

C-Pages – BOS Meeting 9/28/10

Petitions and Communications received from September 14, 2010, through September 20, 2010, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 28, 2010.

From Controller's Office, submitting a report of concession audit of J. Avery Enterprises, Inc., dba Klein's Deli. (1)

From Planning Department, submitting a transmittal for a Certificate of Appropriateness approved by the Historic Preservation Commission, to make the Board Chambers wheelchair accessible. (2)

From Police Department, submitting reports for Part II crime data. (3)

From Controller's Office, submitting a report of City departments using the most overtime for July 2010. (4)

From concerned citizens, submitting a letter of support for the proposed Ocean Avenue Community Benefit District. File No. 100991, 10 letters (5)

From Christopher Wen, urging the Board of Supervisors to not to raise the fee nor extend the hours of parking meters along West Portal Avenue to include Sundays. (6)

From concerned citizens, submitting opposition to Establishing an Alcohol Cost Recovery Fee. File No. 100865, 9 letters (7)

From the Capital Planning Committee, submitting recommendations of the Capital Planning Committee on Streets and Rights-of-Way Certificates of Participation, Board Chambers Barrier Removal, Hope San Francisco Hunter's View, and the Area Plan Infrastructure Finance Committee. (8)

From Tyler Wierzbicki, submitting support of the Planning Commission's, Conditional Use Permit to allow Pet Food Express, on property located at 3150 California Street. File No. 101087 (9)

From concerned citizens, submitting opposition to the Planning Commission's, Conditional Use Permit to allow Pet Food Express, on property located at 3150 California Street. File No. 101087, 4 letters (10)

From Department of Toxic Substances Control, submitting public notice and comment period for proposed rulemaking, to add chapter 53 to division 4.5 or Title 22, California Code of Regulations, and to amend the Table of Contents. (11)

From Christian Holmer, submitting opinion on San Francisco Chronicle story to require online posting of San Francisco data. (12)

From Steve Heilig, submitting support for banning the sale of tobacco products in pharmacies. File No. 101056 (13)

From Department of Public Works, submitting data on the cost to abate litter in FY2009-2010. File No. 101140 (14)

From City Attorney Dennis Herrera and Supervisor Maxwell, submitting a letter to Yakout Mansour, President and Chief Officer, California Independent System Operator, regarding the closing of the Potrero Power Plant. Copy: Board of Governors, ISO, Mirant, and Pacific Gas and Electric. (15)

From San Francisco Municipal Transportation Agency, submitting response to request for the Municipal Transportation Agency to research the feasibility of amending Transportation Code 7.2.84 to address the issue of visibility at major traffic intersections. (16)

From Tim Brace, submitting concern regarding the Library Commission not posting Civic Center Community Benefit District proposal. (17)

From Aaron Goodman, submitting an article from the New York Times, regarding the loss and reduction in rent controlled and rent stabilized units in New York City. (18)

From Janas Page, submitting recommendations to educate drivers on which lanes bike use, re-timing the lights on bike-laned streets to slow cars, and trucks to a safer speed. (19)

From Janas Page, submitting concern of a public toilet at the 24th Street BART Plaza. (20)

From California State Lands Commission, submitting notice of hearing to determine cession of jurisdiction to the United States over land known as leased state owned tidelands adjacent to the Golden Gate National Recreation area at Ocean Beach and the San Francisco Presidio. (21)

From Fish and Game Commission, submitting notice of proposed regulatory action, relating to marine protected areas. (22)

From the Office of the Treasurer and Tax Collector, submitting a report on the investment activity for fiscal-year-to-date of the portfolios under the Treasurer's management. (23)



**To:** BOS Constituent Mail Distribution,  
**Cc:**  
**Bcc:**  
**Subject:** Issued: Airport Commission: Concession Audit of J. Avery Enterprises, Inc., dba Klein's Deli

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**From:** Controller Reports/CON/SFGOV  
**To:** john.martin@flysfso.com, Wallace.Tang@flysfso.com, Matthew.McCormick@flysfso.com, Sharon.Perez@flysfso.com, Jean.Caramatti@flysfso.com, Tara.Collins@CTYATT@CTYATT, Michael.Cohen/MAYOR/SFGOV@SFGOV, averymcginn@mac.com, Angela.Calvillo/BOS/SFGOV@SFGOV, BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve.Kawa/MAYOR/SFGOV@SFGOV, Greg.Wagner/MAYOR/SFGOV@SFGOV, Tony.Winnicker/MAYOR/SFGOV@SFGOV, Starr.Terrell/MAYOR/SFGOV@SFGOV, ggiubbini@sftc.org, sfdocs@sfpl.info, gmetcalf@spur.org, CON-Media Contact/CON/SFGOV, CON-EVERYONE/CON/SFGOV  
**Date:** 09/16/2010 12:10 PM  
**Subject:** Issued: Airport Commission: Concession Audit of J. Avery Enterprises, Inc., dba Klein's Deli  
**Sent by:** Patti Erickson

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The Office of the Controller, City Services Auditor, has issued a report, Airport Commission: Concession Audit of J. Avery Enterprises, Inc., dba Klein's Deli (Klein's Deli). The report indicates that Klein's Deli correctly reported its gross revenues from sales and properly calculated and paid rent to the Airport.

To view the full report, please visit our website at:  
<http://co.sfgov.org/webreports/details.aspx?id=1176>

This is a send-only email address.

For questions regarding this report, please contact Mark Tipton at [mark.tipton@sfgov.org](mailto:mark.tipton@sfgov.org) or 415-554-7660, or the Controller's Office, Audits Unit, at 554-7469.

(1)

# City and County of San Francisco

Office of the Controller – City Services Auditor

## **AIRPORT COMMISSION:**

**Concession Audit of J. Avery  
Enterprises, Inc., dba Klein's Deli**



September 16, 2010

**CONTROLLER'S OFFICE  
CITY SERVICES AUDITOR**

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

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

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

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

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

Audit Team: Mark Tipton, Audit Manager  
Donna Crume, Associate Auditor



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

**Ben Rosenfield**  
**Controller**

**Monique Zmuda**  
Deputy Controller

September 16, 2010

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

John L. Martin  
Airport Director  
P.O. Box 8097  
San Francisco International Airport  
San Francisco, CA 94128

President and Members:

The Controller's Office, City Services Auditor, presents its report concerning the audit of J. Avery Enterprises, Inc., dba Klein's Deli (Klein's Deli). Klein's Deli has a 10-year lease agreement with the Airport Commission of the City and County of San Francisco (City) to operate two Klein's Deli shops at San Francisco International Airport (Airport).

**Reporting Period:** January 1, 2008, through December 31, 2009

**Rent Paid:** \$772,365

**Results:**

Klein's Deli correctly reported \$8,363,648 in gross revenues from sales, and correctly paid \$772,365 in rent to the Airport.

The responses of the Airport and Klein's Deli are attached to this report.

Respectfully,

Tonia Lediju  
Director of Audits

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

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# INTRODUCTION

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## **Audit Authority**

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

## **Background**

J. Avery Enterprises, Inc., doing business as (dba) Klein's Deli (Klein's Deli) has a 10-year lease agreement (lease) with the Airport Commission (Commission) of the City and County of San Francisco (City). The lease, which expires February 3, 2015, allows Klein's Deli to operate two shops, one in Terminal 1 and another in Terminal 3, at San Francisco International Airport. The lease require Klein's Deli to pay the Airport monthly the greater of one-twelfth of a minimum annual guarantee (MAG) or a tiered percentage rent of 6 to 10 percent of its gross revenues. The percentage rent tiers are contingent on the amount of Klein's Deli's total gross revenues per lease year. During the audit period, the monthly MAG rent was \$4,345.72 in calendar year 2008 and \$4,481.47 in calendar year 2009.

## **Scope and Methodology**

The purpose of this audit was to determine whether Klein's Deli:

- Submitted monthly statements of gross revenues to the Airport that accurately reflected actual gross revenues based on monthly and daily records.
- Paid the correct amount of rent to the Airport, according to the terms of its lease.
- Currently has no overdue rent payable to the Airport for the audit period.
- Complied with other provisions of its lease.

The audit covered the period January 1, 2008, through December 31, 2009.

To conduct the audit, the audit team examined the applicable terms of the lease and the adequacy of Klein's Deli's procedures for collecting, recording, summarizing, and reporting its gross revenues to the Airport. To determine whether Klein's Deli accurately reported its gross revenues to the Airport, the auditors compared its reported gross revenues to those recorded in its internal monthly summary records on a sample basis. The auditors then tested, on a sample basis, Klein's Deli's internal monthly summary records to daily sales reports and other source documents. To determine whether Klein's Deli had any outstanding rent or other payments due to the Airport for the audit period, the auditors examined the aged accounts receivables report from the Airport's Accounting unit. To determine whether Klein's Deli complied with other provisions of the lease, the audit team selected key lease requirements and performed inquiry, observation, and testing to substantiate compliance with those lease provisions.

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

## AUDIT RESULTS

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**Klein's Deli Reported  
Revenues and Paid  
Rent Correctly**

From January 1, 2008, through December 31, 2009, Klein's Deli correctly reported its gross revenues of \$8,363,648 and correctly calculated and paid rent of \$772,365. The exhibit below shows Klein's Deli's revenues and rent paid by year.

<b>EXHIBIT Gross Revenues Reported and Rent Paid From January 1, 2008, through December 31, 2009</b>		
<b>Reporting Period</b>	<b>Gross Revenues</b>	<b>Rent Paid</b>
January 1, 2008 to December 31, 2008	\$ 4,094,346	\$ 377,435
January 1, 2009 to December 31, 2009	4,269,302	394,930
<b>Total</b>	<b>\$ 8,363,648</b>	<b>\$ 772,365</b>

Sources: Airport monthly sales report and FAMIS and ABM cash receipts reports.

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# APPENDIX A: DEPARTMENT RESPONSE

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San Francisco International Airport

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

August 27, 2010

VIA EMAIL

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

AIRPORT  
COMMISSION  
CITY AND COUNTY  
OF SAN FRANCISCO

GAVIN NEWSON  
MAYOR

LARRY MARZOLA  
PRESIDENT

LINDA S. CRAYTON  
VICE PRESIDENT

CARLETTO

ELEANOR JOHNS

RICHARD J. GUGGENHIME

JOHN L. MARTIN  
AIRPORT DIRECTOR

Reference: J. Avery Enterprise, Inc. dba Klein's Deli in the Domestic Terminals Lease No. 03-0192 between J. Avery Enterprises, Inc. ("Klein's Deli") and the City and County of San Francisco, through its Airport Commission ("Airport")

Dear Mr. Tarsia:

The Airport is in receipt of the Controller's Office City Services Auditor report for Klein's Deli and concurs with its findings.

Thank you for your staff's work on this audit. Please do not hesitate to call Matthew McCormick, Principal Property Manager, at (650) 821-4500, if you have any questions.

Sincerely,

Cheryl Nashir  
Associate Deputy Airport Director  
Revenue Development and Management

cc: Wallace Tang  
Matthew McCormick  
Donna Crume

## APPENDIX B: KLEIN'S DELI RESPONSE

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J. Avery Enterprises Inc.  
Dba Klein's Deli  
2339 Third Street, Suite 16  
San Francisco, Ca 94107

Tonia Lediju, Director of Audits  
City and County of San Francisco  
City Hall, Room 316  
1 Dr. Carlton B. Goodlett Place,  
San Francisco, Ca. 94102

September 7, 2010

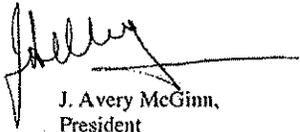
Dear Ms. Lediju,

I am writing in response to the audit report which I received from the City Services Auditor regarding our income and payment of obligations to the Airport Commission. We are in agreement with the conclusions of the report.

Audits, by nature, are typically tedious and difficult. We have had a number of them over the years from various organizations, including the Board of Equalization, insurers for workers compensation, as well as the San Mateo Trust Fund for health and welfare payments. Donna Crume conducted the City's audit of our records. Her audit was, I believe, one of the most thorough but least difficult that we've experienced. She made the process straightforward and comfortable. She was patient, meticulous and thorough, as well as courteous and gracious. It was truly a pleasure to work with such a consummate professional.

Thank you.

Sincerely,



J. Avery McGinn,  
President

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

BOS-11  
COB, Leg Dep  
City Atty

2010 SEP 16 PM 5:00

09/16/2010 04:47 PM

Transmittal of Certificate of Appropriateness

Sophie Hayward to: Rick Caldeira, Joy Lamug

Cc: AnMarie Rodgers, Tara Sullivan-Lenane, Tina Tam, Susan Mizner *mf*

History: This message has been forwarded.

Hi Rick and Joy,

I am sending over a transmittal to you for a Certificate of Appropriateness that was approved at yesterday's Historic Preservation Commission.

Section 1006.8 of the Planning Code requires that for projects that involve City Hall (and this project proposes to make the Board Chambers wheelchair accessible), the Board of Supervisors will approve, disapprove, or modify the Certificate of Appropriateness.

I'm also sending a hard copy of this transmittal to Angela Calvillo.

Please feel free to contact me with any questions,  
Sophie



BOS Chambers C of A Transmittal.pdf

Sophie Middlebrook Hayward, LEED AP  
Preservation Planner  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
(415) 558-6372 ph  
(415) 558-6409 fax



**SAN FRANCISCO  
PLANNING DEPARTMENT**

BDS-11  
COB, Leg Dep  
City Affy

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2010 SEP 16 PM 5:00

September 16, 2010

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

BY *me*

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Re: Transmittal of Planning Department Case Number 2010.0677A  
Certificate of Appropriateness to Make the President's Desk and the Clerk's  
Desk in the Board of Supervisors' Chamber Accessible to Persons with  
Disabilities; Lot 001 in Assessor's Block 0787 (City Hall).  
Historic Preservation Commission Recommendation: Approval

Dear Ms. Calvillo,

On September 15, 2010, the San Francisco Historic Preservation Commission (hereinafter "HPC") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the above referenced Certificate of Appropriateness. At the September 15, 2010 hearing, the HPC approved the request for the Certificate of Appropriateness.

Transmitted herewith is HPC Motion 0079, which was approved by the HPC at its regularly scheduled September 15, 2010 hearing. In accordance with Planning Code Section 1006.8(e), the Certificate of Appropriateness is now before the Board of Supervisors.

The proposed project was determined to be exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One-Minor Alteration of Existing facility) because the project is a minor alteration of an existing structure and meets the Secretary of the Interior's *Standards and Guidelines for the Treatment of Historic Properties*. The Environmental Exemption stamp for the proposed project is dated November 27, 2007.

Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,  
  
John Rahaim  
Director of Planning

cc: Susan Mizner, Director, Mayor's Office on Disability

Attachments (one copy of the following):  
Historic Preservation Commission Motion 0079



# SAN FRANCISCO PLANNING DEPARTMENT

## Historic Preservation Commission Motion 0079

HEARING DATE: SEPTEMBER 15, 2010

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Filing Date:* August 11, 2010  
*Case No.:* 2010.0677A  
*Historic Landmark:* No. 21: City Hall  
*Project Address:* **Dr. Carleton B. Goodlett Place (City Hall)**  
*Zoning:* P (Public)  
80-X Height and Bulk District  
*Block/Lot:* 0787/001  
*Applicant:* Stanley So  
Department of Public Works Bureau of Architecture  
30 Van Ness Avenue, Suite 4100  
San Francisco, CA 94102  
*Staff Contact* Sophie Hayward - (415) 558-6372  
sophie.hayward@sfgov.org  
*Reviewed By* Tim Frye - (415) 575-6822  
[tim.frye@sfgov.org](mailto:tim.frye@sfgov.org)

ADOPTING FINDINGS FOR A CERTIFICATE OF APPROPRIATENESS FOR PROPOSED WORK DETERMINED TO BE APPROPRIATE FOR AND CONSISTENT WITH THE PURPOSES OF ARTICLE 10, TO MEET THE STANDARDS OF ARTICLE 10 AND TO MEET THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION, FOR THE PROPERTY LOCATED ON LOT 001 IN ASSESSOR'S BLOCK 0787, WITHIN A P (PUBLIC) ZONING DISTRICT AND A 80-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

WHEREAS, on August 11, 2010, Stanley So of the Department of Public Works Bureau of Architecture (Project Sponsor) filed an application with the San Francisco Planning Department (hereinafter "Department") for a Certificate of Appropriateness for alterations to the Board of Supervisors' Chamber within City Hall to alter both the President's dais and the Clerk's desk in order to accommodate a new ramp with a slope of 1:10 from the main floor level to that of the President's desk, on the subject lot located on Lot 001 in Assessor's Block 0787 in order to make the room fully wheelchair-accessible. The work includes:

- *Dais:* A ramp with a 1:10 slope will be added to the west side of the dais. The President's desk will be lowered by 18" by removing the lowest three steps of the dais in order to accommodate a ramp to fit within the available space. Gaps created on the south wall by the removal of steps will be in-filled with wood to match the existing.
- *Desk of the Clerk of the Board of Supervisors:* The Clerk's desk will be lowered 6" to the level of the main floor in order to make it accessible. The Clerk's desk will be moved further north of the

President's dais in order to provide reasonable access for a wheelchair to approach the desk, and to turn into the knee space below the desk.

All material removed in order to facilitate accessibility will be salvaged and stored.

WHEREAS, the Project was determined by the Department to be categorically exempt from environmental review. The Historic Preservation Commission (hereinafter "Commission") has reviewed and concurs with said determination.

WHEREAS, on September 15, 2010, the Commission conducted a duly noticed public hearing on the current project, Case No. 2010.0677A ("Project") for its appropriateness.

WHEREAS, in reviewing the Application, the Commission has had available for its review and consideration case reports, plans, and other materials pertaining to the Project contained in the Department's case files, has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

MOVED, that the Commission hereby grants the Certificate of Appropriateness, in conformance with the architectural plans dated November 1, 2007 and labeled Exhibit A on file in the docket for Case No. 2010.0677A based on the following findings:

#### CONDITIONS OF APPROVAL

- That specifications for restoration and repair will be provided by the preservation architect if any deteriorated historic features require repair;
- That any historic material that will be removed as a result of the proposed project will be documented, inventoried, and stored according to specifications provided by the preservation architect;
- That a preservation architect will be retained to oversee all phases of construction for the proposed project;
- That a pre-construction meeting be held on-site that includes the preservation architect as well as all laborers;
- That submittals and mock-ups be provided on-site, and that they be reviewed by the preservation architect, a member of the City Hall Preservation Advisory Commission, and Planning Staff.

#### FINDINGS

Having reviewed all the materials identified in the recitals above and having heard oral testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and also constitute findings of the Commission.

2. Findings pursuant to Article 10:

The Historical Preservation Commission has determined that the proposed work is compatible with the character of the landmark as described in the designation report dated December, 1969.

- All documentation, cutting, patching, demolition, salvage, storage, protection, and treatment will be executed according the specifications provided by the preservation architect;
- That the proposed project will preserve the historic use of the room, as well as the historic hierarchical arrangement of desks, while enhancing the space by making it wheelchair accessible;
- That the historic character of the property will be retained and preserved. Only the lower steps of the dais and the Clerk's desk will be removed, and the President's desk will remain raised above the main floor level in order to preserve the spatial relationships that characterize the property;
- That the proposed new handrail and posts will be compatible with the Chamber's architectural motif, yet distinct from the existing balustrades in the room. New wood paneling to be used as in-fill will show the seam between the existing base and the new base, yet will be a veneer that closely matches the original wood;
- That changes to the room that may have acquired historic significance, such as the modesty panels at the Clerk's desk, will be retained;
- That all distinctive materials, features, finishes and construction techniques will be preserved and protected;
- That any historic material that will be removed as a result of the proposed project will be documented, inventoried, and stored according to specifications provided by the preservation architect;
- That the proposed project's impact is limited to the Board of Supervisors' Chamber, and has been designed to be reversible in the future if necessary;
- The proposed project meets the following Secretary of the Interior's Standards for Rehabilitation:

**Standard 1.**

*A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

**Standard 2.**

*The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

**Standard 3.**

*Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

**Standard 4.**

*Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

**Standard 5.**

*Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*

**Standard 6.**

*Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

**Standard 7.**

*Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

**Standard 9.**

*New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

**Standard 10.**

*New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

3. **General Plan Compliance.** The proposed Certificate of Appropriateness is, on balance, consistent with the following Objectives and Policies of the General Plan:

**I. URBAN DESIGN ELEMENT**

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

**GOALS**

*The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to*

*improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.*

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.3

*Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.*

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4

*Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.*

POLICY 2.5

*Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.*

POLICY 2.7

*Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.*

*The goal of a Certificate of Appropriateness is to provide additional oversight for buildings and districts that are architecturally or culturally significant to the City in order to protect the qualities that are associated with that significance.*

*The proposed project qualifies for a Certificate of Appropriateness and therefore furthers these policies and objectives by maintaining and preserving the character-defining features of the Board of Supervisors' Chambers within City Hall for the future enjoyment and education of San Francisco residents and visitors.*

4. The proposed project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:
  - A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed project is for the rehabilitation of an interior space within City Hall, and will not have any impact on neighborhood serving retail uses.*

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

*The proposed project will strengthen neighborhood character by respecting the character-defining features of the landmark in conformance with the Secretary of the Interior's Standards.*

- C) The City's supply of affordable housing will be preserved and enhanced:

*The project will not reduce the affordable housing supply, as the location of the proposed project is the interior of City Hall. No housing units will be impacted by the proposed project.*

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

*The proposed project will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking. The scope of the proposed project is limited to interior work.*

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed will not have any impact on industrial and service sector jobs.*

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The proposed project is limited to interior work and is not structural in nature. The proposed project will make the President's dais wheel chair-accessible, and all construction will be executed in compliance with all applicable construction and safety measures.*

- G) That landmark and historic buildings will be preserved:

*The proposed project is in conformance with Article 10 of the Planning Code and the Secretary of the Interior's Standards.*

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The proposed project will not impact the access to sunlight or vistas for the parks and open space.*

5. For these reasons, the proposal overall, is appropriate for and consistent with the purposes of Article 10, meets the standards of Article 10, and the Secretary of Interior's Standards for Rehabilitation, General Plan and Prop M findings of the Planning Code.

Motion No. 0079  
Hearing Date: September 15, 2010

CASE NO 2010.0677A  
City Hall Board of Supervisors' Chamber

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **GRANTS a Certificate of Appropriateness** for the property located at Lot 001 in Assessor's Block 0787 (City Hall) for proposed work in conformance with the renderings and architectural sketches dated November 01, 2007 and labeled Exhibit A on file in the docket for Case No. 2010.0677A.

**Duration of this Certificate of Appropriateness:** This Certificate of Appropriateness is issued pursuant to Article 10 of the Planning Code and is valid for a period of three (3) years from the effective date of approval by the Historic Preservation Commission. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor.

**THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OF OCCUPANCY UNLESS NO BUILDING PERMIT IS REQUIRED. PERMITS FROM THE DEPARTMENT OF BUILDING INSPECTION (and any other appropriate agencies) MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.**

I hereby certify that the Historical Preservation Commission **ADOPTED** the foregoing Motion on September 15, 2010.

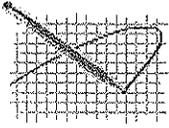
Linda D. Avery  
Commission Secretary

AYES: Commissioners Chase, Damkroger, Hasz, Martinez, Matsuda, and Wolfram

NAYS: None

ABSENT: Commissioner Buckley

ADOPTED: September 15, 2010



Robert  
O'Sullivan/SFPD/SFGOV  
09/16/2010 01:15 PM

To Board.of.Supervisors@sfgov.org  
cc Jeffrey Godown/SFPD/SFGOV@SFGOV  
bcc  
Subject SFPD Part II Crimes

1 attachment



SFPD Part II YTD September 11 2010.pdf

Clerk of the Board,

The attached reports are responsive to Supervisor Mirkarimi's request for Part II crime data (reference #20100803-06). Part I and Part II crime data is posted each Monday afternoon on the Department's internet site. Please feel free to contact me at 595-4896 or via email.

Thank you,

Lieutenant O'Sullivan  
CompStat Division  
San Francisco Police Department

3



**COMPSTAT  
CITYWIDE PROFILE**

**8/15/10 TO 9/11/10**  
Part II: Crime Statistics for week ending 09/11/10



Part II	8/15/10 TO 9/11/10		7/18/10 TO 8/14/10		7/18/10 TO 8/14/10		5/20/10 TO 7/17/10		YTD		% Change
	2010	% Change	2010	% Change	2010	% Change	2010	% Change	2010	2009	
<b>CRIME STATISTICS</b>											
ASSAULTS/BATTERY (NON DV RELATED)	284	5%	269	5%	269	4%	259	4%	2617	3318	-21%
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	211	-27%	289	-27%	289	15%	252	15%	2471	2831	-15%
RECEIVE/POSSESS STOLEN PROPERTY	16	78%	9	78%	9	-40%	15	-40%	149	158	-8%
WEAPON/FIREARM VIOLATION	22	-24%	29	-24%	29	0%	29	0%	252	249	1%
VICE	143	27%	113	27%	113	-1%	114	-1%	1118	1491	-25%
SEX CRIMES (EXC RAPE/PROSTITUTION)	32	-3%	40	-3%	33	-18%	40	-18%	345	394	-12%
MISSING/FOUND PERSON/RUNAWAY	205	-10%	229	-10%	229	5%	219	5%	2195	2293	-4%
NARCOTIC DRUG LAWS	369	9%	338	9%	338	-3%	347	-3%	3649	5179	-30%
POSS BURGLARY TOOLS	217	-8%	237	-8%	237	33%	178	33%	1263	2875	-56%
GRAFFITI/VANDALISM/TOOLS	480	-7%	515	-7%	515	2%	505	2%	4170	4010	4%
MENTAL HEALTH DETENTION	311	16%	268	16%	268	-6%	285	-6%	2446	2368	8%
RESIST/DELAY/OBSTRUCT POLICE OFFICER	28	-24%	37	-24%	37	23%	30	23%	81	75	8%
<b>TOTAL PART 2</b>	<b>2918</b>	<b>-2%</b>	<b>2366</b>	<b>-2%</b>	<b>2366</b>	<b>4%</b>	<b>2273</b>	<b>4%</b>	<b>20696</b>	<b>25081</b>	<b>-17%</b>
<b>ARREST STATISTICS</b>											
ARRESTS											
ASSAULTS/BATTERY (NON DV RELATED)	103	-16%	122	-16%	122	20%	102	20%	1035	1474	-30%
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	40	54%	26	54%	26	29	29	10%	394	314	6%
RECEIVE/POSSESS STOLEN PROPERTY	18	64%	11	64%	11	12	12	8%	148	193	-23%
WEAPON/FIREARM VIOLATION	19	-30%	27	-30%	27	30	30	10%	233	344	-32%
VICE	138	11%	124	11%	124	111	111	-12%	1127	1792	-37%
SEX CRIMES (EXC RAPE/PROSTITUTION)	13	-28%	18	-28%	18	15	15	-19%	136	187	-27%
NARCOTIC DRUG LAWS	434	7%	405	7%	405	396	396	-2%	4376	7179	-39%
DRIVING UNDER INFLUENCE	16	45%	11	45%	11	16	16	31%	176	284	-38%
14601/12500	244	2%	240	2%	240	248	248	3%	3048	3260	-7%
POSS BURGLARY TOOLS	6	200%	2	200%	2	0	0	200%	22	32	-31%
GRAFFITI/VANDALISM/TOOLS	21	-34%	32	-34%	32	22	22	-45%	246	284	-7%
RESIST/DELAY/OBSTRUCT POLICE OFFICER	24	-29%	34	-29%	34	31	31	-10%	86	112	-23%
PAROLE VIOLATIONS	8	60%	5	60%	5	8	8	38%	64	145	-56%
PROBATION VIOLATIONS	16	-6%	17	-6%	17	16	16	-6%	130	120	8%
WARRANT ARRESTS	0	0%	0	0%	0	137	137	16%	1168	1629	-28%
<b>TOTAL PART 2 ARRESTS</b>	<b>1100</b>	<b>2%</b>	<b>1074</b>	<b>2%</b>	<b>1074</b>	<b>1174</b>	<b>1174</b>	<b>5%</b>	<b>12329</b>	<b>17329</b>	<b>-29%</b>

Part 2 Crime data compiled using lowest incode in multiple offense incidents. Statistics are preliminary and subject to further analysis and revision



**COMPSTAT  
CENTRAL PROFILE**

**8/15/10 TO 9/11/10**

*Part II Crime Statistics for week ending 09/11/10*

Part II	8/15/10 to 9/11/10		7/18/10 to 8/14/10		7/18/10 to 8/24/10		6/20/10 to 7/17/10		YTD		% Change
									2010	2009	
ASSAULTS/BATTERY (NON DV RELATED)	37	41	-10%	41	41	0%	317	389	-19%		
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	37	45	-18%	45	45	0%	353	289	21%		
RECEIVE/POSSESS STOLEN PROPERTY	0	3	-100%	3	2	50%	11	8	38%		
WEAPON/FIREARM VIOLATION	0	0	0%	0	0	0%	4	13	-69%		
VICE	12	5	140%	5	12	-58%	70	123	-43%		
SEX CRIMES (EXC RAPE/PROSTITUTION)	4	6	-33%	6	5	20%	43	34	26%		
MISSING/FOUND PERSON/RUNAWAY	10	8	25%	8	8	0%	80	83	-4%		
NARCOTIC DRUG LAWS	10	11	-9%	11	10	10%	87	170	-49%		
POSS BURGLARY TOOLS	0	1	-100%	1	0	100%	6	6	0%		
GRAFFITI/VANDALISM/TOOLS	35	38	-8%	38	51	-25%	346	372	-7%		
MENTAL HEALTH DETENTION	27	24	13%	24	28	-14%	221	199	11%		
RESIST/DELAY/OBSTRUCT POLICE OFFICER	1	0	100%	0	1	-100%	2	7	-71%		
<b>TOTAL PART 2</b>	<b>173</b>	<b>182</b>	<b>-5%</b>	<b>182</b>	<b>203</b>	<b>-10%</b>	<b>1540</b>	<b>1693</b>	<b>-9%</b>		

ARRESTS	8/15/10 to 9/11/10		7/18/10 to 8/14/10		7/18/10 to 8/24/10		6/20/10 to 7/17/10		YTD		% Change
									2010	2009	
ASSAULTS/BATTERY (NON DV RELATED)	15	23	-35%	23	13	77%	123	184	-33%		
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	8	9	-11%	9	12	25%	83	36	131%		
RECEIVE/POSSESS STOLEN PROPERTY	0	3	-100%	3	2	50%	10	14	-29%		
WEAPON/FIREARM VIOLATION	0	0	0%	0	0	0%	4	20	-80%		
VICE	8	4	100%	4	7	43%	51	125	-59%		
SEX CRIMES (EXC RAPE/PROSTITUTION)	3	2	50%	2	1	100%	20	9	122%		
NARCOTIC DRUG LAWS	10	10	0%	10	10	0%	92	225	-59%		
DRIVING UNDER INFLUENCE	0	0	0%	0	0	0%	14	19	-26%		
14601/12500	21	29	-28%	29	27	7%	303	395	-23%		
POSS BURGLARY TOOLS	0	1	-100%	1	0	100%	5	8	-38%		
GRAFFITI/VANDALISM/TOOLS	2	4	-50%	4	3	33%	33	23	43%		
RESIST/DELAY/OBSTRUCT POLICE OFFICER	1	0	100%	0	1	100%	2	7	-71%		
PAROLE VIOLATIONS	0	0	0%	0	2	100%	4	6	-33%		
PROBATION VIOLATIONS	0	1	-100%	1	0	100%	1	2	-50%		
WARRANT ARRESTS	11	17	-35%	17	8	115%	119	166	-12%		
<b>TOTAL PART 2 ARRESTS</b>	<b>79</b>	<b>103</b>	<b>-23%</b>	<b>103</b>	<b>86</b>	<b>20%</b>	<b>864</b>	<b>1179</b>	<b>-27%</b>		

Part 2 Crime data compiled using lowest Incode in multiple offense incidents. Statistics are preliminary and subject to further analysis and revision



**COMPSTAT  
SOUTHERN PROFILE**

**8/15/10 TO 9/11/10**

Part II Crime Statistics for week ending 09/11/10



Part II	8/15/10 to 9/11/10		7/18/10 to 8/14/10		7/18/10 to 8/14/10		6/20/10 to 7/17/10		YTD		% Change
	Count	% Change	2010	2009							
<b>CRIME STATISTICS</b>											
ASSAULTS/BATTERY (NON DV RELATED)	28	-4%	52	-4%	51	2%	477	-13%	477	549	-13%
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	6	-47%	53	-47%	38	35%	419	-31%	419	610	-31%
RECEIVE/POSSESS STOLEN PROPERTY	0	500%	1	500%	4	-75%	46	5%	46	52	-12%
WEAPON/FIREARM VIOLATION	18	-5%	19	-5%	3	-100%	23	16%	23	22	5%
VICE	5	0%	5	0%	5	0%	128	16%	49	76	-35%
SEX CRIMES (EXC RAPE/PROSTITUTION)	24	-33%	36	-33%	31	16%	255	6%	255	240	6%
MISSING/FOUND PERSON/RUNAWAY	88	4%	85	4%	83	2%	809	-6%	809	857	-6%
MARCOTIC DRUG LAWS	1	100%	0	100%	0	0%	3	-57%	3	7	-57%
POSS BURGLARY TOOLS	72	-4%	75	-4%	67	9%	625	16%	625	537	16%
GRAFFITI/VANDALISM/TOOLS	88	29%	68	29%	73	-7%	574	18%	574	483	18%
MENTAL HEALTH DETENTION	2	50%	4	50%	4	33%	12	20%	12	10	20%
RESIST/DELAY/OBSTRUCT POLICE OFFICER	382	-4%	399	-4%	399	8%	3420	-4%	3420	3558	-4%
<b>TOTAL PART 2</b>											
<b>ARREST STATISTICS</b>											
ASSAULTS/BATTERY (NON DV RELATED)	17	-29%	24	-29%	24	50%	193	-32%	193	282	-32%
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	11	38%	8	38%	6	-35%	77	18%	77	65	18%
RECEIVE/POSSESS STOLEN PROPERTY	6	600%	0	600%	4	100%	45	-30%	45	64	-30%
WEAPON/FIREARM VIOLATION	0	-100%	4	-100%	4	45%	30	-9%	30	33	-9%
VICE	17	-19%	21	-19%	21	-250%	116	-17%	116	139	-17%
SEX CRIMES (EXC RAPE/PROSTITUTION)	1	-67%	3	-67%	3	40%	24	-33%	24	36	-33%
MARCOTIC DRUG LAWS	102	-6%	108	-6%	108	-11%	977	-21%	977	1241	-21%
DRIVING UNDER INFLUENCE	1	100%	0	100%	3	100%	15	-38%	15	24	-38%
14603/12500	84	6%	79	6%	79	5%	640	-30%	640	916	-30%
POSS BURGLARY TOOLS	1	100%	0	100%	0	0%	3	-70%	3	10	-70%
GRAFFITI/VANDALISM/TOOLS	3	-25%	4	-25%	4	-53%	34	-21%	34	43	-21%
RESIST/DELAY/OBSTRUCT POLICE OFFICER	2	-50%	4	-50%	2	-100%	12	0%	12	12	0%
PAROLE VIOLATIONS	3	200%	1	200%	1	0%	17	-56%	17	39	-56%
PROBATION VIOLATIONS	4	-33%	6	-33%	6	-500%	28	-33%	28	21	-33%
WARRANT ARRESTS	32	-16%	38	-16%	38	9%	303	-24%	303	400	-24%
<b>TOTAL PART 2 ARRESTS</b>	<b>284</b>	<b>-5%</b>	<b>300</b>	<b>-5%</b>	<b>300</b>	<b>12%</b>	<b>2514</b>	<b>-24%</b>	<b>2514</b>	<b>3325</b>	<b>-24%</b>

Part 2 Crime data compiled using lowest incode in multiple offense incidents. Statistics are preliminary and subject to further analysis and revision



**COMPSTAT**  
**BAYVIEW PROFILE**

8/15/10 TO 9/11/10

Part II Crime Statistics for week ending 09/11/10

Part II	8/15/10 TO 9/11/10		7/18/10 TO 8/14/10		7/18/10 TO 8/14/10		6/20/10 TO 7/17/10		YTD		% Change
	Count	% Change	2010	2009							
ASSAULTS/BATTERY (NON DV RELATED)	22	10%	20	10%	20	13%	18	11%	213	390	-45%
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	14	-22%	18	-22%	18	6%	17	6%	155	191	-19%
RECEIVE/POSSESS STOLEN PROPERTY	3	200%	1	200%	1	0%	1	0%	16	11	45%
WEAPON/FIREARM VIOLATION	3	-63%	8	-63%	8	-38%	13	-38%	87	60	45%
VICE	1	-50%	2	-50%	2	0%	2	0%	24	21	14%
SEX CRIMES (EXC RAPE/PROSTITUTION)	3	-50%	6	-50%	6	200%	2	200%	28	18	56%
MISSING/FOUND PERSON/RUNAWAY	50	9%	46	9%	46	25%	61	25%	442	441	0%
NARCOTIC DRUG LAWS	43	72%	25	72%	25	14%	22	14%	320	286	12%
POSS BURGLARY TOOLS	0	-100%	1	-100%	1	0%	0	100%	3	1	200%
GRAFFITI/VANDALISM/TOOLS	78	-19%	96	-19%	96	37%	70	37%	620	549	15%
MENTAL HEALTH DETENTION	13	-32%	19	-32%	19	27%	15	27%	142	121	17%
RESIST/DELAY/OBSTRUCT POLICE OFFICER	5	58%	12	58%	12	140%	5	140%	11	8	38%
<b>TOTAL PART 2</b>	<b>235</b>	<b>-7%</b>	<b>254</b>	<b>-7%</b>	<b>254</b>	<b>17%</b>	<b>226</b>	<b>17%</b>	<b>2061</b>	<b>2097</b>	<b>-2%</b>

ARRESTS	8/15/10 TO 9/11/10		7/18/10 TO 8/14/10		7/18/10 TO 8/14/10		6/20/10 TO 7/17/10		YTD		% Change
	Count	% Change	2010	2009							
ASSAULTS/BATTERY (NON DV RELATED)	14	100%	7	100%	7	-13%	8	-13%	89	159	-44%
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	4	100%	2	100%	2	0%	2	0%	27	6	350%
RECEIVE/POSSESS STOLEN PROPERTY	2	100%	1	100%	1	100%	0	100%	12	19	-37%
WEAPON/FIREARM VIOLATION	2	-50%	5	-50%	5	62%	13	62%	68	94	-28%
VICE	1	-100%	2	-100%	2	0%	2	0%	18	18	0%
SEX CRIMES (EXC RAPE/PROSTITUTION)	0	-100%	5	-100%	5	-400%	1	-400%	10	8	25%
NARCOTIC DRUG LAWS	45	55%	29	55%	29	-4%	28	-4%	370	383	-3%
DRIVING UNDER INFLUENCE	2	0%	2	0%	2	200%	0	200%	14	14	0%
1-603/12-500	96	4%	92	4%	92	-42%	65	-42%	882	1058	-17%
POSS BURGLARY TOOLS	0	-100%	1	-100%	1	100%	0	100%	5	1	400%
GRAFFITI/VANDALISM/TOOLS	3	-40%	5	-40%	5	-100%	1	-100%	24	19	26%
RESIST/DELAY/OBSTRUCT POLICE OFFICER	4	-57%	12	-57%	12	-100%	6	-100%	12	8	50%
PAROLE VIOLATIONS	0	0%	0	0%	0	100%	1	100%	2	13	-85%
PROBATION VIOLATIONS	0	0%	0	0%	0	0%	3	100%	6	7	-14%
WARRANT ARRESTS	37	42%	26	42%	26	117%	12	117%	153	151	2%
<b>TOTAL PART 2 ARRESTS</b>	<b>210</b>	<b>31%</b>	<b>189</b>	<b>31%</b>	<b>189</b>	<b>14%</b>	<b>147</b>	<b>14%</b>	<b>1692</b>	<b>1958</b>	<b>-14%</b>

Part 2 Crime data compiled using lowest incode in multiple offense incidents. Statistics are preliminary and subject to further analysis and revision



**COMPSTAT**  
**MISSION PROFILE**

8/15/10 TO 9/11/10

Part II Crime Statistics for week ending 09/11/10

Part II	8/15/10 TO 9/11/10		7/18/10 TO 8/14/10		7/18/10 TO 8/14/10		6/20/10 TO 7/17/10		YTD		% Change
	8/15/10 TO 9/11/10	7/18/10 TO 8/14/10	7/18/10 TO 8/14/10	7/18/10 TO 8/14/10	6/20/10 TO 7/17/10	6/20/10 TO 7/17/10	2010	2009	2010	2009	
ASSAULTS/BATTERY (NON DV RELATED)	39	37	37	42	37	42	388	496	388	496	-22%
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	29	40	40	31	40	31	344	338	344	338	2%
RECEIVE/POSSESS STOLEN PROPERTY	3	1	1	3	1	3	20	15	20	15	33%
WEAPON/FIREARM VIOLATION	5	4	4	4	4	2	27	26	27	26	4%
VICE	44	42	42	42	42	39	406	700	406	700	-42%
SEX CRIMES (EXC RAPE/PROSTITUTION)	6	5	5	12	5	12	53	55	53	55	-4%
MISSING/FOUND PERSON/RUNAWAY	25	29	29	31	29	31	300	257	300	257	17%
NARCOTIC DRUG LAWS	42	47	47	65	47	65	613	637	613	637	-4%
POSS BURGLARY TOOLS	0	0	0	0	0	0	0	6	0	6	-100%
GRAFFITI/VANDALISM/TOOLS	45	61	61	67	61	67	503	458	503	458	10%
MENTAL HEALTH DETENTION	37	45	45	44	45	44	349	350	349	350	-3%
RESIST/DELAY/OBSTRUCT POLICE OFFICER	2	4	4	4	4	4	16	12	16	12	33%
<b>TOTAL PART 2</b>	<b>277</b>	<b>315</b>	<b>315</b>	<b>340</b>	<b>315</b>	<b>340</b>	<b>3019</b>	<b>3370</b>	<b>3019</b>	<b>3370</b>	<b>-10%</b>

ARRESTS	8/15/10 TO 9/11/10		7/18/10 TO 8/14/10		7/18/10 TO 8/14/10		6/20/10 TO 7/17/10		YTD		% Change
	8/15/10 TO 9/11/10	7/18/10 TO 8/14/10	7/18/10 TO 8/14/10	7/18/10 TO 8/14/10	6/20/10 TO 7/17/10	6/20/10 TO 7/17/10	2010	2009	2010	2009	
ASSAULTS/BATTERY (NON DV RELATED)	10	18	18	21	18	21	161	244	161	244	-34%
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	3	2	2	3	2	3	49	66	49	66	-26%
RECEIVE/POSSESS STOLEN PROPERTY	6	1	1	2	1	2	23	12	23	12	92%
WEAPON/FIREARM VIOLATION	2	6	6	2	2	2	28	51	28	51	-45%
VICE	48	49	49	47	49	47	462	871	462	871	-47%
SEX CRIMES (EXC RAPE/PROSTITUTION)	4	3	3	5	3	5	27	34	27	34	-21%
NARCOTIC DRUG LAWS	44	48	48	69	48	69	694	842	694	842	-18%
DRIVING UNDER INFLUENCE	1	1	1	3	1	3	20	36	20	36	-44%
14603/12560	65	75	75	82	75	82	726	989	726	989	-27%
POSS BURGLARY TOOLS	0	0	0	0	0	0	0	7	0	7	-100%
GRAFFITI/VANDALISM/TOOLS	2	4	4	8	4	8	47	45	47	45	4%
RESIST/DELAY/OBSTRUCT POLICE OFFICER	2	5	5	4	5	4	19	15	19	15	27%
PAROLE VIOLATIONS	3	1	1	3	1	3	14	24	14	24	-42%
PROBATION VIOLATIONS	0	2	2	5	2	5	21	28	21	28	-26%
WARRANT ARRESTS	29	23	23	26	23	26	147	515	147	515	-53%
<b>TOTAL PART 2 ARRESTS</b>	<b>219</b>	<b>238</b>	<b>238</b>	<b>280</b>	<b>238</b>	<b>280</b>	<b>2438</b>	<b>3579</b>	<b>2438</b>	<b>3579</b>	<b>-32%</b>

Part 2 Crime data compiled using lowest incode in multiple offense incidents. Statistics are preliminary and subject to further analysis and revision



**COMPSTAT  
NORTHERN PROFILE  
TO  
9/11/10**

Part II Crime Statistics for week ending 09/11/10

Part II	8/15/10 TO 9/11/10		7/18/10 TO 8/14/10		7/18/10 TO 8/14/10		6/20/10 TO 7/17/10		YTD		% Change
				% Change		% Change		% Change	2010	2009	
ASSAULTS/BATTERY (NON DV RELATED)	34	24	47%		24	19	26%	237	367	-35%	
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	19	28	-32%		28	28	0%	247	297	-17%	
RECEIVE/POSSESS STOLEN PROPERTY	0	2	-100%		2	2	0%	14	28	-50%	
WEAPON/FIREARM VIOLATION	2	4	-50%		4	0	400%	24	26	-8%	
VICE	25	8	213%		8	6	33%	146	138	6%	
SEX CRIMES (EXC RAPE/PROSTITUTION)	1	1	0%		1	2	-50%	31	43	-28%	
MISSING/FOUND PERSON/RUNAWAY	11	16	-31%		16	18	-11%	146	137	7%	
NARCOTIC DRUG LAWS	27	40	-33%		40	41	-2%	359	341	5%	
POSS BURGLARY TOOLS	1	0	100%		0	0	0%	3	1	200%	
GRAFFITI/VANDALISM/TOOLS	33	41	-20%		41	57	-28%	424	542	-22%	
MENTAL HEALTH DETENTION	26	20	30%		20	26	-23%	223	265	-16%	
RESIST/DELAY/OBSTRUCT POLICE OFFICER	3	4	-25%		4	4	0%	7	7	0%	
<b>TOTAL PART 2</b>	<b>182</b>	<b>188</b>	<b>-3%</b>		<b>188</b>	<b>203</b>	<b>-7%</b>	<b>1861</b>	<b>2192</b>	<b>-15%</b>	

ARRESTS	8/15/10 TO 9/11/10		7/18/10 TO 8/14/10		7/18/10 TO 8/14/10		6/20/10 TO 7/17/10		YTD		% Change
				% Change		% Change		% Change	2010	2009	
ASSAULTS/BATTERY (NON DV RELATED)	7	13	-46%		13	8	63%	93	125	-26%	
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	2	0	200%		0	1	100%	15	37	-59%	
RECEIVE/POSSESS STOLEN PROPERTY	0	5	-100%		5	1	-400%	17	36	-53%	
WEAPON/FIREARM VIOLATION	2	5	-60%		5	0	500%	25	23	9%	
VICE	25	9	178%		9	7	-29%	162	160	1%	
SEX CRIMES (EXC RAPE/PROSTITUTION)	0	1	-100%		1	0	100%	14	21	-33%	
NARCOTIC DRUG LAWS	29	51	-43%		51	48	-6%	435	478	-9%	
DRIVING UNDER INFLUENCE	2	0	200%		0	1	100%	12	26	-54%	
14601/12560	39	17	129%		17	23	-26%	334	509	-34%	
POSS BURGLARY TOOLS	1	0	100%		0	0	0%	3	1	200%	
GRAFFITI/VANDALISM/TOOLS	2	2	0%		2	0	200%	27	46	-41%	
RESIST/DELAY/OBSTRUCT POLICE OFFICER	3	3	0%		3	5	40%	7	12	-42%	
PAROLE VIOLATIONS	1	1	0%		1	0	100%	4	16	-75%	
PROBATION VIOLATIONS	1	0	100%		0	1	100%	13	5	160%	
WARRANT ARRESTS	37	25	48%		25	22	14%	172	198	-13%	
<b>TOTAL PART 2 ARRESTS</b>	<b>151</b>	<b>132</b>	<b>13%</b>		<b>132</b>	<b>117</b>	<b>13%</b>	<b>1333</b>	<b>1693</b>	<b>-21%</b>	

Part 2 Crime data compiled using lowest incide in multiple offense incidents. Statistics are preliminary and subject to further analysis and revision.



