

File No. 110369

Petitions and Communications received from March 15, 2011, through March 21, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on March 29, 2011.

From SafetyBeltSafe, USA, urging the Board of Supervisors to proclaim April 10 -16, 2011, as Safety Seat Checkup Week. (1)

From concerned citizens, submitting support for the Parkmerced project. File No. 110206, 9 letters (2)

*From concerned citizens, submitting opposition to the Parkmerced project. File No. 110206, approximately 135 letters (3)

From concerned citizens, submitting support for proposed legislation that bans the delivery of unwanted Yellow Pages in San Francisco. File No. 110114, 14 letters (4)

*From concerned citizens, submitting opposition to proposed legislation that bans the delivery of unwanted Yellow Pages in San Francisco. File No. 110114, 30 letters (5)

From Department of Public Health, submitting an information sheet regarding radiation concerns in San Francisco. (6)

From Department of Human Services Agency, submitting a line item summary of the resources allocated to District 11. (7)

From the Capital Planning Committee, regarding the proposed FY2012-2021 Capital Plan. File No. 110284, Copy: Each Supervisor, Budget and Finance Committee Clerk (8)

From Office of the Controller, submitting the FY2009-2010 Fire Department Audit Report concerning payroll expenditures. (9)

From Office of the Controller, regarding the Central Market Street/Tenderloin Area payroll expense tax exclusion. File No. 110155 (10)

From Department of Elections, regarding disclaimer requirements for local ballot measures. (11)

From T Mobile, submitting notification of three cellular antennas to be installed at 68 Garcia Avenue. (12)

From T Mobile, submitting notification of three cellular antennas to be installed at 297 States Street. (13)

From State Public Utilities Commission, submitting notice that PG&E has filed an application for recovery of costs of PG&E's Demand Response Programs for 2012-2014. Copy: Each Supervisor (14)

From Clerk of the Board, the following individuals have submitted a Form 700 Statement: (15)

Angela Calvillo, Clerk of the Board - annual
Severin Campbell, Budget Analyst - annual
Harvey Rose, Budget Analyst - annual
Matthew McOmber, LAFCo - assuming
Christiane Layton, LAFCo - assuming
Jennifer Gore, LAFCo - leaving
Madeline Miller, LAFCo - annual
Nancy Miller, LAFCo - annual
Daniel Calvert, LAFCo - annual

From Office of the Treasurer and Tax Collector, submitting their January 2011, Investment Report. (16)

From Office of the Controller, regarding authorization for the San Francisco Finance Corporation to issue lease revenue bonds. File No. 110287 (17)

From James Chaffee, regarding National Sunshine Week. (18)

From Miraloma Park Improvement Club, urging the Board to overturn the Planning Department's exemption from the proposed project at 795 Foerster Street. File No. 110044, Copy: Each Supervisor (19)

From State Fish and Game Commission, submitting notice of proposed emergency regulatory action relating to incidental take of Mountain yellow-legged frog. (20)

From State Fish and Game Commission, concerning emergency regulations on ocean salmon sport fishing. (21)

From Chantal Handley, regarding Sharp Park. (22)

From Aaron Goodman, regarding the upcoming Parkmerced hearing. File No. 110206 (23)

From SF Bay Conservation and Development Commission, regarding the Treasure Island Environmental Impact Report. Copy: Each Supervisor, Land Use Committee Clerk (24)

From Professor Glen Chase, submitting support to stop further installation of PG&E Wireless smart meters in San Francisco. (25)

From Karla McElroy, submitting support for continued funding of the Neighborhood Emergency Response Training program provided by the Fire Department. (26)

From Local 21, regarding the Redevelopment Agency. Copy: Each Supervisor (27)

From Brightline Defense Project, regarding proposed legislation that urges Avalon Bay Communities to utilize sub-contractors that compensate workers consistent with area standard wages. File No. 110283 (28)

From Claire Beven, regarding the sidewalk sitting ban. (29)

From David Tornheim, regarding retailers' duty to disclose specific absorption rate values from cell phones. File No. 101419 (30)

From State Department of Mental Health, regarding the community placement of a person committed as a sexually violent predator. Copy: Each Supervisor (31)

From concerned citizen, regarding shark fin soup. (32)



SafetyBeltSafe U.S.A.

1124 West Carson Street, LA BioMed, Building B-1 West, Torrance, CA 90502

Post Office Box 553, Altadena, CA 91003

310/222-6860 800/745-SAFE 800/747-SANO FAX 310/222-6862 www.seat.org

BOARD OF DIRECTORS

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Technical Consultant

Kathleen Weber

Technical Consultant

Kate Quirk, PhD, CPSTI

Project Coordinator

March 10, 2011

To: Board of Supervisors

From: Stephanie M. Tombrello, LCSW, CPSTI
Executive Director, SafetyBeltSafe U.S.A.

Re: Safety Seat Checkup Week, April 10-16, 2011

You can help save children from suffering tragic injuries by helping to make Safety Seat Checkup Week, April 10-16, a special event in your county. Help reduce the unnecessary toll of children injured seriously or fatally in motor vehicle crashes.

SafetyBeltSafe U.S.A. is available to you as a resource for posters, pamphlets, films, speakers, program ideas, and information about California buckle-up laws. We would appreciate it if the Board of Supervisors would

- Issue a proclamation in recognition of Safety Seat Checkup Week (sample enclosed). Send your proclamation to us in advance for display at Safety Seat Checkup Day on April 16.
- Encourage targeted enforcement to increase the focus on violations of child safety seat and safety belt laws during Special Enforcement Week, April 3-9, sponsored with Peace Officers Association of Los Angeles County.
- Distribute posters and pamphlets, available from SafetyBeltSafe U.S.A., through county agencies and employees. Put up our permanent "Buckle-Up" parking lot signs.

In Los Angeles County, for example, SafetyBeltSafe U.S.A. is holding a major event as the culmination of the Week:

Safety Seat Checkup Day on Saturday, April 16, from 10:00 a.m. to 2:00 p.m. at the Petersen Automotive Museum parking lot in Los Angeles

On April 16, families who want to participate in Safety Seat Checkup Day will drive to a designated area where trained volunteers will conduct a detailed inspection of their safety seats and the way they are being used. Parents will be told if the safety seats have been recalled or need replacement parts and shown how to use them correctly.

Your support for this effort, reported to newspapers in your county, may encourage them to publicize this subject more widely. Please share your ideas for Safety Seat Checkup Week with us.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
MAR 14 PM 3:26
AK

1



SafetyBeltSafe U.S.A.

