-B or Tier II-C Compatibility~~  
11 ~~Standard.~~

12 ~~(d) Tier III Facility Permit. The Department shall review an Application for a Tier~~  
13 ~~III Facility Permit to determine whether the Application:~~

14 ~~(1) Satisfies the Tier III Necessity Standard;~~

15 ~~(2) Receives an affirmative determination from the Department of Public Health under the~~  
16 ~~Public Health Compliance Standard; and~~

17 ~~(3) Receives an affirmative determination or affirmative determination from the Planning~~  
18 ~~Department or the Recreation and Park Department (or both if required) under the applicable Tier~~  
19 ~~III-A, Tier III-B, or Tier III-C Compatibility Standard.~~

20 **SEC. 1508. PLANNING DEPARTMENT REVIEW OF A TIER II-B, TIER III-A, OR TIER**  
21 **III-B FACILITY PERMIT APPLICATION.**

22 ~~(a) Referral to Planning Department. If the Department determines that an Application for~~  
23 ~~a Tier II-B, Tier III-A, or Tier III-B Facility Permit meets the applicable Tier II or Tier III~~  
24 ~~Necessity Standard, the Department shall refer the Application to the Planning Department for a~~

25

1 review of review of the proposed Personal Wireless Service Facility under the applicable Tier II-B,  
 2 Tier III-A, or Tier III-B Compatibility Standard.

3 (b) Planning Department determination. The Planning Department shall make a  
 4 determination whether an Application for a Tier II-B, Tier III-A, or Tier III-B Facility Permit satisfies  
 5 the applicable Tier II-B, Tier III-A or Tier III-B Compatibility Standard to the proposed  
 6 Personal Wireless Service Facility. The Planning Department's determination shall be in writing  
 7 and shall set forth the reasons therefor. The Planning Department shall transmit its  
 8 determination to the Department within twenty (20) business days of receipt of the Application from  
 9 the Department. With the concurrence of the Applicant, the Planning Department may extend this  
 10 review period beyond twenty (20) business days.

11 (c) Affirmative Determination Required. The Department shall not approve an Application  
 12 for a Personal Wireless Service Facility Site Permit unless the Planning Department makes a  
 13 determination that the Application satisfies the applicable Tier II-B, Tier III-A, or Tier III-B  
 14 Compatibility Standard.

15  
 16 **SEC. 1509. RECREATION AND PARK DEPARTMENT REVIEW OF A TIER II-C OR**  
 17 **TIER III-C FACILITY PERMIT APPLICATION.**

18 (a) Referral to Recreation and Park Department. If the Department determines that an  
 19 Application for a Tier II-C or Tier III-C Facility Permit meets the applicable Tier II or Tier III  
 20 Necessity Standard, the Department shall refer the Application to the Recreation and Park  
 21 Department for a review of the proposed Personal Wireless Service Facility under the applicable Tier  
 22 II-C or Tier III-C Compatibility Standard.

23 (b) Recreation and Park Department Determination. The Recreation and Park  
 24 Department shall make a determination whether an Application for a Tier II-C or Tier III-C Facility  
 25 Permit satisfies the applicable Tier II-C or apply the Tier III-C Compatibility Standard to the proposed

1 Personal Wireless Service Facility. The Recreation and Park Department's determination shall be in  
 2 writing and shall set forth the reasons therefor. The Recreation and Park Department shall  
 3 transmit its determination to the Department within twenty (20) business days of receipt of the  
 4 Application from the Department. With the concurrence of the Applicant, the Recreation and Park  
 5 Department may extend this review period beyond twenty (20) business days.

6 (c) Affirmative Determination Required. The Department shall not approve an Application  
 7 for a Personal Wireless Service Facility Site Permit unless the Recreation and Park Department  
 8 makes a determination that the Application satisfies the applicable Tier II-C or Tier III-C  
 9 Compatibility Standard.

10  
 11 **SEC. 1510. DEPARTMENT DETERMINATION.**

12 (a) Determination in Writing.