**COMPSTAT  
PARK PROFILE**

8/15/10 TO 9/11/10

Part II Crime Statistics for week ending 09/11/10

Part II	8/15/10 TO 9/11/10		7/18/10 TO 8/14/10		7/18/10 TO 8/14/10		6/20/10 TO 7/17/10		YTD		% Change
	8/15/10 TO 9/11/10	7/18/10 TO 8/14/10	% Change	7/18/10 TO 8/14/10	7/18/10 TO 8/14/10	6/20/10 TO 7/17/10	6/20/10 TO 7/17/10	2010	2009		
ASSAULTS/BATTERY (NON DV RELATED)	12	12	0%	12	13	13	13	143	173	-17%	
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	7	13	-46%	13	7	7	7	116	147	-21%	
RECEIVE/POSSESS STOLEN PROPERTY	0	0	0%	0	0	0	0	5	4	25%	
WEAPON/FIREARM VIOLATION	1	0	100%	0	0	1	1	5	16	-69%	
VICE	4	5	-20%	5	3	3	3	34	47	-28%	
SEX CRIMES (EXC RAPE/PROSTITUTION)	3	1	200%	1	1	1	1	13	16	-15%	
MISSING/FOUND PERSON/RUNAWAY	23	29	-21%	29	15	15	15	251	295	-15%	
NARCOTIC DRUG LAWS	24	16	50%	16	10	10	10	208	254	-18%	
POSS BURGLARY TOOLS	1	0	100%	0	0	0	0	1	0	100%	
GRAFFITI/VANDALISM/TOOLS	24	21	14%	21	32	32	32	251	232	8%	
MENTAL HEALTH DETENTION	25	21	19%	21	19	19	19	150	126	19%	
RESIST/DELAY/OBSTRUCT POLICE OFFICER	4	2	100%	2	2	2	2	8	5	60%	
<b>TOTAL PART 2</b>	<b>128</b>	<b>120</b>	<b>7%</b>	<b>120</b>	<b>103</b>	<b>103</b>	<b>103</b>	<b>1185</b>	<b>1315</b>	<b>-10%</b>	
<b>ARREST STATISTICS</b>											
	8/15/10 TO 9/11/10		7/18/10 TO 8/14/10		7/18/10 TO 8/14/10		6/20/10 TO 7/17/10		YTD		% Change
	8/15/10 TO 9/11/10	7/18/10 TO 8/14/10	% Change	7/18/10 TO 8/14/10	7/18/10 TO 8/14/10	6/20/10 TO 7/17/10	6/20/10 TO 7/17/10	2010	2009		
ASSAULTS/BATTERY (NON DV RELATED)	5	3	67%	3	3	6	6	53	61	-13%	
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	0	2	-100%	2	2	1	1	13	13	0%	
RECEIVE/POSSESS STOLEN PROPERTY	0	0	0%	0	0	0	0	6	5	20%	
WEAPON/FIREARM VIOLATION	1	0	100%	0	0	1	1	4	12	-67%	
VICE	3	6	-50%	6	6	3	3	35	66	-47%	
SEX CRIMES (EXC RAPE/PROSTITUTION)	0	1	-100%	1	1	0	0	6	5	20%	
NARCOTIC DRUG LAWS	24	19	26%	19	19	9	9	245	307	-20%	
DRIVING UNDER INFLUENCE	2	2	0%	2	2	2	2	24	13	85%	
14601/12500	22	16	38%	16	16	15	15	164	285	-42%	
POSS BURGLARY TOOLS	1	0	100%	0	0	0	0	1	0	100%	
GRAFFITI/VANDALISM/TOOLS	1	1	0%	1	1	0	0	10	9	11%	
RESIST/DELAY/OBSTRUCT POLICE OFFICER	4	2	100%	2	2	1	1	9	11	-18%	
PAROLE VIOLATIONS	0	0	0%	0	0	0	0	6	8	-25%	
PROBATION VIOLATIONS	0	0	0%	0	0	0	0	5	1	400%	
WARRANT ARRESTS	11	7	57%	7	7	7	7	85	79	8%	
<b>TOTAL PART 2 ARRESTS</b>	<b>74</b>	<b>59</b>	<b>25%</b>	<b>59</b>	<b>45</b>	<b>45</b>	<b>45</b>	<b>666</b>	<b>895</b>	<b>-26%</b>	

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**COMPSTAT  
RICHMOND PROFILE  
TO**

**8/15/10 TO 9/11/10**  
Part II Crime Statistics for week ending 09/11/10

Part II	7/18/10 TO 8/14/10		8/14/10 TO 7/17/10		6/20/10 TO 7/17/10		YTD		% Change
	8/15/10 TO 9/11/10	% Change	7/18/10 TO 8/14/10	% Change	2010	2009	2010	2009	
ASSAULTS/BATTERY (NON DV RELATED)	19	90%	10	9%	117	111	117	111	5%
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	9	65%	26	8%	171	231	171	231	-26%
RECEIVE/POSSESS STOLEN PROPERTY	0	0%	0	0%	3	4	3	4	-25%
WEAPON/FIREARM VIOLATION	1	100%	0	0%	3	9	3	9	-67%
VICE	2	33%	3	57%	23	25	23	25	-8%
SEX CRIMES (EXC RAPE/PROSTITUTION)	4	300%	1	75%	26	18	26	18	44%
MISSING/FOUND PERSON/RUNAWAY	6	0%	6	-33%	94	107	94	107	-12%
NARCOTIC DRUG LAWS	8	-20%	10	150%	66	70	66	70	-6%
POSS BURGLARY TOOLS	0	0%	0	0%	0	1	0	1	-100%
GRAFFITI/VANDALISM/TOOLS	43	30%	33	18%	262	269	262	269	-3%
MENTAL HEALTH DETENTION	13	44%	9	13%	104	109	104	109	-5%
RESIST/DELAY/OBSTRUCT POLICE OFFICER	1	0%	1	-50%	3	1	3	1	200%
<b>TOTAL PART 2</b>	<b>106</b>	<b>7%</b>	<b>99</b>	<b>4%</b>	<b>872</b>	<b>955</b>	<b>872</b>	<b>955</b>	<b>-9%</b>
<b>ARRESTS</b>	<b>8/15/10 TO 9/11/10</b>	<b>% Change</b>	<b>7/18/10 TO 8/14/10</b>	<b>% Change</b>	<b>6/20/10 TO 7/17/10</b>	<b>% Change</b>	<b>YTD 2010</b>	<b>YTD 2009</b>	<b>% Change</b>
ASSAULTS/BATTERY (NON DV RELATED)	9	350%	2	0%	44	42	44	42	9%
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	1	100%	0	0%	9	11	9	11	-18%
RECEIVE/POSSESS STOLEN PROPERTY	0	0%	0	0%	2	6	2	6	-67%
WEAPON/FIREARM VIOLATION	1	100%	0	0%	3	5	3	5	-40%
VICE	1	-50%	2	60%	12	31	12	31	-61%
SEX CRIMES (EXC RAPE/PROSTITUTION)	0	-100%	1	50%	8	5	8	5	60%
NARCOTIC DRUG LAWS	8	-20%	10	-233%	73	91	73	91	-20%
DRIVING UNDER INFLUENCE	3	-40%	5	-150%	51	60	51	60	-15%
14601/12500	24	-11%	27	-238%	201	261	201	261	-23%
POSS BURGLARY TOOLS	0	0%	0	0%	0	1	0	1	-100%
GRAFFITI/VANDALISM/TOOLS	2	100%	1	100%	7	7	7	7	0%
RESIST/DELAY/OBSTRUCT POLICE OFFICER	1	0%	1	0%	2	1	2	1	100%
PAROLE VIOLATIONS	0	0%	0	0%	2	3	2	3	-33%
PROBATION VIOLATIONS	0	0%	0	0%	0	2	0	2	-100%
WARRANT ARRESTS	4	100%	2	100%	35	36	35	36	-3%
<b>TOTAL PART 2 ARRESTS</b>	<b>54</b>	<b>6%</b>	<b>51</b>	<b>113%</b>	<b>449</b>	<b>562</b>	<b>449</b>	<b>562</b>	<b>-20%</b>

Part 2 Crime data compiled using lowest incode in multiple offense incidents. Statistics are preliminary and subject to further analysis and revision



**COMPSTAT**  
**INGLESIDE PROFILE**  
**8/15/10 TO 9/11/10**

Part II Crime Statistics for week ending 09/11/10

Part II	7/15/10 TO 7/17/10		7/18/10 TO 7/20/10		7/21/10 TO 7/23/10		7/24/10 TO 7/26/10		7/27/10 TO 7/29/10		YTD		% Change
	7/15/10	7/17/10	7/18/10	7/20/10	7/21/10	7/23/10	7/24/10	7/26/10	7/27/10	7/29/10	2010	2009	
ASSAULTS/BATTERY (NON DV RELATED)	17	30	30	16	16	12	12	12	12	12	229	271	-15%
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	0	0	0	0	0	0	0	0	0	0	208	266	-22%
RECEIVE/POSSESS STOLEN PROPERTY	6	5	5	5	5	4	4	4	4	4	51	37	38%
WEAPON/FIREARM VIOLATION	6	3	3	3	3	3	3	3	3	3	41	40	3%
VICE	5	5	5	5	5	5	5	5	5	5	45	51	-12%
SEX CRIMES (EXC RAPE/PROSTITUTION)	30	22	22	19	19	19	19	19	19	19	248	255	-4%
MISSING/FOUND PERSON/RUNAWAY	32	16	16	16	16	23	23	23	23	23	209	155	35%
NARCOTIC DRUG LAWS	1	0	0	0	0	0	0	0	0	0	2	0	200%
POSS BURGLARY TOOLS	84	89	89	53	53	53	53	53	53	53	539	485	9%
GRAFFITI/VANDALISM/TOOLS	23	16	16	16	16	10	10	10	10	10	164	172	-5%
MENTAL HEALTH DETENTION	7	2	2	2	2	3	3	3	3	3	12	7	71%
RESIST/DELAY/OBSTRUCT POLICE OFFICER	211	210	210	148	148	148	148	148	148	148	1766	1761	0%
<b>TOTAL PART 2</b>													
<b>ARRESTS</b>													
ASSAULTS/BATTERY (NON DV RELATED)	6	13	13	5	5	5	5	5	5	5	86	109	-21%
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	1	1	1	0	0	0	0	0	0	0	13	7	86%
RECEIVE/POSSESS STOLEN PROPERTY	0	0	0	0	0	0	0	0	0	0	18	9	100%
WEAPON/FIREARM VIOLATION	2	5	5	2	2	2	2	2	2	2	40	38	5%
VICE	5	2	2	3	3	3	3	3	3	3	28	30	-7%
SEX CRIMES (EXC RAPE/PROSTITUTION)	1	1	1	0	0	0	0	0	0	0	6	22	-73%
NARCOTIC DRUG LAWS	16	18	18	32	32	32	32	32	32	32	247	203	19%
DRIVING UNDER INFLUENCE	1	1	1	2	2	2	2	2	2	2	9	40	-78%
14601/12500	59	92	92	70	70	70	70	70	70	70	622	865	-28%
POSS BURGLARY TOOLS	1	0	0	0	0	0	0	0	0	0	2	0	200%
GRAFFITI/VANDALISM/TOOLS	1	7	7	4	4	4	4	4	4	4	34	19	79%
RESIST/DELAY/OBSTRUCT POLICE OFFICER	4	2	2	2	2	2	2	2	2	2	13	14	-7%
PAROLE VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	5	-100%
PROBATION VIOLATIONS	0	2	2	1	1	1	1	1	1	1	8	1	700%
WARRANT ARRESTS	7	15	15	10	10	10	10	10	10	10	88	103	-15%
<b>TOTAL PART 2 ARRESTS</b>	<b>104</b>	<b>159</b>	<b>159</b>	<b>132</b>	<b>132</b>	<b>132</b>	<b>132</b>	<b>132</b>	<b>132</b>	<b>132</b>	<b>1214</b>	<b>1470</b>	<b>-17%</b>

Part 2 Crime data compiled using lowest incode in multiple offense incidents. Statistics are preliminary and subject to further analysis and revision



**COMPSTAT  
TARAVAL PROFILE**

**8/15/10 TO 9/11/10**

Part II Crime Statistics for week ending 09/11/10

Part II	8/15/10 TO 9/11/10		7/18/10 TO 8/14/10		7/13/10 TO 8/14/10		6/20/10 TO 7/13/10		YTD		% Change
									2010	2009	
ASSAULTS/BATTERY (NON DV RELATED)	23	13	13	23	13	23	23	174	200	13%	
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	24	24	24	37	24	37	37	268	333	-20%	
RECEIVE/POSSESS STOLEN PROPERTY	1	1	1	0	1	0	0	2	8	-75%	
WEAPON/FIREARM VIOLATION	1	5	5	2	5	2	2	16	7	128%	
VICE	4	4	4	4	4	4	4	38	54	-30%	
SEX CRIMES (EXC RAPE/PROSTITUTION)	0	0	0	0	0	0	0	31	36	-14%	
MISSING/FOUND PERSON/RUNAWAY	16	28	28	20	28	20	20	228	335	-32%	
NARCOTIC DRUG LAWS	21	8	8	7	8	7	7	104	170	-39%	
POSS BURGLARY TOOLS	1	0	0	0	0	0	0	2	0	200%	
GRAFFITI/VANDALISM/TOOLS	57	46	46	60	46	60	60	464	435	7%	
MENTAL HEALTH DETENTION	22	22	22	28	22	28	28	193	195	-1%	
RESIST/DELAY/OBSTRUCT POLICE OFFICER	2	1	1	1	1	1	1	1	6	-83%	
<b>TOTAL PART 2</b>	<b>177</b>	<b>152</b>	<b>152</b>	<b>185</b>	<b>152</b>	<b>185</b>	<b>185</b>	<b>1521</b>	<b>1779</b>	<b>-15%</b>	

ARRESTS	8/15/10 TO 9/11/10		7/18/10 TO 8/14/10		7/13/10 TO 8/14/10		6/20/10 TO 7/13/10		YTD		% Change
									2010	2009	
ASSAULTS/BATTERY (NON DV RELATED)	8	5	5	7	5	7	7	64	87	-26%	
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	1	1	1	0	1	0	0	8	32	-75%	
RECEIVE/POSSESS STOLEN PROPERTY	1	1	1	1	1	1	1	2	8	-75%	
WEAPON/FIREARM VIOLATION	1	2	2	0	2	0	0	10	9	11%	
VICE	3	3	3	0	3	0	0	27	53	-49%	
SEX CRIMES (EXC RAPE/PROSTITUTION)	0	0	0	1	0	1	1	7	10	-30%	
NARCOTIC DRUG LAWS	30	7	7	7	7	7	7	122	257	-49%	
DRIVING UNDER INFLUENCE	3	0	0	3	0	3	3	15	37	-59%	
14601/12500	34	25	25	24	25	24	24	235	449	-48%	
POSS BURGLARY TOOLS	2	0	0	0	0	0	0	3	0	300%	
GRAFFITI/VANDALISM/TOOLS	2	2	2	1	2	1	1	15	31	-52%	
RESIST/DELAY/OBSTRUCT POLICE OFFICER	2	1	1	4	1	4	4	1	14	-93%	
PAROLE VIOLATIONS	0	0	0	0	0	0	0	1	2	-50%	
PROBATION VIOLATIONS	0	0	0	0	0	0	0	1	1	0%	
WARRANT ARRESTS	9	3	3	8	3	8	8	33	108	-69%	
<b>TOTAL PART 2 ARRESTS</b>	<b>95</b>	<b>50</b>	<b>50</b>	<b>57</b>	<b>50</b>	<b>57</b>	<b>57</b>	<b>544</b>	<b>1078</b>	<b>-50%</b>	

Part 2 Crime data compiled using lowest incide in multiple offense incidents. Statistics are preliminary and subject to further analysis and revision



**COMPSTAT  
TENDERLOIN PROFILE  
TO 9/11/10**

**8/15/10 TO 8/11/10**  
Part II Crime Statistics for week ending 09/11/10

Part II	7/18/10 TO 8/11/10		7/18/10 TO 8/14/10		6/20/10 TO 7/17/10		YTD		% Change	
	8/15/10 TO 9/11/10	7/18/10 TO 8/11/10	% Change	7/18/10 TO 8/14/10	% Change	6/20/10 TO 7/17/10	% Change	2010		2009
ASSAULTS/BATTERY (NON DV RELATED)	26	30	-33%	30	11%	27	11%	322	372	-13%
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	24	20	20%	20	54%	13	54%	190	129	47%
RECEIVE/POSSESS STOLEN PROPERTY	3	0	300%	0	-100%	2	-100%	14	19	-26%
WEAPON/FIREARM VIOLATION	3	0	300%	0	-100%	2	-100%	12	33	-64%
VICE	27	22	23%	22	-21%	28	-21%	208	233	-11%
SEX CRIMES (EXC RAPE/PROSTITUTION)	1	3	-67%	3	50%	2	50%	26	47	-45%
MISSING/FOUND PERSON/RUNAWAY	10	9	11%	9	29%	7	29%	91	70	30%
MARCOTIC DRUG LAWS	94	80	18%	80	-2%	82	-2%	874	2239	-61%
POSS BURGLARY TOOLS	0	0	0%	0	0%	0	0%	0	3	-100%
GRAFFTI/VANDALISM/TOOLS	9	17	-47%	17	-15%	20	-15%	136	121	12%
MENTAL HEALTH DETENTION	37	24	54%	24	-28%	34	-28%	326	233	40%
RESIST/DELAY/OBSTRUCT POLICE OFFICER	1	7	-86%	7	40%	5	40%	9	12	-25%
<b>TOTAL PART 2</b>	<b>235</b>	<b>212</b>	<b>11%</b>	<b>212</b>	<b>-5%</b>	<b>222</b>	<b>-5%</b>	<b>2208</b>	<b>3511</b>	<b>-37%</b>

ARRESTS	7/18/10 TO 8/14/10		7/18/10 TO 8/14/10		6/20/10 TO 7/17/10		YTD		% Change	
	8/15/10 TO 9/11/10	7/18/10 TO 8/14/10	% Change	7/18/10 TO 8/14/10	% Change	6/20/10 TO 7/17/10	% Change	2010		2009
ASSAULTS/BATTERY (NON DV RELATED)	12	14	-14%	14	-13%	16	-13%	129	161	-20%
EMBEZZLEMENT/FRAUD/FALSE PERSONATION	9	1	800%	1	67%	3	67%	40	41	-2%
RECEIVE/POSSESS STOLEN PROPERTY	3	0	300%	0	100%	2	100%	13	20	-35%
WEAPON/FIREARM VIOLATION	8	0	800%	0	100%	4	100%	21	59	-64%
VICE	27	26	4%	26	16%	31	16%	216	299	-28%
SEX CRIMES (EXC RAPE/PROSTITUTION)	4	1	300%	1	0%	1	0%	14	37	-62%
MARCOTIC DRUG LAWS	126	105	20%	105	-15%	93	-15%	1121	3167	-65%
DRIVING UNDER INFLUENCE	1	0	100%	0	0%	0	0%	2	15	-87%
34601/12500	16	25	-36%	25	14%	29	14%	208	416	-50%
POSS BURGLARY TOOLS	0	0	0%	0	0%	0	0%	0	4	-100%
GRAFFTI/VANDALISM/TOOLS	3	2	50%	2	0%	2	0%	15	22	-32%
RESIST/DELAY/OBSTRUCT POLICE OFFICER	1	4	-75%	4	20%	5	20%	9	18	-50%
PAROLE VIOLATIONS	1	2	-50%	2	-100%	2	-100%	14	29	-52%
PROBATION VIOLATIONS	11	6	83%	6	-20%	5	-20%	47	52	-10%
WARRANT ARRESTS	9	3	200%	3	-65%	8	-65%	33	133	-75%
<b>TOTAL PART 2 ARRESTS</b>	<b>231</b>	<b>189</b>	<b>22%</b>	<b>189</b>	<b>-6%</b>	<b>200</b>	<b>-6%</b>	<b>1882</b>	<b>4473</b>	<b>-58%</b>

Part 2 Crime data compiled using lowest incode in multiple offense incidents. Statistics are preliminary and subject to further analysis and revision

BOS-11



To:  
Cc:  
Bcc:  
Subject: Fw: Controller's Office Report: Monthly Overtime Report dated September 14, 2010

---

From: Controller Reports/CON/SFGOV  
To: Angela Calvillo, BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve Kawa, Greg Wagner/MAYOR/SFGOV@SFGOV, Tony Winnicker/MAYOR/SFGOV@SFGOV, Starr Terrell/MAYOR/SFGOV@SFGOV, Severin Campbell/BudgetAnalyst/SFGOV@SFGOV, Debra Newman/BudgetAnalyst/SFGOV@SFGOV, sfdocs@sfpl.info, Ben Rosenfield, monique.zmuda@sfgov.org, Maura Lane, CON-EVERYONE/CON/SFGOV  
Date: 09/15/2010 01:14 PM  
Subject: Controller's Office Report: Monthly Overtime Report dated September 14, 2010  
Sent by: Debbie Toy

---

The five City departments using the most overtime for July 2010 were: (1) Municipal Transportation Agency; (2) Fire; (3) Public Health; (4) Police; and (5) Sheriff. Collectively, these five departments averaged 6.4% overtime versus regular hours and accounted for 89.2% of the total Citywide overtime for the month.



MOR091410\_20100915132632\_000.PDF

If you should have any questions, please contact Monique Zmuda, Deputy Controller, at 554-7500.

(4)



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

**Ben Rosenfield**  
**Controller**

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

**TO:** Members, Board of Supervisors  
Mayor Gavin Newsom

**FROM:** Ben Rosenfield, Controller 

**DATE:** September 14, 2010

**SUBJECT:** Monthly Overtime Report (Administrative Code Section 18.13-1)

---

Administrative Code Section 18.13-1, enacted through Ordinance No. 197-08, requires the Controller to submit a monthly overtime report to the Board of Supervisors and the Mayor's Budget Director listing the five City departments using the most overtime in the preceding month.

The five City departments using the most overtime for July 2010 were: (1) Municipal Transportation Agency; (2) Fire; (3) Public Health; (4) Police; and (5) Sheriff. Collectively, these five departments averaged 6.4% overtime versus regular hours and accounted for 89.2% of the total Citywide overtime for the month. This data includes two pay periods ending July 8, 2010 and July 23, 2010.

Please contact me at (415) 554-7500 if you have any questions regarding this overtime information.

cc: Greg Wagner, Mayor's Budget Director  
Harvey Rose, Budget Analyst  
Gail Johnson, Clerk, Board of Supervisors' Budget and Finance Committee  
Sonali Bose, Finance Director, Municipal Transportation Agency  
Ken Bukowski, Finance Director, Police Department  
Deborah Landis, Senior Analyst, Police Department  
Gary Massetani, Deputy Chief of Administration, Fire Department  
Mark Corso, Budget Manager, Fire Department  
Gregg Sass, Finance Director, Department of Public Health  
Jenny Louie, Budget Manager, Department of Public Health  
Maureen Gannon, Budget Manager, Sheriff

City and County of San Francisco  
 Controller's Office  
**Appendix 1: Monthly Overtime Report**

Average Monthly Data in Fiscal Year 2009-10					
Department	Regular Hours	Overtime Hours	Percentage Overtime vs. Regular Hours	Percent of Total Citywide Overtime	Overtime Pay
MTA	726,841	77,073	10.6%	47.3%	3,672,947
Fire	282,315	27,132	9.6%	16.7%	1,807,362
Police	434,321	12,514	2.9%	7.7%	1,215,573
Public Health	917,744	15,636	1.7%	9.6%	680,572
Sheriff	167,803	9,010	5.4%	5.5%	543,843
<b>Total</b>	<b>2,529,023</b>	<b>141,365</b>	<b>6.0%</b>	<b>86.8%</b>	<b>\$7,920,298</b>

July 2010					
Department	Regular Hours	Overtime Hours	Percentage Overtime vs. Regular Hours	Percent of Total Citywide Overtime	Overtime Pay
MTA	577,137	66,476	11.5%	48.2%	3,215,854
Fire	234,705	27,545	11.7%	20.0%	1,929,187
Police	348,724	9,261	2.7%	10.2%	841,184
Public Health	733,481	14,116	1.9%	6.7%	646,361
Sheriff	139,151	5,577	4.0%	4.0%	357,849
<b>Total</b>	<b>2,033,197</b>	<b>122,974</b>	<b>6.4%</b>	<b>89.2%</b>	<b>\$6,990,435</b>

C-Page  
B & F

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2010 SEP 17 PM 3:14

BY \_\_\_\_\_

September 14, 2010

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

ATTN: Angela Calvillo  
Clerk of the Board of Supervisors

#100991

**RE: Budget and Finance Committee Hearing September 22, 2010  
Letter In Support of the Proposed Ocean Avenue Community Benefits District**

Dear Supervisors:

I am writing to express my strong support for the proposed Ocean Avenue Community Benefits District (CBD).

As a longtime resident of the Ingleside District, I have encountered a number of issues that make it challenging to shop and take advantage of services on Ocean Avenue. Graffiti, vandalism, litter and a lack of variety in the business mix make it hard to fully utilize the Ocean Avenue commercial corridor. The recession has also created several large, long-term vacancies along the corridor. The loss of these anchor businesses has in turn made it difficult for the remaining businesses to attract customers.

The Ocean Avenue Revitalization Collaborative (OARC), an organization comprised of merchants, property owners, neighborhood groups and residents, has worked diligently to improve landscaping with the Phelan Loop greening project, to organize and participate in clean up and graffiti removal, to work with merchants and property owners to enhance the services available to the neighborhoods, and, to promote events to help draw customers and complementary businesses to the area.

A Community Benefits District (CBD) will continue and will be able to expand these efforts to enhance maintenance and cleanliness, assure timely graffiti abatement, attract a diverse and complementary pool of businesses to fill vacancies, create foot traffic, increase safety, and to generally enhance the business district and indirectly the surrounding residential neighborhoods.

***I strongly urge you to pass this very important measure to provide for additional resources under local area control to enhance our Ocean Avenue retail district.***

By way of reference, I have been a resident of the Westwood Park for more than 32 years. I am currently a member of the Ocean Avenue Revitalization Collaborative (Resident at Large), the Ocean Avenue Community Benefits District Steering Committee, the OMI Cultural Participation Project (Board and member), Westwood Park Association (Board member and Secretary), and other organizations supporting the Ocean Avenue/Ingleside neighborhoods and retail corridor.

Sincerely,



Kate Favetti  
Westwood Park resident

c: Supervisor John Avalos  
Supervisor Sean Elsbernd  
Supervisor Ross Mirkarimi

(5)

# WESTWOOD PARK



Page  
B & F

September 14, 2010

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

File #100991

ATTN: Angela Calvillo  
Clerk of the Board of Supervisors

**RE: Budget and Finance Committee Hearing September 22, 2010  
Proposed Ocean Avenue Community Benefits District**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 SEP 17 PM 3:13  
BY \_\_\_\_\_  
MK

Dear Supervisors:

As a President of the Westwood Park Association, I am writing to express my strong support for the proposed Ocean Avenue Community Benefits District (CBD).

Westwood Park residents have encountered a number of issues that make it challenging to shop and take advantage of services on Ocean Avenue. Graffiti, vandalism, litter and a lack of variety in the business mix make it hard to take advantage of a potentially vibrant and diverse commercial corridor and drive residents and customers to competing shopping districts with clean and attractive sidewalk and storefronts. The recession has also created several large, long-term vacancies along the corridor. The loss of these anchor businesses has in turn made it difficult for the remaining businesses to attract customers. *However, the Ocean Avenue commercial district can and will be more competitive with a CBD.*

I have seen many positive changes along Ocean Avenue, such as landscape improvements, community and marketing events like the Family Festival and Art Walk that promote the district and help draw customers and complementary businesses to the area. A CBD will continue these efforts to enhance maintenance and cleanliness, assure timely graffiti abatement, attract a diverse and complementary pool of businesses to fill vacancies, create foot traffic, increase safety, and to generally enhance the business district and indirectly the surrounding residential neighborhoods.

I strongly urge you to pass this very important measure to provide for additional resources under local area control to enhance our Ocean Avenue retail district.

Sincerely,  
  
Greg Clinton  
President

c: Supervisor John Avalos  
Supervisor Sean Elsbernd  
Supervisor Ross Mirkarimi

(5)

C-page  
B&F

File # (00001)

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2010 SEP 17 PM 3:13

BY \_\_\_\_\_  
RS

DAVID BONK

September 15, 2010  
Angela Calvillo  
Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlet Place  
City Hall, Room 244  
San Francisco, CA 94102

Re: Budget and Finance Committee hearing 9-22-10 for proposed Ocean Avenue Community Benefit District (CBD)

Dear Angela,

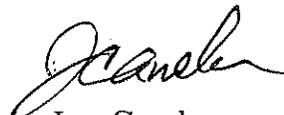
This letter is to inform you that we do not support the proposed Ocean Avenue CBD. This is a difficult economy for businesses to survive in and is not the time to place a large, additional assessment on our property taxes.

Numerous property and business owners that I have spoken with on Ocean Avenue are against this proposed CBD. The property owners who lease out their buildings will have to pass this increase on to their tenants, possibly forcing business to close. There are enough vacant buildings on Ocean Avenue already, this CBD will only compound the vacancy issue.

We strongly urge that the Board of Supervisors reject the Ocean Avenue CBD.

Sincerely,

  
David Bonk

  
Jose Canelo

Owners of the property at 1942 Ocean Avenue



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

page  
B&F

www.oceanave-oarc.org  
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 SEP 17 PM 3:19  
BY *[Signature]*

File#(00991

September 16, 2010

Re: Enclosed Letters of Support for the Ocean Avenue Community  
Benefit District

Dear Ms. Calvillo:

I would like to present to you letters from merchants and property owners who support the proposed Ocean Avenue Community Benefit District, which will be heard at the Budget & Finance Committee Meeting on September 22, 2010.

If you or the committee have any questions, please call me at (415) 375-2265 or email me at [dolly.oarc@gmail.com](mailto:dolly.oarc@gmail.com)

Thank you,

*[Handwritten Signature]*  
Dolly Sithounnolat

(5)

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

September 9, 2010

RE: Budget and Finance Committee Hearing 9/22/10 - Proposed Ocean Avenue CBD

Dear Supervisors John Avalos, Ross Mirkarimi, Sean Elsbernd:

My name is Mary Tong and I am the business owner of Bay Circle Graphics & Printing. I am writing to express my strong support for the proposed Ocean Avenue Community Benefit District (CBD).

As a small business owner on the Ocean Avenue business corridor, I have encountered a number of issues that make it challenging to focus on running a business. Graffiti vandalism, litter and a lack of variety in the business mix make it hard to run a successful business. The lack of coordinated maintenance efforts and consistent cleanliness are also factors that tend to drive customers to competing shopping districts with clean and attractive sidewalks and storefronts. However, the Ocean Avenue commercial district can and will be more competitive and able to attract local customers back to our shopping district.

I have seen many positive improvements along Ocean Avenue, such as landscape improvements, community and marketing events that promote the district and help draw customers and complementary businesses to the area. A CBD will continue these efforts in marketing the commercial corridor to bring in more foot traffic and a more diverse business mix. Enhanced maintenance and cleanliness as well as timely graffiti abatement will further benefit our commercial district and allow us to focus on running our businesses. I urge you to pass this very important measure to provide for additional resources under local control to enhance our business district.

Sincerely,



Mary Tong

Bay Circle Graphics & Printing

1019 Ocean Avenue  
San Francisco, CA 94112

(5)

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

September 10, 2010

RE: Budget and Finance Committee Hearing 9/22/10 - Proposed Ocean Avenue CBD

Dear Supervisors John Avalos, Ross Mirkarimi, Sean Elsbernd:

My name is Jeffrey Taliferro and I am a long-time neighborhood resident and business owner of Ocean Cyclery. I am writing to express my strong support for the proposed Ocean Avenue Community Benefit District (CBD).

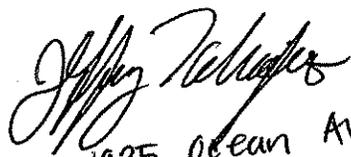
As a small business owner on the Ocean Avenue business corridor, I have encountered a number of issues that make it challenging to run focus on running my business. Graffiti vandalism, litter, trash and a lack of variety in the business mix make it hard to run a successful business. The lack of coordinated maintenance efforts and consistent cleanliness are also factors that tend to drive customers to other shopping districts with plenty of lighting, parking, and clean and attractive storefronts to frequent. However, the Ocean Avenue commercial district can and will be more competitive and able to attract local customers back to our shopping district.

I have seen many positive improvements along Ocean Avenue, such as landscape improvements, community and marketing events that promote the district and help draw customers and complementary businesses to the area. In fact, I participate in the neighborhood events such as the Annual OMI Family Festival and Ocean Avenue Small Business Sidewalk Sale.

A CBD will continue these efforts in marketing the commercial corridor to bring in more foot traffic and a more diverse business mix. Streamlined cleanliness and graffiti abatement will further benefit our commercial district and allow us to focus on running my business. I urge you to pass this very important measure to provide for additional resources under local control to enhance our business district.

Sincerely,

Jeffrey Taliferro  
Owner of Ocean Cyclery

  
1935 Ocean Avenue  
San Francisco, CA. 94127

(5)  
✓

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

September 14, 2010

RE: Budget and Finance Committee Hearing 9/22/10 - Proposed Ocean Avenue CBD

Dear Supervisors John Avalos, Ross Mirkarimi, Sean Elsbernd:

My name is James Zhang and my business partner, Li Lin, and I are owners of King's Coffee Shop on Ocean Avenue. I am also the owner of EC-Mart on Ashton Avenue at Ocean Avenue. I am writing to express my strong support for the proposed Ocean Avenue Community Benefit District (CBD).

As a small business owner on the Ocean Avenue business corridor, I have encountered a number of issues that make it challenging to focus on running a business. Graffiti vandalism, litter and a lack of variety in the business mix make it hard to run a successful business. The lack of coordinated maintenance efforts and consistent cleanliness are also factors that tend to drive customers to competing shopping districts with clean and attractive sidewalks and storefronts. However, the Ocean Avenue commercial district can and will be more competitive and able to attract local customers back to our shopping district.

I have been a resident in the OMI neighborhood for 5 years and I have seen many positive improvements along Ocean Avenue, such as landscape improvements, community and marketing events that promote the district and help draw customers and complementary businesses to the area. In fact, I have hosted many merchant mixers and fundraisers for the holiday decoration event.

A CBD will continue these efforts in marketing the commercial corridor to bring in more foot traffic and a more diverse business mix. Enhanced maintenance and cleanliness as well as timely graffiti abatement will further benefit our commercial district and allow us to focus on running our businesses.

Sincerely,



9/15/10

James Zhang and Li Lin  
King's Coffee Shop  
1901 Ocean Avenue  
San Francisco, CA 94112

(5)

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

September 13, 2010

RE: Budget and Finance Committee Hearing 9/22/10 - Proposed Ocean Avenue CBD

As a property owner along the Ocean Avenue commercial corridor, I am writing to express my strong support for the proposed Ocean Avenue Community Benefit District (CBD).

Owning property along Ocean Avenue can be difficult at times, particularly when properties are frequently vandalized by graffiti and property owners are subject to fines. The recession has also created several large, long-term vacancies along the corridor. The loss of these anchor businesses has in turn made it difficult for the remaining businesses to attract customers.

However, with OARC's leadership, I have seen many positive improvements along Ocean Avenue, from landscape improvements to community and marketing events that promote the district and help draw customers and complementary businesses to the area.

A CBD will continue marketing the commercial corridor to attract a diverse and complementary pool of businesses that fill vacancies, create foot traffic, increase safety, improve cleaning and maintenance to generally enhance the business district. The CBD will replace the need for individual property owners to paint out graffiti on their own, ensuring a more consistent and professional maintenance program for the commercial district. I urge you to pass this very important measure for the Ocean Avenue retail district.

Sincerely,



Farah Barre  
8 Keystone Way, Apt 3A  
San Francisco, CA 94127

(5)

Board of  
Supervisors/BOS/SFGOV  
09/17/2010 05:00 PM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject File 100865: plan to tax alcoholic drinks



"scott pace"  
<lscottpace@sbcglobal.net>  
09/16/2010 10:19 PM

To <Board.of.Supervisors@sfgov.org>  
cc  
Subject plan to tax alcoholic drinks

Dear Board of Supervisors,

I have to tell you that I believe that your plan to tax alcoholic drinks is unfairly placing the responsibility on ALL drinkers rather than those few who abuse their bodies. If alcohol is responsible for increased emergency services at hospitals then actually charge those people who are using those services!! The VAST majority of drinkers drink responsibly. Should we also increase everyone's insurance rates because some drivers have the majority of accidents? How about taxing all restaurants because some people over eat and obese people are at a greater risk of heart disease, diabetes and many other ailments.

Put the tax on the people who actually use the services!!

Sincerely,  
Scott Pace  
Sonoma

(5)

File 100991

B+F Comm, Clerk  
CPAGE

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 SEP 15 AM 10:37

Budget and Finance Committee  
Office of Clerk of the Board  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

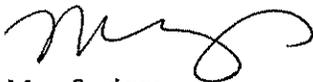
Re: Letter of Support for the Proposed Ocean Avenue Community Benefit District

Dear Supervisors John Avalos, Ross Mirkarimi, Sean Elsbernd:

As a property owner along the Ocean Avenue commercial corridor I am writing to express my strong support for the proposed Ocean Avenue Community Benefit District (CBD).

A CBD will continue marketing the commercial corridor to attract a diverse and complementary pool of businesses that fill vacancies, create foot traffic, increase safety, improve cleaning and maintenance to generally enhance the business district. The CBD will replace the need for individual property owners to paint out graffiti on their own, ensuring a more consistent and professional maintenance program for the commercial district. I urge you to pass this very important measure for the Ocean Avenue retail district.

Sincerely,



Meg Spriggs  
Senior Development Director  
AvalonBay Communities, Inc.



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

File 100991  
Sup Avalos  
Sup Mirkarimi  
Sup. Elsbernd  
BF Clerk  
Cpage

September 9, 2010

RE: Budget and Finance Committee Hearing 9/22/10 - Proposed Ocean Avenue CBD

Dear Supervisors John Avalos, Ross Mirkarimi, Sean Elsbernd:

My name is Joel Dancer and my wife Ly is the business owner of Jolie Elegant Spa. We are writing to express our strong support for the proposed Ocean Avenue Community Benefit District (CBD).

As a small business owner on the Ocean Avenue business corridor, we have encountered a number of issues that make it challenging to focus on running a business. Graffiti vandalism, litter and a lack of variety in the business mix make it hard to run a successful business. The lack of coordinated maintenance efforts and consistent cleanliness are also factors that tend to drive customers to competing shopping districts with clean and attractive sidewalks and storefronts. However, the Ocean Avenue commercial district can and will be more competitive and able to attract local customers back to our shopping district with your support.

I have been a resident and homeowner in this area for over 23 years and have seen many positive improvements along Ocean Avenue, such as landscape improvements, community and marketing events that promote the district and help draw customers and complementary businesses to the area. A CBD will continue these efforts in marketing the commercial corridor to bring in more foot traffic and a more diverse business mix. Enhanced maintenance and cleanliness as well as timely graffiti abatement will further benefit our commercial district and allow us to focus on running our businesses. I urge you to pass this very important measure to provide for additional resources under local control to enhance our business district.

Sincerely,

  
Joel and Ly Dancer

BY \_\_\_\_\_  
Alc

2010 SEP 14 PM 3:18

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO



Board of  
Supervisors/BOS/SFGOV

09/15/2010 01:48 PM

To BOS Constituent Mail Distribution,

cc

bcc

Subject Meter rates

----- Forwarded by Board of Supervisors/BOS/SFGOV on 09/15/2010 01:49 PM -----



<christophwren@sbcglobal.net>

09/14/2010 08:45 PM

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

cc

Subject Meter rates

To the Elected and Appointed Officials for the Citizens of San Francisco City and County:

Over the past few years, the West Portal Business District has experienced a fleeing of mom-and-pop businesses, many of which has been here for decades.

This plight might be further aggravated if you, who we elected or have appointed, were to extend the hours for parking meters along West Portal Avenue to include Sundays.

Also, raising the fees on these meters to perhaps \$6.00 per hour might only spell the death knell for our beloved neighborhood and the heart of the neighborhood, our fellow business people.

Please listen to the people whom you represent: **DO NOT APPROVE THESE DRACONIAN MEASURES!!!!**

Sincerely,

Christopher Wren

(6)

Board of  
Supervisors/BOS/SFGOV  
09/14/2010 05:30 PM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject File 100865: I URGE YOU FOR SAN FRANCISCO'S  
ECONOMIC HEALTH, VOTE NO ON LIQUOR FEE



Brian Raffi  
<brianraffi@yahoo.com>  
09/14/2010 11:51 AM

To board.of.supervisors@sfgov.org  
cc  
Subject I URGE YOU FOR SAN FRANCISCO'S ECONOMIC  
HEALTH, VOTE NO ON LIQUOR FEE

Supes,

Given the state of the local, and national economy,

I URGE YOU FOR SAN FRANCISCO'S ECONOMIC HEALTH, VOTE NO ON LIQUOR  
FEE

Sincerely,  
Brian Raffi

Handwritten mark consisting of a diagonal line and a circled number '7'.

Board of  
Supervisors/BOS/SFGOV

09/14/2010 05:28 PM

To BOS Constituent Mail Distribution,   
cc  
bcc  
Subject File 100865: No Alcohol Tax!

----- Forwarded by Board of Supervisors/BOS/SFGOV on 09/14/2010 05:34 PM -----



John McDonell  
<johnmcdonell@gmail.com>  
09/14/2010 11:31 AM

To board.of.supervisors@sfgov.org  
cc feldman@barcoast.com  
Subject No Alcohol Tax!

Vote no on this attempt to hang another tax on SF small business!