1124 West Carson Street, LA BioMed, Building B-1 West, Torrance, CA 90502

Post Office Box 553, Altadena, CA 91003

310/222-6860 800/745-SAFE 800/747-SANO FAX 310/222-6862 www.carseat.org

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Project Coordinator

PROCLAMATION

WHEREAS, the number one preventable cause of death and injury of children and young adults is the automobile collision; and

WHEREAS, more than 90 child passengers under fifteen are killed and more than 10,000 injured in automobile collisions in California in each year; and

WHEREAS, 71% of small children killed in crashes would be alive today if they had been properly restrained in child safety seats; and

WHEREAS, 45% of injuries to child occupants ages four to eight could be prevented with the use of booster seats; and

WHEREAS, more than 90% of child safety seats are used incorrectly; and

WHEREAS, California's child safety seat usage rate reached a record high of 94% in 2008, but dropped to 91% in 2009; and

WHEREAS, the State of California requires that all occupants be properly restrained in safety seats or safety belts with children in the back seat until at least age six or 60 pounds; and

WHEREAS, the State of California requires all occupants of motor vehicles to be buckled up correctly on every ride;

WHEREAS, crash-tested safety seats are moderately priced and widely available for purchase at retail stores and at low cost from safety seat distribution programs throughout California; and

WHEREAS, SafetyBeltSafe U.S.A. has been dedicated for more than 30 years to protecting children from injury or death while being transported in a motor vehicle:

NOW BE IT PROCLAIMED BY THE COUNTY OF _____
THAT APRIL 10 - 16, 2011, BE DECLARED SAFETY SEAT
CHECKUP WEEK.

SafetyBeltSafe U.S.A.



Safety Seat Checkup Day

Saturday, April 16 • 10:00 a.m. to 2:00 p.m.*

*For a checkup appointment, call 310/222-6860. If you do not have an appointment, there may be a wait of more than one hour or you may be turned away.

11:30 a.m. Welcome Ceremony and Recognition of Notable Guests

Petersen Automotive Museum

6060 Wilshire Blvd., Los Angeles 90036 (Wilshire at Fairfax parking lot)



Buckling up is a family affair.

Safety Seat Checkup Week April 10-16, 2011

Sponsors: California Office of Traffic Safety, Glendora Police Department, Toyota Motor Sales, U.S.A.

Major Supporter: Peace Officers Association of Los Angeles County

FREE SAFETY SEAT CHECKUP

More than 90% of the car seats we check have one or more errors.

Meet Bucklebear and his friends.

Petersen Museum discount coupons available for families participating in the checkup.

Help save children's lives with your tax-deductible support.

SafetyBeltSafe U.S.A. Box 553 Altadena, CA 91003 310/222-6860 www.carseat.org

SafetyBeltSafe U.S.A. is the national, non-profit, member-supported organization for child passenger safety.

Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration

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

File 110206
Jag
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 MAR 14 PM 3:20

BY AK

October 11, 2010

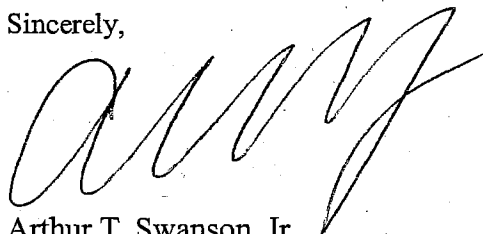
To the San Francisco Board of Supervisors:

I write about the proposed Parkmerced vision project. As a long time San Francisco resident, voter and small business advocate, I believe that replacing the older inefficient apartment units is a great idea on several fronts.

- The newer units will be much more energy and water efficient
- Handicap access will be greatly improved
- A bicycle sharing network will be added along with coordinating the re-routing of public transportation
- Multi use paths will help connect Parkmerced to surrounding neighborhoods, **increasing the visibility for small businesses in the area**
- The construction will provide some needed work for construction workers
- Newer & better units for current residents that will maintain their current rent control status
- Adding several hundred new – efficient - needed rental units

I fully support the Parkmerced vision project and hope that you will also.

Sincerely,



Arthur T. Swanson, Jr.
President, San Francisco Small Business Network

Artemio Aboytes
20 Garces Drive
San Francisco, CA 94132
October 1, 2010

7/11/0206
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
Joy

2011 MAR 14 PM 3:28

BY AK

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a resident of Parkmerced and am writing in support of the Parkmerced Vision project. Parkmerced's owners have openly engaged with neighbors and residents in the project planning process. Representatives have gone out of their way to meet with us and incorporate our suggestions into the plans. I appreciate their outreach and am excited to see the project move forward.

One of the elements I am most excited about is the development of new local shops, services and gathering spaces. The existing outdoor spaces, although expansive, are practically unusable. The Parkmerced Vision will bring in new pocket parks, gathering spaces, corner cafes, restaurants, shops for dry cleaning and other errands, and even a gym and community center. Having these amenities within walking distance of my home will improve my quality of life. This will also help revitalize our neighborhood economy.

I am very excited to see the existing apartments upgraded. Although my current unit is my home, it was clearly built fifty years ago. I am happy that existing residents will be provided with new, energy-efficient, warm, comfortable apartments once the project begins to be built. Parkmerced management have assured residents that, as long as we live within Parkmerced property, we can receive a new unit without impacting our current rent control status. This will allow me to stay in my home but receive the benefits of the new development.

Finally, I am glad that Parkmerced is streamlining and funding upgrades to MUNI in our community. This is an important project for reducing automobile dependency in our city. With Parkmerced's funding, the entire community will benefit from improved MUNI access.

I support the Parkmerced redevelopment project. Please approve the project when it comes to you for review.

Sincerely,


Artemio Aboytes

Elliot Wong
107 Tapia Drive
San Francisco, CA 94132

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 MAR 14 PM 3:28

BY AK

File 110206
Jay

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a resident of Parkmerced and student at neighboring San Francisco State University. I am writing in support of the Parkmerced Vision project.

Parkmerced's owners have openly engaged with neighbors and residents in the project planning process with representatives going out of their way to meet us and incorporate our suggestions into the plans. I appreciate their outreach and am excited to see the project move forward.

One of the elements I am most excited about is the development of new local shops, services and gathering spaces. The existing outdoor spaces, although expansive, are practically unusable. The Parkmerced Vision will bring in new pocket parks, gathering spaces, corner cafes, restaurants, and other neighborhood serving retail establishments, and even new multi-purpose sports fields, a gym and community center. Having these amenities within walking distance of my home will improve my quality of life. This will also help revitalize our neighborhood economy.

I am very excited to see the existing apartments upgraded. Although my current unit is my home, it was clearly built fifty years ago. I am happy that existing residents will be provided with new, energy efficient, warm and comfortable apartments upon phase completions. Parkmerced management has assured residents that as long as we live within Parkmerced property, we can receive a new unit without impacting our current rent control status.

Finally, I am glad that Parkmerced is streamlining and funding upgrades to MUNI. This is an important project for reducing automobile dependency in our city. As a student and resident on the west side, I know the entire community will benefit from improved MUNI access.

I support the Parkmerced redevelopment project. Please approve the project when it comes to you for review.

Sincerely,



Elliot Wong

Edward Villaflor
321 Garces Drive
San Francisco, CA 94132

File 110206
Joy
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 MAR 14 PM 3:19

BY AK

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I have been a resident of Parkmerced since 2004 and I'm writing in support of the Parkmerced project. Parkmerced has done a great job with resident and neighbor outreach. They listened to our feedback and suggestions which is evident in the project plans.

I'm very excited about the new improvements that the Parkmerced Vision will bring to our neighborhood. I appreciate that the project will bring MUNI into the neighborhood instead of having to cross the busy intersection on Nineteenth and Holloway Avenues. I particularly look forward to the addition of new neighborhood amenities, including a community center and neighborhood cafes, so that we can walk to neighborhood destinations rather than drive a mile away just to run errands.