13 (1) Tentative Approval. A Department tentative approval of an Application for a Tier III  
 14 Facility Permit shall be in writing and shall set forth the reasons therefor. If a Department  
 15 tentative approval contains any Conditions, the Conditions shall also be in writing.

16 (2) Final Determination. A Department final determination to approve or deny an  
 17 Application for a Personal Wireless Service Facility Site Permit shall be in writing and shall set forth  
 18 the reasons therefor. If a Department final determination to approve an Application  
 19 contains any Conditions, the Conditions shall also be in writing.

20 (b) Tier I or Tier II-A Facility Permit.

21 (1) Denial. The Department shall issue a final determination denying an Application for a  
 22 Tier I or Tier II-A Facility Permit within three (3) business days of any of the following events:

23 (A) The Department making a determination that the Application does not meet the Tier I  
 24 or Tier II-Criteria, as applicable;

25

1 (B) The Department's receipt of a determination from the Department of Public Health that  
2 the Application does not meet the Public Health Compliance Standard; or

3 (C) If the Department or the Department of Public Health adds any Conditions to its  
4 approval of the Application, the Department's receipt of a notice from the Applicant that it rejects any  
5 of those that Applicant's appeal of any rejected Conditions has been denied, or if there was no  
6 appeal, that Applicant has rejected any of the Conditions.

7 (2) Approval without Conditions. If neither the Department nor the Department of Public  
8 Health adds any lawful Conditions to its approval of an Application for a Tier I or Tier II-A Facility  
9 Permit, the Department shall issue a final determination approving the Application within three (3)  
10 business days of the occurrence of the last of the following events:

11 (A) The Department making a determination that the Application meets the Tier I or Tier II  
12 Criteria, as applicable; or

13 (B) The Department's receipt of a determination from the Department of Public Health that  
14 the Application meets the Public Health Compliance Standard.

15 (3) Approval with Conditions. If the Department or the Department of Public Health adds  
16 any lawful Conditions to its approval of an Application for a Tier I or Tier II-A Facility Permit, the  
17 Department shall issue a final determination approving the Application within three (3) business days  
18 of the occurrence of the last of the following events:

19 (A) The Department making a determination that the Application meets the Tier I or Tier II  
20 Criteria, as applicable;

21 (B) The Department's receipt of a determination from the Department of Public Health that  
22 the Application meets the Public Health Compliance Standard; or

23 (C) The Department's receipt of a notice from the Applicant that it accepts all of those  
24 Conditions or that Applicant's appeal of any rejected Conditions has been resolved in Applicant's  
25 favor.

1 ~~(c) Tier II-B or Tier II-C Facility Permit.~~

2 ~~(1) Denial. The Department shall issue a final determination denying an Application for a~~  
3 ~~Tier II-B or Tier II-C Facility Permit within three (3) business days of any of the following events:~~

4 ~~(A) The Department making a determination that the Application does not meet the Tier II~~  
5 ~~Criteria or Tier II Necessity Standard;~~

6 ~~(B) The Department's receipt of a determination from the Department of Public Health that~~  
7 ~~the Application does not meet the Public Health Compliance Standard;~~

8 ~~(C) The Department's receipt of a determination from the Planning Department or the~~  
9 ~~Recreation and Park Department that the Application does not meet the applicable Compatibility~~  
10 ~~Standard; or~~

11 ~~(D) If any City department that reviewed the Application adds any Conditions to its~~  
12 ~~approval of the Application, the Department's receipt of a notice from the Applicant that it rejects any~~  
13 ~~of those Conditions;~~

14 ~~(2) Approval without Conditions. If no City department reviewing an Application for a~~  
15 ~~Tier II-B or Tier II-C Facility Permit adds any Conditions to its approval of the Application, the~~  
16 ~~Department shall issue a final determination approving the Application within three (3) business days~~  
17 ~~of the occurrence of the last of the following events:~~

18 ~~(A) The Department making a determination that the Application meets the Tier II Criteria~~  
19 ~~and Tier II Necessity Standard;~~