✓  
(7)

Board of  
Supervisors/BOS/SFGOV  
09/13/2010 03:09 PM

To BOS Constituent Mail Distribution, Victor  
Young/BOS/SFGOV,  
cc  
bcc  
Subject File 100865: Alcohol Tax



"Annie"  
<anniesbar@sbcglobal.net>  
09/13/2010 01:42 PM.

To <Board.of.Supervisors@sfgov.org>  
cc <jason@cerrell.com>  
Subject Alcohol Tax

It seems like everything you buy is getting more expensive, with a fee here and an added tax there. That will not change anytime soon with San Francisco now considering adding a local surcharge to every drink you purchase. A surcharge on every drink on every tab, bill, and receipt. Even worse, this new fee would be in addition to the taxes you already pay every time you purchase a drink. Is not it expensive enough to live in San Francisco without having to pay another new tax every time you want to buy a six pack, a bottle of wine, or have a drink at your local bar?

Please vote against the San Francisco alcohol tax!

Thank you.



Board of  
Supervisors/BOS/SFGOV  
09/13/2010 03:10 PM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject File 100865: Opposition to alcohol illegal fee



Josette M  
<jmaury08@yahoo.com>  
09/13/2010 02:26 PM

To board.of.supervisors@sfgov.org  
cc  
Subject Opposition to alcohol illegal fee

I am totally in opposition to this proposed "illegal" tax fee on alcohol consumption. Why don't you cut some of the dead wood employees at City Hall instead and rein in all these non-profit which are a drain on all the taxpayers. Businesses do not have a chance in this town. We are being taxed out of existence. Who is paying your salaries ? Certainly not the non-profit .....

Shame on you all for ALWAYS TAXING the small businesses.  
NO ON THIS ILLEGAL TAX. THE PEOPLE SHOULD HAVE A CHANCE TO VOTE ON IT AT LEAST.....

J. MAURY  
BUSINESS OWNER IN THE MISSION

(7)

Board of  
Supervisors/BOS/SFGOV  
09/13/2010 03:10 PM

To BOS Constituent Mail Distribution, Victor  
Young/BOS/SFGOV,  
cc  
bcc  
Subject File 100865: Oppose the alcohol tax



Jane Randall  
<kartart@gmail.com>  
09/13/2010 02:52 PM

To board.of.supervisors@sfgov.org  
cc  
Subject Oppose the alcohol tax

I work in a bar in SOMA. It is a bar, resturant and music venue. I  
oppose any additional fees or taxes imposed on the small businesses in  
SF. The bar is owned and operated by individuals. Bar patronage has  
been in decline; often close before 2 am.

Please oppose the alcohol tax!!

Thanks, Jane Randall

✓  
V(7)

Board of  
Supervisors/BOS/SFGOV  
09/13/2010 02:39 PM

To BOS Constituent Mail Distribution, Victor  
Young/BOS/SFGOV,  
cc  
bcc  
Subject File 100865: I am completely opposed to the proposed  
Alcohol Tax



Andy Wasserman  
<wass@otissf.com>  
09/13/2010 12:09 PM

To board.of.supervisors@sfgov.org  
cc  
Subject I am completely opposed to the proposed Alcohol Tax

Dear Board of Supervisors,  
This is a terrible idea that will further hurt already struggling restaurants  
and bars.  
Please vote against the proposed alcohol tax increase.  
Thank you,  
Andy Wasserman

V17

Board of  
Supervisors/BOS/SFGOV  
09/14/2010 10:51 AM

To BOS Constituent Mail Distribution, Victor  
Young/BOS/SFGOV,  
cc  
bcc  
Subject File 100865: SF alcohol fee (tax)

----- Forwarded by Board of Supervisors/BOS/SFGOV on 09/14/2010 10:57 AM -----



"Cornelia"  
<sfcornee@comcast.net>  
09/13/2010 10:21 PM

To <board.of.supervisors@sfgov.org>  
cc <Carmen.Chu@sfgov.org>, <gavin.newsom@sfgov.org>  
Subject SF alcohol fee (tax)

To the SF Board of Supervisors:

I think the proposed alcohol mitigation fee is a terrible misguided attempt to squeeze money out of small businesses - as if it isn't already hard enough to stay afloat in this city!

Moreover, please call this proposed fee by its real name "tax". It's really unfair how somebody comes up with these ideas and then sells them to a small group of people; then, it's forced on everyone in the name of doing some "good". Even if the intention were genuine, I don't believe for one second that the revenue would be used for its intended purpose - based on history.

A NO vote is the only vote that will represent how I feel. By the way, for your demographic purposes, I'm a white married female over 50, living in SF's Parkside District for almost 40 years. I work as a bookkeeper for a couple of small SF businesses.

Thanks for listening!

*Cornelia*

✓ (7)

California Alliance for Hospitality Jobs  
268 Bush Street #3233  
San Francisco, CA 94104-3503



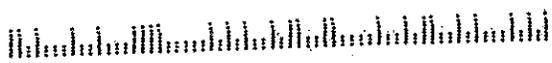
10 SEP 2010 PM 5:1



C page  
BOS-11

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

File #100865



### Feeling Nickeled and Dimed?

It seems like everything you buy is getting more expensive, with a fee here and an added tax there. Don't expect that to change anytime soon. San Francisco is now considering adding a local surcharge to every drink you purchase. That's right. A surcharge on every drink on every tab, bill, and receipt. Even worse, this new fee would be in addition to the taxes you already pay every time you purchase a drink. Isn't it expensive enough to live in San Francisco without having to pay another new tax every time you want to buy a six pack, a bottle of wine, or have a drink at your local bar?

Help us STOP alcohol taxes.

Fill out the section below and mail back.

Name: LINDSEY WALTER  
Business/Organization: Columbus Cafe  
Address: 512 Vallejo, SF 94133  
Email: lindseymwalter@hotmail.com  
Signature: [Handwritten Signature]  
Learn more: [www.savemycajob.com](http://www.savemycajob.com)



Received 13 postcards from concerned citizens in opposition to proposed legislation concerning alcohol tax. File No. 100865

BY [Signature]  
2010 SEP 20 AM 8:06  
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

(7)



# Capital Planning Committee

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
BSS-11  
CORB  
Bt F  
Clerk  
Sc page

2010 SEP 15 PM 12:42

Edwin M. Lee, City Administrator, Chair

## MEMORANDUM

BY AK

September 13, 2010

**To:** Supervisor David Chiu, Board President

**From:** Edwin M. Lee, City Administrator and Capital Planning Committee Chair

**Copy:** Members of the Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Capital Planning Committee

**Regarding:** Recommendations of the Capital Planning Committee on Streets and Rights-of-Way Certificates of Participation, Board Chambers Barrier Removal, HOPE SF Hunter's View, and the Area Plan Infrastructure Finance Committee.

In accordance with Section 3.21 of the Administrative Code, on September 13, 2010, the Capital Planning Committee (CPC) finalized its recommendations on the following items. The CPC's recommendations are set forth below as well as a record of the members present.

- 1. Board File Number TBD: \$48,000,000 in Certificates of Participation for Streets and Rights-of-Way Projects.**

**Recommendation:** Recommend approval of up to \$48,000,000 in Certificates of Participation to finance improvements to the City's curb ramps, sidewalks, street structures and street surfaces.

**Comments:** The CPC recommends approval of this item by a vote of 8-0.

Committee members or representatives in favor include Edwin Lee, City Administrator; Todd Rydstrom, San Francisco Public Utilities Commission; Dawn Kamalanathan, Recreation and Parks Department; Jackson Wong, San Francisco International Airport; Ed Reiskin, Department of Public Works; Nadia Sesay, Office of the Controller; Judson True, Board President's Office; and Greg Wagner, Mayor's Budget Office.
- 2. Board File Number TBD: Supplemental Appropriation Request: Board of Supervisors Chamber Americans with Disabilities Act Barrier Removals.**

**Recommendation:** The CPC recommends continuing this item.

**Comments:** The CPC recommends continuing this item by a vote of 8-0.

Committee members or representatives in favor include Edwin Lee, City Administrator; Todd Rydstrom, San Francisco Public Utilities Commission; Dawn Kamalanathan, Recreation and Parks Department; Jackson Wong, San Francisco International Airport; Ed Reiskin,

(8)

Department of Public Works; Nadia Sesay, Office of the Controller; Judson True, Board President's Office; and Greg Wagner, Mayor's Budget Office.

**3. Board File Number TBD:**

**\$38,000,000 in Certificates of Participation for HOPE SF at Hunter's View.**

Recommendation:

Recommend approval of up to \$38,000,000 in Certificates of Participation to finance capital improvements to City public housing in Hunter's View as part of HOPE SF.

Comments:

The CPC recommends approval of this item by a vote of 8-0.

Committee members or representatives in favor include Edwin Lee, City Administrator; Todd Rydstrom, San Francisco Public Utilities Commission; Dawn Kamalanathan, Recreation and Parks Department; Jackson Wong, San Francisco International Airport; Ed Reiskin, Department of Public Works; Nadia Sesay, Office of the Controller; Judson True, Board President's Office; and Greg Wagner, Mayor's Budget Office.

**4. Board File Number 100870:**

**Establishment of Area Plan Infrastructure Finance Committee and Rincon Hill Infrastructure Finance District.**

Recommendation:

Recommend approval of the following resolutions: a) Resolution Establishing an Area Plan Infrastructure Finance Committee (APIFC), b) Resolution of Intention to Establish an Infrastructure Financing District, and c) Resolution Directing Controller to Prepare an Infrastructure Financing Plan.

Comments:

The CPC urged the APIFC to work with the City's implementing departments to refine its cost estimates as it proceeds with efforts to form an Infrastructure Financing District in Rincon Hill and the Eastern Neighborhoods.

The CPC recommends approval of this item by a vote of 8-0.

Committee members or representatives in favor include Edwin Lee, City Administrator; Todd Rydstrom, San Francisco Public Utilities Commission; Dawn Kamalanathan, Recreation and Parks Department; Jackson Wong, San Francisco International Airport; Ed Reiskin, Department of Public Works; Nadia Sesay, Office of the Controller; Judson True, Board President's Office; and Rick Wilson, Mayor's Budget Office.

Board of  
Supervisors/BOS/SFGOV  
09/14/2010 10:50 AM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject File 101087: Pet Food Express 3150 California St.



tylerwierzbickisf  
<tylerwierzbickisf@gmail.com  
>  
09/13/2010 09:24 PM

To Board.of.Supervisors@sfgov.org  
cc  
Subject Pet Food Express 3150 California St.

I am a nearby resident of the Pet Food Express proposed at 3150 California St., the former Hollywood Video store. I fully support this proposal. If there are any objections over the anti-chain store sentiment by certain individuals, let it be known that the proposed business will be replacing a chain store which existed for many years, so no mom and pop storefronts will be lost due to the decision. I am a pet owner and pet lover, and the Pet Food Express I have patronized in Castro has high quality products that are good for my dogs and cats- all natural foods, a clean atmosphere, and the employees seem to be passionate about their pets. PetCo this is not- Pet Food Express is a truly Bay Area company with great local values and would be welcome in my neighborhood.

Sincerely,  
Tyler Wierzbicki  
410 Lake St #1  
San Francisco, CA 94118

(9)  
✓

BOS-11  
cpuzg

file 101087

Dear Supervisors,

I have recently learned that Pet Food Express is again trying to open a third store with San Francisco. I believe that all the reasons they were denied in their previous attempt, still stand.

There is no need for them in this location. The area is well served by a mix of independent stores + larger stores with parking, such as Trader Joe's + Safeway. Within a mile of the proposed store there are 27 businesses that supply the needs of pets.

San Francisco is justified in taking pride in its small businesses and protecting not only them but the fabric of the city. This was why the Conditional Use Permit was created.

Please listen to the people who love this city as much as you do and overturn the Conditional Use Permit.

Sincere best wishes,

Margy Boyd  
Margaret C Boyd

BY \_\_\_\_\_ A/c

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 SEP 14 PM 3:18

2619 Bay Street  
San Francisco, CA 94122  
415.776.5471  
415.409.1276 fax

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2010 SEP 13 PM 3:13

BY PC

Bos-11  
C-page

File 101089

Dear Ms. Lameg —

9.10.10

I am very much opposed to the opening of the third Pet Food Express store in San Fran. We need to protect local businesses, as commerce at the local level affects tons of livelihoods and families. Please do what you can to stop the opening of this chain store.  
Thank you.

- Lindsay Hower  
1344 Larkin St  
San Fran, CA 94109

BOS-11  
@page  
File#101087

9.10.10

SAN FRANCISCO BOARD OF SUPERVISORS,

I AM WRITING TO VOICE MY OPPOSITION  
OVER THE 3RD PET FOOD EXPRESS STORE BEING  
OPENED IN S.F. I MUCH PREFER BUYING  
MY PET SUPPLIES FROM MY LOCAL PET SUPPLY  
STORE. I FEAR THAT A CHAIN STORE  
SUCH AS PET FOOD EXPRESS MIGHT EVENTUALLY  
PUT SMALL BUSINESSES SUCH AS "ANIMAL  
CONNECTION" OUT OF BUSINESS. PLEASE  
PROTECT & SUPPORT OUR S.F. SMALL  
BUSINESSES BY NOT ALLOWING THIS  
CHAIN STORE TO OPEN ITS DOORS.

THANK-YOU KINDLY,  
TERSIA NUREYEV  
1905 PACIFIC AVE.  
SAN FRANCISCO, CA.  
94109

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 SEP 13 PM 3:19  
BY 

(10)

ELISE B. LUFKIN  
101 GREENHORN LOOP, BOX 2997  
KETCHUM, IDAHO 83340  
TEL 208-788-9112 FAX 208-578-7735

BTS-11  
C-page

File #  
101087

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 SEP 13 PM 3:15  
BY \_\_\_\_\_

Monday, September 06, 2010

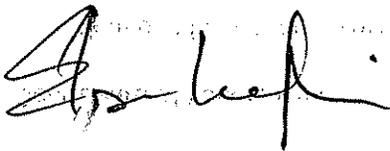
Dear Board of Supervisors:

I am a lifelong fan of San Francisco. I come to visit four or five times a year. The city's small independent stores add a great deal to its unique fabric. George at 2411 California Street is one of my favorite places to shop.

I have recently learned that Pet Food Express is again trying to open a third store in the city, this time at California St. . Within a mile of this location there are already twenty-seven stores that supply the needs of the area's pets. With good reason San Francisco is proud of its small businesses. Please support this important asset and overturn the Pet Food Express Conditional Use permit.

Thank you for your consideration of this issue.

Sincerely,



Elise B. Lufkin

(10)



Linda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Maziar Movassaghi  
Acting Director  
1001 "I" Street  
P.O. Box 806  
Sacramento, California 95812-0806



Arnold Schwarzenegger  
Governor

BOS-11  
COB, page

**TITLE 22, California Code of Regulations**  
**45-DAY PUBLIC NOTICE AND COMMENT PERIOD**  
**For Proposed Rulemaking**

**SAFER CONSUMER PRODUCT ALTERNATIVES**

**Department Reference Number: R-2010-05**

**Office of Administrative Law Notice File Number: Z-2010-0908-01**

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 SEP 14 PM 3:18

**NOTICE IS HEREBY GIVEN** that the Department of Toxic Substances Control (DTSC) proposes to add chapter 53 to division 4.5 of Title 22, California Code of Regulations, and to amend the Table of Contents. These proposed additions pertain to identification and prioritization of chemicals of concern in consumer products, evaluation of their alternatives, and regulatory responses for selected alternatives.

**PUBLIC HEARING AND WRITTEN COMMENT PERIOD**

A written comment period has been established commencing on September 17, 2010, and closing on November 1, 2010. DTSC will hold a public hearing on the proposed regulations at 1:00 p.m. on November 1, 2010 in the Byron Sher Auditorium, 2<sup>nd</sup> Floor, 1001 "I" Street, Sacramento, at which time any person may present statements or arguments orally or in writing, relevant to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments on the rulemaking submitted no later than 5:00 p.m. on November 1, 2010 will be considered.

Representatives of DTSC will preside at the hearing. Persons who wish to speak are requested to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 10:00 a.m. to 1:00 p.m. Registered persons will be heard in the order of their registration. Any other person wishing to speak at the hearing will be afforded an opportunity after the registered persons have been heard.

Due to enhanced security precautions at the Cal/EPA Headquarters Building located at 1001 "I" Street, Sacramento, all visitors are required to sign in prior to attending any

111

meeting. Sign-in and badge issuance occur in the Visitor and Environmental Services Center. This Center is located just inside and to the left of the building's public entrance. Depending on their destination and the building security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.

If you have special accommodation or language needs, please contact Jeff Woled, Regulations Coordinator, Regulations Section, at (916) 322-5225 or by e-mail at [gcregs@dtsc.ca.gov](mailto:gcregs@dtsc.ca.gov) by October 18, 2010. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

In accordance with the California Government Code and Americans with Disabilities Act requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette, etc. as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact Adrian Recio at (916) 324-3095 or by e-mail at [arecio@dtsc.ca.gov](mailto:arecio@dtsc.ca.gov).

## **AUTHORITY AND REFERENCE**

Authority: These regulations are being adopted under the following authorities:

Health and Safety Code section 25252: This section authorizes and requires DTSC to adopt regulations to establish a process to identify and prioritize those chemicals or chemical ingredients in consumer products that may be considered as being a chemical of concern. This section directs DTSC, in adopting these regulations, to develop criteria by which chemicals and their alternatives may be evaluated. This section also directs DTSC to reference and use available information from various sources, but does not limit DTSC to referencing and using only this information.

Health and Safety Code section 25253: This section authorizes and requires DTSC to adopt regulations that establish a process for evaluating chemicals of concern in consumer products, and their potential alternatives, to determine how best to limit exposure or to reduce the level of hazard posed by a chemical of concern. This section requires that these regulations establish a process that includes: (i) an evaluation of the availability of potential alternatives and potential hazards posed by those alternatives; (ii) an evaluation of critical exposure pathways; and (iii) life cycle assessment tools that take into consideration, at a minimum, thirteen (13) specified factors. This section also requires that the regulations specify the range of regulatory responses that DTSC may take following

the completion of an alternatives analysis, including, but not limited to, nine (9) specified responses.

Health and Safety Code section 58012 (added by Gov. Reorg. Plan No. 1, §146, eff. July 17, 1991.) This section grants DTSC authority to adopt regulations to execute its duties.

Reference: These regulations implement, interpret, or make specific the following statutes:

Health and Safety Code sections 25251, 25252, 25253, 25257, and 25257.1, and article 8 of chapter 6.5 of division 20.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

### **Existing Law**

#### State Law

Existing law establishes the Department of Toxic Substances Control, in the California Environmental Protection Agency, with powers and duties regarding, among other things, hazardous waste disposal, underground storage of hazardous substances and waste, and the handling and release of hazardous materials.

Health and Safety Code section 25252 requires DTSC, by January 1, 2011, to adopt regulations to establish a process by which chemicals or chemical ingredients in consumer products may be identified and prioritized for consideration as being chemicals of concern. This process is required to include, at a minimum, consideration of: (i) the volume of a chemical in commerce in California, (ii) the potential for exposure to a chemical in a consumer product, and (iii) potential effects on sensitive subpopulations, including infants and children.

Health and Safety Code section 25252 directs DTSC, in adopting these regulations, to develop criteria by which chemicals and their alternatives may be evaluated. These criteria must include, at a minimum, the hazard traits and environmental and toxicological endpoints that the Office of Environmental Health Hazard Assessment (OEHHA) is required to specify by January 1, 2011, pursuant to Health and Safety Code section 25256.1, for purposes of the Toxic Information Clearinghouse that DTSC is required to establish pursuant to Health and Safety Code section 25256.

Health and Safety Code section 25252 also directs DTSC, in adopting these regulations, to reference and use, to the maximum extent feasible, available information from other nations, governments, and authoritative bodies. However, the statute provides that DTSC is not limited to referencing and using only this information.

Health and Safety Code section 25253 requires DTSC to adopt regulations, by January 1, 2011, that establish a process for evaluating chemicals of concern in consumer products, and their potential alternatives, to determine how best to limit

exposure or to reduce the level of hazard posed by a chemical of concern. This section requires that these regulations establish a process that includes: (i) an evaluation of the availability of potential alternatives and potential hazards posed by those alternatives; (ii) an evaluation of critical exposure pathways; and (iii) life cycle assessment tools that, at a minimum, take into consideration: product function or performance; useful life; materials and resource consumption; water conservation; water quality impacts; air emissions; production, in-use, and transportation energy inputs; energy efficiency; greenhouse gas emissions; waste and end-of-life disposal; public health impacts, including potential impacts to sensitive subpopulations, including infants and children; environmental impacts; and economic impacts.

Health and Safety Code section 25253 also requires that the regulations specify the range of regulatory responses that DTSC may take following the completion of an alternatives analysis, including, but not limited to, requiring: no regulatory response; additional information to be provided to DTSC; labeling or other types of product information; a restriction on, or prohibition of, the use of a chemical of concern in a consumer product; controlling access to or limiting exposure to the chemical of concern in a consumer product; managing the product at the end of its useful life; funding green chemistry challenge grants; and any other outcome DTSC determines accomplishes the requirements of this statute.

Health and Safety Code section 25251 defines "consumer product", for purposes of the regulations required by Health and Safety Code sections 25252 and 25253, to mean a product or part of a product that is used, bought, or leased for used by a person for any purpose. However, "consumer product" does not include: dangerous prescription drugs and devices; dental restorative materials; medical devices; packaging associated with dangerous prescription drugs and devices, dental restorative materials and medical devices; food; pesticides; and mercury-containing lights. (Mercury-containing lights are exempted only through December 31, 2011.)

Health and Safety Code section 25257 establishes a procedure for the protection of information submitted to DTSC, for purposes of Health and Safety Code sections 25252 and 25253, that is claimed to be a trade secret.

Health and Safety Code section 25257.1 states that DTSC is not authorized to supersede the regulatory authority of any other department or agency, and that DTSC shall not adopt duplicative or conflicting regulations for product categories already regulated, or subject to pending regulation, consistent with the purposes of Health and Safety Code sections 25252 and 25253.

Article 8 of chapter 6.5 of division 20 of the Health and Safety Code sets forth DTSC's authority and mechanisms for enforcing the provisions of chapter 6.5 (which includes the above listed statutes) and the regulations adopted pursuant thereto.

Health and Safety Code section 58012 (added by Gov. Reorg. Plan No. 1, §146, eff. July 17, 1991) grants DTSC authority to adopt and enforce regulations for execution of its duties.

### Federal Law

The federal Toxic Substances Control Act of 1976 (TSCA) authorizes the United States Environmental Protection Agency (USEPA) to require reporting, record-keeping and testing requirements, and to set restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics and pesticides. TSCA addresses the production, importation, use, and disposal of specific chemicals. Among its provisions, TSCA requires USEPA to maintain the TSCA inventory which currently contains more than 83,000 chemicals. As new chemicals are commercially manufactured or imported, they are placed on the list.

TSCA requires the submission of health and safety studies which are known or available to those who manufacture, process, or distribute in commerce specified chemicals; and allows USEPA to gather information from manufacturers and processors about production/import volumes, chemical uses and methods of disposal, and the extent to which people and the environment are exposed. However, there were 62,000 chemicals in use in 1976 when TSCA was adopted into federal law. TSCA provides for a grandfather clause for those 62,000 chemicals.

TSCA places the responsibility for conducting health and environmental impact testing on USEPA, not the producer of the chemical substance or mixture. To date, USEPA has conducted testing and published data on only 200 chemicals in the inventory of 83,000 chemicals.

In 2009 the Government Accountability Office found USEPA's implementation of TSCA to be "high-risk" because "EPA has failed to develop sufficient chemical assessment information on the toxicity of many chemicals that may be found in the environment as well as tens of thousands of chemicals used commercially in the United States".

### **Policy Statement Overview**

#### Background

There are currently more than 80,000 chemicals approved under federal law for use in the United States (U.S.). Each day, a total of 42 billion pounds of chemical substances are produced or imported in the U.S. for commercial and industrial uses. An additional 1,000 new chemicals are introduced into commerce each year. Approximately one new chemical comes to market every 2.6 seconds, and global chemical production is projected to double every 25 years. The average U.S. consumer today comes into contact with 100 chemicals per day. In 2009, the U.S. Centers for Disease Control and Prevention conducted the Fourth National Report on Human Exposure to Environmental Chemicals, which measured 212 chemicals in the blood and urine of a representative population of California. California consumers and businesses are becoming increasingly aware and concerned about the abundance of chemicals that they are

exposed to in the products that they use on a day-to-day basis in their homes and in the workplace.

For more than a decade, the California Legislature has considered nearly a hundred bills proposing chemical bans and broader chemical policies for California, heard testimony from "battling scientists" and was interested in developing a broader, more comprehensive approach to chemicals policy.

In 2003, the Senate Environmental Quality Committee and the Assembly Committee on Environmental Safety and Toxic Materials commissioned a report from the University of California (U.C.) to investigate the current legal and regulatory structure for chemical substances and to report on how a California chemicals policy could address environmental and health concerns about chemical toxicity, build a long-term capacity to improve the design and use of chemicals, and understand the implications of European policy on the California chemical market.

In 2006, the U.C. Berkeley authors presented the commissioned report, *Green Chemistry in California: A Framework for Leadership in Chemicals Policy and Innovation* and made a connection between weaknesses in federal policy, namely TSCA, and the health and environmental damage happening in California. The report broadly summarized their findings into what they called the "three gaps":

- *Data Gap:* There is a lack of information on which chemicals are safe and which are toxic, and what chemicals are in products. The lack of access to chemical data creates an unequal marketplace. California businesses cannot choose and make safer products and respond to consumer demand without ingredient disclosure and safety testing.
- *Safety Gap:* Government agencies do not have the legal tools or information to prioritize chemical hazards. Under TSCA only 5 chemicals out of 83,000 have been banned since 1976. The California Legislature has frequently addressed this problem by approving individual chemical bans. Chemical bans come before the Legislature because there are very few other mechanisms in place at the federal or State level that can remove harmful chemicals from the marketplace.
- *Technology Gap:* There is an absence of regulatory incentives, market motivation which stems from the data gap, and educational emphasis on green chemistry methodologies and technologies. In order to build a substantial green chemistry infrastructure, a coincident investment and commitment must be made to strengthen industrial and academic research and development.

In 2007, the California Environmental Protection Agency launched California's Green Chemistry Initiative within the Department of Toxic Substances Control (DTSC). The *California Green Chemistry Initiative Final Report* released in December 2008 included the following six policy recommendations for implementing this comprehensive program in order to foster a new era in the design of a new consumer products economy, which

includes inventing, manufacturing and using toxic-free, sustainable products.

1. Expand Pollution Prevention and product stewardship programs to more business sectors to focus on prevention rather than simple source reduction or waste controls.
2. Develop Green Chemistry Workforce Education and Training, Research and Development and Technology Transfer through new and existing educational program and public/private partnerships.
3. Create an Online Product Ingredient Network to disclose chemical ingredients for products sold in California, while protecting trade secrets.
4. Create an Online Toxics Clearinghouse, an online database providing data on chemical, toxicity and hazard traits to the market place and public.
5. Accelerate the Quest for Safer Products, creating a systematic, science-based process to evaluate chemicals of concern and identify safer alternatives to ensure product safety.
6. Move Toward a Cradle-to-Cradle Economy to leverage market forces to produce products that are "benign-by-design" in part by establishing a California Green Products Registry to develop green metrics and tools for a range of consumer products and encourage their use by businesses.

In 2008, Assembly Bill 1879 (Chapter 559, Feuer) and Senate Bill 509 (Chapter 560, Simitian), were signed into law by Governor Schwarzenegger to implement two key recommendations of the California Green Chemistry Initiative Final Report: acceleration of the quest for safer products, and creation of an online toxics clearinghouse.

### Broad Objectives

The proposed regulations that are the subject of this notice, and the authorizing statutes (Health and Safety Code sections 25252 and 25253), are intended to implement recommendation #5 of the California Green Chemistry Initiative Final Report --- Accelerate the Quest for Safer Products, and, thus, create a systematic, science-based process to evaluate chemicals of concern, and identify safer alternatives to ensure product safety.

### Specific Objectives

- Establish a process to identify and prioritize those chemicals or chemical ingredients in consumer products that may be considered as being a chemical of concern.
- Establish a process for evaluating chemicals of concern in consumer products, and their potential alternatives, to determine how best to limit exposure or to reduce the level of hazard posed by priority chemicals.

- Specify the range of regulatory responses that DTSC may take following the completion of the alternatives analysis.

### **Proposed Regulations**

The proposed regulation would add a new chapter 53, Safer Consumer Products Alternatives, to division 4.5 of Title 22, California Code of Regulations. These regulations are necessary to fulfill the requirements of Health and Safety Code sections 25252 and 25253, which require DTSC to adopt regulations to establish a process to identify and evaluate chemicals of concern in consumer products and identify safer alternatives, and to specify regulatory responses that may be imposed upon completion of the alternatives analysis process.

### Summary of Regulations

#### **A. Applicability**

The regulations apply to all consumer products placed into the stream of commerce in California, and all chemicals that exhibit a hazard trait and are reasonably expected to be contained in these consumer products; EXCEPT for those products exempted by the statute: dangerous prescription drugs and devices; dental restorative materials; medical devices; packaging associated with dangerous prescription drugs and devices, dental restorative materials and medical devices; food; pesticides; and mercury-containing lights. (Mercury-containing lights are exempted only through December 31, 2011.) The regulations do not apply to products used solely to manufacture a product exempted by the statute, or to products manufactured, stored or transported through California solely for use out-of-state. The regulations also do not apply to unintentionally-added chemicals that the producer does not know to be present in a product after exercising due diligence.

If a responsible entity or manufacturer notifies DTSC that: (i) a Chemical under Consideration or a Priority Chemical has been (or will be) removed from a product, or (ii) a product is no longer (or will no longer be) placed into commerce in California, the product that is the subject of the notice will no longer being subject to the regulations.

#### **B. Guiding Principles**

The regulations provide guiding principles for DTSC, manufacturers, and responsible entities in implementing their respective responsibilities under the regulations:

- Green chemistry principles and life cycle thinking should be considered throughout implementation of the regulations.
- Adverse public health and environmental impacts that may result from the production, use or end-of-life management of consumer products and their ingredients should be significantly reduced or eliminated.

- Adverse public health and environmental impacts of chemicals used in commerce should be significantly reduced by encouraging redesign of consumer products and manufacturing processes.
- Chemical and product prioritization processes should seek to give priority to chemicals and consumer products that pose the greatest public health and environmental threats, are most prevalently used by consumers, and pose the greatest potential for harmful public health or environmental exposures.

### C. Three-Step Process

The regulations provide for a three-step continuous, science-based, iterative process to identify safer consumer product alternatives:

- DTSC --- Evaluation and prioritization of chemicals and consumer products to develop a list of "Priority Products" that contain "Priority Chemicals".
- Consumer Product Responsible Entities & Manufacturers --- Assessment of alternatives, which must be performed for the Priority Chemical used in each product that is a listed Priority Product, with the objective of identifying and selecting a viable safer alternative (if one exists). Responsible entities must notify DTSC when their product is listed as a Priority Product, and DTSC posts this information on its website.
- DTSC --- Identification and imposition of regulatory responses to effectively limit the public health and/or environmental threats, if any, posed by the consumer product (due to the Priority Chemical) or the threats posed by the alternative chemical/product selected to replace the Priority Product.

### D. Responsibility for Compliance

- The responsible entity for a consumer product has primary responsibility for ensuring compliance with the requirements pertaining to: (i) providing chemical and product information to DTSC needed for the prioritization process, (ii) notifying DTSC that their product is a Priority Product, (iii) performing an alternatives assessment (AA) and submitting an AA Work Plan and AA Report to DTSC for their Priority Product, and (iv) complying with regulatory responses applicable to their product.
- The regulations define "responsible entity" to include: (i) the owner of the product brand name or trademark, (ii) California importers of the product, (iii) California distributors of the product, (iv) retailers who sell the product in California, and (v) any other person who has a contractual agreement with one of these entities concerning the product.
- There will be multiple responsible entities for each consumer product. The requirements will be deemed to be satisfied as long as at least one responsible entity, or another person, fulfills the requirement for the product. It is anticipated that in many cases the requirements will be fulfilled on behalf of the responsible

entity(ies) by the product manufacturer, a trade association or consortium, or a public-private partnership.

- If a regulatory requirement has not been fulfilled, a responsible entity is given the option to fulfill the requirement or cease placing the product into the stream of commerce in California.

#### **E. Consequences of Non-Compliance**

- When DTSC determines a requirement has not been fulfilled for a product, DTSC will issue a notice of non-compliance to known responsible entities and others in the supply chain.
- If the non-compliance is not remedied, the product and information concerning the product and its supply chain will be placed on a Failure to Comply List maintained on DTSC's website.
- DTSC may conduct audits to determine compliance with the requirements of the regulations pertaining to alternatives assessments and regulatory responses.
- DTSC may also initiate enforcement actions, including imposition of fines and penalties, against responsible entities for failure to comply with the regulations.

#### **F. Information on DTSC's Website**

The regulations require DTSC to post on its website a comprehensive list of documents and information pertaining to implementation of the regulations. In some cases, a notice of the availability of the information will be provided in the California Regulatory Notice Register (CRNR) and to persons on DTSC's listserv for these regulations. These will be DTSC's main avenue of communication with responsible entities, others in the supply chain, and the public.

#### **G. Disputes**

The regulations provide a process for a responsible entity or manufacturer to dispute an action taken by DTSC that applies to the responsible entity's or manufacturer's chemical or product. Any requirement imposed by DTSC under the regulations, and posting of information in the Failure to Comply list concerning that requirement, will be stayed while a dispute is pending.

#### **H. Confidentiality of Information**

The regulations set out provisions for the treatment of information submitted under the regulations and claimed to be confidential by the submitter. The regulations also specify procedures for DTSC to follow in handling trade secrets. These provisions address the statutory and regulatory authorities that apply to a claim of confidentiality, the procedural requirements for making a claim, and how DTSC may review such a claim.

The regulations are based on the authorities for handling confidential information found in Health and Safety Code section 25257 and the California Public Records Act (PRA). The regulations include provisions that promote faster and more efficient disclosure of information, such as the marking and indexing of all confidential claims and up-front substantiation of trade secret claims. DTSC intends to rely on the PRA statute and substantive criteria already established in case law for determining trade secret justification, including that set forth in Government Code 6255.

### **I. Small Businesses**

The regulations establish special provisions for small businesses that are independently owned and operated and have twenty-five (25) or fewer employees and average annual gross receipts of no more than one million dollars (\$1,000,000). A manufacturer that qualifies as a small business may request, and DTSC shall provide, consultative services to assist the manufacturer in complying with requirements pertaining to alternatives assessments. In addition, for any of the time frames specified in the regulations, or that DTSC specifies pursuant to the regulations, DTSC may, at its discretion, allow a business that qualifies as a small business a longer period of time to comply.

### *Chemical and Product Prioritization*

#### **A. Chemical and Product Information**

The prioritization process will be informed by a wealth of information that DTSC will obtain from the public domain. Responsible entities will be required to provide any necessary information DTSC is unable to obtain from the public domain. The type of data and other information that DTSC will seek, to the extent it determines there is a need for the information, include:

- Chemical and product data and information pertinent to the public health, environmental and other factors used to prioritize chemicals and products.
- Information describing the types, categories and classes of products that contain Priority Chemicals.
- Identification of intentionally-added chemicals and chemical ingredients in specified products, including quantities in the entire product or component.
- Chemical and product market data.
- Standard analytical chemistry protocols for the detection and measurement of a chemical in products and in environmental and biological media.

Responsible entities required to provide data and information to DTSC may fulfill information requests by making available to DTSC data and information that has been provided under the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), Toxic Substance Control Act (TSCA), or Canadian Environmental Protection Act (CEPA) programs.

### **B. Applicability**

DTSC will not include in the chemical or product prioritization a chemical or product for which DTSC makes one of the following determinations:

- The chemical is regulated by one or more federal and/or other California State regulatory program(s) that, in combination, address, for each life cycle segment, the same public health and environmental threats addressed by article 14 of chapter 6.5 of division 20 of the Health and Safety Code and this chapter.
- There is no exposure pathway by which the chemical might pose a threat to public health or the environment in California during the useful life or the end-of-life management of the chemical or any product containing the chemical.

### **C. Chemical Prioritization**

Chemicals of Concern are identified and prioritized using a three-step screening process:

- 1) Only chemicals that exhibit a hazard trait, as identified by the OEHHA for purposes of the Toxic Information Clearinghouse, will be considered in the prioritization process. In the event that OEHHA's hazard traits are not identified by the time DTSC starts the first prioritization process, the hazard traits that will be used for the first chemicals lists are:
  - Carcinogens and reproductive toxins included on specified lists by various other regulatory bodies,
  - Mutagens listed by the European Union, and
  - USEPA-listed persistent bioaccumulative toxins.
- 2) Using the following prioritization factors, DTSC will develop a list of "Chemicals under Consideration":
  - Chemical and physical properties.
  - Adverse public health impacts.
  - Adverse ecological impacts.
  - Adverse environmental impacts.
  - Volume of the chemical in the stream of commerce in California.
  - Potential for public or environmental exposure to the chemical during the useful life and end-of-life management of consumer products that contain the chemical.

- Existence of data and other information relating to actual and potential public or environmental exposures to the chemical.
  - The degree to which federal and/or other California State regulatory programs address the public health and environmental threats posed by the chemical throughout the life cycle of the chemical and consumer products that contain the chemical.
- 3) From the Chemicals of Concern that are on the Chemicals under Consideration list, DTSC will develop a list of "Priority Chemicals". Priority Chemicals will be identified based on the following factors:
- The relative degree of threat posed by each chemical to public health and the environment,
  - Availability of reliable information to substantiate the threat(s) posed by the chemical, and
  - Availability of DTSC resources.

In evaluating the relative degree of threat DTSC will give priority to those chemicals that pose the greatest public health and environmental threats, are most prevalently distributed in commerce and contained in products used by consumers; and for which there is the greatest potential for consumers or environmental receptors to be exposed to the chemical in quantities that can result in public health or environmental harm. DTSC will consider both the potential for exposure to the chemical and the potential harm resulting from potential exposures.

#### **D. Product Prioritization**

Products are also identified and prioritized using a three-step screening process:

- 1) Only consumer products that contain a Priority Chemical will be considered in the prioritization process.
- 2) Using the following prioritization factors, DTSC will develop a list of "Products under Consideration":
  - Volume of the product in the stream of commerce in California, and the product's contribution to the volume of the Priority Chemical in the stream of commerce in California.
  - Potential for public or environmental exposure to the Priority Chemical in the product during the useful life and end-of-life management of the product.
  - Types and extent of consumer uses that could result in public exposure to the Priority Chemical in the product, which, in turn, could result in adverse public health impacts.

- Product uses or management or disposal practices that could result in releases to the environment of the Priority Chemical in the product, which in turn could result in adverse ecological or other environmental impacts.
  - Existence of data and other information related to actual and potential public or environmental exposures to the Priority Chemical in the product.
  - Whether the product is required to be managed as a hazardous waste in California at the end of its useful life.
  - Whether the Priority Chemical is required to be used in or contained in the product pursuant to a federal or California State law.
  - The degree to which federal and/or other California State regulatory programs address the public health and environmental threats posed by the Priority Chemical in the product throughout the life cycle of the product.
- 3) From the consumer products that are on the Products under Consideration list, DTSC will develop a list of "Priority Products". Priority Products will be identified based on the following factors:
- The relative degree of threat posed by each product, due to the Priority Chemical in the product, to public health and the environment,
  - Availability of reliable information to substantiate the threat(s) posed by the product,
  - Availability of an existing alternatives assessment that is relevant to the product or the Priority Chemical in the product, and
  - Availability of DTSC resources.

In evaluating the relative degree of threat, DTSC will give priority to those chemicals, and the products that contain them, that pose the greatest public health and environmental threats; are most prevalently distributed in commerce and used by consumers; and for which there is the greatest potential for consumers or environmental receptors to be exposed to the chemical in quantities that can result in public health or environmental harm. DTSC will consider both the potential for exposure to the chemical in the product and the potential harm resulting from potential exposures.

#### **E. Listing Process**

- Prior to finalizing the chemical and product lists, DTSC will make the proposed lists available on its website, for public review and comment, along with supporting documentation, including DTSC's rationale, data, and data sources.
- DTSC will publish in the CRNR, send to persons on any listserv(s) that DTSC establishes related to this chapter, and post on its website a notice regarding the

availability of the proposed lists and supporting documentation. The notice will include the deadline for submitting public comments, and notification of any workshops that DTSC may, at its discretion, hold for the proposed lists.

- After review and consideration of public comments on the proposed lists, DTSC will finalize and post the final lists on its website.
- Using the same procedures, DTSC will update the chemical and product lists as needed. Revisions may include additions and deletions to the prior lists.
- The lists will be issued according to the following schedule:
  - Proposed initial list of Chemicals under Consideration --- June 1, 2011
  - Final initial list of Chemicals under Consideration --- March 1, 2012
  - Proposed initial list of Priority Chemicals --- July 1, 2012
  - Proposed initial list of Products under Consideration --- March 1, 2013
  - Proposed initial list of Priority Products --- September 1, 2013
  - Final initial list of Priority Products --- December 1, 2013

While the four initial lists will be developed separately, subsequent lists may be issued simultaneously or sequentially.

#### **F. Petition Process**

- Any person may petition DTSC to evaluate a chemical or a product using the chemical prioritization and/or product prioritization processes described above. Within sixty (60) days of receiving a petition, DTSC will review the petition and determine if it is complete.
- DTSC will prioritize the technical review of petitions determined to be complete based on the comprehensiveness of the petitions and the availability of resources. Highest priority will be given to petitions by federal and other California State regulatory programs that relate to the petitioning agency's legislative and/or regulatory mandates.
- DTSC will conduct a technical review of each petition determined to be complete to determine whether to grant or deny the petition based on: (i) the comprehensiveness of the data and information supporting the petition that pertains to the prioritization factors identified above; (ii) the quality of supporting data and information; and (iii) the availability of data and information, other than the data and information submitted with the petition, for DTSC to determine hazard traits exhibited by the chemical and evaluate the chemical and/or the product based on the prioritization factors identified above.
- After completing the technical review, DTSC will either grant or deny the petition. After granting a petition, DTSC will evaluate and, if applicable, prioritize the chemical and/or the product in accordance with the prioritization processes described above.

### Alternatives Assessments

#### **A. Guidance Materials**

The regulations require DTSC to prepare and make available on its website, guidance materials to assist persons in performing alternatives assessments, and to post on its website alternatives assessments (AA) that are available in the public domain and are supported by reliable information.

#### **B. AA Notifications & Tier I AA Reports for Early Chemical Substitutions**

After a chemical has been listed as a Chemical under Consideration or Priority Chemical, if any product containing that chemical is reformulated or redesigned to remove or reduce the concentration of that chemical, or the original product has been replaced with an alternative product, the responsible entity shall provide an AA Notification to DTSC before placing the reformulated, redesigned or replacement product into the stream of commerce in California.

The AA Notification must include specified information identifying and describing the product, including brand name, the chemical removed from or reduced in the product, and intended uses and customer base. Additionally, the notice must include either: (i) a report for a Tier I alternatives assessment (defined as being substantially equivalent to the Green Screen For Safer Chemicals, as published and amended by Clean Production Action); or (ii) the following additional information:

- (A) Information explaining the rationale for and the factors considered in selecting the reformulation, redesign or substitution alternative;
- (B) Identification, and a qualitative or quantitative description, of any reduction(s) to adverse public health or environmental impacts achieved by the reformulation, redesign or substitution; and
- (C) Identification of any hazard traits exhibited by the substitute chemical, if another chemical was substituted for the Chemical under Consideration or Priority Chemical.

#### **C. Tier II Alternatives Assessments (AA)**

##### Tier II AA Evaluation and Comparison Process and Factors

The regulations define the term Tier II alternatives assessment (AA) to include a Chemical Hazard Assessment and an Exposure Potential Assessment (which together are referred to as a Tier II-A AA), and a Multimedia Life Cycle Evaluation (referred to as a Tier II-B AA).

The Chemical Hazard Assessment is performed first to evaluate and compare a Priority Product and all alternatives initially identified for consideration. Following completion of the Chemical Hazard Assessment, an Exposure Potential Assessment is performed to evaluate and compare the Priority Product and any alternative being considered that

contains a chemical that exhibits one or more hazard traits. An Exposure Potential Assessment is not required if none of the alternatives being considered contain a chemical that exhibits a hazard trait. The results of the Chemical Hazard Assessment and/or, if applicable, the Exposure Potential Assessment, may be used to screen out alternatives before proceeding with the Multimedia Life Cycle Evaluation.

The Priority Product and all alternatives being considered must be evaluated and compared for the same set of life cycle segments, using the same methodologies and a consistent set of factors. In identifying the list of factors that will be used for AA the evaluation and comparison, the person performing the Tier II AA is required review the list of factors specified in the regulations to determine which factors are pertinent to, and will be used for, the evaluation and comparison. The AA evaluation and comparison factors listed in the regulations include:

**Chemical Hazard Assessment** --- chemical information, public health impacts, ecological impacts, and chemical traits related to environmental impacts.