I'm also appreciative that the new housing is geared toward bringing more families to our neighborhood. Our city needs to provide new housing to ensure that families can continue to make San Francisco their home. The proposed new pocket parks and bike and walking paths will make this a very family-friendly neighborhood.

Finally, the managers of Parkmerced have shown that they are genuinely invested in our community. The managers have initiated and completed many improvements that were left unacknowledged for years. They have also made a commitment to current residents that we will be able to move into new units without changing our rent control status.

I support the proposed Parkmerced project and hope you help it move forward.

Sincerely,



Edward Villaflor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 MAR 14 PM 3:19

BY Ak

File 110206
Jay

Terry Villaflor
321 Garces Drive
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
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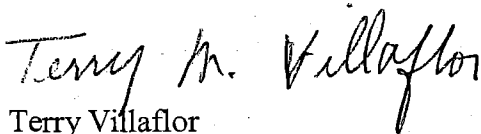
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Finally, the managers of Parkmerced have shown that they are genuinely invested in our community. The managers have initiated and completed many improvements that were left unacknowledged for years. They have also made a commitment to current residents that we will be able to move into new units without changing our rent control status.

I support the proposed Parkmerced project and hope you help it move forward.

Sincerely,


Terry Villaflor

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Jay

Andrew Villaflor
321 Garces Drive
San Francisco, CA 94132

November 1, 2010

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Finally, the managers of Parkmerced have shown that they are genuinely invested in our community. The managers have initiated and completed many improvements that were left unacknowledged for years. They have also made a commitment to current residents that we will be able to move into new units without changing our rent control status.

I support the proposed Parkmerced project and hope you help it move forward.

Sincerely,



Andrew Villaflor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

File 110206

Tony Zhang
355 Serrano Drive, Apt. 6-F
San Francisco, CA 94127

2011 MAR 15 PM 3:07

BY Ak

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvillo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a resident of Parkmerced and I am writing to ask you to support the development as it moves forward.

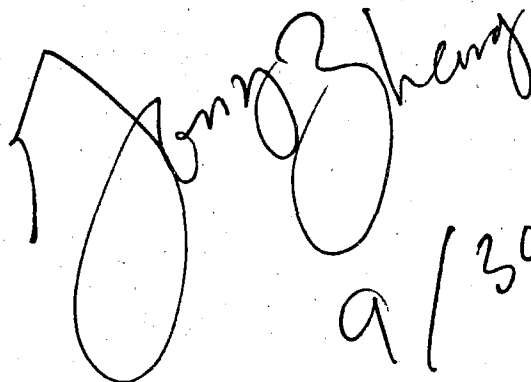
I'm very excited about the new improvements that the Parkmerced Vision will bring to our neighborhood. I appreciate that the project will bring transit into the neighborhood, as the transit will allow residents to get around without the use of a car. I particularly look forward to the addition of new neighborhood amenities, including a community center and neighborhood cafes, so that we can walk to neighborhood destinations rather than drive to finish our errands.

I'm also appreciative that the new housing is geared toward bringing more families to our neighborhood. Our city needs to provide new housing to ensure that families can continue to make their home here. The new pocket parks and walking paths will make this a very family-friendly neighborhood. These paths will also allow people with strollers and wheelchairs to enjoy the natural beauty of our area.

Finally, the managers of Parkmerced have shown that they are genuinely invested in our community. The managers have done many site improvements without implementing passthroughs, they will move existing residents into new units without changing their rent control status, and they've listened to our feedback and suggestions on the redevelopment project.

I support the proposed Parkmerced project. I hope you move the development forward.

Sincerely,


9/30/2010

RECEIVED *File 110206*
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 15 PM 3:06
BY Ak

Lucy Zhang
50 Chumasero Drive, Apt. 2-E
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

I am a resident of Parkmerced and I am writing in strong support of the Parkmerced redevelopment and revitalization.

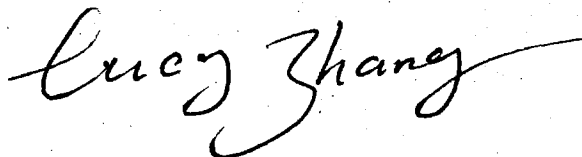
The current owners of Parkmerced are actively working to make our neighborhood more environmentally sustainable. They have initiated and completed several site improvements that were left unacknowledged for years and I stand behind their efforts to create a more environmentally sound and socially conscious community.

Unfortunately, Parkmerced's existing units are not environmentally friendly. The units have inadequate plumbing and electrical service, are poorly insulated and are generally wasteful of precious resources. The residents largely depend on automobiles because of a lack of bicycle and transit infrastructure. The Parkmerced Vision project responds to these concerns by implementing energy efficient units, new transit programs and infrastructure, and bicycle pathways. The project team also plans on using native plants and reducing water use lost through landscaping while beautifying our community.

I look forward to new neighborhood serving retail amenities, the use of alternative energy sources, reduced water usage and improved access for bikes and pedestrians. I urge you to support the Parkmerced project.

Sincerely,

Lucy Zhang



11/28/2010

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 MAR 15 PM 3:06

BY AK

file 110206

Dan and Julie Brook
350 Arballo Drive, Apt. 10E
San Francisco, CA 94132

November 1, 2010

San Francisco Board of Supervisors
c/o Angela Calvilo (Clerk of the Board of Supervisors)
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Dear San Francisco Board of Supervisors:

We have been residents of Parkmerced for over 20 years and are very familiar with our community. We are writing today to ask for your support of Parkmerced's redevelopment project – one of the most sustainable projects in the country.

The Parkmerced Vision proposal will make Parkmerced a sustainable and thriving neighborhood. The plans include many community wide improvements: improving MUNI access, reorganizing the green space into community gardens and gathering spaces, , and an organic farm. Parkmerced promises to reduce water use and carbon emissions, possibly down to zero. These types of improvements will take our neighborhood from a mid-century, auto-focused housing development to a walkable, livable, green neighborhood.

Parkmerced's owners have made many efforts to involve residents in the revitalization's planning. They have held meetings with Parkmerced residents and other community groups to explain the Vision proposal and to hear and address our concerns. In fact, they have incorporated our suggestions into the plans and we expect that they will continue to take our suggestions into consideration.

We are proud that this project will serve as a national model for environmentally-friendly housing developments. The new homes and landscaping will greatly reduce water and energy use, and will use alternative forms of energy. The project will zone the neighborhood for local shops and retail, meaning that residents won't need to drive to their day-to-day destinations. We are particularly excited about the plans for improvements to access to public transit and incorporating interconnected bicycling and walking paths, throughout the neighborhood. All of these plans will reduce automobile dependency and promote San Francisco's goals of green, healthy living.

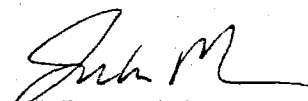
As long-time environmental activists, and the winners of Parkmerced's SF Green Family contest, we are excited about the Vision plan's promise of building a sustainable community. Our work with Parkmerced on this plan is just beginning; we will be around to hold the owners to their promises and to work toward the wonderful green neighborhood Parkmerced can and should be.