20 ~~(B) The Department's receipt of a determination from the Department of Public Health that~~  
21 ~~the Application meets the Public Health Compliance Standard; or~~

22 ~~(C) The Department's receipt of a determination from the Planning Department or the~~  
23 ~~Recreation and Park Department (or both if required) that the Application meets the applicable~~  
24 ~~Compatibility Standard;~~

1 ~~(2) Approval with Conditions. If any City department reviewing an Application for a Tier~~  
 2 ~~II-B or Tier II-C Facility Permit adds any Conditions to its approval of the Application, the~~  
 3 ~~Department shall issue a final determination approving the Application within three (3) business days~~  
 4 ~~of the occurrence of the last of the following events:~~

5 ~~(A) The Department making a determination that the Application meets the Tier II-Criteria~~  
 6 ~~and Tier II Necessity Standard;~~

7 ~~(B) The Department's receipt of a determination from the Department of Public Health that~~  
 8 ~~the Application meets the Public Health Compliance Standard;~~

9 ~~(C) The Department's receipt of a determination from the Planning Department or the~~  
 10 ~~Recreation and Park Department (or both if required) that the Application meets the applicable~~  
 11 ~~Compatibility Standard; or~~

12 ~~(D) The Department's receipt of a notice from the Applicant that it accepts all of those~~  
 13 ~~Conditions;~~

14 ~~(E) Tier III Facility Permit;~~

15 ~~(1) Denial. The Department shall issue a final determination denying an Application for a~~  
 16 ~~Tier III Facility Permit within three (3) business days of any of the following events:~~

17 ~~(A) The Department making a determination that the Application does not meet the Tier~~  
 18 ~~III Necessity Standard;~~

19 ~~(B) The Department's receipt of a determination from the Department of Public Health that~~  
 20 ~~the Application does not meet the Public Health Compliance Standard;~~

21 ~~(C) The Department's receipt of a determination from the Planning Department or the~~  
 22 ~~Recreation and Park Department (or both if required) that the Application does not meet the~~  
 23 ~~applicable Compatibility Standard; or~~

24 ~~(D) If any City department reviewing the Application adds any Conditions to its approval of~~  
 25 ~~the Application, the Department's receipt of a notice from the Applicant that it rejects any of those~~

1 appeal of any rejected Conditions has been denied, or if there was no appeal, that Applicant has  
2 rejected any of the Conditions.

3 (2) Approval without Conditions.

4 (A) If no City department reviewing an Application for a Tier ~~III~~ Facility Permit adds any  
5 Conditions to its approval of the Application, the Department shall issue a tentative approval of an  
6 Application for a Tier ~~III~~ Facility Permit without Conditions within three (3) business days of the  
7 occurrence of the last of the following events:

8 (i) The Department making a determination that the Application meets the Tier ~~III~~  
9 Necessity Standard;

10 (ii) The Department's receipt of a determination from the Department of Public Health that  
11 the Application meets the Public Health Compliance Standard; and

12 (iii) The Department's receipt of a determination from the Planning Department or the  
13 Recreation and Park Department (or both if required) that the Application meets the applicable  
14 Compatibility Standard.

15 (B) Following the Department's tentative approval of an Application for a Tier ~~III~~  
16 Facility Permit without any Conditions, the Department shall issue a final determination as follows:

17 (i) The Department shall require the Applicant to give notice of the tentative approval as  
18 required by Section 1511 below; and

19 (ii) If no protest is timely submitted, the Department shall promptly issue a final  
20 determination approving the Application within a reasonable time after the time to file a protest has  
21 expired; or

22 (iii) If a protest is timely submitted, the Department shall issue a final determination  
23 approving or denying the Application within a reasonable time promptly after the Director issues a  
24 decision under Section 1512(g) below.

25 (3) Approval with Conditions.