**Exposure Potential Assessment** --- exposure limitations, chemical quantity information, consumer uses, and environmental releases.

**Multimedia Life Cycle Evaluation** --- product function and performance, materials and resource consumption impacts, environmental impacts, economic impacts.

The regulations list a number of detailed factors for each of the broad categories identified above.

#### Requirements for Performing a Tier II AA

A responsible entity for a product that is listed as a Priority Product, or a person acting on behalf of or in lieu of the responsible entity, is required to perform a Tier II AA for the product.

A work plan for the AA must be submitted to DTSC no later than one hundred and eighty (180) days following the date that the product is listed as a Priority Product on DTSC's website. The regulations specify the content requirements for the AA work plan, which include: preparer information, product information, supply chain information, AA goal and scope of alternatives, scope of life cycle segments to be evaluated, approach and methodology, and schedule and deliverables. DTSC will review the work plan within sixty (60) days and issue a notice of completeness or notice of deficiency. Notices of completeness will include due dates for submitting reports for the Tier II-A AA and Tier II-B AA, which are submitted separately.

A one-time extension may be requested for the AA work plan and/or AA reports. A one-time extension for an AA Work Plan cannot exceed ninety (90) days, and a one-time extension for an AA Report cannot exceed twelve (12) months.

In lieu of an AA work plan, a report for a previously completed AA for the Priority Product may be submitted to DTSC, if DTSC determines that the report is substantially equivalent to the requirements of the regulations.

All alternatives assessments must be performed by a qualified in-house assessment entity or qualified third-party assessment entity, both of which must be designated by DTSC. The designation process requires the entity to demonstrate its capability and methods for performing alternatives assessment, compliance with ISO 14040 standards, and recordkeeping practices. Each alternatives assessment must be performed under the responsible charge of a lead assessor. An alternatives assessment performed by a qualified in-house assessment entity must also be verified by a second lead assessor employed by a qualified third-party assessment entity. Lead assessors must be trained and accredited by an accrediting body designated by DTSC. The regulations include detailed requirements for accreditation programs, and detailed qualification requirements for lead assessors.

#### **D. De Minimis Exemptions**

A responsible entity is exempt from the Tier II AA requirements if the manufacturer of the responsible entity's product requests, and DTSC grants, a de minimis exemption.

By default, "de minimis" level is defined as the lower of 0.1% by weight to or the lowest applicable federal or California State public health or environmental regulatory threshold. However, in the Priority Products list, DTSC has the option to specify that an exemption is not available for a specific product/chemical combination if: (i) The chemical has been shown to be harmful in concentrations below the de minimis level; or (ii) The chemical is found below the de minimis level in numerous consumer products that are commonly used on a frequent basis, and these cumulative exposures to de minimis concentrations of the chemical have been shown to be harmful.

When the chemical has been shown to be harmful or potentially harmful in concentrations below the de minimis level, DTSC may, at its discretion, specify a lower de minimis level for the product if reliable information identifies a specific lower de minimis threshold for the chemical that is based on a scientific evaluation of public health and environmental adverse impacts. The de minimis exemption will not be allowed in any situation for chemicals, materials, or substances manufactured or engineered at the nanoscale, or which contain nanostructures, or are considered to be a nanomaterial.

A request for a de minimis exemption must be submitted to DTSC no later than sixty (60) days after the product has been listed as a Priority Product. Within sixty (60) days of receiving a de minimis exemption request DTSC will issue a notice granting or denying the exemption or requesting more information. The regulations specify the criteria for DTSC to use in making a decision to grant or deny a de minimis exemption. De minimis exemptions will be rescinded if DTSC determines that the data or other information that DTSC relied upon in granting the exemption was not, or is no longer, valid. All notices granting, denying or rescinding de minimis exemption must include a statement of basis for DTSC's decision.

### **E. Tier II AA Reports**

The Tier II-A and Tier II-B AA Reports must be submitted simultaneously to DTSC and the verifying lead assessor (if verification is required) by the respective due dates specified by DTSC in the notice of completeness for the AA work plan. Both reports must include: information on the preparer, the manufacturer, the facility, the product, the supply chain, and supporting information used in the AA; an executive summary; and information concerning the lead assessor that will be verifying the AA (if required). The verification statement must be submitted to DTSC within ninety (90) days following submission of the AA Report.

The Tier II-A AA Report must also include: information on the AA goal and scope of alternatives, scope of life cycle segments evaluated, and approach and methodology; detailed information on Chemical Hazard Assessment and Exposure Potential Assessment evaluations and comparisons; and any adjustments to the AA work plan.

The Tier II-B AA Report must also include: explanation of any changes to the Tier II-A AA Report information; information on AA goal and scope of alternatives, scope of life cycle segments evaluated, and approach and methodology; detailed information on the Multimedia Life Cycle Evaluation comparison and evaluation; identification and description of the alternative selected to replace, reformulate or redesign the current Priority Product; implementation plan for the selected alternative; and any proposed regulatory responses.

The information in the Tier II-B AA Report concerning the alternative selection decision must include:

- A description of the alternative, if any, selected, and the rationale for the selection decision. This includes an assessment that evaluates and compares the selected alternative against the Priority Product, and a detailed list and explanation of the reasons for the selection decision, or, alternatively, for the decision not to select and implement an alternative to the Priority Product, whichever is applicable.
- A discussion of the functional equivalency of the selected alternative as compared to the Priority Product, and an assessment of the technological and economic feasibility for the selected alternative. If no alternative is selected, this information must be provided for each alternative considered in the Tier II-B AA.
- A demonstration that the production, use and disposal of the selected alternative, in conjunction with any proposed regulatory response(s), will have no greater significant adverse impacts on public health or the environment than the impacts associated with the Priority Product.
- A list of all chemical ingredients contained in the selected alternative and hazard trait information for those chemicals.

Within sixty (60) days of receiving a Tier II-A or Tier II-B AA Report and, if applicable, the AA verification statement for the AA Report, DTSC will review the AA Report for completeness and for compliance with the regulations, and issue a notice of

completeness or a notice of deficiency. If the submitter of the AA Report fails to adequately and timely respond to two (2) notices of deficiency, the product will be placed on the Failure to Comply List.

The completeness determination notice will be sent to the submitter of the AA Report, as well as the product manufacturer and responsible entities. In the completeness determination notice, or a subsequent notice sent to the manufacturer and responsible entities, DTSC will provide notice of its proposed determination as to whether one or more of the regulatory responses that are triggered by a DTSC finding (as described below) are required. The regulatory response determination does not become final until completion of the regulatory response public notice and comment process described below.

### Regulatory Responses

#### **A. Applicability**

The regulations specify regulatory responses that will, under specified conditions, apply to: (i) products manufactured as a selected alternative following completion of an AA; (ii) a Priority Product for which an alternative is not selected; and (iii) a Priority Product that will remain in commerce pending development and distribution of the selected alternative. The regulatory responses include: self-implementing regulatory responses; regulatory responses triggered by specified DTSC findings; and other regulatory responses to be determined by DTSC.

Regulatory responses will not be required for a selected alternative product, if it is demonstrated to DTSC's satisfaction that:

- The selected alternative contains no Priority Chemical above applicable de minimis level;
- The selected alternative does not pose a significant public health or environmental threat; and
- The Priority Product being replaced by the alternative will be phased out in 3 years.

#### **B. Self-Implementing Regulatory Responses**

For each of the following regulatory responses, the regulations set forth specific circumstances under which the regulatory response will always be required, along with implementation due dates:

- Product Information for Consumers. Product information must be provided to consumers (within 12 months) if the alternative product contains a Priority Chemical (or if the manufacturer chooses to retain the Priority Product).

Product information may be provided by including an information sheet in the product packaging, printing the required information on the product packaging,

printing the information in a prominent place in the product manual if a hard copy manual is packaged with the product, or posting the information in a prominent place at the point of sale for products that are not packaged. Unless precluded by the type or size of the product, the product must also be permanently marked or labeled with certain product information.

- End-of-Life Product Stewardship Program. The responsible entity and/or manufacturer must establish, maintain and fund (within 2 years) an end-of-life product stewardship program, and provide product information to consumers, if the alternative product (or the Priority Product, if the manufacturer chooses to retain the Priority Product) is required to be managed as a hazardous waste at end-of-life. The requirements for the product stewardship plan and program are specified in the regulations.

### **C. Regulatory Responses Triggered by Specified DTSC Findings**

For each of the following regulatory responses, the regulations set forth specific DTSC findings that would trigger the regulatory response, along with implementation due dates:

Additional Information. The responsible entity must provide to DTSC any information DTSC determines is necessary to determine and ensure implementation of regulatory responses.

Product Information for Consumers. In addition to the self-implementing requirement described above, product information must be provided to consumers, if DTSC determines any of the following:

- Information for the consumer will promote significantly safer uses, and significantly reduce the threats posed by the product/chemical,
- Product stewardship is needed to address end-of-life impacts, or
- End-of-life reclamation is needed to conserve resources and mitigate damages resulting from extraction of raw materials.

End-of-Life Product Stewardship Program. In addition to the self-implementing requirement described above, the responsible entity and/or manufacturer must establish, maintain and fund an end-of-life product stewardship program and provide product information, if DTSC determines any of the following:

- There is a significant potential for end-of-life mismanagement that would pose significant adverse impacts,
- End-of-life reclamation is needed to conserve resources and mitigate damages resulting from extraction of raw materials, or
- Without a product stewardship program there would be significant waste management costs borne by local government, ratepayers or taxpayers.

*Product Sales Prohibition.* If the selected alternative contains a Priority Chemical (or if an alternative is not selected), and DTSC determines there is a safer alternative that does not contain a Priority Chemical and that is functionally equivalent and technologically and economically feasible, the responsible entity (or manufacturer) must do one of the following:

- Ensure that the Priority Product is removed from the stream of commerce in California within one year, and ensure that an inventory recall program for the Priority Product is implemented and completed within two years; or
- Submit to DTSC, within 1 year, an AA Report that selects an alternative that does not contain a Priority Chemical. A responsible entity choosing this option, must notify DTSC within 60 days of its intent to submit a revised AA Report.

#### **D. Other Regulatory Responses**

The regulations also specify that DTSC may require any of the following as regulatory responses that it determines are necessary to limit exposure to, and reduce the level of public health or environmental hazards posed by, a selected alternative, or a Priority Product for which an alternative is not selected:

- Product information for consumers
- End-of-life product stewardship program
- Product sales prohibition
- Engineered safety measures to control access or limit exposure to the Priority Chemical in a product
- Restrictions on the use of the Priority Chemical
- Green Chemistry R&D project, or Green Chemistry challenge grant
- New AA (but no sooner than 3 years after prior AA) if: (i) the prior AA did not identify or select an alternative, or (ii) DTSC becomes aware of a safer alternative that is functionally equivalent and technologically and economically feasible
- Any other regulatory response determined necessary by DTSC

#### **E. Regulatory Response Exemptions**

The regulations provide a process for a responsible entity or manufacturer to request an exemption from an otherwise applicable regulatory response based on either or both of the following:

- The required regulatory response would conflict with a requirement of another California or federal regulatory program or an international trade agreement, in such a way that the responsible entity or manufacturer could not reasonably be expected to comply with both requirements. In this situation, DTSC may, at its discretion, require implementation of a modified regulatory response that resolves the conflict.

- The required regulatory response substantially duplicates a requirement of another California or federal regulatory program or an international trade agreement.

#### **F. Regulatory Response Process**

- For the non-self-implementing regulatory responses (i.e., the responses triggered by a DTSC determination), DTSC will notify affected responsible entities and manufacturers of its proposed regulatory response determination.
- The proposed regulatory response determination will also be made available for public review and comment. DTSC will publish in the CRNR, send to persons on any listserv(s) that DTSC establishes related to this chapter, and post on its website a notice regarding the availability of the proposed determination. The notice will include the deadline for submitting public comments, and notification of any workshops that DTSC may, at its discretion, hold for the proposed lists.
- After review and consideration of public comments on the proposed lists, DTSC will send a final determination notice to the responsible entity(ies) and manufacturer(s) and post the final notice on its website.
- The responsible entity must notify DTSC and California retailers of affected consumer products of the applicability of regulatory responses to the responsible entity's product, within 30 days.
- The responsible entity or manufacturer must notify DTSC upon completion of implementation of the required regulatory response, and, if applicable, upon completion of implementation of the selected alternative. This information must also be posted on the manufacturer's website.
- DTSC will post on its website, and update quarterly, a Regulatory Response Report that identifies the regulatory response(s) for each selected alternative for a Priority Product, and the implementation dates for the alternative and the regulatory response. The Regulatory Response Report will also include information on any regulatory response exemptions granted by DTSC.

#### **Public Health and Environmental Impacts**

The regulations specify a comprehensive list of public health and environmental impacts and exposure potential assessment factors that must be considered during both the prioritization and alternatives assessment processes. These impacts include the factors specified in the statute for the multimedia life cycle evaluation: air pollutant emissions; surface water, groundwater, and soil contamination; disposal or use of byproducts and waste materials; worker safety and impacts to public health; and other anticipated impacts to the environment. The factors specified in the regulations are listed below.

#### **A. Chemical and Physical Properties**

- Density
- Dissociation constant

- Explosiveness
- Flammability
- Flash point
- Granularity
- Melting/boiling point
- Oxidizing properties
- Partition coefficient
- Stability in organic solvents and identity of relevant degradation byproducts
- Surface tension
- Vapor pressure
- Viscosity
- Water solubility
- Other physical, chemical, or quantum properties specific to nanomaterials

#### **B. Adverse Public Health Impacts**

Includes impacts that may result from single, intermittent or frequent use of or contact with the chemical or product, including dermal, oral and inhalation exposures:

- Acute or chronic toxicity
- Bioaccumulation in humans
- Carcinogenicity
- Cardiovascular toxicity
- Dermatotoxicity
- Developmental toxicity
- Effects of electromagnetic radiation that includes ionizing radiation and non-ionizing radiation
- Endocrine toxicity
- Epigenetic toxicity
- Genotoxicity
- Hematotoxicity
- Hepatotoxicity
- Immunotoxicity
- Musculoskeletal toxicity
- Nephrotoxicity and other toxicity to the urinary system
- Neurotoxicity
- Ocular toxicity
- Organ or tissue system toxicity,
- Ototoxicity
- Persistence
- Reactivity in biological systems
- Reproductive toxicity,
- Respiratory effects
- Toxicokinetics

- Any hazard traits not listed above that relate to adverse impacts on human health
- Adverse health impacts on sensitive subpopulations

### **C. Adverse Ecological Impacts**

- Acute or chronic toxicity in aquatic, avian or terrestrial organisms
- Adverse impacts on aquatic ecosystems, including, but not limited to, aquatic sediments
- Adverse impacts on terrestrial ecosystems
- Adverse impacts on environmentally sensitive habitats, including, but not limited to, habitat loss or deterioration
- Adverse impacts on habitats essential to the continued existence of an endangered or threatened species, and other factors affecting the ability of an endangered or threatened species to survive or reproduce
- Adverse impacts associated with population loss, decline in population diversity, or changes in historical communities
- Adverse impacts that can cause vegetation contamination or damage, including phytotoxicity

### **D. Adverse Environmental Impacts**

- Chemical traits. Includes intrinsic traits of a chemical or its degradation products that relate to adverse impacts on the environment:
  - Stability and persistence in biological and environmental compartments
  - Fate and transport among environmental compartments
  - Bioaccumulation in biological and environmental compartments
  - Biodegradation
  - Photodegradation
  - Production of transformation products in environmental settings
  - Hydrolysis half-life
  - Aerobic and anaerobic soil half-lives
  - Aerobic and anaerobic sediment half-lives
- Air quality impacts. Includes adverse impacts associated with air emissions, including air contaminants:
  - Nitrogen oxides
  - Sulfur oxides
  - Toxic air contaminants
  - Greenhouse gases
  - Secondary organic aerosols
  - Stratospheric ozone-depleting compounds

- Other ozone forming compounds
- Particulate matter
- Water quality impacts. Includes adverse impacts associated with degradation of the beneficial uses of the waters of California and any of the following:
  - Biological oxygen demand
  - Chemical oxygen demand
  - Total dissolved solids
  - Chronic and acute toxicity in the water column and sediments
  - Chemicals identified as priority toxic pollutants for California pursuant to section 303(c) of the federal Clean Water Act and listed in section 131.38 of Title 40 of the Code of Federal Regulations published in the Federal Register May 18, 2000
  - Pollutants listed by California or the United States Environmental Protection Agency for one or more water bodies in California pursuant to section 303 (d) of the federal Clean Water Act
  - Chemicals identified as contaminants that have primary Maximum Contaminant Levels (MCLs) under the federal Safe Drinking Water Act
  - Pollutants requiring monitoring and reporting in waste discharges to land that have Notification Levels (NLs) specified under the Waste Discharge and Water Reuse Requirements (WDRs/WRRs) of the Porter-Cologne Water Quality Control Act
  - Thermal pollution
  - Other impacts affecting the quality of surface waters and groundwaters
- Soil quality impacts. Includes adverse impacts associated with the following:
  - Chemical contamination
  - Biological contamination
  - Loss of biodiversity
  - Loss of organic matter
  - Erosion
  - Compaction or other structural changes
  - Soil sealing
  - Other impacts that affect or alter soil function or soil chemical, physical or biological characteristics or properties.
- Any other factors that relate to adverse impacts on the environment, including, but not limited to, the release of heat, odor or radiation

#### **E. Materials and Resource Consumption Impacts**

- Water consumption and conservation

- Production, in-use, and transportation energy inputs
- Energy consumption and efficiency
- Reusability and recyclability

#### **F. Waste and End-of-Life Impacts**

- Amount of waste and byproducts generated
- Special handling required for the waste and byproducts
- Disposal, treatment or use of waste and byproducts, including solid waste, wastewater and storm water discharge streams

#### **G. Exposure Potential Evaluation**

- Potential for the public or the environment to be exposed to the PRIORITY CHEMICAL that is contained in the product, during the useful life of the product and end-of-life disposal or management of the product
- Types and extent of consumer uses that could result in public exposure to the PRIORITY CHEMICAL that is contained in the product, which in turn could result in adverse public health impacts
- Product uses or management or disposal practices that could result in releases to the environment of the PRIORITY CHEMICAL that is contained in the product, which in turn could result in adverse ecological or other environmental impacts
- Existence of data and other information relating to actual or potential public or environmental exposures to the chemical

#### **H. Tier II AA Required Finding of No Adverse Impact**

The Tier II AA Report that is required to be submitted to DTSC must include a demonstration that the production, use and disposal of the selected alternative (in conjunction with any regulatory response(s) proposed by the manufacturer) will have no greater significant adverse impacts on public health or the environment than the current impacts associated with the Priority Product.

#### **I. Early Chemical Substitutions**

Once a chemical has been listed by DTSC as a Chemical under Consideration or a Priority Chemical, if a manufacturer reformulates or redesigns a consumer product to remove or reduce the chemical, or substitutes the original product with another product, the manufacturer must notify DTSC of the change, and provide information on the product and the new chemical, including hazard trait information. This will enable DTSC to quickly determine if this new product should be listed as a Priority Product with the consequent requirement for an alternatives assessment that conforms to the regulations. This will ensure an end result that will be either no change, or preferably, a reduction (if not an elimination) of adverse impacts on public health and the environment.

## FEDERAL LAWS OR REGULATIONS

- There is no federal law or regulation mandating the adoption of these regulations.
- There is no existing comparable federal regulation or statute.

## OTHER STATUTORY REQUIREMENTS

### California Environmental Quality Act (CEQA) Compliance

DTSC has found this rulemaking project to be exempt under CEQA. A Notice of Exemption will be filed with the State Clearinghouse when the regulations are adopted.

### Peer Review

DTSC is proceeding with a peer review of the scientific basis of these regulations pursuant to Health and Safety Code section 57004.

### Environmental Policy Council Review

DTSC is proceeding with a review of the regulations by the Environmental Policy Council pursuant to Health and Safety Code section 25252.5.

## IMPACTS ON LOCAL AGENCIES OR SCHOOL DISTRICTS

**Mandates on Local Agencies and School Districts:** DTSC has made a preliminary determination that adoption of these regulations will create no new local mandates.

**Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement:** DTSC has made a preliminary determination that adoption of these regulations will not: (i) impose a local mandate, (ii) result in costs subject to reimbursement pursuant to part 7 of division 4, commencing with section 17500, of the Government Code, or (iii) impose any other non-discretionary costs or savings on local agencies.

## FISCAL IMPACT

**Cost or Savings to Any State Agency:** Adoption of these regulations will impose new duties on DTSC. DTSC estimates that it will need an augmentation in its budget of \$10 million to \$13 million in the fiscal year beginning July 1, 2011. Funding will cover additional staff as well as contracts, grants, and laboratory equipment. Additional funding will be needed in future years to implement an enforcement program. This preliminary estimate does not include estimates for information technology systems that may be required or revenue collection costs if new fees are levied to fund these regulations.

In future years, after the release and updates of the Priority Products list, State agencies that purchase products that are Priority Products may incur increased costs

for operating expenses attributed to any price increases for Priority Products resulting from these regulations.

Additionally, the California Prison Industry Authority may be impacted if it uses any listed Priority Chemicals in manufacturing its products. Further discussion with California Prison Industry Authority is needed to determine if it would be considered a manufacturer or retailer or both under this regulation. Until the chemicals and products lists are completed, DTSC is unable to estimate the impact on the California Prison Industry Authority.

**Cost or Savings in Federal Funding to the State:** DTSC has made a preliminary determination that the proposed regulations will have no impact on federal revenues or costs to California.

## **HOUSING COSTS**

DTSC has made an initial determination that there will be no impact on housing costs.

## **SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE**

### **Determination**

DTSC has made an initial determination that this regulation may have a significant statewide economic impact directly affecting businesses, but that it is not expected to affect the ability of California businesses to compete with businesses in other states. DTSC is unable to quantify the economic impact on businesses but has outlined factors that will increase or decrease the economic impact to businesses. Until DTSC prepares the Priority Products list, there is no way to know which or how many products will be on the list or how many businesses will be required to perform an alternatives assessment. Likewise, it is not possible to estimate how many businesses will be subject to regulatory responses.

### **Types of Businesses Affected**

Businesses impacted will primarily be those that directly or indirectly make a Priority Product available in California's stream of commerce. Businesses involved in the supply chain of Priority Chemicals contained in Priority Products will also be impacted. To a lesser degree, businesses in the supply chain for a broader range of products (and chemicals contained those products) placed into California's stream of commerce will be impacted, but only with respect to providing chemical and product information to DTSC upon request and a limited notification requirement in certain circumstances. The regulation impacts both out-of-state and in-state businesses. This includes chemical and product producers, brand name manufacturers, retailers, importers, distributors and other businesses in the supply chain.

### **Projected Compliance Requirements**

Compliance requirements will vary from business to business depending on the products they produce, sell, distribute or import, and the arrangements that are made between the various responsible entities in the supply chain for each product. Some business will have no compliance requirements. Others will be required to comply with one or more of the following types of requirements: submission of chemical and/or product information to DTSC; submission of various notifications to DTSC; performance of alternatives assessments and submission of alternatives assessments work plans and reports for Priority Products; and compliance with regulatory responses determined imposed on selected products by DTSC after completion of an alternatives assessment. Most businesses in the supply chain for a product subject to these compliance requirements can "opt out" by ceasing their involvement in placing the product into the stream of commerce in California.

### **Solicitation of Proposed Alternatives**

This regulation impacts in-state and out-of-state businesses similarly as it applies to consumer products placed into the California stream of commerce, regardless of where the product is produced. DTSC has considered alternatives that would lessen any adverse economic impact on business, and has tried to minimize the impact on businesses by providing a tiered approach to alternatives assessments, providing options to extend compliance deadlines, and allowing business to meet the requirements of the regulations through consortia, partnerships and similar arrangements. DTSC invites you to submit proposals that would lessen any adverse economic impact on business. Submissions may include the following considerations:

1. Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
2. Consolidation or simplification of compliance and reporting requirements for businesses.
3. The use of performance standards rather than prescriptive standards.
4. Exemption or partial exemption from the regulatory requirements for businesses.

### **ASSESSMENT STATEMENTS**

**Creation or elimination of jobs within California** --- DTSC has made the preliminary determination that the proposed regulation can have a possible short term minimal impact on the reduction of jobs, with a much larger potential for creation of new jobs as new materials and processes are developed.

**Creation of new businesses or elimination of existing businesses within California** --- DTSC has made the preliminary determination that the proposed regulation can result in the creation of new businesses as new materials and processes are created, with the potential for expanded export markets for California made products. Furthermore, current firms have time to adapt prioritized consumer products to meet regulatory requirements.

**Expansion of businesses currently doing business in California** --- DTSC has made the preliminary determination that the proposed regulation provides opportunities for growth as California businesses have access to wider range of safer consumer products and can provide services and products for an expanding number of consumers demanding safer and greener products.

### **COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS**

These regulations do not impose new responsibilities for private persons. These regulations do impact products made available for sale in California and may have the effect of increasing the costs of products identified as Priority Products or their alternatives. The impacts on consumers will be proportionate to the amount of their budget spent on Priority Products. If the Priority Products represent a small proportion of consumer expenditures, then the impacts to individual consumers should not be significant. It is anticipated that competition will protect consumers from facing higher prices for consumer products. Additionally, it is anticipated at least some consumers will realize cost savings from the use of safer products that do not present the potential health threats associated with Priority Products.

As discussed above, DTSC has made a determination that this regulation will have an economic impact on businesses. However, DTSC is unable to quantify the economic impact on businesses. In particular, DTSC is unable to quantify the cost impacts on a "representative" business, as the compliance requirements will vary from business to business depending on: (i) which products are listed as Priority Products, (ii) which products each business produces, sells, distributes or imports, and (iii) the arrangements that are made between the various responsible entities in the supply chain for each Priority Product.

### **BUSINESS REPORT**

This regulation does not require all businesses to prepare reports. These regulations will require some in-state and out-of-state businesses to prepare and submit alternatives assessment reports for Priority Products. Additionally, some businesses will be required to provide chemical and/or product data and information to DTSC, upon request, which in some cases could be in the form of a report.

DTSC finds that it is necessary for the health, safety, or welfare of the people of California that these reporting requirements apply to businesses.

### **SMALL BUSINESS**

DTSC has determined that these regulations will have an effect on small businesses. However, DTSC is unable to quantify the economic impact on small businesses for the reasons discussed above. DTSC has included provisions to ameliorate the impacts for small businesses meeting specified requirements, including flexibility to allow such businesses longer time frames to meet the compliance requirements of the regulations.

## **CONSIDERATION OF ALTERNATIVES STATEMENT**

DTSC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of DTSC would be more effective in carrying out the purpose for which this action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action. DTSC invites interested persons to present arguments, with respect to the various options, at the scheduled hearing, or during the written comment period.

## **AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS**

Copies of the Notice, Initial Statement of Reasons and the text of the proposed regulations are available from the Laws, Regulations and Policies page of the DTSC Internet site at <http://www.dtsc.ca.gov/LawsRegsPolicies/index.cfm> or may be obtained from Jeff Woled of DTSC's Regulations Section as specified below. The information upon which DTSC relied is also available at the address listed below.

## **POST-HEARING CHANGES**

After the close of the comment period, DTSC may adopt the proposed regulations. If substantial changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, attend the hearing, or provide written comments on these specific regulations will be sent a copy of the modified text, if substantive changes are made.

## **FINAL STATEMENT OF REASONS**

Once regulations have been adopted, DTSC prepares a Final Statement of Reasons which updates the Initial Statement of Reasons, summarizes how DTSC addressed comments and includes other materials, as required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Jeff Woled at the address listed below. A copy of the Final Statement of Reasons will also be available from the Laws, Regulations and Policies page of the DTSC Internet site at <http://www.dtsc.ca.gov/LawsRegsPolicies/index.cfm>, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations.

## **CONTACT PERSONS**

Inquiries regarding technical aspects of the proposed regulations may be directed to Odette Madriago of DTSC at (916) 323-4927 or, if unavailable, Corey Yep of DTSC at (916) 445-3601. However, such oral inquiries are not part of the rulemaking record.

Statements, arguments or contentions regarding the rulemaking and/or supporting documents must be submitted in writing or may be presented orally or in writing at the public hearing in order for them to be considered by DTSC before it adopts these regulations. To be included in this regulation package's mailing list, and to receive

updates of this rulemaking, please visit <http://www.calepa.ca.gov/Listservs/dtsc/> and subscribe to the applicable Listserv. You may also leave a message on the DTSC mailing list phone line at (916) 324-9933 or e-mail: [gcregs@dtsc.ca.gov](mailto:gcregs@dtsc.ca.gov).

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Jeff Woled, Regulations Coordinator  
Regulations Section  
Department of Toxic Substances Control

Mailing Address: P.O. Box 806  
Sacramento, CA 95812-0806

E-mail Address: [gcregs@dtsc.ca.gov](mailto:gcregs@dtsc.ca.gov)

Fax Number: (916) 324-1808

Jeff Woled's phone number is (916) 322-5225. If Mr. Woled is unavailable, please call Jon Cordova at (916) 324-7193.

**While not required, we encourage those wishing to submit comments on these proposed regulations to utilize our online comment form, which can be found at:**

**[http://www.dtsc.ca.gov/PollutionPrevention/GreenChemistryInitiative/gc\\_draft\\_regs\\_comment\\_form.cfm](http://www.dtsc.ca.gov/PollutionPrevention/GreenChemistryInitiative/gc_draft_regs_comment_form.cfm)**

Board of  
Supervisors/BOS/SFGOV  
09/14/2010 10:53 AM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject Fw: 8/13 rehash SF Chron story to post SF data online -  
Already required under SF Sunshine



"Christian Holmer"  
<mail@csrsf.com>  
09/14/2010 10:04 AM

To <martin.macintyre@juno.com>, <kimo@webnetic.net>,  
"Pro-SF" <home@prosf.org>, "SFSM Information  
Clearinghouse" <mail@csrsf.com>  
cc <jay.nath@sfgov.org>, <matierandross@sfgate.com>,  
<rebeccab@sfbg.com>, <tredmond@sfbg.com>,  
<Board.of.Supervisors@sfgov.org>,  
<jcote@schronicle.com>, <grossman356@mac.com>,  
<chaffeej@pacbell.net>, <libraryusers2004@yahoo.com>,  
<tenants769np@yahoo.com>, <rwhartzjr@sbcglobal.net>,  
<rak0408@earthlink.net>, <dougcomz@mac.com>,  
<hopeannette@earthlink.net>,  
<DSnyder@sheppardmullin.com>, <sof@brucewolfe.net>,  
<mstoll@public-press.org>, <paul@beyondchron.org>,  
<Ron.Vinson@sfgov.org>, <brian.roberts@sfgov.org>,  
<Barry.Fraser@sfgov.org>, <chris.vein@sfgov.org>,  
<Ross.Mirkarimi@sfgov.org>, <superdaly@yahoo.com>,  
<john.avalos@sfgov.org>, <Rick.Galbreath@sfgov.org>,  
<rbhauptman@aol.com>, <sarah@sfbg.com>,  
<attystevengruel@sbcglobal.net>, <steve@sfbg.com>,  
<bruce@sfbg.com>, <editor@fogcityjournal.com>,  
<editor@sfappeal.com>, <editor@sfist.com>,  
<editor@examiner.com>  
Subject 8/13 rehash SF Chron story to post SF data online - Already  
required under SF Sunshine

One "Not Duped" Vote For John Cote...

**From:** martin.macintyre@juno.com [mailto:martin.macintyre@juno.com]  
**Sent:** Monday, September 13, 2010 8:39 AM  
**To:** kimo@webnetic.net  
**Cc:** jay.nath@sfgov.org; matierandross@sfgate.com; rebeccab@sfbg.com; tredmond@sfbg.com; Board.of.Supervisors@sfgov.org;  
jcote@schronicle.com; grossman356@mac.com; chaffeej@pacbell.net; libraryusers2004@yahoo.com; tenants769np@yahoo.com;  
rwhartzjr@sbcglobal.net; rak0408@earthlink.net; dougcomz@mac.com; hopeannette@earthlink.net;  
DSnyder@sheppardmullin.com; sof@brucewolfe.net; mstoll@public-press.org; paul@beyondchron.org; Ron.Vinson@sfgov.org;  
home@prosf.org; brian.roberts@sfgov.org; Barry.Fraser@sfgov.org; chris.vein@sfgov.org; Ross.Mirkarimi@sfgov.org;  
superdaly@yahoo.com; john.avalos@sfgov.org; Rick.Galbreath@sfgov.org; rbhauptman@aol.com; sarah@sfbg.com;  
attystevengruel@sbcglobal.net; steve@sfbg.com; bruce@sfbg.com; editor@fogcityjournal.com; editor@sfappeal.com;  
editor@sfist.com; editor@examiner.com  
**Subject:** Re: 8/13 rehash SF Chron story to post SF data online - Already required under SF Sunshine

Another attempt by Da Mayor to take credit where credit isn't due and a reporter being duped or  
not taking the time to research or just being lazy.

Martin

Re SF Chron story today about Newsom plans to require online posting of SF data

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/09/12/BAEE1FBV4U.DTL>

There are already many requirements for this under SF Sunshine:

**SEC. 67.21-1. POLICY REGARDING USE AND PURCHASE OF COMPUTER SYSTEMS.**

(a) It is the policy of the City and County of San Francisco to utilize computer technology **in order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section.** To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records **and shall make public records easily accessible over public networks such as the Internet.**

(b) Departments purchasing new computer systems shall attempt to reach the following goals as a means to achieve lower costs to the public in connection with the public disclosure of records:

(1) Implementing a computer system in which exempt information is segregated or filed separately from otherwise disclosable information.

**(2) Implementing a system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.**

**(3) Implementing a system that permits making records available through the largest non-profit, non-proprietary public computer network, consistent with the requirement for security of information.**

**SEC. 67.29-2. INTERNET ACCESS/WORLD WIDE WEB MINIMUM STANDARDS.**

Each department of the City and County of San Francisco shall maintain on a World Wide Web site, or on a comparable, readily accessible location on the Internet, information that it is required to make publicly available. **Each department is encouraged to make publicly available through its World Wide Web site, as much information and as many documents as possible concerning its activities. At a minimum, within six months after enactment of this provision, each department shall post on its World Wide Web site all meeting notices required under this ordinance, agendas and the minutes of all previous meetings of its policy bodies for the last three years. Notices and agendas shall be posted no later than the time that the department otherwise distributes this information to the public, allowing reasonable time for posting. Minutes of meetings shall be posted as soon as possible, but in any event within 48 hours after they have been approved. Each department shall make reasonable efforts to ensure**

**that its World Wide Web site is regularly reviewed for timeliness and updated on at least a weekly basis.** The City and County shall also make available on its

World Wide Web site, or on a comparable, readily accessible location on the Internet, a current copy of the City Charter and all City Codes. (Added by Proposition G, 11/2/99)

**67.21**

**(l) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department,** its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the

release of that information would violate a licensing agreement or copyright law. (Added by Ord. 265-93, App. 8/18/93; amended by Ord. 253-96, App. 6/19/96; Proposition G, 11/2/99)

**SEC. 67.14. VIDEO AND AUDIO RECORDING, FILMING AND STILL PHOTOGRAPHY.**

(c) Every City policy body, agency or department shall audio or video record every noticed regular meeting, special meeting, or hearing open to the public held in a City Hall hearing room that is equipped with audio or video recording facilities, except to the extent that such facilities may not be available for technical or other reasons. Each such audio or video recording shall be a public record subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et seq.), and shall not be erased or destroyed. **The City shall make such audio or video recording available in digital form at a centralized location on the City's web site ([www.sfgov.org](http://www.sfgov.org)) within seventy-two hours of the date of the meeting or hearing** and for a period of at least two years after the date of the meeting or hearing. Inspection of any such recording shall also be provided without charge on an appropriate play back device made available by the City. This subsection (c) shall not be construed to limit or in any way modify the duties created by any other provision of this article, including but not limited to the requirements for recording closed sessions as stated in Section 67.8-1 and for recording meetings of boards and commissions enumerated in the Charter as stated in subsection (b) above. (Added by Ord. 80-08, App. 5/13/08)

Board of  
Supervisors/BOS/SFGOV  
09/13/2010 02:37 PM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject File 101056: Banning the sale of tobacco products in  
pharmacies (101056)



Steve Heilig  
<hellig@sfms.org>  
09/13/2010 09:57 AM

To <david.Chiu@sfgov.org>, <Bevan.Dufty@sfgov.org>,  
<Eric.L.Mar@sfgov.org>, <Sophie.Maxwell@sfgov.org>  
cc <Board.of.Supervisors@sfgov.org>  
Subject RE: Banning the sale of tobacco products in pharmacies  
(101056)

Greetings Supervisors:

We write regarding item #1 on the Land Use and Economic Development  
Committee today, as we cannot attend that meeting.

We are strongly in support of eliminating the exemptions for "big box" and  
any other stores with pharmacies. As we argued in an amicus brief supporting  
this San Francisco policy, we believe it will far better serve the public  
health and welfare to ban tobacco sales in all stores with pharmacies,  
because stores in the business of health promotion should not be selling  
deadly products to their customers.

We commend Supervisors Mar and Dufty for this proposal and hope that you  
will move it forward.

Sincerely,

Steven Fugaro, MD  
Past=President

Steve Heilig, MPH  
Director, Public Health and Education

SAN FRANCISCO MEDICAL SOCIETY  
(415) 561-0850x270  
<http://www.sfms.org>

(13)

City and County of San Francisco



Gavin Newsom, Mayor  
Edward D. Reiskin, Director

orig: B+P clerk, BOS-11, C&B  
page  
Legg Dep  
FAX (415) 554-6944  
Douglas.Legg@sfdpw.org  
http://www.sfdpw.com

Department of Public Works  
Finance, Budget & Performance Division  
Financial Management and Administration

City Hall, Room 340  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4645

Douglas Legg, Manager

September 14, 2009

File 101140

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

Re: Report on DPW Costs to Abate Cigarette Litter in Support of File No. 101140

Dear Ms. Calvillo,

The attached spreadsheet constitutes the Department of Public Works (DPW) cost to abate litter in Fiscal Year 2009-10. The costs represented are for our Bureau of Street Environmental Services' (BSES) manual cleaning program consisting primarily of manual block sweepers, green machines, crew supervisors and other personnel, contracts, material and support services, excluding steam cleaning/power washing costs. These costs do not include our mechanical sweeping program, our illegal dumping cleanup program, or our graffiti abatement program. The total FY 2009-10 cost for abating litter was \$15,116,683. We estimate that sixteen percent of our manual cleaning cost (excluding steam cleaning costs) is for collection of leaves and other organic materials; the cost for this activity has also been excluded from the litter abatement costs shown in this report.

Sincerely,

Douglas Legg  
Manager, Finance Budget & Performance

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

2010 SEP 13 PM 4:46

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

**Bureau of Street Environmental Services  
Fiscal Year 2009-2010**

Revised estimated total litter cost estimate.

program name: **MANUAL CLEANING: FY 2009-10 excluding steam cleaning & incl midyr cuts**

	ID (Other Funding)		Gas Tax		General Fund		Program Total	
	\$\$	FTE	\$\$	FTE	\$\$	FTE	\$\$	FTE
0932	0		99,879	0.75	0		99,879	0.75
1312	0		0	0.00	37,138	0.50	37,138	0.50
1630	0		0		0		0	
1704	0	0.00	0		102,471	2.00	102,471	2.00
1822	0		0		15,005	0.20	15,005	0.20
7215	44,020	0.67	1,056,488	16.08	305,514	4.65	1,406,023	21.40
7281	0		121,797	1.35	180,440	2.00	302,237	3.35
7355	0		0		0		0	
7501	0		0		655,874	13.83	655,874	13.83
7514	290,599	4.90	1,968,959	33.20	2,941,578	49.60	5,201,136	87.70
step m	(1)		(1,174)		(69,911)		(71,085)	
salary savings	(47,101)	(0.71)	(205,691)	(2.97)	(232,481)	(3.78)	(485,273)	(7.46)
(Plus/Less 1 Day)	1,257		13,438		17,885		32,581	
<b>salaries subtotal</b>	<b>288,775</b>	<b>4.86</b>	<b>3,053,697</b>	<b>48.41</b>	<b>3,953,512</b>	<b>69.00</b>	<b>7,295,985</b>	<b>122.27</b>
temp pay	0		259,054		236,070		495,123	
premium pay	0		44,551		30,539		75,090	
overtime	0		142,801		83,662		226,463	
<b>salaries total</b>	<b>288,775</b>	<b>4.86</b>	<b>3,500,103</b>	<b>48.41</b>	<b>4,303,783</b>	<b>69.00</b>	<b>8,092,661</b>	<b>122.27</b>
MFB	120,653		1,146,755		1,579,513		2,846,922	
dept. overhead	106,914		1,152,690		1,417,366		2,676,969	
bureau overhead	99,181		1,069,322		1,314,856		2,483,359	
<b>labor total</b>	<b>615,523</b>	<b>4.86</b>	<b>6,868,870</b>	<b>48.41</b>	<b>8,615,518</b>	<b>69.00</b>	<b>16,099,912</b>	<b>122.27</b>
prof. services					235,510		235,510	
dp equipment maint.			7,000		0		7,000	
other currents			0		182,250		182,250	
material & supplies			205,304		264,092		469,396	
equipment purch.							0	
lease pymts.			541,324		221,711		763,034	
dtis infrastructure					46,915		46,915	
district attorney							0	
parking and traffic							0	
police							0	
rent board					3,000		3,000	
sheriff							0	
water dept							0	
bbr			153,398		0		153,398	
boe			0				0	
ssr							0	
<b>non-labor total</b>	<b>0</b>		<b>907,025</b>		<b>953,478</b>		<b>1,860,504</b>	
<b>subtotal</b>	<b>615,523</b>		<b>7,775,896</b>		<b>9,568,996</b>		<b>17,960,415</b>	
additional funding	3,515,241				(3,515,241)		0	
<b>total</b>	<b>4,130,764</b>		<b>7,775,896</b>		<b>6,053,755</b>		<b>17,960,415</b>	

Leaves & Organic      1/3 of collections for three months  
Matter =                    1/10 of collections for nine months  
Total FY 2009-10 Litter Abatement Costs

\$    15,116,683

BOS-11  
cpage, COB

CITY AND COUNTY OF SAN FRANCISCO

City Attorney Dennis Herrera  
Supervisor Sopenia Maxwell



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 SEP - 9 PM 12: 25  
BY [Signature]

September 9, 2010

Yakout Mansour  
President and Chief Executive Officer  
California Independent System Operator  
151 Blue Ravine Road  
Folsom, CA 95630

Re: **Closing the Potrero Power Plant**

Dear Mr. Mansour:

We write to address the September 1, 2010, memorandum to the Board of Governors seeking conditional authority to extend the reliability must-run contract (RMR) for the Potrero Power Plant (Potrero) through 2011. We recognize that the memorandum addresses a number of facilities and does not detail the specific circumstances relevant to each one, but in view of the expected closure of Potrero in the near term, we think it is important to address specifically several issues related to Potrero. The City and community have worked for many years to achieve the permanent closure of Potrero, and we oppose the renewal of RMR.

Your January 12, 2010, letter to Mayor Newsom indicated that the ISO would release Potrero Unit 3 from its RMR designation once the Transbay Cable (TBC) demonstrates its reliability. The letter further stated that the ISO would release Units 4, 5, and 6 from RMR designation once PG&E completes recabbling of two lines between the Martin, Bayshore, and Potrero substations and demonstrates reliable operation of those lines.<sup>1</sup> The City is aware that TBC has not yet achieved commercial operation. The City understands that operational testing of TBC continues and the results of those tests are expected to be evaluated by the end of October. The City is also informed that PG&E has completed its recabbling of one Martin-Bayshore-Potrero line and expects to complete the other line prior to the end of 2010.

In view of these current circumstances, the City has several concerns regarding the closure of Potrero. We ask that the ISO address these issues to provide as much clarity as possible at this time.

<sup>1</sup> In addition, Mirant has reached an agreement with the City to permanently close Potrero as soon as it is not needed for reliability. Mirant has stated to the ISO that it does not seek to extend any RMR agreements for Potrero or to operate after December 31, 2010. In a September 7, 2010 letter to Steve Berberich Mirant further states that if it is required to operate after 2010, it hopes to work with the ISO to achieve permanent closure as soon as possible.

[Handwritten marks]

1. The Basis for RMR Extension for Potrero. Based on your letter to Mayor Newsom as well as recent statements from ISO staff, RMR for any generation at Potrero in 2011 is necessary only if and only until TBC is not in commercial operation. The ISO should confirm that the authority to extend the Potrero RMR into 2011 is conditioned on TBC not being available for commercial operation.

2. RMR Contract Extension and Termination. The ISO should work with Mirant and PG&E to modify RMR contract extension and termination provisions to accommodate the current situation created by TBC not being available for commercial operation. Since Mirant has already indicated its desire to close as soon as possible, the ISO and Mirant should be able to reach agreement on these issues. If FERC approval is necessary for such modifications, the ISO should seek such approval expeditiously.