We support the proposed Parkmerced project. We hope you move the development forward.

Sincerely,



Dan Brook, PhD



Julie Brook, Esq.

File 110206



Stop the demolition of a national eligible masterplanned community.

Aaron Goodman to: board.of.supervisors

02/03/2011 12:55 AM

View: (Mail Threads)

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

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unnecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Aaron Goodman
San Francisco, CA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition. To respond, email responses@change.org and include a link to this petition.



Stop the demolition of a national eligible masterplanned community.



To: BOS Constituent Mail Distribution, Alisa Somera/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110114 Yellow Pages (5) Form Emails

From: Kraig Kissinger <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 03/19/2011 07:24 PM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

A vast and growing majority of Americans now get their information online, via high-speed Internet connections. In this context, the automatic delivery of phone books on doorsteps every single year represents an enormous waste.

Cities can reduce their carbon footprint and save trees by ending needless phone book printing. Residents can stop feeling aggravated by receiving piles of phone books they do not want and did not ask for. And all taxpayers benefit from the money the city will save on recycling costs.

Yellow Page distributors have a history of opposing local efforts to limit their distribution abilities. That's why I am writing early to demonstrate my support for this measure. It also will set a great example for cities around the nation to take similar steps.

Thank you for your time,

Kraig Kissinger
Dorchester, MA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To

respond, email responses@change.org and include a link to this petition.

From: Rebecca Everhart <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 03/20/2011 12:44 AM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

A vast and growing majority of Americans now get their information online, via high-speed Internet connections. In this context, the automatic delivery of phone books on doorsteps every single year represents an enormous waste.

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Thank you for your time,

Rebecca Everhart
Sellersburg, IN

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To

respond, email responses@change.org and include a link to this petition.

From: Amanda Baker <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 03/20/2011 10:45 PM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

A vast and growing majority of Americans now get their information online, via high-speed Internet connections. In this context, the automatic delivery of phone books on doorsteps every single year represents an enormous waste.

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Thank you for your time,

Amanda Baker
Las Vegas, NV

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To respond, email responses@change.org and include a link to this petition.

From: Anna Sorkina <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 03/20/2011 10:54 PM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

A vast and growing majority of Americans now get their information online, via high-speed Internet connections. In this context, the automatic delivery of phone books on doorsteps every single year represents an enormous waste.

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Thank you for your time,

Anna Sorkina
Wexford, PA

Note: this email was sent as part of a petition started on Change.org, viewable at

www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To

respond, email responses@change.org and include a link to this petition.

From: Ángel Marina <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 03/21/2011 06:25 AM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

A vast and growing majority of Americans now get their information online, via high-speed Internet connections. In this context, the automatic delivery of phone books on doorsteps every single year represents an enormous waste.

Cities can reduce their carbon footprint and save trees by ending needless phone book printing. Residents can stop feeling aggravated by receiving piles of phone books they do not want and did not ask for. And all taxpayers benefit from the money the city will save on recycling costs.

Yellow Page distributors have a history of opposing local efforts to limit their distribution abilities. That's why I am writing early to demonstrate my support for this measure. It also will set a great example for cities around the nation to take similar steps.

Thank you for your time,

Ángel Marina
Palma de Mallorca, Spain

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To

respond, email responses@change.org and include a link to this petition.



To: BOS Constituent Mail Distribution, Alisa Somera/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110114 Yellow Pages (2 form messages)

From: Nancy Hale <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 03/15/2011 07:43 PM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

A vast and growing majority of Americans now get their information online, via high-speed Internet connections. In this context, the automatic delivery of phone books on doorsteps every single year represents an enormous waste.

Cities can reduce their carbon footprint and save trees by ending needless phone book printing. Residents can stop feeling aggravated by receiving piles of phone books they do not want and did not ask for. And all taxpayers benefit from the money the city will save on recycling costs.

Yellow Page distributors have a history of opposing local efforts to limit their distribution abilities. That's why I am writing early to demonstrate my support for this measure. It also will set a great example for cities around the nation to take similar steps.

Thank you for your time,

Nancy Hale
Woodbury, MN

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To respond, email responses@change.org and include a link to this petition.

From: Kirsten Anderson <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 03/15/2011 08:19 PM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

4

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

A vast and growing majority of Americans now get their information online, via high-speed Internet connections. In this context, the automatic delivery of phone books on doorsteps every single year represents an enormous waste.

Cities can reduce their carbon footprint and save trees by ending needless phone book printing. Residents can stop feeling aggravated by receiving piles of phone books they do not want and did not ask for. And all taxpayers benefit from the money the city will save on recycling costs.

Yellow Page distributors have a history of opposing local efforts to limit their distribution abilities. That's why I am writing early to demonstrate my support for this measure. It also will set a great example for cities around the nation to take similar steps.

Thank you for your time,

Kirsten Anderson
Macomb, IL

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To respond, email responses@change.org and include a link to this petition.



To: Alisa Somera/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110114: I Support a Ban on Unwanted Yellow Pages

From: Ed Schirm <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 03/15/2011 05:47 PM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

A vast and growing majority of Americans now get their information online, via high-speed Internet connections. In this context, the automatic delivery of phone books on doorsteps every single year represents an enormous waste.

Cities can reduce their carbon footprint and save trees by ending needless phone book printing. Residents can stop feeling aggravated by receiving piles of phone books they do not want and did not ask for. And all taxpayers benefit from the money the city will save on recycling costs.

Yellow Page distributors have a history of opposing local efforts to limit their distribution abilities. That's why I am writing early to demonstrate my support for this measure. It also will set a great example for cities around the nation to take similar steps.

Thank you for your time,

Ed Schirm
Dunnellon, FL

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To respond, email responses@change.org and include a link to this petition.



110114
BOS-11
Alison Cpage
NATURAL RESOURCES DEFENSE COUNCIL

March 18, 2011

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

Dear Supervisors:

On behalf of NRDC (Natural Resources Defense Council), which has 1.3 million members and activists, over 250,000 of whom are Californians, we write to express our support for Supervisor Chiu's proposed ordinance to establish a three-year pilot program to limit the distribution of yellow pages phone books in San Francisco.

According to the City, over one million yellow pages phone books are distributed in San Francisco each year, more than the total number of San Francisco residents (currently about 815,000). The proposed ordinance provides multiple opportunities for interested San Francisco residents to continue to receive yellow pages directories, including personal delivery acceptance, picking up phone books in public places (like libraries and recreation centers), and by registering delivery preference with distributors. Further, yellow pages distributors will be permitted to contact residents by legal means to determine whether they would like to receive directories, and/or to inform residents where they can pick up directories. Finally, the ordinance includes a "sunset" clause which will discontinue this program after three years if it is not found to be effective.