1            (A) If any City department reviewing an Application for a Tier III Facility Permit adds  
 2 any lawful Conditions to its approval of the Application, the Department shall issue a tentative  
 3 approval of the Application with Conditions within three (3) business days of the occurrence of the  
 4 last of the following events:

5            (i) The Department making a determination that the Application meets the Tier III  
 6 Necessity Standard;

7            (ii) The Department's receipt of a determination from the Department of Public Health  
 8 that the Application meets the Public Health Compliance Standard;

9            (iii) The Department's receipt of a determination from the Planning Department or the  
 10 Recreation and Park Department (or both if required) that the Application meets the applicable  
 11 Compatibility Standard; or

12            (iv) The Department's receipt of a notice from the Applicant that it accepts all of those  
 13 Conditions or that Applicant's appeal of any rejected Conditions has been resolved in Applicant's  
 14 favor.

15            (B) Following the Department's tentative approval of an Application for a Tier III  
 16 Facility Permit with Conditions, the Department shall issue a final determination as follows:

17            (i) The Department shall require the Applicant to give notice of the tentative approval as  
 18 required by Section 1511 below; and

19            (ii) If no protest is timely submitted, the Department shall promptly issue a final  
 20 determination approving the Application within a reasonable time after the time to file a protest has  
 21 expired; or

22            (iii) If a protest is timely submitted, the Department shall issue a final determination  
 23 approving or denying the Application within a reasonable time promptly after the Director issues a  
 24 decision under Section 1512(g) below.

25



1 SEC. 1511. PUBLIC NOTICE FOLLOWING TENTATIVE APPROVAL OF A TIER III  
2 FACILITY PERMIT APPLICATION.

3 (a) Public Notice Required. The Department shall require an Applicant for a Tier III  
4 Facility Permit to notify the public of a tentative approval of the Application under Sections  
5 1510(d)(2) or 1510(d)(3) above, and to provide the Department with evidence, as the Department may  
6 require, of compliance with this requirement.

7 (b) Types of Notice Required.

8 (1) Notice by Mail. The Applicant shall mail a copy of the notice to:

9 (A) Any Person owning property or residing within one hundred and fifty (150) feet of the  
10 proposed location of the Tier III Facility; and

11 (B) Any neighborhood association identified by the Planning Department for any  
12 neighborhood within three hundred (300) feet of the proposed Tier III Facility.

13 (2) Notice by Posting. The Applicant shall post a copy of the notice in conspicuous places  
14 throughout the block face where the proposed Tier III Facility is to be located.

15 (c) Contents of Notice. The notice shall contain such information as the Department  
16 reasonably requires in order to inform the general public as to the nature of the Application for a Tier  
17 III Facility Permit. At a minimum, the notice shall:

18 (1) Provide a description and a photo-simulation of the proposed Tier III Facility;

19 (2) Summarize the determinations of any City departments that were necessary for the  
20 tentative approval of the Application;

21 (3) Identify any Conditions added by any City departments that have been accepted by the  
22 Applicant and are now part of the Application;

23 (4) State that any Person seeking to protest the Application must submit a protest to the  
24 Department within twenty (20) days of the date the notice was mailed and posted;

25 (5) Describe the procedure for submitting a timely protest;

1 (6) Specify the applicable grounds for protesting the Application under this Article 25; and

2 (7) Explain how any interested Person may obtain additional information and documents  
3 related to the Application.

4  
5 **SEC. 1512. PROTEST OF A TIER III FACILITY PERMIT.**

6 (a) Protest Allowed. Any Person may protest a tentative approval of an Application for a  
7 Tier III Facility Permit. A protest must be in writing and must be submitted to the Department  
8 within twenty (20) days of the date the notice was mailed and posted as required under Section 1511  
9 above.

10 (b) Hearing Required. If a protest is timely submitted, the Department shall hold a  
11 hearing. The Department shall set a date for the hearing that is at least fifteen (15) days, but no more  
12 than forty-five (45) days, after the Department's receipt of the protest, unless the Applicant and any  
13 Person submitting a protest agree to a later hearing date.