(a) Contract Extension. The memorandum states that the ISO must provide notice by October 1, 2010, in order to extend the RMR beyond 2010. Since the testing of TBC will not be completed until later in October, this provision should be modified to allow for contract extension at a later date, such as November 1.

(b) Contract Termination. Last year, when TBC was expected to begin operating in April 2010, the ISO indicated its willingness to accelerate the termination provisions of a Potrero RMR contract. If the RMR is extended into 2011, similar accelerated termination provisions should apply.

3. Commitment to Not Dispatch Potrero Once TBC is Operating. Although the City has not seen any language on early termination, we understand that the ISO intends to follow the process used in the closure of Hunters Point Power Plant in 2006. In that instance, once the required resources were in operation, the ISO allowed the plant to stop operating while the formal contract termination procedures were completed.

4. The Level of Generation Needed for Reliability. The ISO required two projects to close Potrero—TBC and the PG&E recabbling. Assuming the recabbling project is completed before the end of the year, the ISO should be able to release from RMR some of the generation at Potrero. We are informed that without TBC the ISO believes it must retain all Potrero generation in order to reliably serve areas of the peninsula outside of San Francisco. The City's analysis does not support this conclusion. Rather, it indicates that retaining either Unit 3 or Units 4, 5, and 6 will satisfy the reliability criteria, for the City and the peninsula, that the ISO applies throughout PG&E's service area.

5. Alternatives to TBC. If the operational date for TBC is delayed beyond 2010, the ISO should meet with the City and PG&E to identify alternatives to TBC that will allow closure of Potrero as soon as possible. These alternatives may include:

(a) Operating TBC at less than its full capacity. The City's analysis indicates that no Potrero generation is needed if TBC can operate reliably at 200MW<sup>2</sup>.

(b) Installing series reactors on some 115kV cables. The City addressed such a project in comments to the ISO on September 4, 2009, and PG&E proposed it in the Fall 2009 request window. More series reactors would be necessary in the absence of TBC, but this would still be a relatively low cost project that can increase reliability for several years.

(c) Recabbling the two Hunters Point-Martin 115kV cables to provide additional capacity.

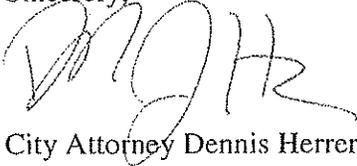
(d) Continuing with the Newark to Ravenswood 230kV Reconductoring project ( ISO project T982), which was approved by ISO in 2006.

---

<sup>2</sup> This analysis included load flow studies utilizing the latest ISO base cases representing 2011 and 2015 summer peak conditions. We have not studied conditions with a TBC level below 200MW.

We appreciate the continuing efforts of ISO management and staff to work with City officials, community members, Mirant, and PG&E to achieve permanent closure of Potrero while maintaining a reliable electric system. The surrounding communities have shouldered the environmental burden of this facility for many decades. Closing the plant would facilitate expeditious remediation of toxic contamination on the Potrero site by its previous owner, PG&E. Also, PG&E has stated that it cannot begin the process of cleaning up toxic sediments until Potrero Unit 3 is closed. Closing the Potrero Power Plant is an important step toward achieving environmental justice in this community.

Sincerely,



City Attorney Dennis Herrera



Supervisor Sopenia Maxwell

Cc: Mason Willrich, Chair of the Board of Governors  
Laura Doll, Member of the Board of Governors  
Robert Foster, Member of the Board of Governors  
Tom Habashi, Member of the Board of Governors  
Kristine Hafner, Member of the Board of Governors  
Keith Casey, ISO  
John Chillemi, Mirant  
Kevin Dasso, PG&E  
Clerk of the Board of Supervisors ✓



"Martinsen, Janet"  
 <Janet.Martinsen@sfmta.com  
 >  
 09/13/2010 03:10 PM

To "Board of Supervisors" <Board.of.Supervisors@sfgov.org>,  
 "Chu, Carmen" <Carmen.Chu@sfgov.org>  
 cc "Johnson, Debra" <Debra.Johnson@sfmta.com>, "Breen,  
 Kate" <Kate.Breen@sfmta.com>

bcc

Subject RE: BOARD OF SUPERVISORS INQUIRY

1 attachment



BOS Inquiry response #20100810-007 signed - Carmen Chu 9-10-10.pdf

Madame Clerk and Supervisor Chu:

Please find attached the SFMTA response to REFERENCE: 20100810-007.

Sincerely,

Janet L. Martinsen  
 Local Government Affairs Liaison  
 SFMTA | Municipal Transportation Agency  
 1 So. Van Ness, 7th Floor  
 janet.martinsen@sfmta.com  
 415-701-4693w; 415-701-4737f  
 www.sfmta.com

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

From: Board of Supervisors [mailto:Board.of.Supervisors@sfgov.org]  
 Sent: Thursday, August 12, 2010 2:03 PM  
 To: Martinsen, Janet  
 Subject: BOARD OF SUPERVISORS INQUIRY

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

TO: Janet Martinsen  
 Municipal Transportation Agency

FROM: Clerk of the Board  
 DATE: 8/12/2010  
 REFERENCE: 20100810-007  
 FILE NO.

Due Date: 9/11/2010

This is an inquiry from a member of the Board of Supervisors made at the Board meeting on 8/10/2010.

(16)  
 ✓

Supervisor Chu requests the following information:

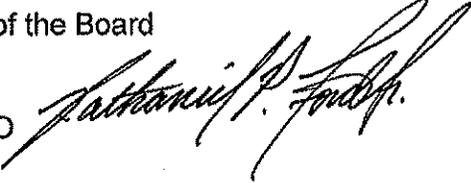
Requesting that the Municipal Transportation Agency research the feasibility of amending Transportation Code 7.2.84 to address the issue of visibility at major traffic intersections

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

Your response to this inquiry is requested by 9/11/2010

Gavin Newsom | Mayor  
Tom Nolan | Chairman  
Jerry Lee | Vice-Chairman  
Cameron Beach | Director  
Cheryl Brinkman | Director  
Malcolm Helnicka | Director  
Bruce Oka | Director  
Nathaniel P. Ford Sr. | Executive Director/CEO

## MEMORANDUM

**DATE:** September 10, 2010  
**TO:** Angela Calvillo, Clerk of the Board  
**FROM:** Nathaniel P. Ford Sr.  
Executive Director/CEO   
**RE:** SFMTA Response to BOS Inquiry  
Reference #20100810-007

**BOS Inquiry #20100810-007:**

This memo is in response to BOS Inquiry #20100810-007 submitted by Supervisor Carmen Chu on August 10, 2010 requesting that the Municipal Transportation Agency research the feasibility of amending Transportation Code 7.2.84 to address the issue of visibility at major traffic intersections.

**SFMTA Response:**

BOS Inquiry #20100810-007 concerns the possibility of amending the Transportation Code section that restricts the parking of commercial vehicles in residential areas of San Francisco.

The California Vehicle Code establishes the laws concerning the parking or movement of vehicles in the state. It also delegates to municipalities the ability to regulate certain activities by passing ordinances or resolutions. Section 22507.6 of the California Vehicle Code allows municipalities to restrict the parking of commercial vehicles in residential districts, but only for "vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds or more." The gross vehicle weight rating is the maximum allowable mass that the vehicle can carry when fully loaded.

Staff reviewed the California Vehicle Code and could not find other sections that granted cities the ability to restrict the parking of smaller commercial vehicles such as light duty pick up trucks. However, most nuisance commercial vehicles like larger vans or trucks are covered by San Francisco Transportation Code Section 7.2.84 which applies citywide and does not require signs for enforcement. The SFMTA will continue to enforce section 7.2.84 of the Transportation Code on a complaint basis.

In addition, Parking Control Officers will begin citing for Section 7.2.81 of the Transportation Code on a complaint basis. This ordinance allows enforcement officials to cite vehicles that are parking on the street primarily to advertise. It does not apply near the residence or work site of the vehicle owner, but we believe many of the repeated nuisance calls that have been made to the Board of Supervisors deal with vehicles that may be parking on certain corridors to advertise their business. Board of Supervisors Ordinance 287-08 has already indicated that this is not a desirable activity. We will monitor how citations are appealed since this is not a code that has been frequently employed in the past.

In addition, the SFMTA will be legislating six-foot height restrictions on the south side of Wawona, Uiloa, and Vicente streets from 19th Avenue to 100 feet westerly. We believe this may be an area of concentrated parking of commercial vehicles due to the proximity to 19th Avenue traffic and park frontage. Once legislation is completed and signs installed, Parking Control Officers could cite for this ordinance 7.2.36 on a complaint basis as well. The California Vehicle Code allows cities to restrict vehicles of six feet in height, but only within 100 feet of intersections. The primary goal of these types of restrictions is to improve the sight distances approaching intersections.

**Relevant Transportation Code Sections:**

**SEC. 7.2.36. - PARKING OVERSIZED VEHICLES WITHIN 100 FEET OF AN INTERSECTION.**

To park a vehicle six feet or more in height (including any load thereon) within 100 feet of an intersection on those streets or portions of streets, during all or those certain hours of the day, as are designated by signs giving notice of such prohibition effective for that intersection. (61)

*(Amended by Ord. 287-08, File No. 081340, App. 12/5/2008)*

**SEC. 7.2.81. - PARKING OF VEHICLES FOR COMMERCIAL ADVERTISING PURPOSES.**

(a) To park any motor vehicle that is carrying, towing or otherwise displaying a commercial advertising sign on any public street or in any public or private parking lot in the City for the primary purpose of displaying a commercial advertising sign, including any display that does no more than propose a commercial transaction. This prohibition shall not apply to a passenger vehicle with maximum occupancy of six passengers, or to vehicles parked for a primary purpose other than displaying a commercial advertising sign, including:

- (1) Vehicles parked while loading or unloading passengers or goods;
- (2) Vehicles parked while engaged in the delivery of services; and
- (3) Passenger vehicles parked within 600 feet of the residence of the registered owner of the vehicle.

(b) Findings and Purpose. The Board of Supervisors finds that there is a growing practice of parking large vehicles such as trucks and vans in the City's public streets

and parking lots for the purpose of displaying commercial advertising. The Board of Supervisors finds that this practice: (i) creates aesthetic blight; (ii) contributes to the critical shortage of parking spaces; (iii) causes traffic safety hazards by distracting members of the public who use public thoroughfares, including drivers, bicyclists and pedestrians. The purpose of this Section is to counteract these negative effects and protect and promote public safety and quality of life in the City. This Section is not intended to regulate non-commercial speech, including non-commercial advertising and signage. (63.3)

*(Amended by Ord. 287-08, File No. 081340, App. 12/5/2008)*

SEC. 7.2.84. - COMMERCIAL VEHICLE PARKING IN CERTAIN DISTRICTS.

To park any motor truck, truck tractor, road tractor, van, trailer, delivery wagon or any vehicle used for commercial purposes in excess of limitations on manufacturer's gross vehicle weight rating or a gross combination weight rating specified in Division II, for a period in excess of one hour or between the hours of 2:00 a.m. and 6:00 a.m. on any street with weight limits designated in Division II except while in the course of delivery or removal of goods, merchandise or other personal property for residents on such street, or except when such vehicle is used by a recreational equipment vendor as defined in Section 1050 of the Police Code in the course of business and all the requirements of Police Code Sections 1051 through 1055 are met. Any excepted vehicle shall be subject to all parking limitations applicable thereto as otherwise provided by law. (63, 63A, 63.1)

*(Amended by Ord. 287-08, File No. 081340, App. 12/5/2008)*

SEC. 502. - COMMERCIAL VEHICLES; PARKING LIMITED IN CERTAIN DISTRICTS.

Transportation Code, Division I, Section 7.2.84 (Commercial Vehicle Parking in Certain District) shall apply only to a vehicle with a manufacturer's gross vehicle weight rating or a gross combination weight rating in excess of 10,000 pounds while parked on any street in an RH-1(D), RH-1, RH-2, RH-3, RM-1, RM-2, RM-3, RM-4 or P Use District.

*(SFMTA Bd. Res. No. 08-151, 8/19/2008; SFMTA Bd. Res. No. 09-172, 9/15/2009)*

CC: Supervisor Carmen Chu

Board of  
Supervisors/BOS/SFGOV  
09/17/2010 05:20 PM

To BOS Constituent Mail Distribution, Victor  
Young/BOS/SFGOV,  
cc  
bcc  
Subject File 100991- CBD



Tim <tmbrace@pacbell.net>  
09/16/2010 06:50 PM

To Board.of.Supervisors@sfgov.org  
cc  
Subject CBD

I attended a meeting of the Library Commission, and the Commission was intending to vote on a proposal involving creating a Civic Center Community Benefit District.

However, even though I was in the Main Library, no one in the building could find any information anywhere there or online about such a proposal. I was able to find out what a "CBD" was, but only because another such neighborhood CBD entity in the city had a description online, but there was no other information about this new proposal. I also looked online in the Board of Supervisors agenda, and there was no reference there to such a proposal, and the government records clerk in the library also could find nothing online or anywhere about such a proposal.

Given the lack of transparency about such a proposal, and the goal of having complete information about government proposals and laws available to all citizens, in advance of passage, I question whether such a proposal can be legally considered at all at this time by the Board of Supervisors, and thus urge no action on this proposal until proper information is provided to the public, so we can comment on it, as desired. According to the paperwork at the Commission meeting, the resolution is supposed to be introduced at the Board of Supervisors meeting on September 21, 2010.

I note it is ironic that even though the Library Commission meets in the Main Library and has offices there, not one person in the Main Library could locate information about this district or this proposal anywhere in the building, online, or elsewhere, and question whether such proposal should even be considered by the Commission before such documents are provided to the public. The information at the Commission meeting was not very specific and was not available upstairs in the library itself or online.

As such, I urge a vote against even considering this proposal, if it comes before the Board of Supervisors, until proper procedures have been followed in informing the public.

Sincerely,

Tim Brace  
109 Webster St.  
San Francisco, CA 94117  
415-626-3747

Board of  
Supervisors/BOS/SFGOV  
09/20/2010 10:56 AM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject Important issue regarding the housing stock in SF currently.  
(What are the current numbers...) Fw: [orgs] NYPost reports:  
few rent controlled apts remain



Aaron Goodman  
<amgodman@yahoo.com>  
09/19/2010 07:14 PM

To Board.of.supervisors@sfgov.org  
cc  
Subject Important issue regarding the housing stock in SF currently.  
(What are the current numbers...) Fw: [orgs] NYPost reports:  
few rent controlled apts remain

SF Board of Supervisors,

I would like to forward you the article below published in the NY Times, regarding the loss/reduction in rent controlled and rent stabilized units in NYC. The effects-on the affordability of housing in SF for families, immigrants and working class citizens can only have followed a similar down-turn.

Alone the BVHP estimate of approximately +1,000 units would be a negative total, due alone to the SFSU-CSU purchase of Stonestown and Parkmerced blocks. The institutional impacts on housing have become way past critical, and the lack of true numbers on the current needs and demand for rental units un-available.

I recall a quote from our Mayor Gavin Newsome

"As mayor of San Francisco, I will provide the vision and work hard to make San Francisco a beautiful, well-planned city with **excellent housing and transportation options.**" -Gavin Newsom-

Those options seem to be severely lacking when I look alone at the real estate sections vs. the SF Apartment guide and see little options available to newcomers or existing residents in SF rental wise.

I sincerely hope you take this to task as an issue in the current and recent developments being pushed by speculative, and private investment. The lack of a housing vision for the future that includes serious efforts at providing affordable/"social"/housing that provides REASONABLE levels of initial pricing is what is critical. The "OPTIONS" Mayor Newsome proclaimed have not made an indent into the real size of the issue. The number of rental units built CITYWIDE in San Francisco I believe will show similar concern to NYC. Without efforts to rectify this we lose the character, citizens, locals, immigrants,

families, seniors, disabled, and working-class people that make San Francisco the fantastic place to live that we all desire.

A vision for ensuring essential housing stock is needed, and the impetus, financial support, infrastructure, and will to carry the task to fruition.

Sincerely

Aaron Goodman  
[amgodman@yahoo.com](mailto:amgodman@yahoo.com)

--- On Sun, 9/19/10, Sue Susman <[sue@janak.org](mailto:sue@janak.org)> wrote:

From: Sue Susman <[sue@janak.org](mailto:sue@janak.org)>  
Subject: [orgs] NYPost reports: few rent controlled apts remain  
To: "orgs" <[activists@save-ml.org](mailto:activists@save-ml.org)>  
Date: Sunday, September 19, 2010, 11:26 AM

Thanks to Joan Paylo (District Leader, Community Free Democrats) for forwarding this NY Post article.

Note that this is discussing rent CONTROLLED apartments, as opposed to rent STABILIZED apartments. Apartments built before 1947 would come under rent control, while those built before 1974 would come under rent stabilization.

- Sue

NY Post,  
[http://www.nypost.com/f/print/news/local/last\\_tenants\\_standing\\_TPu5wISOT7w7GUZS\\_SCJptI](http://www.nypost.com/f/print/news/local/last_tenants_standing_TPu5wISOT7w7GUZS_SCJptI)

Few rent-control apartments left in New York

By MAUREEN CALLAHAN

Last Updated: 6:18 AM, September 19, 2010

Posted: 2:21 AM, September 19, 2010

It is among the cheapest rents in all of New York City: a

750-square-foot one-bedroom apartment in Brooklyn for \$63 a month.

In other ways, however, it's one of the most costly. Its inhabitants, Magnus Saethre, 97, and his live-in caregiver, Devron King, have been locked in a vicious battle with the building's landlord for years over the conditions of the unit -- which are decrepit -- and what they claim are attempts to force them out.

"The landlord's been calling Adult Protective Services on us," said King, 56. "He's trying to suggest that I'm taking advantage of Magnus."

According to King and his lawyer, John Hlavaty, the landlord, Jack Geula, has also claimed that other tenants complain about noise.

"Magnus is 97 years old and hard of hearing," Hlavaty said. "They yell. That's how they communicate."

There are fewer than 40,000 rent-controlled apartments among New York's more than 2 million units.

And it's increasingly the city's elderly, clinging to the spaces in which they've lived most of their lives, who are left to live in cramped, rotting rooms while their landlords wait them out.

Rents can be repeatedly lowered until the problems are addressed, but there is no recourse other than civil court for neglect and harassment.

"You hit landlords where they live, with fines," said DHCR spokesman Andrew O'Rourke.

"Ninety-five percent of landlords are accommodating," O'Rourke said.

But some are aggressively stubborn, and what they're doing isn't technically criminal.

Saethre and King, for example, live in a 750-square-foot fourth-floor walk-up on Fourth Avenue in Sunset Park. Saethre is so fragile that he almost never leaves the apartment. The paint on the ceiling is peeling so badly that the curling strips resemble stalactites.

"Magnus has laid out \$25,000 in legal fees," said Hlavaty. "That's what the landlord is trying to do -- ruin them financially."

Saethre, who has lived in the unit since returning from World War II, does not want to leave. "When you talk to him when he's fully coherent, he says, 'This is my apartment. I've lived here for 62 years. There's no way that S.O.B. is getting me out,'" Hlavaty said.

The landlord Geula responded, "It's lies, all lies," before hanging up.

Saethre and King's lawyer -- who believes the landlord is most afraid of King inheriting the apartment when Saethre dies -- believes his clients will prevail.

"We are going to send a message to them," he said, "to stop going after the elderly and the vulnerable."

Out of control

Number of rent-controlled units in NYC

1987: 155,361

1991: 124,411

1993: 101,339

1996: 70,572

1999: 52,562

2002: 59,324

2005: 43,317

2008: 39,901

Sources: US Census Bureau and New York City Housing and Vacancy Surveys

[maureen.callahan@nypost.com](mailto:maureen.callahan@nypost.com)

---

activists mailing list

[activists@save-ml.org](mailto:activists@save-ml.org)

[http://save-ml.org/mailman/listinfo/activists\\_save-ml.org](http://save-ml.org/mailman/listinfo/activists_save-ml.org)



Janas Page  
<startswithj@gmail.com>

09/19/2010 02:16 PM

Please respond to  
startswithj@gmail.com

To board.of.supervisors@sfgov.org, Supervisor Chris Daly  
<Chris.Daly@sfgov.org>

cc David Campos <david.campos@sfgov.org>, Gavin Newsom  
<gavin.newsom@sfgov.org>, info@sfbike.org

bcc

Subject Please educate drivers on which lanes bikes use.

Dear Supervisor Daly, and Board,

I regularly bicycle from my home in the Mission to my place of work in SoMa, and back again, during rush hours. I ride Harrison, Folsom, Howard, and 11th—bike lanes all the way (thank you for that!). While my ride through the Mission is reliably safe, my ride through SoMa is unfortunately sometimes horrendous.

Speeders and road-ragers have several times made assaults on my life when I am forced to leave the bike lane for passing or for left turns. Drivers have yelled "stay in your lane" or "you have a lane for a reason," and have honked and forced me into the way of stopped cars and other cyclists.

I have also had trouble in SoMa with cars and trucks cutting me off on their right turns, rather than them slowing, yielding and merging before turning.

Finally, trucks parked to unload in the right lane (but leaving the bike lane open) is also a frequent problem. This presents a difficult choice. Make a longer pass on the left (now having to cross two lanes rather than one), or continue down a now blinded (and therefore unsafe) bike lane.

I am a safe cyclist. I wear a helmet, my bike has lights, I use turn signals, and I stop at red lights and *wait* for greens.

I checked my SF Bike Map, and the California Driver Handbook. I know that I am allowed to leave the bike lane, I know how cars are supposed to turn right, I know that I am supposed to pass on the left—but too many motorists don't.

Please make an effort to educate the public on these rights and responsibilities, for everyone's safety.

Thank you,

Janas Page  
San Francisco, CA 94110

Board of  
Supervisors/BOS/SFGOV  
09/20/2010 10:54 AM

To BOS Constituent Mail Distribution,  
cc  
bcc  
Subject Please re-time traffic lights to slow automobile traffic in  
SoMa.



Janas Page  
<startswithj@gmail.com>

09/19/2010 12:59 PM

Please respond to  
startswithj@gmail.com

To Supervisor Chris Daly <Chris.Daly@sfgov.org>  
cc board.of.supervisors@sfgov.org, David Campos  
<david.campos@sfgov.org>  
Subject Please re-time traffic lights to slow automobile traffic in  
SoMa.

Dear Supervisor Daly,

I regularly bicycle from my home in the Mission to my place of work in SoMa, and back again, during rush hours. While my ride through the Mission is reliably calm, my ride through SoMa is unfortunately less pleasant.

A great source of trouble is the speed of the automobiles. Please consider re-timing the lights on bike-laned streets to slow cars and trucks to a safer speed.

By the way, I ride bike lanes all the way (thank you for that!): Mornings northbound on Harrison, left at 11th, right at Folsom, northbound to 4th. Evenings southbound on Howard, left at 11th, right at Harrison, southbound to 25th.

Janas Page  
San Francisco, CA 94110



Janas Page  
<startswithj@gmail.com>

09/19/2010 12:48 PM

Please respond to  
startswithj@gmail.com

To David Campos <david.campos@sfgov.org>

cc board.of.supervisors@sfgov.org

bcc

Subject Please make free public toilets look more obviously free.

Dear Supervisor Campos,

I live at the corner of Osage Alley and 25th Street, and I often (in the daytime) walk Osage on my way to 24th Street BART.

People regularly urinate in the doorways of this alley; I've witnessed the act in daylight, and the smell and visual pavement stains aren't difficult to notice. This situation is especially frustrating in that a free public toilet is available just steps away at the 24th Street BART plaza.

That said, it was a number of years before I realized the toilet existed (and wasn't just an information kiosk). And after noticing it was a toilet, it was again a long time before I saw it does not require coinage.

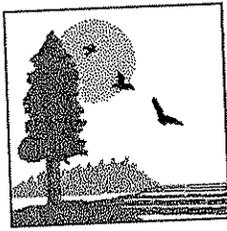
Please make this public facility more obviously free (and more obviously a toilet). Emblazon it with "Free / Gratis / 免费" in large, clear print. Add signs to the nearby alleys. Please, do something.

Thank you very much for your understanding,

Janas Page  
San Francisco, CA 94110

STATE OF CALIFORNIA

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



**PAUL D. THAYER**, Executive Officer  
(916) 574-1800 FAX (916) 574-1810  
Relay Service From TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-2501  
Contact FAX: (916) 574-2555

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
20 SEP 17 AM 10:32  
K  
File Ref: W2213

September 9, 2010

Office of Clerk of the Board  
County of San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4678

The California State Lands Commission has received a request from the United States National Park Service for a cession of concurrent criminal jurisdiction over state owned tidelands leased to the United States adjacent to the Golden Gate National Recreation Area at Ocean Beach and the San Francisco Presidio. The State Lands Commission has the authority to consider such a request under California Government Code Section 126.

Government Code Section 126 requires the Commission to hold a public hearing to receive comments on whether the proposed action is in the best interests of the State and that a copy of the notice of hearing be served on the Clerk for the Board of Supervisors. This letter transmits that notice to you.

If you or anyone has any questions about this matter, please call me at (916) 574-2501.

Sincerely,

KATHRYN COLSON  
Staff Counsel

Enclosure

NOTICE OF HEARING TO DETERMINE CESSION OF JURISDICTION  
TO THE UNITED STATES OVER LAND KNOWN AS LEASED STATE OWNED  
TIDELANDS ADJACENT TO THE GOLDEN GATE NATIONAL RECREATION AREA  
AT OCEAN BEACH AND THE SAN FRANCISCO PRESIDIO

Please take notice that, pursuant to Government Code Section 126 and the Rules and Regulations of the California State Lands Commission, a Public Hearing will be held on October 8, 2010, at 10:00 a.m. at the offices of the California State Lands Commission, 100 Howe Ave., Suite 100 South, Sacramento, CA 95825 for the purpose of receiving comments on whether it is in the best interests of the State of California to cede concurrent criminal jurisdiction to the United States over lands known as Leased State Owned Tidelands adjacent to the Golden Gate National Recreation Area at Ocean Beach and the San Francisco Presidio, San Francisco County. The cession, if approved, would be for the lesser of five years or so long as the United States owns the land.

Interested parties may appear personally or through counsel. Written testimony may be submitted to the California State Lands Commission, Legal Unit at 100 Howe Ave., Suite 100 South, Sacramento, CA 95825 before October 7, 2010. A more detailed description of the lands concerned and/or further information may be obtained from the Commission by writing the Commission at the above address or calling the Commission's Legal Unit at (916) 574-1850.

**COMMISSIONERS**  
**Jim Kellogg**, President  
Discovery Bay  
**Richard Rogers**, Vice President  
Montecito  
**Michael Sutton**, Member  
Monterey  
**Daniel W. Richards**, Member  
Upland

**ARNOLD SCHWARZENEGGER**



Governor

**JON K. FISCHER.**  
ACTING EXECUTIVE DIRECTOR  
1416 Ninth Street  
Box 944209  
Sacramento, CA 94244-2090  
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(916) 653-5040 Fax  
fgc@fgc.ca.gov

STATE OF CALIFORNIA  
**Fish and Game Commission**

September 16, 2010

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2010 SEP 17 PM 3:18  
BY *MC*

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 632, Title 14, California Code of Regulations, relating to marine protected areas, which will be published in the California Regulatory Notice Register on September 17, 2010.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

**Ms. Marija Vojkovich, Regional Manager, Marine Region, Department of Fish and Game, (805) 568-1246 has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

Sherrie Fonbuena  
Associate Governmental Program Analyst

Attachment

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

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203.1, 205(c), 219, 220, 1590, 1591, 2860, 2861 and 6750, Fish and Game Code; and Sections 36725(a) and 36725(e), Public Resources Code; and to implement, interpret or make specific sections 200, 202, 203.1, 205(c), 219, 220, 1580, 1583, 2861, 5521, 6653, 8420(e) and 8500, Fish and Game Code; and Sections 36700(e), 36710(e), 36725(a) and 36725(e), Public Resources Code, proposes to amend Section 632, Title 14, California Code of Regulations, relating to marine protected areas.

**Informative Digest/Policy Statement Overview**

The Marine Life Management Act (MLMA, Stats. 1998, ch. 1052) created a broad programmatic framework for managing fisheries through a variety of conservation measures, including Marine Protected Areas (MPAs). The Marine Life Protection Act (MLPA, Stats. 1999, ch. 1015) established a programmatic framework for designating such MPAs in the form of a statewide network. AB 2800 (Stats. 2000, ch. 385) enacted the Marine Managed Areas Improvement Act (MMAIA), among other things, to standardize the designation of Marine Managed Areas (MMAs), which include MPAs. The overriding goal of these acts is to ensure the conservation, sustainable use, and restoration of California's marine resources. Unlike previous laws, which focused on individual species, the acts focus on maintaining the health of marine ecosystems and biodiversity in order to sustain resources.

Existing regulations (the no-project alternative) provide for 42 MPAs covering an area of 181.5 square miles, representing 7.7 percent of the state waters within the south coast region. Of this, 89 percent of the area protected is within no-take state marine reserves covering 161 square miles or 6.9 percent of the state waters within the south coast study region.

The proposed regulation change is intended to meet the goals described in the Marine Life Protection Act (MLPA, Stats. 1999, ch. 1015) within a portion of California's State waters. The area covered in this proposal is the south coast region, defined as State waters from Point Conception in Santa Barbara County to the California-Mexico border. The MLPA goals address an overall concept of ecosystem-based management and the intent to improve upon California's existing array of marine protected areas (MPAs). The MLPA specifically requires that the Department of Fish and Game (Department) prepare a master plan and that the Fish and Game Commission (Commission) adopt regulations based on the plan to achieve the MLPA goals.

The MLPA requires that the Commission adopt a Marine Life Protection Program that, in part, contains an improved marine reserve (now state marine reserve) component [Fish and Game Code subsection 2853(c)(1)] and protects the natural diversity of marine life and the structure, function, and integrity of marine ecosystems [Fish and Game Code subsection 2853(b)(1)]. This protection may help provide sustainable resources as well as enhance functioning ecosystems that provide benefits to both consumptive and non-consumptive user groups. The program may include areas with various levels of protection (LOP), through marine protected areas (MPAs) that allow for specified commercial and recreational activities. These activities include but are not limited to fishing for certain species but not others, fishing with certain practices but not others, and kelp harvesting, provided that these activities are consistent with the objectives of the area and the goals and guidelines of the MLPA.

Regional implementation of the Marine Life Protection Act:

Important in developing the proposed regulation was the consideration for the south coast MPAs to form a component of a statewide biological network. The concept of designing a statewide network is outlined in the Commission's draft master plan for Marine Protected Areas (draft master plan), consistent with the guidance provided in the MLPA [Fish and Game Code subsection 2853(b)(6)]. Rather than attempting to design a single network for the entire state at one time, the draft master plan envisions the assembly of a statewide network from a series of regional processes across four coastal study regions and the San Francisco Bay region. The central and north central coast regional regulations were adopted in April 2007 and August 2009, respectively. Further background on the concept of regional networks, biological connectivity, ecosystem protection, MPA classifications, as well as the legislative history and context, are included in the rulemaking files for the central coast (OAL File ID # 07-0711-01S) and north central coast (OAL File ID #2010-0413-02SR). The south coast is the third of five study regions to be implemented through the MLPA.

The proposed regulation establishes a network component of MPAs for the south coast designed to include all representative south coast habitats and major oceanic conditions. Unique and critical habitats were considered separately to guarantee both representation and protection. From an ecological perspective, the proposed regulation creates a network component of MPAs in the south coast consistent with the goals of the MLPA. From an economic and social perspective, the proposed regulation attempts to minimize potential negative socio-economic impacts and optimize potential positive socio-economic impacts for all users, to the extent possible.

#### **PROPOSED REGULATION:**

The proposed regulation, also known as the Commission's Integrated Preferred Alternative (IPA), includes a total of 35 MPAs for the south coast region (Figure 1, Table 1). Sub-options have been included in the proposed regulation that may increase the number of MPAs up to a total of 39. It should be noted that MPAs in the northern Channel Islands and Santa Barbara Island were designed and adopted prior to the implementation of the south coast regional MLPA planning process. These 13 MPAs and two special closures, adopted in 2004, were re-evaluated at the onset of the south coast regional planning process relative to the goals of the MLPA by applying the SAT guidelines. These MPAs were found to meet the goals of the MLPA, and were incorporated into the south coast regional proposals without modification, at the direction of the Commission. They are reflected in Figure 1, but are not included in Table 1.

Additionally, two federal Safety Zones (military closures enacted by the United States Coast Guard and managed by the United States Navy) off of San Clemente Island were recognized in the MPA proposals as contributing to the ecological goals of the south coast MPA network. These federal Safety Zones were designated in federal regulations concurrent with the south coast MPA planning process. Although these areas are not proposed for formal designation as MPAs, they prohibit public access and act as no-fishing zones. These zones cover approximately 37 square miles and were identified by the MLPA Science Advisory Team to encompass several unique and rare marine life habitats. Due to the significant biological value of these non-fishing areas, the BRTF made a motion to include federal Safety Zones in MPA proposals and to consider their contributions to the ecological goals of the MPA network in the south coast study region without a formal MPA designation. Thus, while the federal Safety Zones, as well as the northern Channel Islands MPAs, are part of the overall design of the MPA network, they are not under consideration for regulatory action. The Department will develop monitoring and management agreements with the Department of Defense pursuant to an MOU

subsequent to this rulemaking and will be addressed formally in an update to the draft master plan.

Although changes to the northern Channel Islands MPAs are not under consideration, an error was identified in the existing regulations for the San Miguel Island Special Closure. A typographical error in the original rulemaking resulted in an incorrect longitudinal coordinate for Judith Rock, which is the eastern boundary of the San Miguel Island Special Closure. Thus, in subsection 632(b)(80), Title 14, California Code of Regulations (CCR) of the proposed regulation, 120° 23.30' W. longitude is corrected to 120° 25.30' W. longitude as intended in the original rulemaking.

The three classifications of MPAs used in California to reflect differing allowed uses are: state marine reserve (SMR), state marine conservation area (SMCA), and state marine park (SMP). Public Resources Code Section 36710 lists the restrictions applied in these classifications. The Commission has the statutory authority to designate SMRs and SMCAs; however the third MPA classification, SMP, may only be created, modified, or deleted under the authority of the State Park and Recreation Commission [Public Resources Code 36725(b)].

One MPA (Kashtayit) was recommended for designation as an SMP by stakeholders and the BRTF, with restrictions consistent with this designation. Pursuant to Commission authority [Public Resources Code 36725(a)], it would be adopted as an SMCA, although it could subsequently be designated as an SMP at the discretion of the State Park and Recreation Commission. If adopted, the draft master plan will be amended to reflect that it is intended to be a park, but will require action by the State Park and Recreation Commission.

Pre-existing activities and artificial structures including but not limited to wastewater outfalls, piers and jetties, maintenance dredging, and beach nourishment occur throughout the heavily urbanized south coast study region. These are activities that may result in incidental take. However, these activities are regulated by other federal, state, and local agencies, whose jurisdiction cannot be pre-empted through designation of MPAs under MLPA. Out of the 35 MPAs in the proposed regulation, 23 have been identified as having various existing activities regulated by other agencies (refer to Table 1). These activities are specified within the proposed MPA regulations to make explicit that these regulated activities are allowed to continue under current permits.

The Commission has previously incorporated descriptions of permitted activities into regulations for specific MPAs. There are examples of how ongoing activities are authorized within existing Title 14, CCR. Most recently, in 2008 the Commission adopted language for the Morro Bay State Marine Recreational Management Area that specifies activities permitted by other entities [subsections 632(b)(69)(C)(4) and 632(b)(69)(C)(5), Title 14, CCR]. In addition, permitted activities are also authorized in Ecological Reserves (Section 630, Title 14, CCR, and repeated for MPAs inside the Ecological Reserves in Section 632, Title 14, CCR). In line with this precedence, the proposed regulation incorporates allowances for specific ongoing activities in 23 MPAs (see Table 1). It should be noted, however, that in cases where a State Marine Reserve (SMR) is proposed over the area of activity, designation as a State Marine Conservation Area (SMCA) is more appropriate than an SMR due to the incidental take associated with those activities, which conflicts with an SMR designation. Ten of the 23 MPAs with identified activities were proposed as SMRs by stakeholders. Therefore, the designation is changed from SMR to SMCA that only allows take associated with those activities identified. For purposes of this discussion, these are referred to as "no-take SMCAs" and reflected as a different color shown in Figure 1.

The proposed regulation for MPAs within Ecological Reserves adds a reference to activities authorized pursuant to Section 630. Therefore, text that duplicates text in Section 630, Title 14, CCR, is deleted and a cross reference to Section 630 is provided.

Mandated water quality monitoring activities required under the federal Clean Water Act and California Water Code have been identified as occurring throughout the southern California region, and include monitoring stations within the majority of MPAs proposed in this regulation. Monitoring includes sampling of water, sediments, and marine organisms using a variety of methods. The MLPA specifically states that monitoring and research are permissible in all MPA designations. Therefore, under existing regulations, water quality monitoring may be authorized in any MPA pursuant to a scientific collecting permit issued by the Department, and therefore an allowance does not need to be specified within individual MPA regulations. However, to make explicit that the provision for monitoring in MPAs applies to water quality monitoring, the proposed regulation adds a general provision to Section 632(a), Title 14, CCR, to clarify that this activity is authorized in all MPAs pursuant to a scientific collecting permit.

For purposes of the MLPA, wastewater discharge permitted by the state water quality control board is not considered to involve "take" within MPAs. A clarification will be added to the draft master plan that, for purposes of MPA management, the relation of wastewater discharge to allowable take is at the discretion and jurisdiction of the state and regional water quality control boards.

Military activities have been identified in three of the proposed MPAs, at Point Conception SMR, Begg Rock SMR, and South La Jolla SMCA. Existing regulations in the preamble to Section 632, Title 14, CCR, state that "Nothing in this section expressly or implicitly precludes, restricts or requires modification of current or future uses of the waters identified as marine protected areas, special closures, or the lands or waters adjacent to these designated areas by the Department of Defense, its allies or agents." Therefore, military operations are already exempt within all MPAs under existing law.

The proposed regulation retains the existing San Diego-Scripps Coastal SMCA. This MPA provides for the specified scientific institution to manage and conduct research, education, and scientific collecting activities for its faculty, students, and affiliates without a scientific collecting permit. The proposed regulation adds a requirement that scientific research may only be conducted pursuant to a scientific collecting permit issued by the Department, which is consistent with regulatory requirements at the existing Dana Point SMR and Catalina Island Marine Institute SMR (renamed Blue Caverns SMCA in the proposed regulation).

The IPA forwarded to the Commission by the BRTF includes Bolsa Chica SMCA and Bolsa Chica SMR. Due to ongoing activities that are incompatible with a SMR designation, Bolsa Chica SMR must be re-designated as an SMCA. Because this change results in two proposed MPAs with the same name, in order to avoid confusion, the proposed regulation includes modified names for each MPA, based on the geographic reference for each portion of the bay. Therefore, Bolsa Chica SMCA and Bolsa Chica SMR are re-named as "Bolsa Bay SMCA" and "Bolsa Chica Basin SMCA" respectively, to avoid confusion.

### **Regulatory sub-options**

At the Commission's March 4, 2010 meeting, the Commission directed the Department to develop regulatory sub-options for eleven of the proposed MPAs within the Commission's

preferred alternative, to provide alternatives to either boundaries or take regulations in the IPA that address Department feasibility concerns, or requested by the California Department of Parks and Recreation (State Parks). The Commission also added sub-options for two existing MPAs not included in the IPA at the request of State Parks, for a total of thirteen MPAs with sub-options. These sub-options included the following choices:

**Arrow Point to Lion Head Point (Catalina Island) SMCA boundaries-**

The proposed MPA utilizes the seaward boundary of a long-standing special closure, which is represented by an undulating line based on a specific distance from the coastline. Note that existing coordinates are updated in the proposed regulation to reflect more precise GIS coordinates using modern technology. However, the seaward boundary does not meet Department feasibility guidelines.

**Option 1:** Retain coordinates as proposed.

**Option 2:** Use straight lines between coordinates to approximate the distance offshore. Straight-line coordinates are recommended to facilitate enforcement and public understanding. The proposed straight lines intentionally avoid inclusion of Eagle Reef, a popular destination for recreational lobster diving.

**Casino Point and Lover's Cove SMCAs proposed permitted activities-**

Feeding of fish in the area offshore from the City of Avalon is a long-standing practice associated with local tourism, where fish are provided food in order to attract the local species to enhance marine life viewing. In the general rules and provisions governing MPAs in subsection 632(a), Title 14, CCR, feeding of fish is prohibited except in relation to fishing allowances within SMCA and state marine recreational management areas. As such, designation of an MPA at Casino Point and Lover's Cove would prevent the practice from continuing. This was not considered during the SCRSG planning process, so the proposed regulation provides an option to allow or disallow this practice to continue within specific MPAs as follows:

**Option 1:** Do not allow the feeding of fish.

**Option 2:** Allow for the feeding of fish for the purpose of marine life viewing.

Proposed option 2 requires an addition to the regulations in the general rules and provisions (subsection 632(a), Title 14, CCR) that allows for feeding of fish for marine life viewing purposes to be specified within regulations for individual MPAs.

**Laguna Beach SMR boundaries and designation-**

A wastewater outfall pipe crosses the southern boundary of the proposed SMR. Although the discharge end of the outfall pipe falls outside the boundaries of the proposed MPA, operation and maintenance activities associated with the portion of the outfall pipe that is within the proposed MPA are incompatible with the SMR designation. However, the only area within the proposed Laguna Beach SMR that would be affected by these operations lies within the southernmost 1.25 miles of coastline. Therefore, options are provided to allow for the continued operation of the outfall pipe by either a) revising the entire designation to an SMCA (option 1), b) dividing the geography into two no-fishing MPAs with an SMR designation along the majority of the area, with an SMCA designated along the southernmost 1.25 miles of the area which would increase the number of MPAs by one (option 2), or c) modifying the south-eastern boundary of the SMR to exclude the pipeline area (option 3). In addition, options are incorporated to address feasibility concerns raised in public comment and by Department enforcement and local enforcement partners. The proposed SMR boundaries adhere to Department feasibility guidelines; however, feedback received from the public and local MPA management partners indicates that the angle of the coastline in this geography does not work well with strict north/south – east/west boundaries. This is particularly true for user groups accessing the area from shore, who generally fish without the aid of Global Positioning System units to identify

coordinate-based boundaries. Therefore, options are provided to address feasibility of boundaries by modifying the northern and southern boundaries to be oriented perpendicular to the shore, in two different configurations (Options 4 and 5). A summary of Options 1-5 are provided below:

**Option 1:** Retain coordinates as proposed and change designation to a non-fishing SMCA that allows for wastewater outfall operation and maintenance.

**Option 2:** Divide Option 1 geography into two MPAs, with an SMR north of the wastewater outfall pipe and create a non-fishing SMCA band at the southern portion of the proposal boundary, including the wastewater outfall pipe, which allows for operation and maintenance of the outfall. This option would increase the number of MPAs by one.

**Option 3:** Modify the southern boundary to exclude the pipe, by moving the southeast corner of the SMR northward to the nearest prominent rocks, which results in a nearshore line perpendicular to shore.

**Option 4:** Use the southern boundary in Option 3, and also modify the northern boundary in the nearshore area to be perpendicular to shore. Seaward, the boundaries adhere largely to the size and shape of the IPA (Option 1). This shape excludes the wastewater outfall pipe.

**Option 5:** This is a variation of option 4 in which the northern and southern boundaries extend perpendicular from shore out to the state waters boundary.

#### **Robert E. Badham SMCA name option-**

This existing MPA is subsumed into Crystal Cove SMCA in the IPA. However, the history of the naming of this existing MPA is relevant for consideration of whether to retain the historic name or not.

This MPA, originally designated as the Newport Beach Marine Life Refuge, was renamed as Robert E. Badham Marine Life Refuge (reclassified as an SMCA per the MLPA) in response to Senate Resolution No. 17, adopted by the California Senate in 1999. In light of this history, two options are provided:

**Option 1:** As proposed in the IPA, removes existing MPA name and subsumes area into Crystal Cove SMCA (Links to Crystal Cove Boundary Options 1 and 2).

**Option 2:** Retains existing MPA name. Divides the proposed Crystal Cove SMCA area into two distinct MPAs to retain the historic name Robert E. Badham for the area north of the Crystal Cove State Park land boundary (Links to Crystal Cove Boundary Options 3 and 4).

#### **Crystal Cove SMCA boundaries and name options-**

Since this MPA shares a boundary with the Laguna Beach SMR, some of the Laguna options will result in a change to the southern boundary of this MPA (Boundary Options 1 and 2 below). Options for Robert E. Badham will also affect the northern boundary of this MPA (in Boundary Options 3 and 4 below).

**Boundary Option 1:** Retains coordinates as proposed in the IPA (Links to Laguna Options 1, 2, and 3, and Robert E. Badham Option 1).

**Boundary Option 2:** Modifies the southern boundary (Links to Laguna Options 4 and 5, and Robert E. Badham Option 1).

**Boundary Option 3:** Divides the Option 1 geography into two MPAs, with the northern boundary of Crystal Cove SMCA terminating at the State Park boundary, and the remaining area within the geography north of the boundary would retain the original name of Robert E. Badham SMCA (Links to Laguna Options 1, 2, and 3, and Robert E. Badham Option 2). This option would increase the number of MPAs by one.