Many of San Francisco's residents already use other methods (like the internet) to find information included in yellow pages directories. Given the numerous options for San Francisco residents to continue receiving yellow pages directories, the proposed legislation will target information to those who want it, while helping to avoid unnecessary production of phone books, thereby reducing environmental impacts associated with phone book production and disposal. The pulp and paper industry is the single largest consumer of freshwater used in the countries that comprise the Organization of Economic Cooperation and Development (OECD), and the largest industrial water polluter in the OECD. The pulp and paper industry is also the third greatest industrial emitter of global warming pollution in industrialized countries. While making phone books and other paper products with recycled content helps reduce environmental impacts, manufacturing any paper product requires energy, water, and other natural resources, and produces global warming pollution and other emissions. The best way to reduce environmental impacts associated with paper production is to reduce the amount of paper produced, which is the aim of this ordinance.

www.nrdc.org

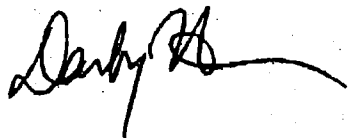
111 Sutter Street, 20th Floor
San Francisco, CA 94104
TEL 415 875-6100
FAX 415 875-6161
100% Postconsumer Recycled Paper

NEW YORK • WASHINGTON, DC • LOS ANGELES • BEIJING • CHICAGO

Phone books are generally designed to be replaced every year, meaning that each year many phone books end up in our disposal system. While phone books are accepted for recycling in San Francisco, they require special processing to recycle, and many phone books end up in landfills instead of being recycled. According to the U.S. Environmental Protection Agency, only 21% of telephone books discarded were recovered for recycling in 2008. Reducing the distribution of phone books to those who want them will help reduce the number of phone books that end up in our waste stream.

We support the proposed ordinance to limit yellow pages phone book distribution in San Francisco as a sensible and timely step to reduce the waste associated with unwanted yellow pages production and disposal. Thank you for your consideration.

Sincerely,



Darby Hoover
Senior Resource Specialist



Victoria Rome
Deputy Director, California Advocacy



I Support a Ban on Unwanted Yellow Pages
Tatum Devlin to: Board.of.Supervisors
Please respond to Tatum Devlin

03/16/2011 09:30 PM

View: (Mail Threads)

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

A vast and growing majority of Americans now get their information online, via high-speed Internet connections. In this context, the automatic delivery of phone books on doorsteps every single year represents an enormous waste.

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Yellow Page distributors have a history of opposing local efforts to limit their distribution abilities. That's why I am writing early to demonstrate my support for this measure. It also will set a great example for cities around the nation to take similar steps.

Thank you for your time,

Tatum Devlin
lincolnshire, United Kingdom

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To respond, email responses@change.org and include a link to this petition.



To: Alisa Somera/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110114 | Support a Ban on Unwanted Yellow Pages (2 emails)

From: Tuesday Hoffman <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 03/16/2011 12:44 PM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

A vast and growing majority of Americans now get their information online, via high-speed Internet connections. In this context, the automatic delivery of phone books on doorsteps every single year represents an enormous waste.

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Thank you for your time,

Tuesday Hoffman
Carlisle, PA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To respond, email responses@change.org and include a link to this petition.

From: Tonya Erpelding <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 03/16/2011 01:20 PM
Subject: I Support a Ban on Unwanted Yellow Pages

Greetings,

4

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

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Thank you for your time,

Tonya Erpelding
Berkley, MI

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To respond, email responses@change.org and include a link to this petition.



I Support a Ban on Unwanted Yellow Pages
esther natalie alva to: Board.of.Supervisors
Please respond to esther natalie alva

110114
Alisa. C. Page
03/18/2011 11:51 AM

View: (Mail Threads)

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

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Thank you for your time,

esther natalie alva
new york, NY

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I Support a Ban on Unwanted Yellow Pages
David Pluska to: Board of Supervisors
Please respond to David Pluska

03/18/2011 07:26 AM

View: (Mail Threads)

Greetings,

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Thank you for your time,

David Pluska
Floyd, VA

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I Support a Ban on Unwanted Yellow Pages
Joan Anderson to: Board.of.Supervisors
Please respond to Joan Anderson

03/18/2011 05:50 AM

View: (Mail Threads)

Greetings,

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Thank you for your time,

Joan Anderson
Webster, NH

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To respond, email responses@change.org and include a link to this petition.



I Support a Ban on Unwanted Yellow Pages
Amy Lupo to: Board.of.Supervisors
Please respond to Amy Lupo

03/17/2011 11:27 PM

View: (Mail Threads)

Greetings,

I recently heard of Supervisor David Chiu's proposal to ban the delivery of unwanted Yellow Pages. I applaud him for introducing it, and I'm writing to voice my support for this landmark nation.

A vast and growing majority of Americans now get their information online, via high-speed Internet connections. In this context, the automatic delivery of phone books on doorsteps every single year represents an enormous waste.

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Yellow Page distributors have a history of opposing local efforts to limit their distribution abilities. That's why I am writing early to demonstrate my support for this measure. It also will set a great example for cities around the nation to take similar steps.

Thank you for your time,

Amy Lupo
Kansas City, MO

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/end-waste-support-a-landmark-ban-on-unwanted-phone-books. To respond, email responses@change.org and include a link to this petition.

Letters opposing

File No. 110114
c-page copy

NURSING HOME & ELDER ABUSE
LAW CENTER

ATTORNEYS AND COUNSELORS AT LAW

182 Howard Street, Suite 850
San Francisco, California 94105
Telephone: (415) 337-1000 • Toll Free: (877) 270-4700
www.NoElderAbuse.com

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

February 9, 2011

To Whom It May Concern

Re: San Francisco's Proposed Ban On Yellow Pages Distribution

To Whom It May Concern:

I am the managing partner at the Nursing Home & Elder Abuse Law Center. This letter is written with regard to the proposed ban of Yellow Pages distribution in San Francisco. Our law center respectfully, but vehemently, opposes any such ban.

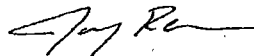
Our law center primarily represents victims and family members of victims of physical elder abuse and neglect in nursing homes and care facilities for the elderly. Most of our clients are either elderly themselves, or very often are in their 50s or 60s with an elderly parent who is in a nursing home or a residential care facility. In this regard, we have found that most of our clients and potential clients are not internet savvy and the only way they find us is through the Yellow Pages (i.e., the old fashioned way). As such, both our business, and the vital service our law center provides to the elderly, are highly dependent upon the yellow pages. Please do not cut off this vital tool that provides access to our information to the elderly population in San Francisco.

If you would like, please feel free to contact me or my law partner, Mike Cordon, directly to discuss our serious concern that the proposed ban would hurt our business and the elderly population we serve.

Thank you for your time.

Yours truly,

NURSING HOME AND ELDER ABUSE LAW CENTER



Jay P. Renneisen, Esq.

JPR:tlb

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 18 PM 2:43
BY [Signature]

5



City and County of San Francisco

Edwin M. Lee, Mayor

San Francisco Department of Public Health

Barbara A. Garcia, MPA
Director of Health

Public Health Emergency Preparedness and Response Section

March 16, 2011

Public Health Information and Statements on Radiation Concerns In San Francisco

San Francisco, CA – City officials emphasize that currently there is no danger to San Francisco residents from Japan's nuclear emergency. The San Francisco Department of Public Health does **not** recommend taking potassium iodide. Potassium iodide can have serious side effects and should not be taken unless recommended.

City departments are monitoring the situation closely and will alert the public if recommendations change.