14 (c) Notice of Hearing Date. The Department shall send written notice to any Person  
15 submitting a protest and to the Applicant of the date the Department has set for the hearing at least  
16 seven (7) days before the date set for the hearing. The Department shall follow its regular procedures  
17 for notifying the general public of the date set for the hearing.

18 (d) Hearing Officer. The Department shall appoint an impartial hearing officer to conduct  
19 a public hearing on a protest.

20 (e) Hearing Record. The hearing record shall include:

21 (1) The Department's tentative approval of the Application;

22 (2) Any written determination from the Department, the Planning Department, the  
23 Recreation and Park Department, and the Department of Public Health (as applicable);

24 (3) Any further written evidence from any City departments submitted either prior to or  
25 during the hearing;

1 (4) Any written submissions from the Applicant, any Person submitting a protest, or any  
2 other interested Person submitted either prior to or during the hearing; and

3 (5) Any oral testimony from any City departments, the Applicant, any Person submitting a  
4 protest, or any interested Person taken during the hearing.

5 (f) Hearing Officer's Report. The hearing officer shall issue a written report and  
6 recommendation within ten (10) days of the close of evidence. The hearing officer shall include in the  
7 report a summary of the evidence and a recommendation to the Director to either grant or deny the  
8 protest of an Application.

9 (g) Director's Decision. The Director shall issue a written decision adopting, modifying,  
10 or rejecting the hearing officer's written report and recommendation within seven (7) days of receipt  
11 of the report.

12 (h) Grounds for Granting a Protest. The Director may grant a protest of a tentative  
13 approval of Application for a Tier ~~III~~ Facility Permit only if the Director finds that the evidence at  
14 the hearing supports any one of the following findings:

15 (1) The Department of Public Health incorrectly determined that the Application meets the  
16 Public Health Compliance Standard;

17 (2) The Department incorrectly determined that the Application meets the Tier ~~III~~  
18 Necessity Standard;

19 (3) In the case of an Application for a Tier ~~III~~-A or Tier ~~III~~-B Facility Permit, the  
20 Planning Department incorrectly determined that the Application meets the Tier ~~III~~-A or Tier ~~III~~-B  
21 Compatibility Standard, as applicable; or

22 (4) In the case of an Application for a Tier ~~III~~-C Facility Permit, the Recreation and  
23 Park Department incorrectly determined that the Application meets the Tier ~~III~~-C Compatibility  
24 Standard.

25

1 SEC. 1513. NOTICE OF FINAL DETERMINATION.

2 (a) Approval.

3 (1) Notice by Mail.

4 (A) The Department shall promptly mail a notice of final determination to approve an  
5 Application for a Personal Wireless Service Facility Site Permit to both the Applicant and to any  
6 neighborhood association identified by the Planning Department for any neighborhood within three  
7 hundred (300) feet of the proposed Personal Wireless Service Facility.

8 (B) If a hearing was held on an Application for a Tier III Facility Permit, the Department  
9 shall promptly mail a notice of final determination to approve an Application for a Personal Wireless  
10 Service Facility Site Permit to any Person who either filed a protest, submitted evidence, or appeared  
11 at the hearing, and whose name and address are known to the Department.

12 (2) Notice by Posting. The Department shall require an Applicant for a Personal Wireless  
13 Service Facility Site Permit to promptly post notice of a Department final determination to approve an  
14 Application for a Personal Wireless Service Facility Site Permit in conspicuous places throughout the  
15 block face where the proposed Personal Wireless Service Facility is to be located and to provide the  
16 Department with evidence, as the Department may require, of compliance with this requirement.