**Boundary Option 4:** Divides the Option 2 geography into two MPAs, with the northern boundary of Crystal Cove SMCA terminating at the State Park boundary, and the remaining area within the geography north of the boundary would retain the original name of Robert E. Badham

SMCA (Links to Laguna Options 4 and 5, and Robert E. Badham Option 2). This option would increase the number of MPAs by one.

#### **Crystal Cove SMCA take regulations-**

Crystal Cove SMCA as proposed in the IPA prohibits fishing except for recreational take of finfish by hook and line or by spearfishing, lobster, and sea urchin; and commercial take of coastal pelagic species by round haul net, spiny lobster by trap, and sea urchin. However, State Parks has requested that the Commission consider prohibiting all commercial fishing based on the rationale that commercial take conflicts with the adjacent Crystal Cove State Park General Plan for enhancing recreational activities and potential future designation as a State Marine Park. Therefore, take options are provided for Crystal Cove as follows:

**Take Option A:** Allows commercial and recreational take as proposed in the IPA.

**Take Option B:** Prohibits commercial take.

#### **Dana Point SMCA boundaries-**

Since this MPA shares a boundary with the Laguna Beach SMR, some of the Laguna options will result in a change to the northern boundary of this MPA (Boundary Options 1 and 2).

**Boundary Option 1:** Retain coordinates as proposed (Links to Laguna Options 1 and 2).

**Boundary Option 2:** Modifies the northern boundary (Links to Laguna Options 3, 4 and 5).

#### **Dana Point SMCA other access and collecting restrictions-**

The existing Dana Point SMCA contains language derived from legislation passed in 1993 to increase protection in the originally-established Dana Point Marine Life Refuge (reclassified as an SMCA per the MLPA). The legislation prohibited entry into the intertidal zone for purposes of taking or possessing any species of fish, plant, or invertebrate, except under a scientific collecting permit issued by the Department, and an additional approval obtained from the director of the Dana Point SMCA to collect within the SMCA. The existing SMCA covers the geographic area around the Dana Point Headlands. However, the proposed regulation expands the coastal coverage of the Dana Point SMCA northward by over three linear miles, and adds an allowance for recreational take from the shore. This proposed allowance would be in conflict with the existing restrictions on entering the intertidal area to fish. Therefore, the proposed regulation includes two options.

**Access Option A:** Remove existing restrictions to entry into the intertidal zone, and scientific collecting oversight by the director of the Dana Point SMCA.

**Access Option B:** Retain existing restrictions to entry into the intertidal zone and scientific collecting oversight by the director of the Dana Point SMCA. This restriction would be limited to a defined area that corresponds to the area around the Dana Point Headlands which is southward of a line at latitude 33° 27.74' N.

#### **Swami's SMCA boundaries-**

The proposed northern and southern boundaries for this MPA fall in the middle of beaches without visible and permanent landmarks. Because these beaches have very high visitation rates of more than three million people annually, many of whom fish from the beach, Department enforcement have raised concerns that the public may find it difficult to locate the boundaries unless aligned with landmarks. To facilitate public understanding, the Department recommended moving the northern boundary northward to align with Cottonwood Creek (Option 2), and State Parks recommended moving the southern boundary southward to the edge of State Parks land (end of state beach) (Option 3 and 4). It should be noted that a movement of the southern boundary in Options 3 and 4 would encompass the discharge end of the San Elijo wastewater discharge pipe.

**Boundary Option 1:** Retain coordinates as proposed in IPA.

**Boundary Option 2:** Move northern boundary northward to Cottonwood Creek.

**Boundary Option 3:** Move southern boundary south to align with State Parks Beach boundary.

**Boundary Option 4:** Move northern boundary per Option 2 and southern boundary per Option 3.

**Swami's SMCA take regulations-**

Additionally, State Parks has requested the consideration of sub-options for this proposed MPA due to conflicts with current Parks unit management. State Parks states that the proposed modification of the existing MPA conflicts with State Beach classification and general plans. The proposed MPA will affect both Cardiff and San Elijo State Beaches. More than three million people visit these beaches annually. San Elijo State Beach provides 172 campsites. The classification of a State Park System unit forms the foundation on which all management and development policies are based. State Beaches are a class of State Recreational Areas, which are operated to provide outdoor recreation opportunities. State Beaches provide swimming, boating, fishing, and other beach-oriented recreational activities. An SMCA that prohibits shore fishing would conflict with one of the primary purposes of these park units. Therefore, State Parks recommends allowing shore-based fishing. The proposed regulation provides sub-options that add shore-based fishing with hook and line gear as an allowed recreational take method in the SMCA (see sub-options for allowed take in Options 3, and 4). These options meet Department feasibility guidelines but reduce the SAT LOP from high to moderate-low.

**Take Option A:** Recreational fishing regulations as proposed in IPA.

**Take Option B:** Adds shore-base fishing with hook and line gear as an allowed recreational take method in the SMCA.

**San Diego Scripps Coastal and Matlahuayl SMCA boundaries-**

In the IPA proposal, the Scripps Pier cuts diagonally across the boundary between these two proposed MPAs. Although the pier is not a fishing pier, it is common for recreational anglers fishing from boats to target fish for bait underneath the pier structure, presenting difficulties for enforcement and public understanding. The boundary as proposed will require re-designation of Matlahuayl from a SMR to a SMCA to allow for operation and maintenance of the pier structure. Therefore, the proposed regulation adds an option to move the shared boundary between the two MPAs southward to below the pier, as follows:

**San Diego-Scripps Coastal SMCA Option 1:** Retain coordinates as proposed in the IPA (Linked to Matlahuayl Option 1).

**San Diego-Scripps Coastal SMCA Option 2:** Move the southern boundary south to below the base of Scripps Pier (Linked to Matlahuayl Option 2).

**Matlahuayl SMCA Option 1:** Change designation to SMCA; retain coordinates as proposed in IPA (Linked to San Diego-Scripps Coastal SMCA Option 2).

**Matlahuayl SMR Option 2:** Retain SMR designation, move northern boundary south below base of pier (Linked to San Diego-Scripps Coastal SMCA Option 2).

**South La Jolla SMR/SMCA-**

This inshore/offshore MPA complex has a shared northern and southern boundary. As proposed in the IPA, the northern boundary bisects an intertidal reef that is popular for recreational harvest of invertebrates at low tide. Additionally, the southern boundary falls in the middle of a public beach without a permanent and visible landmark. Both of these boundaries may lead to enforcement and public understanding challenges. Therefore, boundary options are provided to address feasibility concerns for the northern and southern boundaries:

**Option 1:** Retain coordinates as proposed in IPA.

**Option 2:** Move northern boundary to north of the intertidal reef to align with Palomar Avenue.

**Option 3:** Move southern boundary one block south to align with Missouri Street.

**Option 4:** Move both northern and southern boundaries per Options 2 and 3.

**State Parks request to retain two existing MPAs**

Two existing MPAs (Refugio SMCA and Doheny Beach SMCA) are not retained in the original IPA of 35 MPAs submitted by the BRTF to the Commission for the proposed regulation. However, State Parks requests that these MPAs be retained, and has provided the following rationale:

**Refugio SMCA-**

Proposed removal of this existing MPA would decrease protection and open up the area to potential increased commercial extraction. The area includes significant natural values as well as sensitive archeological sites. The shallow relief reefs and interspersed sand substrate environments of this site contribute to high biological diversity. Culturally diverse as well, the area was once a popular trading ship anchorage, and prehistoric Chumash stone bowls have been found within this site. Refugio State Beach receives over 100,000 visitors each year and is popular for SCUBA diving, swimming, recreational fishing and sea kayaking. Existing interpretive programs include kayak and tidepool tours. The existing Refugio State Beach is impacted by commercial lobster trapping. Parks staff must regularly remove lobster traps that drift too close inshore and abandoned traps that lay within the park lease. Therefore, the following options are included in the proposed regulation:

**Option 1:** Remove the existing Refugio SMCA from the proposed regulation, as per the IPA.

**Option 2:** Retain the existing regulations for Refugio SMCA within the proposed regulation. This option would increase the number of MPAs by one.

**Doheny Beach SMCA-**

Proposed removal of this existing MPA would decrease existing protection and decrease educational opportunity. Doheny State Beach includes an existing underwater recreation area and the Doheny Beach Marine Life Refuge, which was designated in 1969 by the Legislature specifically to protect tidepool invertebrates. The existing protections are moderate and do not affect commercial activities. Although relatively small, over 1.6 million people visited Doheny State Beach in 2008. Therefore, the following options are included in the proposed regulation:

**Option 1:** Remove the existing Doheny Beach SMCA from the proposed regulation, as per the IPA.

**Option 2:** Retain the existing regulations for Doheny Beach SMCA within the proposed regulation. This option would increase the number of MPAs by one.

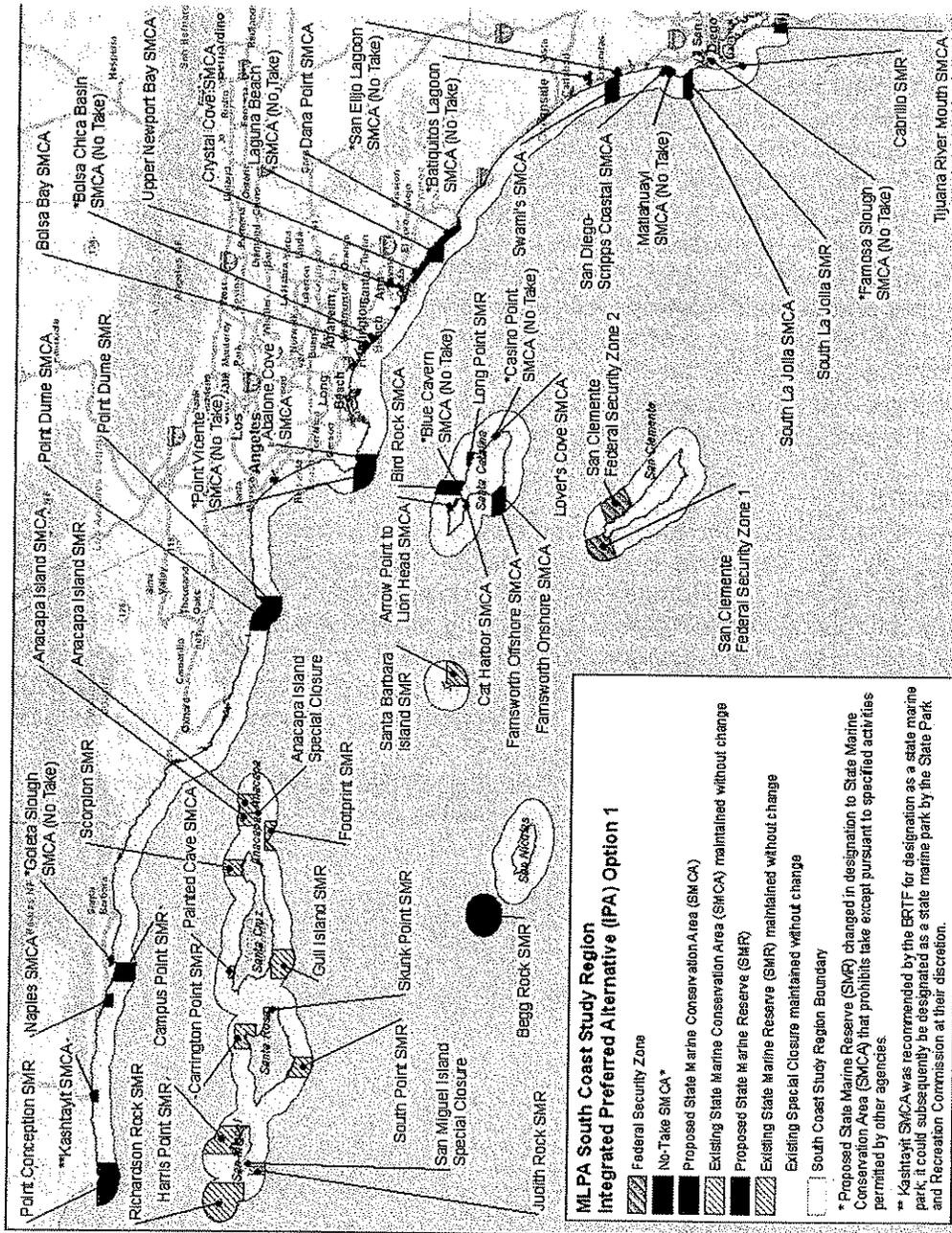


Figure 1. Marine protected areas in proposed regulation known as IPA. The IPA as displayed includes 35 proposed new MPAs (alternatives within the proposed regulation provide options to add three MPAs not displayed here, and boundary options for 9 MPAs in 5 geographies); the figure also shows 2 existing special closures and 13 existing MPAs in the northern Channel Islands and Santa Barbara Island, which are not under re-consideration in this proposal, and two federal Safety Zones at San Clemente Island that are considered to contribute to the network but do not have an MPA designation.

### Proposed Regulation Details

Table 1 presents proposed MPAs in the IPA including the MPA designation, options for specific MPAs, proposed allowed take, other proposed regulated activities, and MLPA SAT assigned level of protection.

Other terms used in Table 1 include "pelagic finfish," "finfish," and "coastal pelagic species" with the following definitions:

- Pelagic finfish are defined in subsection 632(a)(3) as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena spp.*), billfishes\* (family Istiophoridae) (except that marlin is not allowed for commercial take), dolphinfish/dorado (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus spp.*), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias spp.*), swordfish (*Xiphias gladius*), tunas (family Scombridae), and yellowtail (*Seriola lalandi*).
- Finfish are defined in subsection 632(a)(2) as any species of bony fish or cartilaginous fish (sharks, skates and rays). Finfish do not include amphibians, invertebrates, plants or algae. The definition of finfish provided in Section 159 does not apply to this Section.
- Coastal pelagic species are defined in Section 1.39 as: northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), Pacific mackerel (*Scomber japonicus*), jack mackerel (*Trachurus symmetricus*), and market squid (*Loligo opalescens*).

Table 1. Proposed regulation<sup>1</sup> (Integrated Preferred Alternative) for marine protected areas (MPAs) in the south coast region (excluding the northern Channel Islands), including description of options, proposed allowed take, other proposed regulated activities, and SAT-assigned LOP. Marine protected areas are arranged geographically from north to south, including Catalina Island.

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
Point Conception State Marine Reserve	IPA	Take of all living marine resources is prohibited	---	Very High
<b>OPTIONS EXIST (1-2) TO EXCLUDE OR INCLUDE REFUGIO</b>				
<b>Option 1:</b> Exclude Refugio State Marine Conservation Area	1: IPA: Removes existing SMCA as reflected in IPA	N/A	N/A	N/A
<b>Option 2:</b> Refugio State Marine Conservation Area	2: Retains existing SMCA and adds to IPA (State Parks option)	Take of all living marine resources is prohibited EXCEPT: <ul style="list-style-type: none"> <li>▪ Only the following species may be taken recreationally: finfish, chiones, clams, cockles, rock scallops, native oysters, crabs, lobster, ghost shrimp, sea urchins, mussels and marine worms except that no worms may be taken in any mussel bed unless taken incidentally to the take of mussels.</li> <li>▪ Only the following species may be taken commercially: finfish, crabs, ghost shrimp, jackknife clams, sea urchins, algae except giant kelp and bull kelp and worms except that no worms may be taken in any mussel bed, nor may any</li> </ul>	---	Low

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
Kashitayit State Marine Conservation Area <sup>3</sup>	IPA	<p>person pick up, remove, detach from the substrate any other organisms, or break up, move or destroy any rocks or other substrate or surfaces to which organisms are attached.</p> <p>Take of all living marine resources is prohibited EXCEPT:</p> <ul style="list-style-type: none"> <li>The recreational take of finfish and invertebrates, except rock scallops and mussels.</li> </ul> <p>The recreational take of giant kelp by hand harvest</p>	Allows maintenance of artificial structures and operation and maintenance of existing facilities pursuant to any required permits, or as otherwise authorized by the Department <sup>2</sup>	Low
Naples State Marine Conservation Area	IPA	<p>Take of all living marine resources is prohibited EXCEPT:</p> <ul style="list-style-type: none"> <li>The recreational take of pelagic finfish (including Pacific bonito) and white seabass by spearfishing</li> </ul> <p>The commercial take of giant kelp by hand harvest, or by mechanical harvest</p>	Allows operation and maintenance of artificial structures pursuant to any required permits, or as otherwise authorized by the Department <sup>2</sup>	Low
Campus Point State Marine Reserve <sup>5</sup>	IPA	Take of all living marine resources is prohibited		Very High
Goleta Slough State Marine Conservation Area <sup>4</sup>	IPA <sup>4</sup>	Take of all living marine resources is prohibited	<p>Allows maintenance dredging, habitat restoration, research and education, maintenance of artificial structures, and operation and maintenance of existing facilities pursuant to any required permits, activities pursuant to Section 630, Title 14, CCR, or as otherwise authorized by the Department<sup>2</sup></p> <p>Boating, swimming, wading, and diving are prohibited in waters below the mean</p>	Very High

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
Begg Rock (San Nicholas Island Quad) State Marine Reserve	IPA	Take of all living marine resources is prohibited	--- high tide line in the Goleta Slough Ecological Reserve as defined within Section 630, Title 14, CCR	Very High
Point Dume State Marine Conservation Area	IPA	Take of all living marine resources is prohibited EXCEPT: <ul style="list-style-type: none"> <li>▪ The recreational take of pelagic finfish, including Pacific bonito, and white seabass by spearfishing</li> <li>▪ The commercial take of coastal pelagic species by round haul net and swordfish by harpoon</li> </ul>	---	High
Point Dume State Marine Reserve	IPA	Take of all living marine resources is prohibited	---	Very High
Point Vicente State Marine Conservation Area <sup>4</sup>	IPA <sup>4</sup>	Take of all living marine resources is prohibited	Allows remediation activities associated with the Palos Verdes Shelf Operable Unit of the Montrose Chemical Superfund Site within the conservation area pursuant to the Interim Record of Decision issued by the United States Environmental Protection Agency and any subsequent Records of Decision <sup>2</sup>	Very High

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
Abalone Cove State Marine Conservation Area	IPA	<p>Take of all living marine resources is prohibited EXCEPT:</p> <ul style="list-style-type: none"> <li>▪ The recreational take of pelagic finfish, including Pacific bonito, and white seabass by spearfishing only, and market squid by hand-held dip net</li> <li>▪ The commercial take of coastal pelagic species and Pacific bonito by round haul net, and swordfish by harpoon</li> </ul>	<p>Allows remediation activities associated with the Palos Verdes Shelf Operable Unit of the Montrose Chemical Superfund Site within the conservation area pursuant to the Interim Record of Decision issued by the United States Environmental Protection Agency and any subsequent Records of Decision<sup>2</sup></p>	High
Bolsa Bay State Marine Conservation Area <sup>6</sup>	IPA	<p>Take of all living marine resources is prohibited EXCEPT:</p> <ul style="list-style-type: none"> <li>▪ The recreational take of finfish by hook and line from shore in designated areas only</li> </ul>	<p>Allows routine operation and maintenance, habitat restoration, maintenance dredging, research and education, and maintenance of artificial structures pursuant to any required permits, activities pursuant to Section 630, Title 14, CCR, or as otherwise authorized by the Department<sup>2</sup></p> <p>Boating, swimming, wading, and diving are prohibited; access restricted between 8:00 p.m. and 6:00 a.m.</p>	Moderate Low
Bolsa Chica Basin State Marine Conservation Area <sup>4, 6</sup>	IPA <sup>4</sup>	<p>Take of all living marine resources is prohibited</p>	<p>Allows routine operation and maintenance, habitat restoration, maintenance dredging, research and education, and maintenance of artificial structures pursuant to any required permits, activities pursuant to Section 630, Title 14, CCR, or as otherwise authorized by the Department<sup>2</sup></p> <p>Boating, swimming, wading, and diving are prohibited; access restricted between 8:00 p.m. and 6:00 a.m.</p>	Very High

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
<b>BOUNDARY OPTIONS (1-2) EXIST FOR ARROW POINT TO LION HEAD POINT (CATALINA ISLAND)</b>				
<b>Option 1:</b> Arrow Point to Lion Head Point (Catalina Island) State Marine Conservation Area	1: Seaward boundary defined by distance from shore as described in IPA	Recreational take of marine invertebrates is prohibited; take of all other species is allowed	---	Low
<b>Option 2:</b> Arrow Point to Lion Head Point (Catalina Island) State Marine Conservation Area	2: Uses straight line boundaries to improve feasibility	Recreational take of marine invertebrates is prohibited; take of all other species is allowed	---	Low
Blue Cavern (Catalina Island) State Marine Conservation Area <sup>4</sup>	IPA <sup>4</sup>	Take of all living marine resources is prohibited	Allows maintenance of artificial structures pursuant to any required permits, or as otherwise authorized by the Department <sup>2</sup>	Very High
Bird Rock (Catalina Island) State Marine Conservation Area	IPA	Take of all living marine resources is prohibited EXCEPT: <ul style="list-style-type: none"> <li>▪ The recreational take of pelagic finfish including Pacific bonito by hook and line or by spearfishing, white seabass by spearfishing and market squid by hand-held dip net</li> <li>▪ The commercial take of pelagic finfish by hook and line only and swordfish by harpoon</li> </ul>	---	High

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
Long Point (Catalina Island) State Marine Reserve	IPA	Take of all living marine resources is prohibited	---	Very High
<b>TAKE OPTIONS (1-2) EXIST FOR CASINO POINT (CATALINA ISLAND)</b>				
<b>Option 1:</b> Casino Point (Catalina Island) State Marine Conservation Area <sup>4</sup>	1: IPA <sup>4</sup> : No allowance for feeding as described in IPA	Take of all living marine resources is prohibited	Allows maintenance of artificial structures pursuant to any required permits or as otherwise authorized by the Department <sup>2</sup>	Very High
<b>Option 2:</b> Casino Point (Catalina Island) State Marine Conservation Area <sup>4</sup>	2: Adds allowance for feeding of fish to IPA <sup>4</sup>	Take of all living marine resources is prohibited EXCEPT: feeding of fish for marine life viewing is allowed	Same as Option 1	Very High
<b>TAKE OPTIONS (1-2) EXIST FOR LOVER'S COVE (CATALINA ISLAND)</b>				
<b>Option 1:</b> Lover's Cove (Catalina Island) State Marine Conservation Area	1: IPA: No allowance for feeding as described in IPA	Take of all living marine resources is prohibited EXCEPT: recreational fishing from public pier by hook and line	Allows maintenance of artificial structures pursuant to any required permits or as otherwise authorized by the Department <sup>2</sup>	Moderate High
<b>Option 2:</b> Lover's Cove (Catalina Island) State Marine Conservation Area	2: Adds allowance for feeding of fish to IPA	Take of all living marine resources is prohibited EXCEPT: recreational fishing from public pier by hook and line, and feeding of fish for marine life viewing is allowed	Same as Option 1	Moderate High

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
Farnsworth Onshore (Catalina Island) State Marine Conservation Area	IPA	<p>Take of all living marine resources is prohibited EXCEPT:</p> <ul style="list-style-type: none"> <li>▪ The recreational take of pelagic finfish, including Pacific bonito, and white seabass by spearfishing only, market squid by hand-held dip net, and marlin, tunas and dorado by trolling</li> <li>▪ The commercial take of coastal pelagic species by round haul net and swordfish by harpoon</li> </ul>		High
Farnsworth Offshore (Catalina Island) State Marine Conservation Area	IPA	<p>Take of all living marine resources is prohibited EXCEPT:</p> <ul style="list-style-type: none"> <li>▪ The recreational take of pelagic finfish, including Pacific bonito, by hook and line or spearfishing, white seabass by spearfishing only, market squid by hand-held dip net, and marlin, tunas and dorado by trolling</li> <li>▪ The commercial take of coastal pelagic species by round haul net and swordfish by harpoon</li> </ul>		High
Cat Harbor (Catalina Island) State Marine Conservation Area	IPA	<p>Take of all living marine resources is prohibited EXCEPT:</p> <ul style="list-style-type: none"> <li>▪ The recreational take of finfish by hook and line or by spearfishing, squid by hook and line, and lobster and sea urchin</li> <li>▪ The commercial take of sea cucumbers by diving, and spiny lobster and sea urchin</li> <li>▪ Aquaculture of finfish is</li> </ul>	Allows maintenance of artificial structures pursuant to any required permits or as otherwise authorized by the Department <sup>2</sup>	Moderate Low

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
Upper Newport Bay State Marine Conservation Area	IPA	<p>allowed pursuant to a valid State water bottom lease and valid permits</p> <p>Take of all living marine resources is prohibited EXCEPT: the recreational take of finfish by hook and line from shore only</p>	<p>Allows maintenance dredging, habitat restoration, research and education programs, maintenance of artificial structures, and operation and maintenance of existing facilities pursuant to any required permits, activities pursuant to Section 630, Title 14, CCR, or as authorized by the Department<sup>2</sup></p> <p>Swimming is allowed only in the area between North Star Beach and mid-channel; boating speed limit of 5 mph; shoreline access is limited; use fees apply</p>	Moderate Low
<b>OPTIONS (1-2) EXIST FOR ROBERT E. BADHAM. THESE ARE LINKED TO BOUNDARY OPTIONS AT CRYSTAL COVE.</b>				
<b>Option 1:</b> Do not include Robert E. Badham State Marine Conservation Area	1: As reflected in the IPA, does not retain existing MPA name and subsumes area into Crystal Cove SMCA (linked to Crystal Cove Boundary Options 1 & 2)	N/A	N/A	N/A
<b>Option 2:</b> Include Robert E. Badham State Marine Conservation Area	2: Retains existing MPA name by dividing area of proposed Crystal Cove SMCA Boundary Option 1 (from IPA), in area north of State Parks land boundary	Same as Crystal Cove Take Option A	Same as Crystal Cove Take Option A	Moderate Low

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
<b>BOUNDARY OPTIONS (1-4) EXIST FOR CRYSTAL COVE; THESE ARE LINKED TO BOUNDARY OPTIONS AT AND ROBERT E. BADHAM AND LAGUNA. DECISION ON LAGUNA BOUNDARY OPTION DETERMINES BOUNDARY OPTION FOR CRYSTAL COVE.</b>				
<b>Boundary Option 1:</b> Crystal Cove State Marine Conservation Area	1: IPA boundaries (linked to Laguna Options 1, 2 & 3 and Robert E. Badham Option 1)	See Take Options A and B	See Take Options A and B	Moderate Low
<b>Boundary Option 2:</b> Crystal Cove State Marine Conservation Area	2: Southern boundary modified for feasibility (linked to Laguna Options 4 & 5 and Robert E. Badham Option 1)	See Take Options A and B	See Take Options A and B	Moderate Low
<b>Boundary Option 3:</b> Crystal Cove State Marine Conservation Area	3: Divides the Boundary Option 1 geography into two MPAs at northern end of State Park land and applies historic name for Robert E. Badham in northern section. Increases number of MPAs by 1 (linked to Laguna Options 1, 2 & 3 and Robert E. Badham Option 2.)	See Take Options A and B	See Take Options A and B	Moderate Low
<b>Boundary Option 4:</b> Crystal Cove State Marine Conservation Area	4: Divides the Boundary Option 2 geography into two MPAs to retain historic name for Robert E. Badham SMCA. Increases number of MPAs by 1 (linked to	See Take Options A and B	See Take Options A and B	Moderate Low

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
	Laguna Options 4 & 5 and Robert E. Badham Option 2)			
<b>TAKE OPTIONS (A &amp; B) EXIST FOR CRYSTAL COVE.</b>				
<b>Take Option A:</b> Crystal Cove State Marine Conservation Area	A: Take as proposed in the IPA	Take of all living marine resources is prohibited EXCEPT: <ul style="list-style-type: none"> <li>The recreational take of finfish by hook and line or by spearfishing and lobster and sea urchin is allowed</li> <li>The commercial take of coastal pelagic species by round haul net, spiny lobster by trap, and sea urchin</li> </ul>	Allows beach nourishment or other sediment management activities and operation and maintenance of artificial structures pursuant to any required permits or as authorized by the Department <sup>2</sup>	Moderate Low
<b>Take Option B:</b> Crystal Cove State Marine Conservation Area	B: Removes all commercial take allowances from the IPA (State Parks option)	Take of all living marine resources is prohibited EXCEPT: The recreational take of finfish by hook and line or by spearfishing, and lobster and sea urchin is allowed	Same as Take Option A	Moderate Low
<b>BOUNDARY OPTIONS (1-5) EXIST FOR LAGUNA; THESE ARE LINKED TO BOUNDARY OPTIONS FOR CRYSTAL COVE AND DANA POINT. DECISION ON LAGUNA BOUNDARY DETERMINES BOUNDARY OPTION FOR CRYSTAL COVE AND DANA POINT.</b>				
<b>Option 1:</b> Laguna Beach State Marine Conservation Area <sup>4</sup>	1: IPA <sup>4</sup> with designation as SMCA due to other regulated activities (outfall pipe)	Take of all living marine resources is prohibited	Boats may be launched and retrieved only in designated areas; anchoring restricted to daylight hours  Allows operation and maintenance of artificial structures pursuant to any required permits or as authorized by the Department <sup>2</sup>	Very High
<b>Option 2:</b> Laguna Beach State Marine	2: Divides the Option 1 geography into two MPAs (SMR/SMCA)	Take of all living marine resources is prohibited	Boats may be launched and retrieved only in designated areas; anchoring restricted to daylight hours	Very High

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
Reserve <i>and</i> Laguna Beach State Marine Conservation Area <sup>4</sup>	with SMCA <sup>4</sup> across southern 1.5 miles due to other regulated activities (outfall pipe). Increases number of MPAs by 1	Take of all living marine resources is prohibited	Boats may be launched and retrieved only in designated areas; anchoring restricted to daylight hours  Allows operation and maintenance of artificial structures pursuant to any required permits or as authorized by the Department <sup>2</sup>	Very High
<b>Option 3:</b> Laguna Beach State Marine Reserve	3: Modifies southern boundary from Option 1 to exclude outfall pipe, with SMR designation (linked with Dana Point Option 2)	Same as Option 1	Boats may be launched and retrieved only in designated areas; anchoring restricted to daylight hours	Very High
<b>Option 4:</b> Laguna Beach State Marine Reserve	4: Modified southern AND northern boundaries from Option 1 with SMR designation to exclude pipe and improve feasibility (linked with Crystal Cove Option 2 & Dana Point Option 2)	Same as Option 1	Same as Option 3	Very High
<b>Option 5:</b> Laguna Beach State Marine Reserve	4: Modified southern AND northern boundaries to extend Option 4 nearshore boundaries to the state waters seaward boundary to improve feasibility (linked with Crystal Cove Option 2 & Dana Point Option 2)	Same as Option 1	Same as Option 3	Very High

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
<b>BOUNDARY OPTIONS (1-2) EXIST FOR DANA POINT; THESE ARE LINKED TO BOUNDARY OPTIONS AT LAGUNA. DECISION ON BOUNDARY OPTION AT LAGUNA DETERMINES BOUNDARY OPTION FOR DANA POINT.</b>				
<b>Boundary Option 1:</b> Dana Point State Marine Conservation Area	1: IPA boundaries (linked to Laguna Options 1 & 2)	Take of all living marine resources is prohibited EXCEPT: <ul style="list-style-type: none"> <li>▪ The recreational take of finfish by hook and line or by spearfishing, and lobster and sea urchin is allowed below the mean lower low-tide line only</li> <li>▪ The commercial take of coastal pelagic species by round haul net, and spiny lobster and sea urchin</li> </ul>	Allows operation and maintenance of artificial structures pursuant to any required permits or as authorized by the Department <sup>2</sup>  <b>and</b> See Access Options A and B	Moderate Low
<b>Boundary Option 2:</b> Dana Point State Marine Conservation Area	2: Modified northern boundary for feasibility (linked to Laguna Options 3, 4 & 5)	Same as Option 1	Same as Option 1;  <b>and</b> See Access Options A and B	Moderate Low
<b>ACCESS OPTIONS (A &amp; B) EXIST FOR DANA POINT.</b>				
<b>Access Option A:</b> Dana Point State Marine Conservation Area	A: Remove existing restrictions on access for purposes of take, and scientific collecting oversight by the director of the SMCA	Same as Option 1	Same as Boundary Option 1.	
<b>Access Option B:</b> Dana Point State Marine Conservation Area	B: Retain existing restrictions on access for purposes of take, and scientific collecting oversight, only in the area of the Dana Point Headlands, southward of a line at latitude 33°	Same as Option 1	Same as Boundary Option 1;  <b>and</b> Southward of a line at latitude 33° 27.74' N., access to take or possess any fish, plant, or invertebrate is prohibited, except under a scientific collecting permit from the Department and additional special collecting permit from	

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup> the director of the SMCA.	SAT Level of Protection
<b>OPTIONS (1-2) EXIST TO EXCLUDE OR INCLUDE DOHENY BEACH.</b>				
<b>Option 1:</b> Exclude Doheny Beach State Marine Conservation Area	1: IPA: Removes existing SMCA as reflected in IPA	N/A	N/A	N/A
<b>Option 2:</b> Doheny Beach State Marine Conservation Area	2: Adds existing SMCA to IPA (per State Parks request)	Take of all living marine resources is prohibited EXCEPT: <ul style="list-style-type: none"> <li>▪ Only the following species may be taken recreationally: lobster, rockfish (family Scorpaenidae), greenling, lingcod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, California corbina, white seabass, opaleye, halfmoon, surfperch (family Embiotocidae), blacksmith, Pacific barracuda, California sheephead, Pacific bonito, California halibut, sole, turbot, and sanddab. Finfish shall be taken only by hook and line or by spearfishing gear.</li> <li>▪ Only spiny lobster may be taken commercially.</li> </ul>	---	Low
Batiquitos Lagoon State Marine Conservation Area <sup>4</sup>	IPA <sup>4</sup>	Take of all living marine resources is prohibited	Allows operation and maintenance, habitat restoration, research and education, maintenance dredging and maintenance of artificial structures pursuant to any required permits, or	Very High

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup> pursuant to Section 630, Title 14, CCR, or as authorized by the Department <sup>2</sup>	SAT Level of Protection
<b>BOUNDARY OPTIONS (1-4) EXIST FOR SWAMI'S.</b>				
<b>Boundary Option 1:</b> Swami's State Marine Conservation Area	1: IPA boundaries	See Take Options A and B	See Take Options A and B	High
<b>Boundary Option 2:</b> Swami's State Marine Conservation Area	2: Moves northern boundary of Option 1 north to Cottonwood Creek to improve feasibility	See Take Options A and B	See Take Options A and B	High
<b>Boundary Option 3:</b> Swami's State Marine Conservation Area	3: Moves southern boundary of Option 1 south to edge of State Parks land (State Parks request) to improve feasibility	See Take Options A and B	See Take Options A and B	High
<b>Boundary Option 4:</b> Swami's State Marine Conservation Area	3: Moves northern boundary of Option 1 north to Cottonwood Creek; AND moves southern boundary south to edge of State Parks land. (State Parks request) to improve feasibility	See Take Options A and B	See Take Options A and B	High

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
<b>TAKE OPTIONS (A &amp; B) EXIST FOR SWAMI'S.</b>				
<b>Take Option A:</b> Swami's State Marine Conservation Area	A: IPA take regulations	Take of all living marine resources is prohibited EXCEPT: The recreational take of pelagic finfish, including Pacific bonito, and white seabass by spearfishing	Allows beach nourishment or other sediment management activities and operation and maintenance of artificial structures pursuant to any required permits or as authorized by the Department <sup>2</sup>	High
<b>Take Option B:</b> Swami's State Marine Conservation Area	B: Adds shorefishing to allowed take (State Parks request) – reduces LOP	Same as Take Option A, EXCEPT: ALSO allows recreational take by hook and line from shore only.	Same as Take Option A	Moderate Low
San Elijo Lagoon State Marine Conservation Area <sup>4</sup>	IPA <sup>4</sup>	Take of all living marine resources is prohibited	Allows operations and maintenance, maintenance dredging, habitat restoration including sediment deposition, research and education, and maintenance of artificial structures pursuant to any required permits, or as authorized under Section 630, Title 14, CCR, or as authorized by the Department <sup>2</sup>	Very High
<b>BOATING, SWIMMING, WADING AND DIVING ARE PROHIBITED</b>				
<b>BOUNDARY OPTIONS (1-2) EXIST FOR SAN DIEGO-SCRIPPS COASTAL; THESE ARE LINKED TO BOUNDARY OPTIONS AT MATLAHUAYL. DECISION ON SAN DIEGO-SCRIPPS COASTAL BOUNDARY OPTION DETERMINES BOUNDARY OPTION AND MPA DESIGNATION FOR MATLAHUAYL</b>				
<b>Option 1:</b> San Diego-Scripps Coastal State Marine Conservation Area	1: IPA boundaries (Linked to Matlahuayl Option 1)	Take of all living marine resources is prohibited EXCEPT: ▪ The recreational take of coastal pelagic species, except market squid, by hook and line	Allows scientific collecting under a scientific collection permit issued by the Department.  Allows operation and maintenance of artificial structures pursuant to any required permits or as authorized by the	Moderate Low

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
<b>Option 2:</b> San Diego-Scripps Coastal State Marine Conservation Area	2: Moves southern boundary from Option 1 below pier to improve feasibility (Linked to Matlahuayl Option 2)	Same as Option 1	Department <sup>2</sup> Same as Option 1	Moderate Low
<b>BOUNDARY OPTIONS (1-2) EXIST FOR MATLAHUAYL; THESE ARE LINKED TO BOUNDARY OPTIONS AT SAN DIEGO-SCRIPPS COASTAL. DECISION ON SAN DIEGO-SCRIPPS COASTAL BOUNDARY OPTION DETERMINES BOUNDARY OPTION AND MPA DESIGNATION FOR MATLAHUAYL</b>				
<b>Option 1:</b> Matlahuayl State Marine Conservation Area <sup>4</sup>	1: IPA Boundary, designated as SMCA <sup>4</sup> (Linked to San Diego-Scripps Coastal Option 1)	Take of all living marine resources is prohibited	Boats may be launched and retrieved only in designated areas; anchoring restricted to daylight hours  Allows operation and maintenance of artificial structures pursuant to any required permits or as authorized by the Department <sup>2</sup>	Very High
<b>Option 2:</b> Matlahuayl State Marine Reserve	2: Moves northern boundary from Option 1 below pier to improve feasibility and retain SMR designation (Linked to San Diego-Scripps Coastal Option 2)	Same as Option 1	Boats may be launched and retrieved only in designated areas; anchoring restricted to daylight hours	Very High
<b>BOUNDARY OPTIONS (1-4) EXIST FOR SOUTH LA JOLLA SMR; THESE ARE LINKED TO SOUTH LA JOLLA SMCA BOUNDARY OPTIONS. DECISION ON SOUTH LA JOLLA SMR BOUNDARY OPTION DETERMINES BOUNDARY OPTION FOR SOUTH LA JOLLA SMCA</b>				
<b>Option 1:</b> South La Jolla State Marine Reserve	1: IPA boundaries	Take of all living marine resources is prohibited	---	Very High

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
<b>Option 2:</b> South La Jolla State Marine Reserve	2: Moves northern boundary from Option 1 north above intertidal reef to improve feasibility	Same as Option 1	---	Very High
<b>Option 3:</b> South La Jolla State Marine Reserve	3: Moves southern boundary from Option 1 south to major street to improve feasibility	Same as Option 1	---	Very High
<b>Option 4:</b> South La Jolla State Marine Reserve	4: Moves Option 1 northern boundary north above intertidal reef. AND Moves southern boundary south to major street to improve feasibility	Same as Option 1	---	Very High
<b>BOUNDARY OPTIONS (1-4) EXIST FOR SOUTH LA JOLLA SMCA; THESE ARE LINKED TO SOUTH LA JOLLA SMR BOUNDARY OPTIONS. DECISION ON SOUTH LA JOLLA SMR BOUNDARY OPTION DETERMINES BOUNDARY OPTION FOR SOUTH LA JOLLA SMCA</b>				
<b>Option 1:</b> South La Jolla State Marine Conservation Area	1: IPA boundaries	Take of all living marine resources is prohibited EXCEPT: ▪ The recreational take of pelagic finfish including Pacific bonito by hook and line	---	High
<b>Option 2:</b> South La Jolla State Marine Conservation Area	2: Same northern boundary change as South La Jolla SMR Option 2	Same as Option 1	---	High
<b>Option 3:</b> South La Jolla State Marine Conservation Area	3: Moves southern boundary from Option 1 south to major street to improve feasibility	Same as Option 1	---	High

MPA Name & Designation	Description of MPA Options	Proposed Allowed Take	Other Proposed Regulated Activities <sup>2</sup>	SAT Level of Protection
<b>Option 4:</b> South La Jolla State Marine Conservation Area	4: Moves Option 1 northern boundary north above intertidal reef; AND Moves southern boundary south to major street to improve feasibility	Same as Option 1	---	High
Famosa Slough State Marine Conservation Area <sup>4</sup>	IPA <sup>4</sup>	Take of all living marine resources is prohibited	Allows habitat restoration, maintenance dredging, and operation and maintenance of artificial structures pursuant to any required permits or as authorized by the Department <sup>2</sup>	Very High
Cabrillo State Marine Reserve	IPA	Take of all living marine resources is prohibited	---	Very High
Tijuana River Mouth State Marine Conservation Area	IPA	Take of all living marine resources is prohibited EXCEPT: <ul style="list-style-type: none"> <li>▪ The recreational take of coastal pelagic species, except market squid, by hand-held dip net</li> <li>▪ The commercial take of coastal pelagic species, except market squid, by round haul net</li> </ul>	Allows beach nourishment or other sediment management activities and operation and maintenance of artificial structures pursuant to any required permits or as authorized by the Department <sup>2</sup>	High

<sup>1</sup> This table does not include the 13 existing MPAs within the northern Channel Islands. The northern Channel Islands MPAs were retained without modification, at the direction of the Commission, and are not part of this rulemaking. However, they are displayed in the maps and summaries.

<sup>2</sup> Existing activities and operations permitted by other federal, state, or local entities, such as dredging, wastewater outfall operations, maintenance of artificial structures and sand replenishment and other sediment management activities have been identified as occurring within this proposed MPA, which may result in take of marine resources incidental to the activity. Operations or activities identified at the time of designation are included within the proposed regulation to make explicit that MPA designation is not intended to interfere with these permitted activities.

<sup>3</sup> This area, recommended by stakeholders as an SMP, will be designated as SMCA, and could subsequently be designated a state marine park at the discretion of the State Park and Recreation Commission.

<sup>4</sup> These MPAs, recommended by stakeholders as an SMR, will be designated as SMCAs that allow no take, except as associated with activities regulated by other agencies, pursuant to any valid permits.

- <sup>5</sup> Activities related to an existing artificial structure were previously identified as occurring within Campus Point SMR, with a recommendation to change the designation to an SMCA and specify that the permitted activities could continue. Subsequent information indicates that the artificial structure is outside the boundaries of the proposed SMR. Therefore, the regulation retains the SMR designation as proposed.
- <sup>6</sup> The names originally proposed (Bolsa Chica SMCA/SMCA) are identical. To avoid confusion, the names have been modified to reflect commonly used terms for each of the respective areas: Bolsa Bay SMCA and Bolsa Chica Basin SMCA.
- <sup>7</sup> A preliminary wave energy permit has been granted by the Federal Energy Regulatory Commission (FERC) at Catalina, that includes part of the proposed expansion of Farnsworth (Catalina) Offshore SMCA, which may need to be included in future regulations for this MPA.

The 35 MPAs in the proposed regulation, in combination with the existing Northern Channel Islands MPAs and federal Safety Zones, cover an area of 387.3 square miles, representing 16.5 percent of state waters within the south coast region. Of this, more than 70 percent of the area is within SMRs or “very high LOP” SMCA that do not allow fishing, but allow for existing regulated activities to occur. These non-fishing MPAs cover 274.1 square miles or 11.7 percent of state waters within the south coast region. The remaining areas are primarily SMCAs that allow some fishing activity, covering an area of 76.6 square miles, and federal Safety Zones consisting of 36.7 square miles. It should be noted that sub-options exist within the proposed regulation that could increase the number of MPAs in the regulation. Selecting the addition of Refugio SMCA (Option 2) and Doheny SMCA (Option 2) would add an additional 1.03 square miles and 0.14 square miles, respectively, to the total area covered by the proposed regulation, for a total of 388.5 square miles. A selection of Options 3 or 4 for Crystal Cove SMCA (that divides the proposed Crystal Cove MPA into Crystal Cove SMCA and Robert E. Badham SMCA) would add an additional MPA with no change to the size, and Option 2 for Laguna Beach SMR/SMCA would divide the proposed Laguna Beach MPA into two MPAs, with no change to the size.

The 35 new MPAs included in this proposed regulation (with sub-options that could lead to up to 39 MPAs) make up roughly 47 percent of the total area protected within the IPA, with the existing Channel Islands MPAs contributing approximately 43 percent of protected area, and the federal Safety Zone areas covering approximately 10 percent of the protected area encompassed in the IPA.