For more information or for inquiries from the public, please call the California Department of Public Health at **916-341-3947**.

Additional Resources:

Information on Radiation:

CDPH Website: <http://www.cdph.ca.gov/Pages/RadiationFAQS2011.aspx>

CDC Health Effects and Treatment for Radiation Emergencies:

<http://www.bt.cdc.gov/radiation/healtheffects.asp>

Preparing for emergencies:

San Francisco Emergency Preparedness: <http://72hours.org>

California Be Prepared: <http://bepreparedcalifornia.ca.gov/epo>

The mission of the San Francisco Department of Public Health is to protect and promote the health of all San Franciscans.

We shall ~ Assess and research the health of the community ~ Develop and enforce health policy ~ Prevent disease and injury ~

~ Educate the public and train health care providers ~ Provide quality, comprehensive, culturally-proficient health services ~ Ensure equal access to all ~

barbara.garcia@sfdph.org – office 415-554-2526 fax 415 554-2710

101 Grove Street, Room 308, San Francisco, CA 94102

6

BOARD OF SUPERVISORS INQUIRY

For any questions, call the sponsoring supervisor

TO: Anne Hinton
Department of Aging and Adult Services

FROM: Clerk of the Board
DATE: 1/28/2011
REFERENCE: 20110125-007
FILE NO.

Due Date: 2/27/2011

This is an inquiry from a member of the Board of Supervisors made at the Board meeting on 1/25/2011.

Supervisor Avalos requests the following information:

Requesting the Department of Aging and Adult Services to allocate resources to programs serving the constituents of District 11.

Please provide a line item summary of the resources allocated to District 11 by the Department of Aging and Adult Services, for the fiscal years of 2008-2009 2009-2010, and 2010-2011, including, but not limited to:

Direct Services

Grants

Technical services to Community-Based Organizations

Please provide information for services provided directly City personnel as well as those contracted through community-based organizations. Please also indicate which of these services are provided within the boundaries of District 11.

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 2/27/2011



Avalos Request DAAS Resources in District 11_6b2011.docx

7

Department of Aging and Adult Services
Resources Allocated to District 11: FY 08/09, FY 09/10, FY 10/11

DAAS Departmental Programs	Prorated Budget for District 11			Provided in District 11?	Method note
	FY0809	FY0910	FY1011		
Adult Protective Services	\$310,449	\$303,342	\$376,517	✓	1
Community Living Fund	183,673	253,992	141,108	✓	1
County Veteran's Services Office	9,251	9,559	13,189		1
In-Home Supportive Services	1,592,378	8,648,713	9,024,542	✓	1
Information & Referral	127,566	52,214	65,627	✓	2
DAAS Admin Support	365,955	487,660	260,446		3

Office on the Aging Contracted Programs	Prorated Budget for District 11			Provided in District 11?	Method note
	FY0809	FY0910	FY1011		
Adult Day Health/Adult Day Care	\$64,398	\$40,893	\$40,893	✓	1
Alzheimer's Day Care Resource Center	9,194	8,125	8,125	✓	1
Case Management	208,670	190,874	190,062	✓	1, 2
Community Services	367,809	380,424	373,777	✓	1, 2
Congregate Meals for Non-Senior Adults with Disabilities	3,646	3,424	3,474	✓	1
Congregate Meals for Older Adults	380,296	351,232	323,772	✓	1
Elder Abuse Prevention	28,242	18,043	14,241		2
Family Caregiver Support Program	26,276	25,962	19,444		1
Food Bag programs/Grocery Delivery	0	16,134	24,000	✓	4
Health Insurance Counseling and Advocacy Program (HICAP)	27,656	22,354	44,788	✓	2
Health Promotion	13,021	13,425	19,610		1
Home-Delivered Meals for Non-Senior Adults with Disabilities	6,012	4,576	4,580	✓	1
Home-Delivered Meals for Older Adults	350,973	330,470	357,113	✓	1
Housing Advocacy	9,707	9,707	9,707		2
Legal Services	51,574	34,483	73,134		2
Long Term Care Ombudsman	5,640	6,791	7,613		5
Senior Companion	8,959	8,959	8,959		2
Senior Empowerment	23,699	23,699	23,699		4
Transportation	55,350	56,541	56,541	✓	2

Method Notes

1. Budget allocated based on the proportion of clients from District 11.
2. Budget allocated based on the proportion of clients from 94112.
3. Budget allocated based on a weighted average of all program clients in District 11/94112.
4. Budget allocated based on site/activity locations.
5. Budget allocated based on the proportion of SNF and RCFE beds in 94112.

Department of Aging and Adult Services
Resources Allocated to District 11: FY 08/09, FY 09/10, FY 10/11

	Total Budget			Provided in District 11?
	FY0809	FY0910	FY1011	
<i>Citywide programs - not possible / appropriate to break down by district</i>				
Dementia Research and Implementation	\$100,000	\$30,000	\$66,336	
DTV Project	0	35,000	0	✓
LGBT Cultural Competency Training and Support Services	40,000	40,000	40,000	✓
Long Term Care Consumer Rights Initiative	100,000	100,000	102,000	
Naturalization	594,791	527,681	596,564	
Public Administrator	1,389,267	1,250,608	1,327,383	✓
Public Conservator	1,515,959	1,494,401	1,388,345	✓
Public Guardian	2,484,081	2,504,927	2,471,877	✓
Representative Payee	582,612	511,715	513,987	✓
Services for Hoarders and Clutterers	241,380	324,232	191,380	
Transportation - Taxi Vouchers	12,079	12,079	12,079	✓

Department of Aging and Adult Services
Resources Allocated to District II: FY 08/09, FY 09/10, FY 10/11

Office on the Aging Contracted Services Provided Within the Boundaries of District II, as of February 2011		
Services Funded	Contractor	Site Address
Adult Day Care / Adult Day Support Program	Catholic Charities CYO	50 Broad Street (at Plymouth Avenue)
Aging and Disability Resource Center -- outstation at OMI Senior Center	Episcopal Community Sanctuary	65 Beverly (94132)
Alzheimer's Day Care Resource Center	Catholic Charities CYO	50 Broad Street (at Plymouth Avenue)
Case Management	Bernal Heights Neighborhood Center	4657 Mission Street
Case Management	Catholic Charities CYO	65 Beverly (94132)
Community Services	Southwest Community Corporation	446 Randolph (at Arch)
Community Services -- Excelsior Senior Center	Bernal Heights Neighborhood Center	4468 Mission Street
Community Services -- OMI Senior Center	Catholic Charities CYO	65 Beverly (94132)
Grocery Delivery Program for Seniors	Community Living Campaign in conjunction with SF Food Bank	65 Beverly (94132)
Health Insurance and Counseling Advocacy Program (HICAP) outstation	Self-Help for the Elderly	446 Randolph (at Arch)
Home-Delivered Meals*	Centro Latino de San Francisco	1656 - 15th Street
Home-Delivered Meals*	Meals on Wheels of San Francisco	1375 Fairfax Avenue
Home-Delivered Meals*	On Lok Day Services	225 - 30th Street
Senior Congregate Meals -- Excelsior Senior Center	On Lok Day Services	4468 Mission Street
Senior Congregate Meals -- OMI Senior Center	On Lok Day Services	65 Beverly (94132)
Senior Congregate Meals at St. Mary's ADHC	On Lok Day Services	35 Onondaga Street (at Mission)
YAD Congregate Meals at Adult Day Support	On Lok Day Services	50 Broad Street (at Plymouth Avenue)

* The "site address" for home-delivered meals is the location of the kitchen facility or main office. Consumers receive services in their homes.