17 (3) Contents of Notice. A notice of final determination to approve an Application for a  
18 Personal Wireless Service Facility Site Permit shall at a minimum:

19 (A) Provide a description and a photo-simulation of the proposed Tier III Facility;

20 (B) Summarize the determinations of the City departments that were necessary for the  
21 approval of the Application, including any Conditions added by any City departments that were  
22 accepted by the Applicant;

23 (C) State that any Person may file an appeal of the approval of the Application with the  
24 Board of Appeals within fifteen (15) days after the date that all notices required by Section 1513(a)  
25 above have been provided;

- 1            (D) Describe the procedure for submitting a timely appeal;
- 2            (E) Specify the applicable grounds for appealing the approval of the Application under this
- 3 Article 25; and
- 4            (F) Explain how any interested Person may obtain additional information and documents
- 5 related to the Application.
- 6            (b) Denial.
- 7            (1) Notice by Mail. The Department shall promptly mail a notice of final determination to
- 8 deny an Application for a Personal Wireless Service Facility Site Permit to the Applicant.
- 9            (2) Contents of Notice. A notice of final determination to deny an Application for a
- 10 Personal Wireless Service Facility Site Permit shall at a minimum:
- 11            (A) Summarize the determinations of any City departments that were necessary for the
- 12 denial of the Application, including any Conditions added by any City departments that were rejected
- 13 by the Applicant.
- 14            (B) State that the Applicant may file an appeal of the denial of the Application with the
- 15 Board of Appeals within fifteen (15) days of the Department's mailing of the notice.
- 16            (C) Describe the procedure for submitting a timely appeal; and
- 17            (D) Specify the applicable grounds for appealing the denial of the Application under this
- 18 Article 25.

20 **SEC. 1514. APPEALS.**

21            Any Person may appeal a final determination to approve or deny an Application for a Personal  
 22 Wireless Service Facility Site Permit to the Board of Appeals. Upon such appeal, the Board of  
 23 Appeals shall determine whether the final determination was correct under the provisions of this  
 24 Article 25.

25

1 SEC. 1515. NOTICE OF COMPLETION AND INSPECTION.

2 (a) Notice of Completion. A Permittee shall notify the Department immediately upon  
3 completion of the installation of a Personal Wireless Service Facility. The notice of completion must  
4 include a written statement confirming that the potential human exposure to radio frequency emissions  
5 from the installed Personal Wireless Service Facility complies with FCC guidelines.

6 (b) Inspection.

7 (1) Required After Installation. The Department shall inspect a Personal Wireless Service  
8 Facility installed in the Public Rights-of-Way within a reasonable time after a Permittee provides the  
9 Department with a notice of completion required under Section 1515(a) above. The Department shall  
10 determine during the inspection whether:

11 (A) The installation is in accordance with the requirements of the Personal Wireless  
12 Service Facility Site Permit; and

13 (B) The potential human exposure to radio frequency emissions from the installed Personal  
14 Wireless Service Facility is within FCC guidelines [COMMENT: How does the City plan to do  
15 this upon inspection?].

16 (2) Subsequent Inspection. If at any time the Department has a valid reason to believe that  
17 potential human exposure to radio frequency emissions from a permitted and installed Personal  
18 Wireless Service Facility exceeds FCC guidelines, the Department shall require the Permittee to  
19 provide additional proof of compliance with FCC guidelines but not more frequently than once every  
20 two years. The Department may also request that the Department of Public Health inspect the facility.

21

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25

1 SEC. 1516. COMPLIANCE.

2 (a) Compliance Required. Any Personal Wireless Service Facility installed in the Public  
3 Rights-of-Way pursuant to a Personal Wireless Service Facility Permit issued under this Article 25  
4 must comply with the terms and conditions of the Permit and this Article 25.

5 (b) Notice of Deficiency.

6 (1) If the Department determines, after an inspection required under Section 1515(b)  
7 above or at any other time, that a Personal Wireless Service Facility is not in substantial compliance  
8 with the Personal Wireless Service Facility Site Permit or this Article 25, the Department shall issue a  
9 notice of deficiency and require the Permittee to take corrective action to bring the Personal Wireless  
10 Service Facility into compliance.

11 (2) If the Department determines, after an inspection required under 1515(b) above or at  
12 any other time, that potential human exposure to radio frequency emissions from a permitted Personal  
13 Wireless Service Facility exceeds FCC guidelines, the Department shall issue a notice of deficiency  
14 and require the Permittee to take corrective action to bring the Personal Wireless Service Facility into  
15 compliance with FCC guidelines.