Many of the SMCAs allow the take of pelagic finfish (defined above), recreational take of white seabass by spearfishing, and commercial take of coastal pelagic species by round haul gear, which were considered by the SAT to offer high ecosystem protection. In some SMCAs, take of other species such as spiny lobster, sea urchin, finfish, and kelp is allowed. With some exceptions, the SMCAs protect benthic fishes and invertebrates most likely to benefit from area protection.

Many of the MPA proposals were advanced with recommendations from the stakeholders and BRTF to develop MOU agreements between the Department and government entities, research institutions, or tribal governments and organizations. These MOU agreements are outside of this rulemaking process, although they may be considered and pursued under the guidance of the draft master plan.

#### Alternatives to Regulation Change:

A range of alternatives to the proposed regulation was provided by the SCRSG and BRTF to meet the purposes of the proposed regulation but were not selected as the preferred alternative. Each alternative, with the exception of the no-change alternative, meets the goals and guidelines of the MLPA to varying degrees, and attempts to adhere to the SAT guidelines in the draft master plan to the extent possible. Each alternative is summarized below for informational purposes.

Alternative 1 – This is the SCRSG “Proposal 1R”, developed within SCRSG workgroups by constituents representing a variety of consumptive, non-consumptive, and environmental interests. It consists of 37 proposed MPAs, 13 existing MPAs and two special closures at the Channel Islands, and two federal Safety Zones, covering an area of 397.5 square miles,

representing 16.9 percent of state waters within the south coast region. Of this, 77.5 percent of the area is within no-take state marine reserves or "very high protection" SMCAs that do not allow fishing, covering 307.8 square miles or 13.1 percent of state waters within the south coast region.

Alternative 2 – This is the "SCRSR Proposal 2R", developed within SCRSR workgroups by constituents representing primarily commercial and recreational fishing interests along the south coast. It consists of 24 proposed MPAs, 13 existing MPAs and two special closures at the Channel Islands, and two federal Safety Zones covering an area of 378.3 square miles, representing 16.1 percent of state waters within the south coast region. Of this, 74.8 percent of the area is within no-take state marine reserves or "very high protection" SMCAs that do not allow fishing, covering 282.8 square miles or 12 percent of state waters within the south coast region.

Alternative 3 – This is the "SCRSR Proposal 3R", developed within SCRSR workgroups by constituents primarily representing non-consumptive and environmental interests along the south coast. It consists of 27 proposed MPAs, 13 existing MPAs and two special closures at the Channel Islands, and three federal Safety Zones covering an area of 412.7 square miles, representing 17.6 percent of state waters within the south coast region. Of this, 71 percent of the area is within no-take state marine reserves or "very high protection" SMCAs and a SMRMA that do not allow fishing, covering 293 square miles or 12.4 percent of state waters within the south coast region.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Four Points by Sheaton, 8110 Aero Drive, San Diego, California, on Wednesday, October 20, 2010 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Hotel Mar Monte, 1111 E. Cabrillo Blvd., Santa Barbara, California, on Wednesday, December 15, 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 December 9, 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 December 13, 2010.** All comments must be received no later than December 15, 2010 at the hearing in Santa Barbara, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer, or Sherrie Fonbuena at the preceding address or phone number. **Marija Vojkovich, Regional Manager, Marine Region, Department of Fish and Game, phone (805) 568-1246 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. 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 Business, Including the Ability of California Businesses to Compete with Businesses in Other States:**

The Proposed Regulation 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 Regulation may have negative impacts on commercial and recreational fishing operations and businesses.

The impacts presented here do not represent a complete socioeconomic impact analysis, but rather what is generally referred to as a first order impact analysis, meaning that it only assesses potential impacts up to the dock (i.e., for commercial, commercial passenger fishing vessel and recreational fisheries). Furthermore, a key assumption of this analysis is that estimates represent maximum potential impacts. An assumption made in the analysis is that the Proposed Regulation completely eliminates fishing opportunities in areas closed to specific fisheries and that fishermen are unable to adjust or mitigate in any way. In other words, that all fishing in an area affected by a marine protected area (MPA) is lost completely, when in reality it is more likely that fishermen will shift their efforts to areas outside the MPA. The effect of such an assumption is most likely an overestimation of the impact, or a "worst case scenario."

The estimates of maximum potential impacts shown here rely on the survey work and subsequent geographic information system (GIS) data analysis conducted by Ecotrust and reported in various documents to the SAT, RSG, and BRTF. Ecotrust interviewed fishermen to determine both locations of fishing activities and the relative importance of each location. Ecotrust's importance indices were combined with cost share information (gathered during the interviews) to measure the maximum potential impacts of prospective closures on stated and economic values for key commercial, commercial passenger fishing vessel and recreational fisheries. The methodology used to determine

maximum potential impacts for the Proposed Regulation (IPA) is described in the Initial Statement of Reason's Attachment 14.

The maximum potential impact (in real 2007 dollars) to commercial fisheries under the Proposed Regulation (see Table 3) excluding the impact of the Channel Islands MPAs is estimated to be \$1,566,767 per year. In comparison, the estimated average annual baseline gross revenues for the study region from 2000–07 were estimated to be \$48,001,110 and the estimated corresponding net economic revenue was \$22,648,455. Using these values, the estimated maximum potential percentage reduction per year under the Proposed Regulation excluding the impact of the Channel Islands MPAs is estimated to be 6.9 percent.

Table 3. Estimated annual maximum potential net economic impacts to commercial fisheries relative to the base scenario excluding the impact of the Channel Islands MPAs. The SCRSG proposal name is reflected in parentheses.

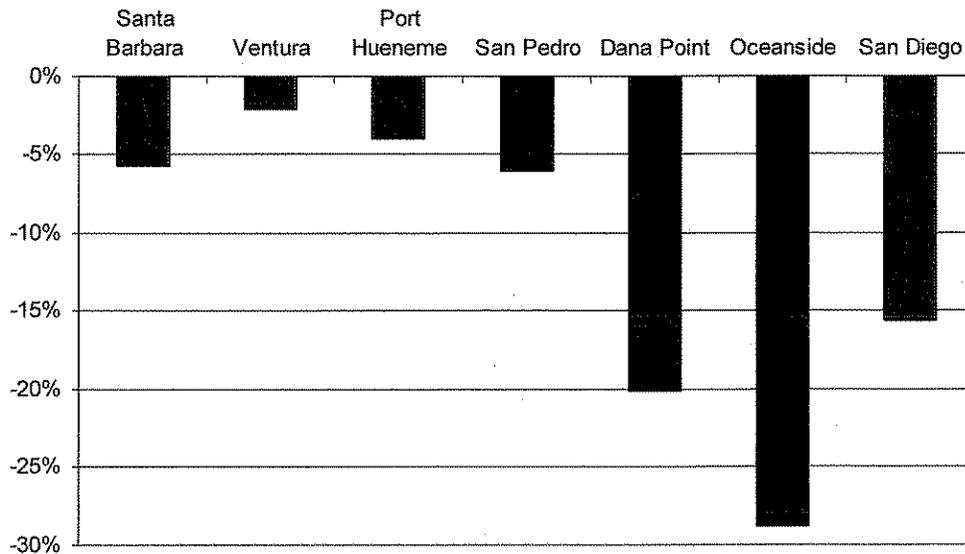
Fishery	Baseline GER	Baseline NER (Profit)	Proposed Regulation (IPA)	
			Estimated Profit Loss (\$)	Estimated Profit Loss (%)
Ca. Halibut (Hook & Line)	\$108,209	\$51,508	\$5,748	11.2%
Ca. Halibut (Trawl)	—	—	—	—
Coastal Pelagics	\$5,889,196	\$2,613,331	\$128,280	4.9%
Ca. Spiny Lobster	\$6,360,856	\$3,439,117	\$399,973	11.6%
N. Fishery (Hook & Line)	\$217,200	\$105,125	\$12,890	12.3%
N. Fishery (Trap)	\$372,719	\$182,413	\$22,990	12.6%
Rock Crab	\$1,469,292	\$780,474	\$50,484	6.5%
Sablefish (Blackcod) <sup>a</sup>	\$286,809	\$125,479	\$65,101	51.9%
Sea Cucumber (Dive)	\$500,296	\$252,149	\$22,441	8.9%
Sea Cucumber (Trawl)	—	—	—	—
Spot Prawn	\$1,741,435	\$892,881	\$71,973	8.1%
Market Squid	\$22,459,304	\$9,589,146	\$299,105	3.1%
Swordfish	\$366,725	\$123,770	\$10,589	8.6%
Thornyhead <sup>a</sup>	\$648,920	\$313,645	\$221,136	70.5%
Red Sea Urchin	\$7,580,148	\$4,179,418	\$256,058	6.1%
<b>All Fisheries<sup>b</sup></b>	<b>\$48,001,110</b>	<b>\$22,648,455</b>	<b>\$1,566,767</b>	<b>6.9%</b>

<sup>a</sup> The sablefish and thornyhead trap fisheries data collected in this study indicated where those fisheries occur only inside state waters. These fisheries actually occur primarily outside of state waters and, because of this, the stated potential impacts may be overestimated throughout the study region.

<sup>b</sup> Santa Barbara California halibut trawl and sea cucumber trawl are not shown in this total due to lack of data for all ports.

The estimated maximum potential impact to commercial fisheries under the Proposed Regulation excluding the impact of the Channel Islands MPAs is also calculated by port, as seen in Figure 2. In addition, it should be noted that the potential impacts to specific fisheries also vary by port as well.

Figure 2. Estimated annual maximum potential net economic impacts in commercial fisheries of the Proposed Regulation relative to the base scenario by port excluding the impact of the Channel Islands MPAs.



Due to the aggregation of data necessary to maintain the confidentiality of individual fishermen's financial data, the average impacts across fisheries may not be representative of the true maximum potential impact to an individual fisherman and may actually underestimate the maximum potential impact to specific individuals.

That said, Ecotrust, as part of their assessment, was asked to provide summary information on any disproportionate impacts on individual fishermen and/or particular fisheries. This was based on lessons learned in the Central Coast study region, where significant disproportionate impacts were only discovered in the implementation phase, leaving limited options to lessen these impacts.

Ecotrust evaluated whether there were individual fishermen interviewed who may be disproportionately affected by the Proposed Regulation. To assess these impacts, Ecotrust overlaid each fisherman's fishing grounds weighted by ex-vessel revenue (for each fishery in which the individual participates) with those areas being considered for closure under the Proposed Regulation and then summarized the potential impact on each fisherman's ex-vessel revenue across all fisheries in which the individual participates. It should be noted that the "worst case scenario" still applies in that individual fishermen are assumed not to adjust to different fishing grounds and the estimates presented here do not include impacts from Channel Island MPAs.

Ecotrust then used a box plot analysis to identify individual outliers. In a box plot analysis, outliers are defined as extreme values that deviate significantly from the rest of the sample. Results of this analysis show that the Proposed Regulation creates potentially disproportionate impacts to fishing areas for at least 10 fishermen. The maximum potential impacts to these individuals' annual ex-vessel revenues range from 32.2–57.2 percent and the corresponding dollar values range from \$2,460–\$123,204. The median maximum potential impact is \$21,381.

Ecotrust also analyzed the maximum potential impacts to commercial passenger fishing vessel (CPFV) operators and recreational fishermen (i.e., dive, kayak and private vessel) in terms of percentage of the fishing grounds within the study region and percentage of stated importance values of fishing grounds within the study region. Estimated impacts represent impacts to areas of stated importance and not impacts on level of effort. Similar to the commercial estimates of maximum potential impact, these estimates assume all fishing activity that previously occurred in a closed area is "lost" and not replaced by movement to another location.

Ecotrust calculated the maximum potential net economic impact for the CPFV fisheries as the average percentage reduction in net economic revenue (i.e., profit) for all ten species considered (Table 4).

Table 4. Estimated annual maximum potential net economic impacts to CPFV fisheries relative to the base scenario excluding the impact of the Channel Islands MPAs.

<b>Port</b>	<b>Proposed Regulation (IPA) Estimated Profit Loss (%)</b>
Santa Barbara	7.4%
Port Hueneme / Channel Islands Harbor	12.3%
Santa Monica	4.4%
San Pedro / Long Beach	6.1%
Newport Beach	11.3%
Dana Point	18.8%
Oceanside	12.0%
San Diego	25.2%
<b>Study Region</b>	<b>11.2%</b>

Recreational fisheries were broken out by county and by user group (i.e., dive, kayak and private vessel). Please see Table 5 for additional details.

While not economic losses, if realized, a loss in recreational fishing areas could lead to decreases in revenues to recreational fishing dependent businesses.

In the long term, the potential negative impacts may be balanced by potential positive impacts of sustainable fisheries, non-consumptive benefits, and ecosystem function in the reserve areas. In addition, potential benefits may be realized through adult fish spillover to areas adjacent to marine reserves and state marine conservation areas which prohibit bottom fishing for finfish, as well as through transport to distant sites.

Table 5. Estimated percentage of stated value of total recreational fishing grounds affected by county for the Proposed Regulation excluding the impact of the Channel Islands MPAs.

County	User group	Pacific Barracuda	Pacific Bonito	Ca. Halibut	Kelp Bass (calico bass)	White Croaker	Ca. Spiny Lobster	Jack Mackerel	Rockfish	Rock Crab
Santa Barbara	Dive			7.3%	11.9%	12.1%	9.0%		5.3%	
	Kayak			11.5%	12.0%		0.0%			
	Private Vessel	0.4%		13.8%	11.6%		0.0%		2.1%	
Ventura	Dive	1.8%		19.9%	15.1%		15.4%		10.8%	
	Kayak	3.5%		15.9%	17.8%		13.6%	4.3%	15.6%	0.0%
	Private Vessel	0.5%	0.0%	3.0%	2.8%	0.0%	12.1%	0.0%	1.3%	
Los Angeles	Dive	13.3%	45.5%	12.1%	13.0%	33.4%	9.7%		20.7%	
	Kayak	2.5%	3.6%	3.9%	9.2%		8.0%	4.6%	12.1%	0.0%
	Private Vessel	3.3%	5.8%	1.8%	4.8%	0.0%	6.2%	0.8%	7.8%	
Orange	Dive		13.4%	14.6%	30.8%	25.4%	17.0%		8.2%	
	Kayak	0.8%	13.2%	4.5%	6.9%		30.7%	0.0%	11.0%	
	Private Vessel	3.6%	2.8%	2.3%	6.2%	11.0%	15.0%	3.1%	8.9%	
San Diego	Dive	16.1%	28.1%	25.6%	26.9%	41.3%	19.7%		15.1%	
	Kayak	23.4%	22.4%	21.4%	25.6%		13.6%	21.8%	25.0%	14.8%
	Private Vessel	4.2%	2.9%	7.0%	13.0%	5.2%	9.6%	10.7%	7.3%	

Table 5 (continued)

County	User group	Scallops	Ca. Sheephead	Sand Bass	Market Squid	Surfperch	Thresher Shark	White Seabass	Ca. Yellowtail
Santa Barbara	Dive	4.7%						3.8%	0.0%
	Kayak			21.6%			1.7%		
	Private Vessel			0.0%			0.2%	5.5%	0.0%
Ventura	Dive	10.0%	0.0%	11.6%				2.1%	0.6%
	Kayak		25.0%	21.8%	11.2%		2.2%	13.8%	12.2%
	Private Vessel						8.1%	2.5%	1.8%
Los Angeles	Dive	21.0%	27.5%	10.5%				5.8%	10.4%
	Kayak		5.5%	2.2%	4.9%		2.9%	9.5%	12.4%
	Private Vessel		8.4%	0.4%		2.0%	6.1%	9.6%	4.7%
Orange	Dive	12.0%	59.8%	32.7%				11.4%	10.0%
	Kayak		37.1%	6.6%	13.7%		9.1%	7.7%	17.7%
	Private Vessel		25.0%	2.0%		0.0%	4.2%	11.1%	2.4%

San Diego	Dive	21.9%	29.8%	18.4%		20.6%	12.1%	
	Kayak		20.3%	18.9%	26.5%	23.7%	21.7%	
	Private Vessel		9.1%	6.1%		9.2%	1.3%	11.6%

- (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.

Each alternative has potential impacts on the creation and elimination of jobs related to commercial, CPFV and recreational fishing and non-consumptive activities. An estimate of the number of jobs eliminated as a direct result of the proposed action is difficult to determine. Commercial fishing operations are generally small businesses employing few individuals and, like all small businesses are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable stocks and subsequently the long-term viability of these same small businesses.

Jobs related to the non-consumptive tourism and recreational industries would be expected to increase over time by some unknown factor based on expected improvements in site quality and increased visitation to certain locations.

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

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

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

Additional costs to State agencies for enforcement, monitoring, and management of MPAs are difficult to estimate and are dependent on not only the impacts of the proposed regulation, but also other regulations and processes. Costs associated with printing and installing new regulatory signage, and developing and printing public outreach materials will be incurred by the Department's Marine Region and South Coast Region. However, partnerships with state and federal agencies, academic institutions and non-profit organizations are likely to continue to play an important role in assisting with MLPA implementation in coming years.

Current cooperative efforts with the Channel Islands National Marine Sanctuary, Monterey Bay National Marine Sanctuary, and Gulf of the Farallones National Marine Sanctuary have provided funding for some existing State costs, and contributions are expected to increase with the adoption of this regulation. In addition to agency partnerships, during planning and implementation of the first and second MLPA study regions (i.e., central coast and north central coast study regions), substantial funding (in the millions) was contributed by private fund sources including MLPA Initiative partners, and through bond money distributed through the Ocean Protection Council (OPC). These contributions supported costs for baseline science and socioeconomic data collection, signage, and outreach and education, among other things, and allowed for a greater outcome than may have been possible with Department funding alone. While it is

difficult to quantify the level of support that will be provided by partnerships in future years, the Department will continue to actively pursue and maximize such assistance.

While the actual costs to the Department to implement the proposed regulations in the south coast are unknown, experience in implementing MPAs in the northern Channel Islands and the MLPA central coast and north central coast can inform prospective near-term expenditures using existing Department funds, and contributions from partners:

- For the Northern Channel Islands, which was the first portion of the MLPA South Coast Study Region to adopt MPAs, the Department spent approximately \$3.6 million on post-design one-time costs, and an additional \$0.9 million per year since 2004 for implementation, management, and enforcement of the Northern Channel Islands MPAs. Partners contributed approximately \$2.2 million in one-time costs, and \$2.7 annually since the design phase was completed.
- In the MLPA central coast study region, the Department spent approximately \$4.5 million on post-design one-time costs, and an additional \$0.4 million per year since 2007 for implementation, management, and enforcement of the central coast MPAs. Partners have contributed approximately \$2.4 million since the design phase was completed.
- The MLPA north central coast study region regulations are due to become effective in May 2010 and funds have not yet been expended on implementation at the time of the writing of the Initial Statement of Reasons with the exception of \$4 million provided by the OPC for a baseline data collection project and development of a monitoring plan.

The Department costs referenced above utilized available funds to the Department at that time. Certainly, changes requiring additional enforcement, monitoring or management will increase the recurring costs to the Department as compared to the current efforts, and total state costs would increase as new study regions are designated and become operational. For the south coast, the near-term cost to implement the proposed MPAs will include both one-time startup and baseline data collection costs, and recurring annual costs. A baseline data collection program methodology is currently being developed through the MPA Monitoring Enterprise and being implemented in the north central coast. The costs associated with baseline data collection and future monitoring to apply in the south coast will be determined through a similar process and therefore cannot be estimated at this time. In light of uncertainty regarding the cost for monitoring, funding due to the State's current fiscal crisis, and the level of future funding from external partners, the estimated new funding requirements by the state for MLPA in the south coast are unknown at this time.

- (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: September 7, 2010

Jon K. Fischer  
Acting Executive Director

Pauline Marx/TTX/SFGOV  
09/16/2010 07:14 PM

To pauline.marx@sfgov.org  
cc Greg Wagner/MAYOR/SFGOV@SFGOV, Board of  
Supervisors/BOS/SFGOV@SFGOV, Jose  
Cisneros/TTX/SFGOV@SFGOV, Harvey  
bcc  
Subject CCSF Investment Report for the month of July, 2010



CCSF Monthly Portfolio Report 07312010.pdf

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Pauline A. Marx  
Chief Assistant Treasurer  
City and County of San Francisco  
City Hall - Room 140  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4638  
415/554-5260 (phone)  
415/554-4672 (fax)

Office of the Treasurer & Tax Collector  
City and County of San Francisco



José Cisneros, Treasurer

Pauline Marx, Chief Assistant Treasurer

Investment Report for the month of July, 2010

August 31, 2010

The Honorable Gavin Newsom  
Mayor of San Francisco  
City Hall, Room 200  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA. 94102-0917

The Honorable Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA. 94102-0917

Ladies and Gentlemen,

This correspondence and its attachments show the investment activity for fiscal year-to-date of the portfolios under the Treasurer's management.

(in \$ millions unless specified)

INCOME	Fiscal Year to Date		Month Ending 7/31/2010	
	Pooled Fund	All Funds	Pooled Fund	All Funds
Cash Basis Earnings	1.62	1.62	1.62	1.62
Accrual Basis Earnings	4.23	4.25	4.23	4.25
Earned Income Yield (in %)	1.29%	1.29%	1.29%	1.29%
Current Yield to Maturity (in %)	n/a	n/a	1.31%	1.31%
<b>PRINCIPAL</b>				
Current Book Value	n/a	n/a	4,102	4,132
Amortized Book Value	n/a	n/a	4,096	4,126
Par Value	n/a	n/a	4,083	4,113
Market Value	n/a	n/a	4,122	4,152
Accrued Interest	n/a	n/a	13	13
Total Value (Market Value + Accrued Interest)	n/a	n/a	4,135	4,166
Average Daily Balance	3,846	3,876	3,846	3,876
Average Age of Portfolio - End of Period (in days)	n/a	n/a	697	695

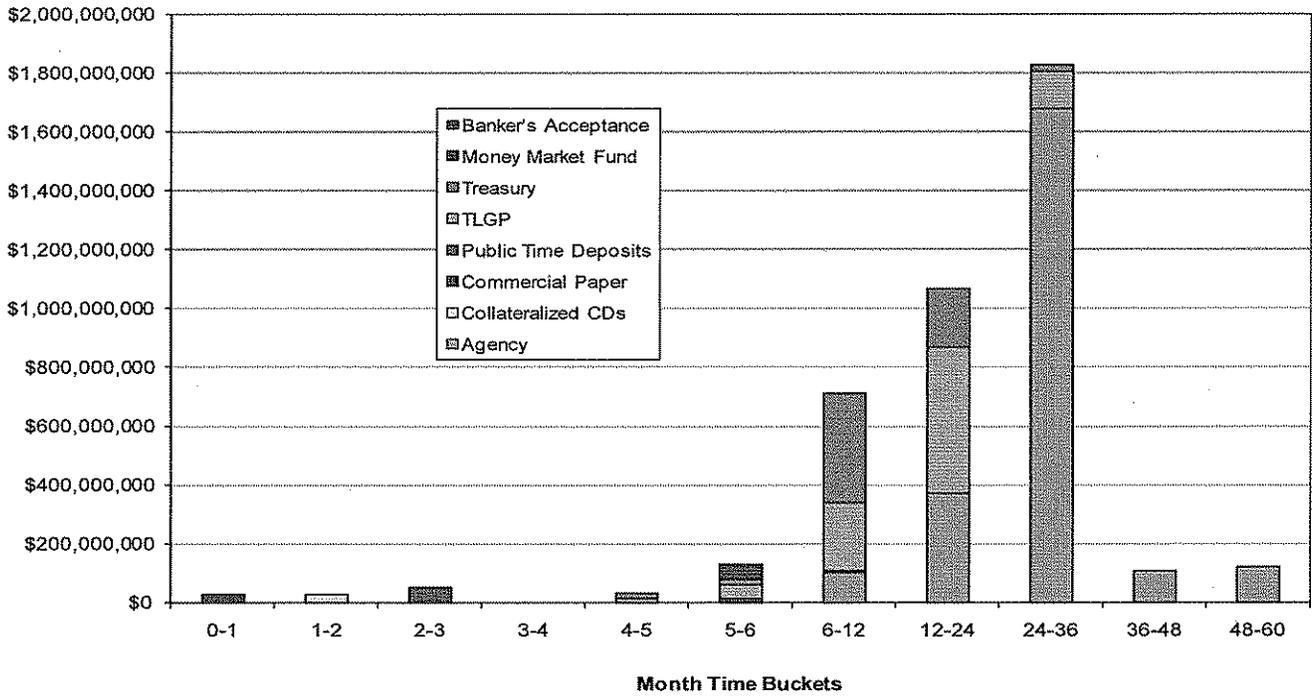
In accordance with provisions of California State Government Code Section 53646, we forward this report detailing the City's investment portfolio as of 7/31/2010. These investments are in compliance with California Code and our statement of investment policy, and provide sufficient liquidity to meet expenditure requirements for the next six months.

Very truly yours,

José Cisneros  
Treasurer

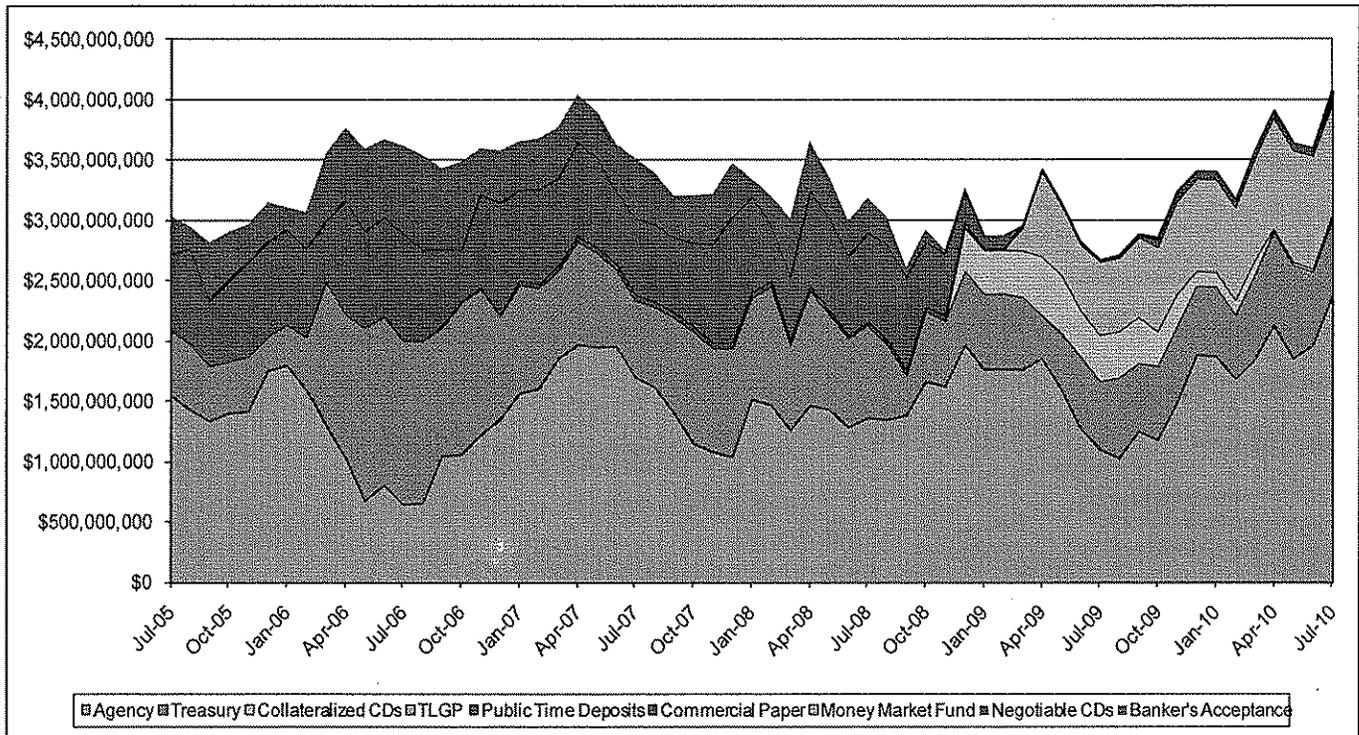
cc: Harvey Rose, Budget Analyst  
Ben Rosenfield, Controller  
Controller - Internal Audit Division: Tania Lediju  
Oversight Committee: J. Grazioli, Dr. Don Q. Griffin, Ben Rosenfield, T. Rydstrom, R. Sullivan  
Transportation Authority - Cynthia Fong, San Francisco Public Library - 2 copies

**Pooled Fund Maturities to Maturity Date**

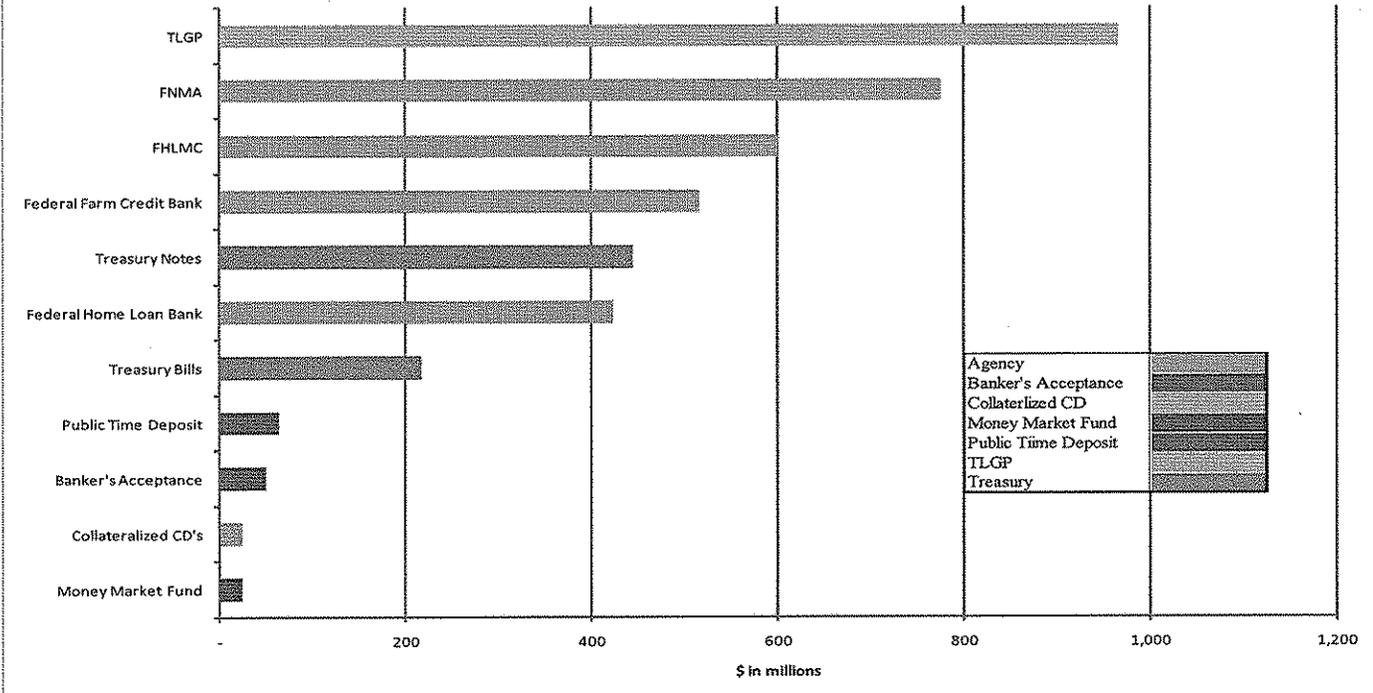


**Asset Allocation Five Year History**

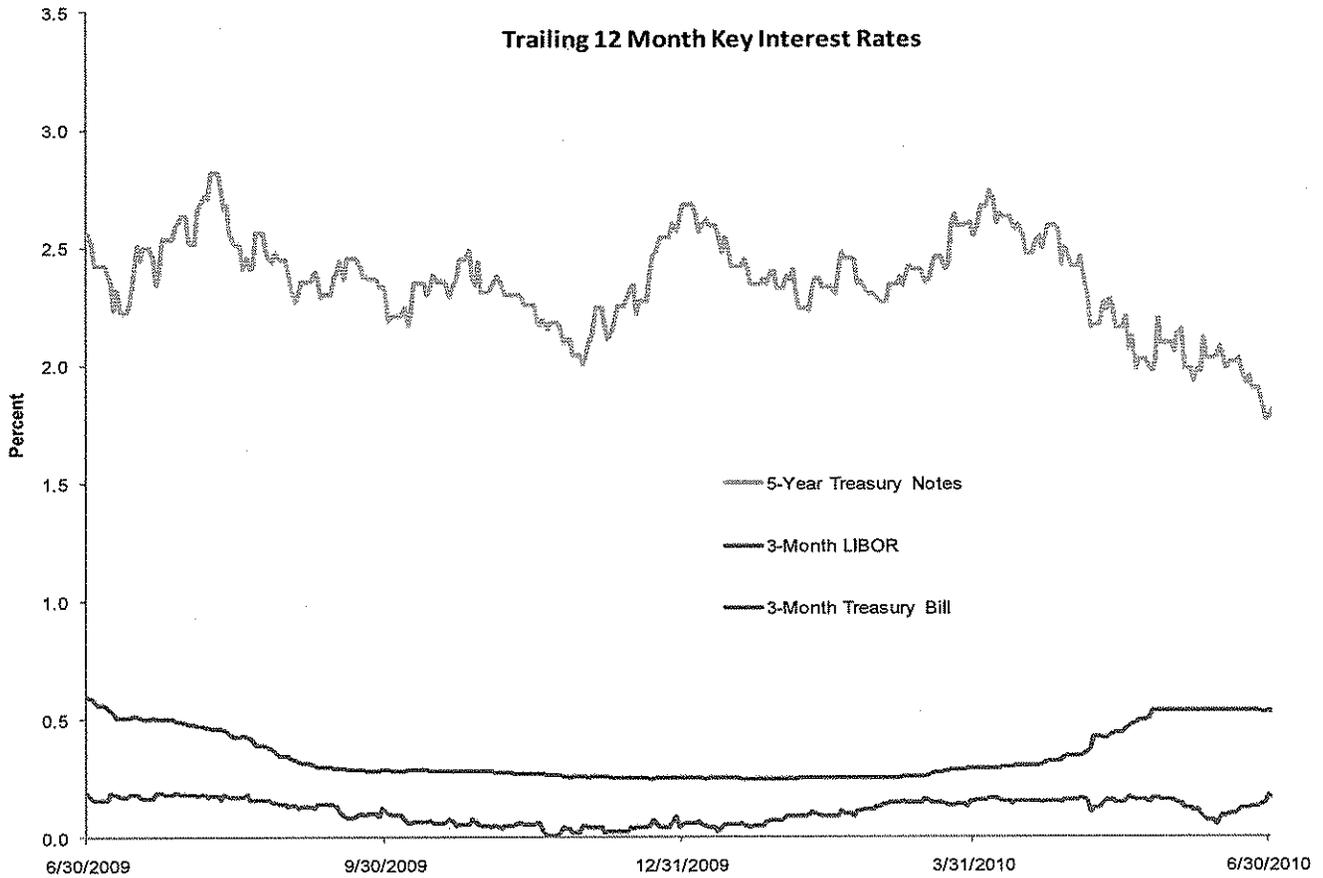
The chart below shows the total size of the Pooled Fund and the relative investments by type.



### Par Value of All Funds



### Trailing 12 Month Key Interest Rates



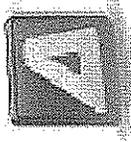
## All Funds

Investment Type	Par Value %	\$ in millions		
		Par Value	Original Book Value	Market Value
Banker's Acceptance	1.2%	50.00	49.87	49.85
Commercial Paper: Discount				
Commercial Paper: Interest Bearing				
Commercial Paper: Interest Bearing, Act/365				
Federal Farm Credit Bank: Discount Notes				
Federal Farm Credit Bank: Fixed	12.6%	517.04	519.68	522.04
Federal Farm Credit Bank: Float				
Federal Home Loan Bank: Discount Notes				
Federal Home Loan Bank: Fixed	7.8%	320.23	320.24	321.64
Federal Home Loan Bank: Float				
Federal Home Loan Bank: Float Monthly				
Federal Home Loan Bank: Multi Step	2.5%	102.75	102.70	102.81
Federal Home Loan Mortgage Corp.: Discount Notes				
Federal Home Loan Mortgage Corp.: Fixed	12.4%	511.50	513.25	515.51
Federal Home Loan Mortgage Corp.: Float, Monthly, Act/360				
Federal Home Loan Mortgage Corp.: Multi Step	0.5%	20.00	20.00	20.13
Federal National Mortgage Assn.	18.9%	775.72	776.85	780.73
Federal National Mortgage Assn.: Multi Step				
Federal National Mortgage Assn.: L Discount Notes				
Money Market Fund	0.6%	25.00	25.00	25.00
Public Time Deposit: Monthly Pay				
Public Time Deposit: Quarterly Pay	1.6%	65.10	65.10	65.07
Treas. Liquidity Guarantee Program: Fixed	22.3%	917.31	930.17	937.92
Treas. Liquidity Guarantee Program: Float	1.2%	50.00	50.07	50.25
Treasury Bills	5.3%	218.00	217.20	217.73
Treasury Notes	10.8%	445.00	447.24	448.54
	<b>100.0%</b>	<b>4,112.65</b>	<b>4,132.37</b>	<b>4,152.29</b>

# Inventory by Market Value

July 31, 2010

City & County of San Francisco

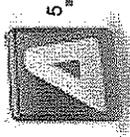


Assets (000's)	Current Par	Current Book	Market	MKT/Book	Un Gain/Loss	Yield
<b>TREASURY BILLS</b>	218,000.00	217,202.06	217,734.26	100.25%	292.32	0.39%
<b>TREASURY NOTES</b>	445,000.00	447,241.20	448,540.63	100.29%	1,306.26	0.77%
TLGP (Treas Liquid Guar Prog)	917,310.00	930,165.20	937,922.35	100.83%	7,848.82	1.48%
TLGP FL (Treas Liquidity Guar)	50,000.00	50,074.05	50,250.00	100.35%	175.95	0.52%
FEDERAL HOME LOAN BANK F	320,230.00	320,241.78	321,637.69	100.44%	1,461.77	1.64%
FEDERAL NATIONAL MORTGAGE ASSN	765,716.00	766,796.90	770,708.81	100.51%	3,911.90	1.59%
FNMA AMORT TO CALL	10,000.00	10,051.44	10,025.00	99.74%	-7.00	1.26%
FEDERAL FARM CREDIT BANK F	517,041.00	519,684.57	522,042.54	100.45%	2,372.86	1.34%
FHLMC Bonds	461,500.00	463,159.08	465,465.63	100.50%	2,306.55	1.60%
FHLB MULTI STEP	102,750.00	102,696.71	102,812.39	100.11%	115.69	1.17%
FHLMC AMORT TO CALL	50,000.00	50,089.42	50,046.88	99.92%	-19.63	0.70%
FHLMC FLOAT QTR 30/360	70,000.00	70,000.00	70,065.63	100.09%	65.63	1.04%
FHLMC MULTI-STEP	20,000.00	19,995.00	20,125.00	100.65%	130.00	2.02%
BANKERS ACCEPTANCE-DOMESTIC	50,000.00	49,867.94	49,845.28	99.95%	-37.58	0.53%
MONEY MARKET ACTUAL/365 R	25,000.00	25,000.00	25,000.00	100.00%	0.00	0.27%
PUBLIC TIME DEPOSIT	65,100.00	65,100.00	65,072.70	99.96%	-27.30	0.75%
COLLATERALIZED CERT of DEP	25,000.00	25,000.00	25,000.00	100.00%	0.00	0.72%
<b>Totals(000's)</b>	<b>4,112,647.00</b>	<b>4,132,365.34</b>	<b>4,152,294.77</b>	<b>100.48%</b>	<b>19,896.24</b>	<b>1.31%</b>

# INVESTMENT INVENTORY - 07/31/10

July 31, 2010

City & County of San Francisco



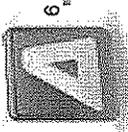
Run Date: 9/1/2010 11:42:53 AM

Inv No.	Security Description	CUSIP	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date	Current Book Value	Amortized Book Value	Par Value	Market Price	Current Market Value
<b>Fund: 100 POOLED FUNDS</b>											
42393 B 031011	912795V99		.0000	.3834	03/31/10	03/10/11	49,817,488.89	49,817,488.89	50,000,000.00	99.88	49,937,781.53
42402 Treasury Bill	912795V00		.0000	.3995	04/23/10	04/07/11	149,421,241.67	149,421,241.67	150,000,000.00	99.88	149,813,250.00
42419 B 01 13 11	912795UX7		.0000	.3387	06/10/10	01/13/11	17,963,327.00	17,963,327.00	18,000,000.00	99.91	17,983,226.30
<b>Inv Type: 11 TREASURY BILLS</b>											
42298 T 0.875 02 2	912828KE9		.8750	.6321	09/04/09	02/28/11	50,179,687.50	50,069,952.14	50,000,000.00	100.38	50,187,500.00
42325 T 1 08 31 11	912828LV0		1.0000	.8260	10/29/09	08/31/11	100,316.41	100,186.26	100,000.00	100.69	100,687.50
42326 T 1 08 31 11	912828LV0		1.0000	.8345	10/29/09	08/31/11	100,200,480.47	100,076,884.93	99,900,000.00	100.69	100,586,816.50
42341 T 1 7 31 11	912828LG3		1.0000	.6040	11/19/09	07/31/11	120,801,562.50	120,471,355.01	120,000,000.00	100.66	120,787,497.60
42352 T 1.125 12 1	912828KA7		1.1250	.7456	12/09/09	12/15/11	50,378,906.25	50,257,923.96	50,000,000.00	101.00	50,500,000.00
42382 T 1.5 07.15.	912828LB4		1.5000	1.1124	03/23/10	07/15/12	50,441,406.25	50,372,975.22	50,000,000.00	101.94	50,968,752.00
42415 T 1.25 11 30	912828JS0		1.2500	.3763	06/10/10	11/30/10	20,089,269.25	20,064,490.00	20,000,000.00	100.34	20,068,750.40
42437 T 1.00 7 15	912828N16		1.0000	1.0600	07/15/10	07/15/13	24,955,823.00	24,956,508.23	25,000,000.00	100.50	25,125,000.00
<b>Inv Type: 12 TREASURY NOTES</b>											
42165 J P MORGAN C	481247AK0		2.2000	2.0469	03/24/09	06/15/12	416,370,275.75	416,370,275.75	415,000,000.00	100.80	418,325,004.00
42166 GENL ELEC CA	36967HAN7		2.2500	2.0651	03/24/09	03/12/12	25,119,000.00	25,069,038.17	25,000,000.00	102.90	25,724,575.00
42170 MORGAN STANL	61757UAF7		2.0000	1.9382	03/16/09	09/22/11	35,185,150.00	35,100,602.72	35,000,000.00	102.59	35,906,535.00
42177 BAC 2.375 06	060508AJ0		2.3750	1.9301	04/14/09	06/22/12	25,037,750.00	25,017,110.60	25,000,000.00	101.67	25,417,968.75
42181 C 2.125 04.3	17313UAE9		2.1250	1.9669	04/02/09	04/30/12	50,685,000.00	50,406,296.14	50,000,000.00	103.21	51,604,650.00
42182 BK OF THE WE	064244AA4		2.1500	1.9628	04/02/09	03/27/12	25,117,500.00	25,066,694.84	25,000,000.00	102.52	25,629,675.00
42183 BK OF THE WE	064244AA4		2.1500	1.9629	04/02/09	03/27/12	20,108,000.00	20,059,845.87	20,000,000.00	102.48	20,496,875.00
42191 BAC 2.1 04.3	060508AG6		2.1000	1.9749	04/02/09	04/30/12	25,093,000.00	25,052,788.26	25,000,000.00	102.49	25,623,275.00
42195 GE 1.625 01.	36967HAG2		1.6250	1.2309	04/16/09	01/07/11	25,167,500.00	25,042,206.81	25,000,000.00	100.58	25,145,575.00
42196 GE 1.625 01.	36967HAG2		1.6250	1.2350	04/16/09	01/07/11	25,165,750.00	25,041,765.85	25,000,000.00	100.58	25,145,575.00
42197 C 1.625 03.3	17314JAA1		1.6250	1.3908	04/16/09	03/30/11	50,225,000.00	50,076,051.89	50,000,000.00	101.00	50,500,000.00
42198 GS 1.625 07.	38146FAF8		1.6250	1.4391	04/16/09	07/15/11	50,204,500.00	50,086,787.80	50,000,000.00	101.19	50,592,800.00
42211 USSA CAPITAL	90390QAA9		2.2400	1.9620	04/28/09	03/30/12	16,125,600.00	16,071,451.92	16,000,000.00	102.64	16,422,500.00
42258 CITIGROUP FD	17313YAC5		1.2500	1.2952	06/29/09	06/03/11	49,957,000.00	49,981,309.66	50,000,000.00	100.81	50,402,700.00
42259 CITIGROUP FD	17313YAC5		1.2500	1.2952	06/29/09	06/03/11	49,957,000.00	49,981,309.66	50,000,000.00	100.81	50,402,700.00
42274 GE TLGP 3 12	36967HAD9		3.0000	1.6091	07/30/09	12/09/11	51,602,500.00	50,920,229.12	50,000,000.00	103.05	51,527,350.00
42299 HSBC 3.125 1	4042EPAAS		3.1250	1.3413	09/16/09	12/16/11	51,969,550.00	51,204,280.27	50,000,000.00	103.47	51,733,550.00
42317 C 1.625 03.3	17314JAA1		1.6250	.7776	10/22/09	03/30/11	35,423,500.00	35,194,777.67	35,000,000.00	101.00	35,350,000.00
42328 MS 2.25 3 13	61757UAP5		2.2500	1.3169	11/04/09	03/13/12	20,431,800.00	20,296,234.88	20,000,000.00	102.59	20,518,750.00
42331 MS TLGP 2.25	61757UAP5		2.2500	1.3109	11/06/09	03/13/12	51,084,000.00	50,745,407.93	50,000,000.00	102.59	51,296,875.00
42332 GE TLGP 2.12	36967HAV9		2.1250	1.7893	11/06/09	12/21/12	25,253,750.00	25,194,148.77	25,000,000.00	103.00	25,749,750.00
42379 GS 3.25 06.1	38146FAA9		3.2500	1.2299	03/22/10	06/15/12	52,215,000.00	51,856,691.18	50,000,000.00	104.50	52,250,000.00
42380 GE TLGP 2% 0	36967HBB2		2.0000	1.4058	03/22/10	09/28/12	25,366,000.00	25,313,543.97	25,000,000.00	102.52	25,629,175.00
42400 GE TLGP 2.0	36967HBB2		2.0000	1.4358	04/20/10	09/28/12	76,101,916.67	75,985,262.24	75,000,000.00	102.52	76,887,525.00
42401 JPM 2.2 0615	481247AK0		2.2000	1.1630	04/21/10	06/15/12	51,097,500.00	50,955,076.34	50,000,000.00	102.90	51,449,150.00
42417 RF 2.75 12 1	7591EAAA1		2.7500	.3588	06/10/10	12/10/10	11,444,979.80	11,406,624.88	11,310,000.00	100.71	11,390,606.37