Re: Response to BOS Inquiry #20110125-010 - 1 of 3

Noelle Simmons to: Board.of.Supervisors

03/15/2011 05:39 PM

Cc: John Avalos, AvalosStaff

This message is digitally signed.



Noelle Simmons

Re: Response to BOS Inquiry #20110125-010 - 1 of 3

Noelle Simmons/DHS/CCSF



Caseload Maps 1 Child FCS CalWORKs.zip

Noelle Simmons/DHS/CCSF



Noelle Simmons/DHS/CCSF

03/15/2011 05:34 PM

To: Board.of.Supervisors@sfgov.org

cc: John Avalos/BOS/SFGOV@SFGOV,
AvalosStaff/BOS/SFGOV@SFGOV, trent.rhorer@sfgov.org,
anne.hinton@sfgov.org

Subject: Response to BOS Inquiry #20110125-010

The attached documents are being submitted by the Human Services Agency in response to BOS Inquiry #20110125-010, regarding the investment of resources in District 11. Please note that the same inquiry was sent separately to the Department of Aging and Adult Services (DAAS), which is part of the Human Services Agency (HSA), and that DAAS has already been responded under separate correspondence. The previously submitted DAAS response is reattached here for your convenience.

Additionally, there are three zip file attachments containing PDF maps of HSA clients by district that will follow in two separate emails due to their large size. Please feel free to call if you have questions or don't receive all the attachments.

Noelle Simmons
Deputy Director, Policy & Planning
San Francisco Human Services Agency
p: (415) 557-5753
f: (415) 431-9270



D11 services_DHS_20110125-010.doc DAAS Resources in District 11_feb2011.docx HSA Caseloads by District_Feb 2011.xls



Response to BOS Inquiry #20110125-010 - 2 of 3

BOS-O
Board of Supervisors to: peratio 03/18/2011 12:56 PM
ns

From: Noelle Simmons/DHS/CCSF@CCSF
To: Board.of.Supervisors@sfgov.org
Cc: John Avalos/BOS/SFGOV@SFGOV,
AvalosStaff/BOS/SFGOV@SFGOV
Date: 03/17/2011 02:40 PM
Subject: Fw: Response to BOS Inquiry #20110125-010 - 2 of 3

The original attachment #2 bounced back due to its size. I have split it in two and am resending.



Caseload Maps 2 FS MC CAAP.zip

—— Forwarded by Noelle Simmons/DHS/CCSF on 03/17/2011 02:40 PM ——

Noelle Simmons/DHS/CCSF



Noelle
Simmons/DHS/
CCSF

03/15/2011
05:34 PM

To Board.of.Supervisors@sfgov.org
cc John Avalos/BOS/SFGOV@SFGOV,
AvalosStaff/BOS/SFGOV@SFGOV, trent.rhorer@sfgov.,
anne.hinton@sfgov.org
Subject Response to BOS Inquiry #20110125-010

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Noelle Simmons
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San Francisco Human Services Agency
p: (415) 557-5753
f: (415) 431-9270



D11 services_DHS_20110125-010.doc



DAAS Resources in District 11_feb2011.docx



HSA Caseloads by District_Feb 2011.xls



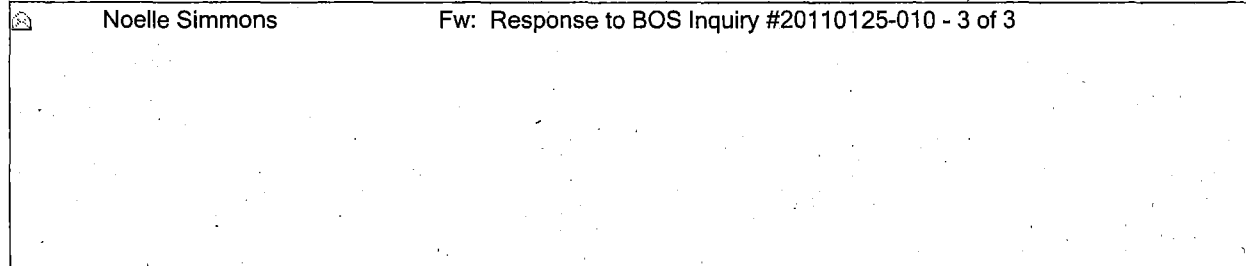
Fw: Response to BOS Inquiry #20110125-010 - 3 of 3

Noelle Simmons to: Board.of.Supervisors

03/15/2011 05:40 PM

Cc: John Avalos, AvalosStaff

This message is digitally signed.



Caseload Maps 3 DAAS.zip

Noelle Simmons/DHS/CCSF



Noelle Simmons/DHS/CCSF

03/15/2011 05:34 PM

To Board.of.Supervisors@sfgov.org

cc John Avalos/BOS/SFGOV@SFGOV,
AvalosStaff/BOS/SFGOV@SFGOV, trent.rhorer@sfgov.org,
anne.hinton@sfgov.org

Subject Response to BOS Inquiry #20110125-010

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Deputy Director, Policy & Planning
San Francisco Human Services Agency
p: (415) 557-5753
f: (415) 431-9270



D11 services_DHS_20110125-010.doc DAAS Resources in District 11_feb2011.docx HSA Caseloads by District_Feb 2011.xls



Response to BOS Inquiry #20110125-010

Noelle Simmons to: Board.of.Supervisors

Cc: John Avalos, AvalosStaff, trent.rhorer, anne.hinton

This message is digitally signed.

03/15/2011 05:32 PM

View: (Mail Threads)

The attached documents are being submitted by the Human Services Agency in response to BOS Inquiry #20110125-010, regarding the investment of resources in District 11. Please note that the same inquiry was sent separately to the Department of Aging and Adult Services (DAAS), which is part of the Human Services Agency (HSA), and that DAAS has already been responded under separate correspondence. The previously submitted DAAS response is reattached here for your convenience.

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Deputy Director, Policy & Planning
San Francisco Human Services Agency
p: (415) 557-5753
f: (415) 431-9270



D11 services_DHS_20110125-010.doc DAAS Resources in District 11_feb2011.docx HSA Caseloads by District_Feb 2011.xls



Capital Planning Committee ^{COB}

BOS-11 cpage
Victor-B/K-clerk

File 110284

Amy L. Brown, Acting City Administrator, Chair

MEMORANDUM

March 16, 2011

To: Supervisor David Chiu, Board President
From: Amy L. Brown, Acting City Administrator & Capital Planning Committee (CPC) Chair *Amy L. Brown*
Copy: Members of the Board of Supervisors
Angela Calvillo, Clerk of the Board
Capital Planning Committee
Regarding: Proposed FY 2012-2021 Capital Plan

In accordance with Section 3.21 of the Administrative Code, on March 7, 2011, the Capital Planning Committee (CPC) reviewed materials on the DRAFT FY 2012-2021 Capital Plan. The CPC's recommendations are set forth below.