16 (3) If the Department determines, after an inspection required under 1515(b) above  
17 or at any other time, that noise from a permitted Personal Wireless Service Facility at any  
18 time of the day or night exceeds forty five (45) dBA's not in substantial compliance with  
19 Article 29 of the San Francisco Police Code regulation on noise [COMMENT: How  
20 does the City plan to do this upon inspection?] as measured at a distance three (3) feet  
21 from any residential building facade, the Department shall issue a notice of deficiency and  
22 require the Permittee to take corrective action to bring the Personal Wireless Service Facility  
23 into compliance with the noise limit Article 29 of the San Francisco Police Code.

24  
25

1 (c) Department Remedies. If a Permittee fails to take remedial corrective action with  
2 respect to a Personal Wireless Service Facility within a reasonable time after receiving a notice of  
3 deficiency the Department shall:

4 (1) Take all reasonable, necessary, and appropriate action allowed by Applicable Law to  
5 remedy a Permittee's non-compliance; or

6 (2) Require a Permittee to remove the non-compliant Personal Wireless Service Facility  
7 from the Public Rights-of-Way; and

8 (3) Charge to a Permittee the reasonable costs that the City has actually incurred  
9 including, but not limited to, administrative costs.

10  
11 **SEC. 1517. ABANDONMENT.**

12 (a) Permittee Must Maintain Facilities. Any Personal Wireless Service Facility installed in  
13 the Public Rights-of-Way pursuant to a Personal Wireless Service Facility Permit issued under this  
14 Article 25 must be properly maintained and used to provide Personal Wireless Services.

15 (b) Notice of Abandonment. A Permittee shall notify the Department, or the Department  
16 may determine and notify a Permittee, that a Personal Wireless Service Facility installed in the Public  
17 Rights-of-Way has been abandoned either because it has not been properly maintained or because it is  
18 no longer being used to provide Personal Wireless Services. In such event, a Permittee shall promptly  
19 remove the abandoned Personal Wireless Service Facility as required by the Department and at  
20 Permittee's expense.

21 (c) Remedy for Non-Compliance. If a Permittee fails to remove an abandoned Personal  
22 Wireless Service Facility within a reasonable period of time after receiving a notice of abandonment,  
23 the Department shall take all reasonable, necessary, and appropriate action allowed by Applicable  
24 Law to remedy the Permittee's failure to comply with the notice (including removing the Personal





Nancyirene15@aol.com  
05/02/2010 12:24 PM

To jay.primus@sfmta.com  
cc board.of.supervisors@sfgov.org  
bcc  
Subject SFPark

5

I agree 100% with Kat Anderson's column in the May issue of the Marina Times --  
Please look to where the real needs are and away from threats to traffic safety  
and community businesses and seniors!

Nancy Cohrs  
2144 Green St.  
San Francisco

46



Carla Lehmann  
<carlalehmann@att.net>  
05/02/2010 04:30 PM

To board.of.supervisors@sfgov.org  
cc Linda.Avery@sfgov.org  
bcc  
Subject Parkmerced development

To the Board of Supervisors and to Linda Avery:

I am a 25 year resident of Parkmerced. I understand that major development of Parkmerced is being planned, development that would eliminate garden apartments, such as my home, and bring major transit lines right into Parkmerced. Please do not let this happen.

I could never afford to buy a home in San Francisco, and my garden apartment, with a beautiful, small yard in the back shared among several tenants, is the closest I will come to having my own home and yard. It has been wonderful for my children growing up here. They can go outside and play any time. We know our neighbors and that makes the area safer. This would not exist if the garden apartments were demolished and replaced by high-rises. Please give consideration to the quality of life available to San Francisco residents, especially to the children.

Parkmerced is a very carefully planned community that has existed for 60 years. It should have landmark status, for its unique designs and the way it meets the needs of people. It has beautiful, open community spaces that are unique to this area, and so important to the many families and elderly residents of Parkmerced.