# INVESTMENT INVENTORY - 07/31/10

July 31, 2010

City & County of San Francisco



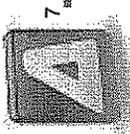
Run Date: 9/1/2010 11:42:53 AM

Inv No.	Security Description	CUSIP	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date	Current Book Value	Amortized Book Value	Par Value	Market Price	Current Market Value
<b>Inv Type: 15 TREASURY LGP</b>											
42242	MORGAN STANL	61757UAN0	2.1190	1.4804	03/19/09	03/13/12	930,165,196.47	926,140,471.20	917,310,000.00	102.25	937,922,353.87
42306	Union Bank T	905266AA0	.4570	.3760	03/23/09	03/16/12	25,040,325.00	25,021,827.29	25,000,000.00	100.52	25,128,906.25
42306	Union Bank T	905266AA0	.7371	.6597	03/23/09	03/16/12	25,033,725.00	25,018,364.49	25,000,000.00	100.48	25,121,093.75
<b>Inv Type: 16 TLGP FLOATER</b>											
42349	FHLB 1.85 12	3133XW6C8	.5970	.5179	12/21/09	12/21/12	50,074,050.00	50,040,191.78	50,000,000.00	100.50	50,250,000.00
42388	FHLB 1.875 0	3133XXN37	1.8500	1.8500	03/24/10	03/22/13	100,000,000.00	100,000,000.00	100,000,000.00	100.41	100,406,250.00
42397	FHLB 1.5 2.5	3133XY488	1.8750	1.9026	04/15/10	10/15/12	49,965,208.33	49,969,961.53	50,000,000.00	100.19	50,093,750.00
42418	FHLB 1.42 fl	3133XXME4	1.5000	1.5000	06/10/10	09/24/12	100,000,000.00	100,000,000.00	100,000,000.00	100.75	100,750,000.00
42431	FHLB 1.32 4	3133706H6	1.4200	1.4507	07/22/10	04/22/13	20,276,566.91	20,277,441.54	20,230,000.00	100.63	20,356,437.50
42431	FHLB 1.32 4	3133706H6	1.3200	1.3200	07/22/10	04/22/13	50,000,000.00	50,000,000.00	50,000,000.00	100.06	50,031,250.00
<b>Inv Type: 22 FEDERAL HOME LOAN BANK</b>											
42295	FNMA 2.15 09	31398AZA3	1.6347	1.6409	09/10/09	09/10/12	320,241,775.24	320,247,403.07	320,230,000.00	100.44	321,637,687.50
42335	FNMA 1.75 3	31398AVQ2	2.1500	2.0533	11/19/09	03/23/11	52,693,128.80	52,649,500.28	52,546,000.00	100.16	52,628,103.13
42338	FNMA 1.75 3	31398AVQ2	1.7500	.5980	11/20/09	03/23/11	50,770,000.00	50,368,466.26	50,000,000.00	100.91	50,453,125.00
42350	FNMA FIXED 1	3136FJZT1	1.7500	.5712	12/28/09	12/28/12	20,314,600.00	20,150,853.28	20,000,000.00	100.91	20,181,250.00
42366	FNMA 3NCL.5	31398AF23	1.7500	1.7500	02/08/10	02/08/13	100,000,000.00	100,000,000.00	100,000,000.00	100.47	100,468,750.00
42367	FNMA 3NCL.5	31398AF23	1.8000	1.8000	02/08/10	02/08/13	50,000,000.00	50,000,000.00	50,000,000.00	101.13	50,562,500.00
42398	FNMA 2.5NCL	3136FMNR1	1.8000	1.8172	02/08/10	10/29/12	24,987,500.00	24,989,484.49	25,000,000.00	101.13	25,281,250.00
42410	FNMA 2.5 6 2	3136FMA38	1.5600	1.5600	06/25/10	06/25/15	100,000,000.00	100,000,000.00	100,000,000.00	100.75	100,750,000.00
42411	FNMA 1.7 6 2	3136FMB78	2.0500	2.0765	06/25/10	06/25/15	49,018,650.00	49,019,893.13	49,080,000.00	102.13	50,122,950.00
42424	FNMA 1.3 7 1	31398AV90	1.7052	1.7103	07/16/10	07/16/13	99,985,000.00	99,985,465.33	100,000,000.00	100.16	100,156,250.00
42425	FNMA 1.3 7 1	31398AV90	1.3000	1.3171	07/16/10	07/16/13	24,987,500.00	24,987,682.48	25,000,000.00	100.34	25,085,937.50
42427	FNMA 1.55 7	31398AV25	1.3000	1.3171	07/16/10	07/16/13	49,975,000.00	49,975,364.96	50,000,000.00	100.34	50,171,875.00
42434	FNMA STRNT 1	3136FMX90	1.5500	1.5603	07/27/10	07/27/15	69,069,273.00	69,069,651.23	69,090,000.00	100.28	69,284,315.63
42435	FNMA STRNT 1	3136FMX90	1.7500	1.7500	07/27/10	07/27/15	25,000,000.00	25,000,000.00	25,000,000.00	101.03	25,257,812.50
42444	FNMA 1.50 07	31398AY22	1.5000	1.5051	07/26/10	07/26/13	24,996,250.00	24,996,270.53	25,000,000.00	101.03	25,257,812.50
<b>Inv Type: 23 FNMA</b>											
42443	FNMA 1.4 11	3136FMUG7	1.7006	1.5937	07/16/10	11/26/12	766,796,901.80	766,192,631.97	765,716,000.00	100.65	770,708,806.26
<b>Inv Type: 123 FNMA AMORT</b>											
42342	FFCB Bullet	31331YZ86	1.4000	1.2618	11/19/09	08/25/11	10,051,444.44	10,047,594.82	10,000,000.00	100.25	10,025,000.00
42373	FFCB 2 Year	31331JGD9	3.8750	.7849	03/09/10	03/05/12	52,705,000.00	51,633,920.81	50,000,000.00	103.69	51,843,750.00
42374	FFCB 2 Year	31331JGD9	.9500	1.0514	03/09/10	03/05/12	17,017,870.22	17,024,637.45	17,050,000.00	100.66	17,161,890.63
42385	FFCB 1.875 1	31331G2P9	.9500	1.0432	03/09/10	03/05/12	57,899,982.22	57,921,151.82	58,000,000.00	100.66	58,380,625.00
42399	FFCB 1.625 B	31331JAB9	1.8750	1.5324	03/26/10	12/07/12	37,333,370.00	37,290,136.61	37,000,000.00	102.44	37,901,875.00
42403	FFCB 1.125 2	31331JLW1	1.6250	1.5877	04/16/10	12/24/12	50,048,500.00	50,043,220.75	50,000,000.00	101.84	50,921,875.00
42407	FFCB 1.74 6	31331JRD7	1.1250	1.2269	04/29/10	04/26/12	74,228,232.19	74,247,437.63	74,370,000.00	100.53	74,765,090.63
42412	FFCB 1.34 12	31331JS80	1.7400	1.7916	06/10/10	06/10/13	24,962,500.00	24,964,279.20	25,000,000.00	100.13	25,031,250.00
42414	FEDERAL FARM	31331GLL1	1.3512	1.3625	06/17/10	12/17/12	149,958,750.00	149,960,780.91	150,000,000.00	100.09	150,140,625.00
42455	FFCB 1.20 4	31331JUJ5	2.8000	2.8847	06/10/10	04/28/14	18,171,759.33	18,173,844.06	18,225,000.00	101.25	18,452,812.50
<b>Inv Type: 28 FFCB</b>											
42455	FFCB 1.20 4	31331JUJ5	1.2000	1.2373	07/08/10	04/08/13	37,358,604.00	37,359,497.04	37,396,000.00	100.13	37,442,745.00
42457	FFCB 1.20 4	31331JUJ5	1.2527	1.3403	07/08/10	04/08/13	519,684,567.96	518,618,906.28	517,041,000.00	100.97	522,042,538.76

# INVESTMENT INVENTORY - 07/31/10

July 31, 2010

City & County of San Francisco



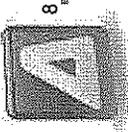
Run Date: 9/1/2010 11:42:53 AM

Inv No.	Security Description	CUSIP	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date	Current Book Value	Amortized Book Value	Par Value	Market Price	Current Market Value					
42351	FHLMC Fixed	3128X9RH5	1.7500	1.7500	12/28/09	12/28/12	100,000,000.00	100,000,000.00	100,000,000.00	100.44	100,437,500.00					
42356	FHLMC 1.125	3128X8P22	1.1250	.7120	11/20/09	06/01/11	28,779,470.72	28,697,776.16	28,600,000.00	100.66	28,787,687.50					
42371	FHLMC 1.8 2	3128X9ZK9	1.8000	1.8000	02/25/10	02/25/13	75,000,000.00	75,000,000.00	75,000,000.00	100.66	75,492,187.50					
42405	FHLMC 2NC1Y	3134G1DZ4	1.1700	1.1700	05/18/10	05/18/12	50,000,000.00	50,000,000.00	50,000,000.00	100.56	50,281,250.00					
42408	FHLMC 2 12 2	3134G1GN8	2.0000	2.0000	06/23/10	12/23/13	50,000,000.00	50,000,000.00	50,000,000.00	100.22	50,109,375.00					
42416	FHLMC 5.75 0	3134A4JT2	5.7500	1.0656	06/10/10	01/15/12	21,479,607.74	21,347,861.85	20,000,000.00	107.50	21,500,000.00					
42420	FHLMC 2.05 6	3134G1GX6	2.0500	2.0500	06/30/10	06/30/14	37,900,000.00	37,900,000.00	37,900,000.00	101.13	38,326,375.00					
42422	FHLMC 1.5 07	3134G1KL7	1.5000	1.5000	07/12/10	07/12/13	50,000,000.00	50,000,000.00	50,000,000.00	100.53	50,265,625.00					
42423	FHLMC 1.5 7	3134G1KL7	1.5000	1.5000	07/12/10	07/12/13	50,000,000.00	50,000,000.00	50,000,000.00	100.53	50,265,625.00					
<b>Inv Type: 30 FHLMC Bonds</b>																
			1.8275	1.5989			463,159,078.46	462,945,638.01	461,500,000.00	100.86	465,465,625.00					
42282	FHLB 1.5 3NC	3133XUM83	1.5000	1.5000	08/27/09	08/27/12	50,000,000.00	50,000,000.00	50,000,000.00	100.03	50,015,625.00					
42283	FHLB 1.5 3NC	3133XUM83	1.5000	1.5000	08/27/09	08/27/12	4,300,000.00	4,300,000.00	4,300,000.00	100.03	4,301,343.75					
42318	FHLB 0.75 9	3133XUVP5	.7500	.8072	10/20/09	09/29/11	48,396,705.00	48,418,128.24	48,450,000.00	100.09	48,495,421.88					
<b>Inv Type: 38 FHLB MULTI</b>																
			1.1464	1.1733			102,696,705.00	102,718,128.24	102,750,000.00	100.06	102,812,390.63					
42440	FHLMC .750 3	3134G1HD9	.7500	.7000	07/20/10	03/28/13	50,089,416.67	50,086,237.39	50,000,000.00	100.09	50,046,875.00					
<b>Inv Type: 130 FHLMC AMOR</b>																
			.7500	.7000			50,089,416.67	50,086,237.39	50,000,000.00	100.09	50,046,875.00					
42354	FHLMC 3nc1 f	3128X9DK3	1.0369	1.0369	09/10/09	09/10/12	50,000,000.00	50,000,000.00	50,000,000.00	100.09	50,046,875.00					
42413	FHLMC 3nc1 f	3128X9DK3	1.0369	1.0369	06/10/10	09/10/12	20,000,000.00	20,000,000.00	20,000,000.00	100.09	20,018,750.00					
<b>Inv Type: 40 FHLMC FLOAT QTR</b>																
			1.0369	1.0369			70,000,000.00	70,000,000.00	70,000,000.00	100.09	70,065,625.00					
42409	FHLMC MULTI	3134G1FQ2	2.0128	2.0181	06/24/10	06/24/15	19,995,000.00	19,995,104.05	20,000,000.00	100.63	20,125,000.00					
<b>Inv Type: 46 FHLMC MULTI STEP</b>																
			2.0128	2.0181			19,995,000.00	19,995,104.05	20,000,000.00	100.63	20,125,000.00					
42432	BA 0.57 1 13	06422TN33		.5495	07/06/10	01/03/11	26,925,615.00	26,925,615.00	27,000,000.00	99.70	26,918,625.00					
42456	BA 0.51 1 12	06422TNC3		.5113	07/19/10	01/12/11	22,942,327.50	22,942,327.50	23,000,000.00	99.68	22,926,655.56					
<b>Inv Type: 51 BANKERS ACC</b>																
				.5319			49,867,942.50	49,867,942.50	50,000,000.00	99.69	49,845,280.56					
42445	PFM PRIME FU		.2745	.2745	07/23/10	08/01/10	25,000,000.00	25,000,000.00	25,000,000.00	100.00	25,000,000.00					
<b>Inv Type: 72 MONEY MARKE</b>																
			.2745	.2745			25,000,000.00	25,000,000.00	25,000,000.00	100.00	25,000,000.00					
42316	UBOC PTD 0.7		.7000	.7000	10/13/09	10/13/10	50,000,000.00	50,000,000.00	50,000,000.00	100.00	50,000,000.00					
42365	FIRST NATL P		1.0000	1.0000	01/18/10	01/18/11	10,000,000.00	10,000,000.00	10,000,000.00	100.00	10,000,000.00					
42406	BANK OF SAN		1.6500	1.6500	05/18/10	05/18/11	100,000.00	100,000.00	100,000.00	100.00	100,000.00					
42448	FIRST NATION		.7000	.7000	07/31/10	07/31/11	5,000,000.00	5,000,000.00	5,000,000.00	99.45	4,972,700.00					
<b>Inv Type: 1010 PUBLIC TI</b>																
			.7475	.7475			65,100,000.00	65,100,000.00	65,100,000.00	99.96	65,072,700.00					
42294	B of A CD 0.		.7200	.7200	09/02/09	09/02/10	25,000,000.00	25,000,000.00	25,000,000.00	100.00	25,000,000.00					
<b>Inv Type: 1012 COLLATERA</b>																
			.7200	.7200			25,000,000.00	25,000,000.00	25,000,000.00	100.00	25,000,000.00					
									<b>Subtotal Fund 100</b>	<b>3537</b>	<b>1.3083</b>	<b>4,102,271,587.73</b>	<b>4,095,572,582.62</b>	<b>4,082,647,000.00</b>	<b>100.97</b>	<b>4,122,079,144.41</b>

**INVESTMENT INVENTORY - 07/31/10**

July 31, 2010

City & County of San Francisco



Run Date: 9/1/2010 11:42:53 AM

Inv No.	Security Description	CUSIP	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date	Current Book Value	Amortized Book Value	Par Value	Market Price	Current Market Value
<b>Fund: 9704 SFUSD BONDS 2006B</b>											
42264 T	1.125 06.3	912828LFS	1.1250	.9622	07/21/09	06/30/11	30,093,750.00	30,044,032.09	30,000,000.00	100.72	30,215,625.60
<b>Inv Type: 12 TREASURY NOTES</b>											
			1.1250	.9622			30,093,750.00	30,044,032.09	30,000,000.00	100.72	30,215,625.60
<b>Subtotal Fund 9704</b>							<b>30,093,750.00</b>	<b>30,044,032.09</b>	<b>30,000,000.00</b>	<b>100.72</b>	<b>30,215,625.60</b>
<b>Total - All Funds</b>							<b>4,132,365,337.73</b>	<b>4,125,616,614.71</b>	<b>4,112,647,000.00</b>	<b>100.96</b>	<b>4,152,294,770.01</b>

# INVESTMENT EARNINGS - JULY 2010

July 31, 2010

City & County of San Francisco

Run Date: 9/1/2010 11:42:53 AM

Inv No.	Security Description	CUSIP	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date	Par Value	Beginning Prem / (Disc)	Accretion Income	(Amortization) Expense	Interest Income Received	Gain (Loss)	Cash Basis Earnings	Income Earned (Accrual Basis)	Accrued Interest
<b>Fund: 100 POOLED FUNDS</b>															
42393 B 031011	912795V99		.0000	.3834	03/31/10	03/10/11	50,000,000.00	-182,511.11						16,447.22	65,258.33
42402 Treasury Bill	912795VD0		.0000	.3995	04/23/10	04/07/11	150,000,000.00	-578,758.33						51,408.33	165,833.33
42419 B 01 13 11	912795UX7		.0000	.3387	06/10/10	01/13/11	18,000,000.00	-36,673.00						5,239.00	8,788.00
<b>Inv Type: 11 TREASURY BILLS</b>															
42298 T 0.875 02.2	912828E9		.8750	.6321	09/04/09	02/28/11	218,000,000.00	-797,942.44		-10,277.33				73,094.55	239,879.66
42325 T 1.08 31 11	912828LV0		1.0000	.8260	10/29/09	08/31/11	100,000,000.00	316.41		-14.62				69.62	418.48
42326 T 1.08 31 11	912828LV0		1.0000	.8345	10/29/09	08/31/11	99,900,000.00	300,480.47		-13,882.10				70,272.79	418,059.78
42341 T 1.7 31 11	912828LG3		1.0000	.6040	11/19/09	07/31/11	120,000,000.00	801,562.50		-40,142.87				62,565.51	603,260.87
42352 T 1.125 12 1	912828KA7		1.1250	.7456	12/09/09	12/15/11	50,000,000.00	378,906.25		-15,959.36				31,684.09	72,233.61
42382 T 1.5 07.45	912828LB4		1.5000	1.1124	03/23/10	07/15/12	50,000,000.00	580,218.40		-16,193.60	236,187.85			47,458.67	34,646.74
42415 T 1.25 11 30	912828JS0		1.2500	.3763	06/10/10	11/30/10	20,000,000.00	89,269.25		-14,772.25	6,402.62			6,402.62	42,349.73
42437 T 1.00 7 15	912828NN6		1.0000	1.0600	07/15/10	07/15/13	25,000,000.00	0.00	685.23	0.00	12,294.14			11,548.91	
<b>Inv Type: 12 TREASURY NOTES</b>															
42165 J P MORGAN C	481247AK0		2.2000	2.0469	03/24/09	06/15/12	25,000,000.00	119,000.00		-3,128.92				42,704.42	70,277.78
42166 GENL ELEC CA	36967HAN7		2.2500	2.0651	03/24/09	03/12/12	35,000,000.00	185,150.00		-5,294.88				60,330.12	304,062.50
42170 MORGAN STANL	61757UAF7		2.0000	1.9382	03/16/09	09/22/11	25,000,000.00	37,750.00		-1,272.01				40,394.66	179,166.67
42177 BAC 2.375 06	06050BAJ0		2.3750	1.9301	04/14/09	06/22/12	50,000,000.00	685,000.00		-18,227.47				80,730.86	128,645.72
42181 C 2.125 04.3	17313JAE9		2.1250	1.9669	04/02/09	04/30/12	25,000,000.00	117,500.00		-3,240.66				41,030.17	134,288.19
42182 BK OF THE WE	064244AA4		2.1500	1.9628	04/02/09	03/27/12	5,000,000.00	26,950.00		-766.47				8,191.87	37,027.78
42183 BK OF THE WE	064244AA4		2.1500	1.9629	04/02/09	03/27/12	20,000,000.00	108,000.00		-3,071.56				32,761.77	148,111.11
42191 BAC 2.1 04.3	06050BAG6		2.1000	1.9749	04/02/09	04/30/12	25,000,000.00	93,000.00		-2,564.94				41,185.06	132,708.33
42195 GE 1.625 01.	36967HAG2		1.6250	1.2309	04/16/09	01/07/11	25,000,000.00	167,500.00		-8,229.01	203,125.00			25,625.15	27,083.33
42196 GE 1.625 01.	36967HAG2		1.6250	1.2350	04/16/09	01/07/11	25,000,000.00	165,750.00		-8,143.02	203,125.00			25,711.14	27,083.33
42197 C 1.625 03.3	17313JAA1		1.6250	1.3908	04/16/09	03/30/11	50,000,000.00	225,000.00		-9,782.61				57,925.73	273,090.28
42198 GS 1.625 07.	38146FAF8		1.6250	1.4391	04/16/09	07/15/11	50,000,000.00	204,500.00		-7,731.10	406,250.00			59,977.23	36,111.22
42211 USSA CAPITAL	90390QAA9		2.2400	1.9620	04/28/09	03/30/12	16,000,000.00	125,600.00		-3,649.11				26,217.55	120,462.22
42258 CITIGROUP FD	17313YAC5		1.2500	1.2952	06/29/09	06/03/11	50,000,000.00	-43,000.00	1,893.47					53,976.80	100,694.05
42259 CITIGROUP FD	17313YAC5		1.2500	1.2952	06/29/09	06/03/11	50,000,000.00	-43,000.00	1,893.47					53,976.80	100,694.05
42274 GE TLGP 3 12	36967HAD9		3.0000	1.6091	07/30/09	12/09/11	50,000,000.00	1,602,500.00		-57,630.51				67,369.49	216,666.67
42299 HSBC 3.125 1	4042EPAAS		3.1250	1.3413	09/16/09	12/16/11	50,000,000.00	1,969,550.00		-74,367.90				55,840.43	195,312.50
42317 C 1.625 03.3	17314JAA1		1.6250	.7776	10/22/09	03/30/11	35,000,000.00	423,500.00		-25,054.39				22,341.44	191,163.19
42328 MS 2.25 3 13	61757UAP5		2.2500	1.3169	11/04/09	03/13/12	20,000,000.00	431,800.00		-15,564.89				21,935.11	172,500.00
42331 MS TLGP 2.25	61757UAP5		2.2500	1.3109	11/06/09	03/13/12	50,000,000.00	1,084,000.00		-39,165.50				54,584.50	431,250.00
42332 GE TLGP 2.12	36967HAY9		2.1250	1.7893	11/06/09	12/21/12	25,000,000.00	253,750.00		-6,894.17				37,376.67	59,027.78
42379 GS 3.25 06.1	38146FAA9		3.2500	1.2299	03/22/10	06/15/12	50,000,000.00	2,215,000.00		-84,148.28				51,268.39	207,638.89
42380 GE TLGP 2% 0	36967HBR2		2.0000	1.4058	03/22/10	09/28/12	25,000,000.00	366,000.00		-12,319.22				29,347.44	170,833.33
42400 GE TLGP 2.0	36967HBR2		2.0000	1.4358	04/20/10	09/28/12	75,000,000.00	1,101,916.67		-35,109.59				89,890.41	512,500.00
42401 JPM 2.2 0615	481247AK0		2.2000	1.1630	04/21/10	06/15/12	50,000,000.00	1,097,500.00		-43,285.62				48,381.05	140,555.56
42417 RF 2.75 12 1	7591EAAA1		2.7500	.3588	06/10/10	12/10/10	11,310,000.00	134,979.80		-22,865.43				3,053.32	44,061.88
<b>Inv Type: 15 TREASURY LGP</b>															
42242 MORGAN STANL	61757UANO		.4570	.3760	03/19/09	03/13/12	25,000,000.00	40,325.00		-1,146.86				8,691.98	15,234.16
42306 Union Bank T	905266AA0		.7371	.6597	03/23/09	03/16/12	25,000,000.00	33,725.00		-960.03				14,907.23	23,544.73
<b>TOTAL</b>															
							812,500.00	1,152,127.55	4,161,016.42					8,691.98	15,234.16
							812,500.00	1,152,127.55	4,161,016.42					14,907.23	23,544.73

**INVESTMENT EARNINGS - JULY 2010**  
July 31, 2010

City & County of San Francisco

Run Date: 9/1/2010 11:42:53 AM

Inv No.	Security Description	CUSIP	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date	Par Value	Beginning Prem/(Disc)	Accretion Income	(Amortization) Expense	Interest Income Received	Gain (Loss)	Cash Basis Earnings	Income Earned (Accrual Basis)	Accrued Interest
<b>Inv Type: 16 TLGR FLOATER</b>															
42349	FHLB 1.85 12	3133XW6C8	1.8500	1.8500	12/21/09	12/21/12	50,000,000.00	74,050.00		-2,106.89				23,599.21	38,778.89
42388	FHLB 1.875 0	3133XXN37	1.8750	1.9026	03/24/10	03/22/13	100,000,000.00	0.00						154,166.67	205,555.56
42391	FHLB 2.04 09	3133XXPN1	2.0000	2.0000			50,000,000.00	-34,791.67	1,133.46		125,000.00		125,000.00	11,111.11	335,937.50
42397	FHLB 1.5 2.5	3133XY488	1.5000	1.5000	04/15/10	10/15/12	100,000,000.00	0.00						125,000.00	441,666.67
42418	FHLB 1.42 fi	3133XXME4	1.4200	1.4507	06/10/10	09/24/12	20,230,000.00	46,566.91	521.42					24,460.26	101,341.06
42431	FHLB 1.32 4	3133706H6	1.3200	1.3200	07/22/10	04/22/13	50,000,000.00	0.00						16,500.00	16,500.00
<b>Inv Type: 23 FEDERAL HOME LOAN BANK</b>															
42295	FNMA 2.15 09	31398AZA3	2.1500	2.0533	09/10/09	09/10/12	320,230,000.00	11,775.24	1,654.88		125,000.00		125,000.00	410,496.50	1,101,000.79
42335	FNMA 1.75 3	31398AVQ2	1.7500	.5980	11/19/09	03/23/11	52,546,000.00	147,128.80		-4,161.49				89,983.43	442,481.11
42338	FNMA 1.75 3	31398AVQ2	1.7500	.5742	11/20/09	03/23/11	50,000,000.00	770,000.00		-8,813.90				24,102.77	311,111.11
42350	FNMA FIXED 1	3136FJZ71	1.7500	1.7500	12/28/09	12/28/12	26,000,000.00	314,600.00		-19,984.83				9,181.83	124,444.44
42366	FNMA 3NC1.5	31398AF23	1.8000	1.8000	02/08/10	02/08/13	100,000,000.00	0.00						145,833.34	160,416.67
42367	FNMA 3NC1.5	31398AF23	1.8000	1.8172	02/08/10	02/08/13	50,000,000.00	-12,500.00	353.56					75,000.00	432,500.00
42398	FNMA 2.5NC1	3136FMR1	1.5600	1.5600	04/19/10	10/29/12	100,000,000.00	0.00						130,000.00	442,000.00
42410	FNMA 2.5 6 2	3136FMA38	2.0500	2.0765	06/25/10	06/25/15	49,080,000.00	-61,350.00	1,041.54					84,886.54	100,614.00
42411	FNMA 1.7 6 2	3136FMB78	1.7052	1.7103	06/28/10	06/28/13	100,000,000.00	-15,000.00	424.27					142,520.12	156,305.44
42424	FNMA 1.3 7 1	31398AV90	1.3000	1.3171	07/16/10	07/16/13	25,000,000.00	0.00	182.48					13,724.15	13,541.67
42425	FNMA 1.3 7 1	31398AV90	1.3000	1.3171	07/16/10	07/16/13	50,000,000.00	0.00	364.96					27,448.29	27,083.33
42427	FNMA 1.55 7	31398AV25	1.5500	1.5603	07/12/10	07/12/13	69,090,000.00	0.00	378.23					56,897.69	56,519.46
42434	FNMA STRNT 1	3136FMX90	1.7500	1.7500	07/27/10	07/27/15	25,000,000.00	0.00						4,861.11	4,861.11
42435	FNMA STRNT 1	3136FMX90	1.7500	1.7500	07/27/10	07/27/15	25,000,000.00	0.00						4,861.11	4,861.11
42444	FNMA 1.50 07	31398AV22	1.5000	1.5051	07/26/10	07/26/13	25,000,000.00	0.00	20.53					5,228.86	5,208.33
<b>Inv Type: 23 FNMA</b>															
42443	FNMA 1.4 11	3136FMUG7	1.4000	1.2618	07/16/10	11/26/12	765,716,000.00	1,142,878.80	2,765.57	-72,960.22				852,382.80	2,496,197.78
<b>Inv Type: 123 FNMA AMORT</b>															
42342	FFCB Bullet	31331YZ86	3.8750	.7849	11/19/09	08/25/11	10,000,000.00	0.00		-3,849.62				1,983.71	25,277.77
42373	FFCB 2 Year	31331JGD9	.9500	1.0514	03/09/10	03/05/12	50,000,000.00	2,705,000.00		-130,209.62				31,248.71	839,583.33
42374	FFCB 2 Year	31331JGD9	.9500	1.0432	03/09/10	03/05/12	17,050,000.00	-32,129.78	1,446.79					14,944.71	65,689.86
42385	FFCB 1.875 1	31331GZ89	1.8750	1.5324	03/26/10	12/07/12	58,000,000.00	-100,017.78	4,525.91					50,442.58	223,461.11
42399	FFCB 1.625 B	31331JAB9	1.6250	1.5877	04/16/10	12/24/12	37,000,000.00	333,370.00		-10,470.58				47,341.92	104,062.50
42403	FFCB 1.125 2	31331JLW1	1.1250	1.2269	04/29/10	04/26/12	50,000,000.00	48,500.00		-1,529.50				66,178.83	83,506.94
42404	FFCB 2.5NC3	31331JMA8	1.4700	1.5316			74,370,000.00	-141,767.81	6,333.71					76,055.58	220,785.94
42407	FFCB 1.74 6	31331JRD7	1.7400	1.7916	06/10/10	06/10/13	25,000,000.00	-34,437.50	-2,593.30					60,427.53	
42412	FFCB 1.34 12	31331J580	1.3512	1.3625	06/17/10	12/17/12	150,000,000.00	-41,250.00	1,060.68					37,310.68	61,625.00
42414	FEDERAL FARM	31331JLL1	2.8000	2.8847	06/10/10	01/28/14	18,225,000.00	133,869.33	1,242.82					170,302.07	247,724.40
42455	FFCB 1.20 4	31331JUJ5	1.2000	1.2373	07/08/10	04/08/13	37,396,000.00	0.00	893.04					29,563.31	28,670.27
<b>Inv Type: 28 FFCB</b>															
42351	FHLMC Fixed	3128X9RH5	1.7500	1.7500	12/28/09	12/28/12	517,041,000.00	2,833,636.46	14,308.72	-142,209.70				627,563.74	1,879,361.85
42356	FHLMC 1.125	3128X8P22	1.1250	.7120	11/20/09	06/01/11	28,600,000.00	179,470.72		-9,970.60				145,833.34	160,416.67
42371	FHLMC 1.8 2	3128X9ZK9	1.8000	1.8000	02/25/10	02/25/13	75,000,000.00							16,841.90	53,625.00
42405	FHLMC 2NC1Y	3134G1DZ4	1.1700	1.1700	05/18/10	05/18/12	50,000,000.00							112,500.00	585,000.00
42408	FHLMC 2.12 2	3134G1GN8	2.0000	2.0000	06/23/10	12/23/13	50,000,000.00							48,750.00	118,625.00
														83,333.34	105,555.56

**INVESTMENT EARNINGS - JULY 2010**

July 31, 2010

City & County of San Francisco

Run Date: 9/1/2010 11:42:53 AM

Inv No.	Security Description	CUSIP	Coupon Rate	Yield to Maturity	Purchase Date	Maturity Date	Par Value	Beginning Prem/(Disc)	Accretion Income	Amortization Expense	Interest Income Received	Gain (Loss)	Cash Basis Earnings	Income Earned (Accrual Basis)	Accrued Interest	
42416	FHLMC 5.75 0	313444J72	5.7500	1.0656	06/10/10	01/15/12	20,000,000.00	1,942,802.18		-78,540.82	111,805.56		111,805.56	17,292.52	51,111.11	
42420	FHLMC 2.05 6	313461G66	2.0500	2.0500	06/30/10	06/30/14	37,900,000.00							64,745.84	66,904.03	
42422	FHLMC 1.5 07	313461K17	1.5000	1.5000	07/12/10	07/12/13	50,000,000.00							39,583.33	39,583.33	
42423	FHLMC 1.5 7	313461K17	1.5000	1.5000	07/12/10	07/12/13	50,000,000.00							39,583.33	39,583.33	
<b>Inv Type: 30 FHLMC Bonds</b>																
42440	FHLMC 7.50 3	313461HD9	.7500	.7000	07/20/10	03/28/13	50,000,000.00	2,122,272.90		-88,511.42	111,805.56		111,805.56	58,463.60	1,220,404.03	
<b>Inv Type: 130 FHLMC AMOR</b>																
42282	FHLB 1.5 3NC	3133XUM83	1.5000	1.5000	08/27/09	08/27/12	50,000,000.00			-3,179.28				62,500.00	34,375.00	
42283	FHLB 1.5 3NC	3133XUM83	1.5000	1.5000	08/27/09	08/27/12	4,300,000.00							5,375.00	27,591.67	
42318	FHLB 0.75 9	3133XUP5	.7500	.8072	10/20/09	09/29/11	48,450,000.00	-53,295.00	2,330.25					32,611.50	123,143.75	
<b>Inv Type: 38 FHLB MULTI</b>																
42354	FHLMC 3nc1 f	3128XDK3	1.0369	1.0369	09/10/09	09/10/12	50,000,000.00							43,203.34	73,445.67	
42413	FHLMC 3nc1 f	3128XDK3	1.0369	1.0369	06/10/10	09/10/12	20,000,000.00							17,281.34	29,378.27	
<b>Inv Type: 40 FHLMC FLOAT QTR</b>																
42409	FHLMC MULTI	313461FQ2	2.0128	2.0181	06/24/10	06/24/15	20,000,000.00	-5,000.00	84.88					33,631.81	41,374.55	
<b>Inv Type: 46 FHLMC MULTI STEP</b>																
42432	BA 0.51 1 13	06422TN33		.5495	07/06/10	01/03/11	27,000,000.00	-5,000.00	84.88					10,685.14	10,685.14	
42456	BA 0.51 1 12	06422TN33		.5113	07/19/10	01/12/11	23,000,000.00							4,235.83	4,235.83	
<b>Inv Type: 51 BANKERS ACC</b>																
42445	PFM PRIME FU		.2745	.2745	07/23/10	08/03/10	25,000,000.00							1,691.85	1,691.85	
<b>Inv Type: 73 MONEY MARKE</b>																
42277	CD FIRST NAT		1.7500	1.7500			25,000,000.00				29,409.71		29,409.71	7,291.66	1,691.85	
42316	UBOC PTD 0.7		.7000	.7000	10/13/09	10/13/10	50,000,000.00				88,472.22		88,472.22	30,138.89	16,527.78	
42365	FIRST NATL P		1.0000	1.0000	01/18/10	01/18/11	10,000,000.00				25,277.78		25,277.78	8,611.11	8,611.09	
42406	BANK OF SAN		1.6500	1.6500	05/18/10	05/18/11	100,000.00				201.53		201.53	142.09	142.22	
42448	FIRST NATION		.7000	.7000	07/31/10	07/31/11	5,000,000.00							97.22	97.22	
<b>Inv Type: 1010 PUBLIC TIME DEPOSIT</b>																
42294	B of A CD 0.		.7200	.7200	09/02/09	09/02/10	65,000,000.00				143,361.24		143,361.24	46,280.97	25,378.31	
<b>Inv Type: 1012 COLLATERA</b>																
							25,000,000.00							15,500.00	30,000.00	
							4,082,647,000.00	20,514,013.21	25,616.47	-915,566.52	1,585,707.15	37,500.00	1,623,207.15	4,228,272.25	13,251,652.92	
<b>Subtotal Fund 100</b>																
<b>Fund: 9704 SFUSD BONDS 2006B</b>																
42264	T 1.125 06.3	912828LF5	1.1250	.9622	07/21/09	06/30/11	30,000,000.00	93,750.00	0.00	-4,099.08	0.00			24,331.63	29,347.83	
<b>Inv Type: 12 TREASURY NOTES</b>																
							30,000,000.00	93,750.00	0.00	-4,099.08	0.00			24,331.63	29,347.83	
							30,000,000.00	93,750.00	0.00	-4,099.08	0.00			24,331.63	29,347.83	
<b>Subtotal Fund 9704</b>																
							4,112,647,000.00	20,607,763.21	25,616.47	-919,685.60	1,585,707.15	37,500.00	1,623,207.15	4,252,603.88	13,281,000.75	
<b>Total: All Funds</b>																

# DETAIL TRANSACTION REPORT - JULY 2010

July 31, 2010

City & County of San Francisco

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Run Date: 8/31/2010 7:55:39 AM

Transaction Type	Settlement Date	Investment No.	Description	Investment Type	CUSIP	Par Value	Book Value	(Interest)	(Gain) / Loss	Prem / (Disc)	Amort / (Accret)	Transaction Amount
Call	07/09/2010	42391	FHLB 2.04.09.13 3NC	Agency	3133XXPN1	-25,000,000.00	-25,000,000.00	-125,000.00				25,125,000.00
Call	07/26/2010	42404	FCB 2.5NC3 1.47	Agency	3133LJMA8	-25,000,000.00	-24,965,562.50	-88,812.50	-37,500.00	34,437.50		25,091,875.00
<b>Total Call</b>						<b>-50,000,000.00</b>	<b>-49,965,562.50</b>	<b>-213,812.50</b>	<b>-37,500.00</b>	<b>34,437.50</b>		<b>50,216,875.00</b>
Maturity	07/31/2010	42277	CD FIRST NATL BANK	Public Time Deposits		-5,000,000.00	-5,000,000.00	-7,291.66				5,007,291.66
<b>Total Maturity</b>						<b>-5,000,000.00</b>	<b>-5,000,000.00</b>	<b>-7,291.66</b>				<b>5,007,291.66</b>
Purchase	07/15/2010	42437	T 1.00 7 15 13	Treasury	912828NN6	25,000,000.00	24,955,823.00			-44,177.00		-24,955,823.00
Purchase	07/22/2010	42431	FHLB 1.32 4 22 13	Agency	3133706H6	50,000,000.00	50,000,000.00					-50,000,000.00
Purchase	07/12/2010	42427	FNMA 1.55 7 12 13	Agency	31398AV25	69,090,000.00	69,069,273.00			-20,727.00		-69,069,273.00
Purchase	07/16/2010	42424	FNMA 1.3 7 16 13	Agency	31398AV90	25,000,000.00	24,987,500.00			-12,500.00		-24,987,500.00
Purchase	07/16/2010	42425	FNMA 1.3 7 16 13	Agency	31398AV90	50,000,000.00	49,975,000.00			-25,000.00		-49,975,000.00
Purchase	07/26/2010	42444	FNMA 1.50 07 26 13	Agency	31398AY22	25,000,000.00	24,996,250.00			-3,750.00		-24,996,250.00
Purchase	07/27/2010	42434	FNMA STRNT 1.75 7 2	Agency	3136FMX90	25,000,000.00	25,000,000.00					-25,000,000.00
Purchase	07/27/2010	42435	FNMA STRNT 1.75 7 2	Agency	3136FMX90	25,000,000.00	25,000,000.00					-25,000,000.00
Purchase	07/08/2010	42455	FFCB 1.20 4 8 13	Agency	3133LJU05	37,396,000.00	37,358,604.00			-37,396.00		-37,358,604.00
Purchase	07/12/2010	42422	FHLMC 1.5 07 12 13	Agency	313461KL7	50,000,000.00	50,000,000.00					-50,000,000.00
Purchase	07/12/2010	42423	FHLMC 1.5 7 12 13	Agency	313461KL7	50,000,000.00	50,000,000.00					-50,000,000.00
Purchase	07/06/2010	42432	BA 0.57 1 13 11	Banker's Acceptance	06422TN33	27,000,000.00	26,925,615.00			-74,385.00		-26,925,615.00
Purchase	07/19/2010	42456	BA 0.51 1 12 11	Banker's Acceptance	06422TN33	23,000,000.00	22,942,327.50			-57,672.50		-22,942,327.50
Purchase	07/23/2010	42445	PFM PRIME FUND 06 3	Money Market Fund	06422TN33	25,000,000.00	25,000,000.00					-25,000,000.00
Purchase	07/16/2010	42443	FNMA 1.4 11 26 12 A	Agency	3136FMUG7	10,000,000.00	10,051,444.44			51,444.44		-10,051,444.44
Purchase	07/20/2010	42440	FHLMC .750 3 28 11	Agency	313461HD9	50,000,000.00	50,089,416.67			89,416.67		-50,089,416.67
Purchase	07/31/2010	42448	FIRST NATIONAL BANK	Public Time Deposits		5,000,000.00	5,000,000.00					-5,000,000.00
<b>Total Purchase</b>						<b>571,486,000.00</b>	<b>571,351,253.61</b>			<b>-134,746.39</b>		<b>571,351,253.61</b>
Adjust.	07/08/2010	42277	CD FIRST NATL BANK	Public Time Deposits				-0.01				
Adjust.	07/31/2010	42277	CD FIRST NATL BANK	Public Time Deposits				-243.06				
<b>Total Adjustment</b>								<b>-243.07</b>				
Interest	07/15/2010	42382	T 1.5 07.15.12	Treasury	912828LB4		-138,812.15	-236,187.85				375,000.00
Interest	07/07/2010	42195	GE 1.625 01.07.11 T	TLGP	36967HAG2			-203,125.00				203,125.00
Interest	07/07/2010	42196	GE 1.625 01.07.11 T	TLGP	36967HAG2			-203,125.00				203,125.00
Interest	07/15/2010	42198	GS 1.625 07.15.11 T	TLGP	38146FAF8			-406,250.00				406,250.00
Interest	07/28/2010	42414	FEDERAL FARM CREDIT	Agency	31331GLL1		-187,110.00	-68,040.00				255,150.00
Interest	07/15/2010	42416	FHLMC 5.75 01 15 12	Agency	31344AJT2		-463,194.44	-111,805.56				575,000.00
Interest	07/01/2010	42365	FIRST NATL PTD 01 1	Public Time Deposits				-25,277.78				25,277.78

**DETAIL TRANSACTION REPORT - JULY 2010**

July 31, 2010

City & County of San Francisco

Run Date: 8/31/2010 7:55:39 AM

Transaction Type	Settlement Date	Investment No.	Description	CUSIP	Investment Type	Par Value	Book Value	(Interest)	(Gain)/ Loss	Prem./ (Disc)	Amort/ (Accret)	Transaction Amount	
Interest	07/01/2010	42406	BANK OF SAN FRANCIS		Public Time Deposits			-201.53				201.53	
Interest	07/08/2010	42277	CD FIRST NATL BANK		Public Time Deposits			-22,118.05				22,118.05	
Interest	07/15/2010	42316	UBOC PTD 0.7 10 13		Public Time Deposits			-88,472.22				88,472.22	
<b>Total Interest</b>							788,116.59	-1,364,602.99				2,153,719.58	
<b>Sub Total - Fund 100</b>						516,486,000.00	515,596,574.52	-1,585,950.22	-37,500.00	-100,308.89	0.00	0.00	513,973,367.37
<b>Fund: 9704 SFUSD BONDS 2006B</b>													
<b>Sub Total - Fund 9704</b>						0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total - All Funds</b>						516,486,000.00	515,596,574.52	-1,585,950.22	-37,500.00	-100,308.89	0.00	0.00	513,973,367.37