Thank you for your consideration of this letter.

Sincerely,

Carla Lehmann  
505 Font Blvd.  
San Francisco, CA  
94132  
415-517-3288

47

Board of  
Supervisors/BOS/SFGOV  
04/29/2010 02:11 PM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject Recent SF Visit

--- Forwarded by Board of Supervisors/BOS/SFGOV on 04/29/2010 02:13 PM ---



"Mike Miller"  
<mike.tff@valornet.com>  
04/29/2010 01:34 PM

To <board.of.supervisors@sfgov.org>  
cc  
Subject

Hello Members of the Board of Supervisors,

I wanted to relay the experience my wife and I had on our recent tourist trip to San Francisco. We arrived two weeks ago, staying in the Financial District at the Hotel Nikko. Very much enjoyed our walk across the Golden Gate Bridge, and the theatrical performance of Wicked. We had some nice food, and the area is beautiful. However, the numbers of homeless was overwhelming. Being approached by some of these is not pleasant, nor was hearing some cursing out loud to no one in particular, kicking boxes, and throwing punches to the air. I understand mental health issues are a fact of life, as are the homeless. All cities we visit, and live, have these issues, but none to the extent we experienced on our trip to San Francisco. I can only compare the amount of homeless to the other cities we have visited, but our conclusion is that we will not be coming back to San Francisco due to this.

Sincerely,  
Mike Miller

48



Bernard Campbell  
<campbernard@gmail.com>  
05/02/2010 10:13 PM

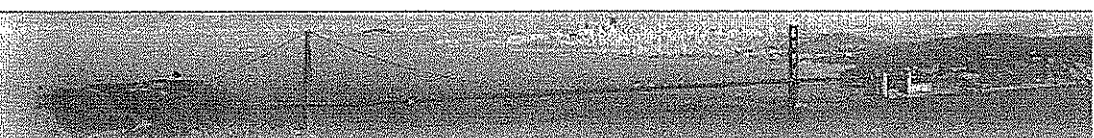
To board.of.supervisors@sfgov.org  
cc  
bcc  
Subject: Sharp Park Golf Course

San Francisco Board of Supervisors,

Sharp Park Golf Course is unique marvelous course that is currently enjoyed by the public. It's design has connection to St.Andrews of Scotland. It would be a tragedy if this course were closed and deprive the public, the average citizen, of its attributes.

Respectfully,  
Norman Campbell of District #1

49



## Request for City Services - Clerk of the Board

Enter Personal Details > Enter Service Request Details > Review & Submit > Attach Photo(s) / File(s) > **Print & Track**

### Successfully Submitted

Thank you for your submission. You will receive an email confirmation with a link to follow the progress of your submission.

If you have any additional requests or questions, you can call us 7 days a week, 24 hours a day at 311 (for calls outside of San Francisco please dial 415.701.2311).

Your Tracking Number is: 646187

Apr 28 2010 11:48AM.

Please print a copy for your records. You may close your browser when done.

#### Location Information:

Incident Location:

Location Type:  
Type Details:

Corner Information:

Location Description: Arguello and Lake St.

#### Request Details:

Category: Complaint  
Department: Board of Supervisors (BOS)  
Sub-Division: Clerk of the Board

#### Additional Information:

Additional Request Details: Since the removal of public receptacles from Lake St. and Arguello, there has been more littering of the street, throwing of garbage in my private receptacle on garbage day, and more plastic bags floating on the streets which will land up in the ocean adding to the huge global plastic debris problem. I request restoring public receptacles on S.F. streets

#### Customer Contact Information:

First Name: Patricia  
Last Name: Tsang  
Primary Phone: 415-750-0137  
Alternate Phone:  
Address Number: 124  
Street Name: Arguello Blvd.  
City, State: San Francisco, CA  
ZIP Code: 94118  
Email: ptsang888@yahoo.com

Customer requested to be contacted by the department servicing their request:

[Print](#)

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