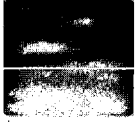
- 1. Board File Number TBD:** **Resolution to adopt the proposed ten-year capital expenditure plan for fiscal years 2012-2021.**
- Recommendation:** The CPC supports adoption of the resolution.
- Comments:** During the March 7 meeting, the CPC recommended the approval of the FY 2012-2021 Capital Plan inclusive of the following changes:
- (1) Increase the Neighborhood Parks & Open Space Improvements General Obligation Bond amount by \$35 million and move the date the measure will go to voters from November 2014 to November 2012;
 - (2) Add \$150,000,000 to the Recreation, Culture & Education total for the November 2020 Parks General Obligation Bond;
 - (3) Move the date the Safe Streets and Road Repair General Obligation Bond will go to voters from November 2012 to November 2011;
 - (4) Increase the November 2011 Safe Streets and Road Repair General Obligation Bond amount by \$20,000,000 to include accessibility improvements in the public right-of-way;

8

- (5) Propose a \$510,000,000 November 2016 Public Health Facilities General Obligation Bond;
- (6) Fund the \$475,000,000 HOJ Local Justice Agencies & SFPD Investigations through a General Obligation Bond rather than with General Fund debt in 2021;
- (7) Add \$787,441,000 to Economic & Neighborhood Development to reflect the inclusion of the Port of San Francisco, which was delayed due to the award of the America's Cup;
- (8) Reduce estimates for job creation based on revisions to the Controller's Office of Economic Analysis's methodology, which now projects 6.54 jobs per \$1,000,000 in construction spending (down from 7.20);
- (9) Include descriptions of the emerging needs for HOPE SF and at Hidden Valley Ranch;
- (10) Assume the Annual Infrastructure Construction Cost Inflation Estimate (AICCIE) escalation rate of three percent in the first year (FY2012) and five percent every year thereafter; and
- (11) Add to the Executive Summary a graph of all projected General Fund expenditures for capital projects, including both pay-as-you-go and General Fund debt programs.

The CPC recommends approval of this item by a vote of 10-0.

Committee members or representatives in favor include: Amy L. Brown, Acting City Administrator; Brad Benson, Port of San Francisco; Phil Ginsburg, Recreation and Parks Department; Ed Harrington, SFPUC; John Rahaim, Planning Department; Ed Reiskin, Department of Public Works; Ben Rosenfield, Controller's Office; Judson True, Board President's Office; Greg Wagner, Mayor's Budget Office; and Jackson Wong, San Francisco International Airport.



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Issued: San Francisco Fire Department Payroll Audit

From: Controller Reports/CON/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV, BOS-Supervisors/BOS/SFGOV, BOS-Legislative
Aides/BOS/SFGOV, Steve Kawa/MAYOR/SFGOV@SFGOV, Greg
Wagner/MAYOR/SFGOV@SFGOV, Christine.Falvey@sfdpw.org, Starr
Terrell/MAYOR/SFGOV@SFGOV, Francis Tsang/MAYOR/SFGOV@SFGOV, Jennifer Entire
Matz/MAYOR/SFGOV@SFGOV, ggiubbini@sftc.org, Severin
Campbell/BudgetAnalyst/SFGOV@SFGOV, Debra Newman/BudgetAnalyst/SFGOV@SFGOV,
sfdocs@sfpd.info, gmetcalf@spur.org, Department Head Assistant/MAYOR/SFGOV, Tara
Collins/CTYATT@CTYATT, CON-Media Contact/CON/SFGOV, CON-EVERYONE/CON/SFGOV,
Joanne Hayes-White/SFFD/SFGOV@SFGOV, Monica L Quattrin/SFFD/SFGOV@SFGOV, James
Smothers/CON/SFGOV@SFGOV, Loretta Lum/CON/SFGOV@SFGOV, Micki
Callahan/DHR/SFGOV@SFGOV, Shelley Thompson/CON/SFGOV@SFGOV, Jesusa
Bushong/SFFD/SFGOV@SFGOV, Connie Yee/SFFD/SFGOV@SFGOV, Monica
Fields/SFFD/SFGOV@SFGOV, Jesus Mora/SFFD/SFGOV@SFGOV, home@prosf.org
Date: 03/15/2011 01:53 PM
Subject: Issued: San Francisco Fire Department Payroll Audit
Sent by: Richard Kurylo

The Office of the Controller, City Services Auditor, has issued an audit report concerning the payroll of the San Francisco Fire Department, covering the period from July 1, 2009, through June 30, 2010.

The report indicates that the Fire Department increased its payroll expenditures by an estimated \$345,565 because of administrative errors and unofficial pay practices in retirement distribution procedures, manual time entry processes and the design of premium payments. The report also indicates that the current citywide payroll system does not have the functions that would allow it to adhere to all rules in the memoranda of understanding that apply to Fire Department employees or to promptly detect erroneous system changes.

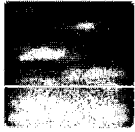
To view the full report, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1254>. You can also access the report on the Controller's website (<http://www.sfcontroller.org/>) under the News & Events section.

This is a send-only email address.

For questions regarding this report, please contact Tonia Lediju at tonia.lediju@sfgov.org or 415-554-5393, or the Controller's Office, Audits Unit, at 415-554-7469.

Thank you.

110155



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Payroll Expense Tax Exclusion in Central Market Street and Tenderloin Area: Economic Impact Report

From: Controller Reports/CON/SFGOV
To: Jason Elliott/MAYOR/SFGOV@SFGOV, Angela Calvillo/BOS/SFGOV@SFGOV, BOS-Legislative Aides/BOS/SFGOV, BOS-Supervisors/BOS/SFGOV, Steve Kawa/MAYOR/SFGOV@SFGOV, Greg Wagner/MAYOR/SFGOV@SFGOV, Severin Campbell/BudgetAnalyst/SFGOV@SFGOV, Debra Newman/BudgetAnalyst/SFGOV@SFGOV
Cc: Maggie Weiland/MAYOR/SFGOV@SFGOV, gmetcalf@spur.org, ggiubbini@sftc.org, sfdocs@sfpl.info, CON-Barometer/CON/SFGOV, CON-Media Contact/CON/SFGOV, Nicole Wheaton/MAYOR/SFGOV@SFGOV
Date: 03/15/2011 02:37 PM
Subject: Payroll Expense Tax Exclusion in Central Market Street and Tenderloin Area: Economic Impact Report
Sent by: Maura Lane

Attached please find a link to the report Payroll Expense Tax Exclusion in Central Market Street and Tenderloin Area: Economic Impact Report
<http://sfcontroller.org/Modules/ShowDocument.aspx?documentid=1865>

Main Conclusions:

San Francisco levies a 1.5% payroll expense tax (or "payroll tax") on all businesses that operate in the city and whose annual payroll expense exceeds \$250,000. The proposed legislation would establish a zone, south and west of the financial district, within which businesses could exclude new payroll from the payroll tax for up to six years. In other words, businesses with premises in the area would be responsible for paying only their base year payroll tax, and could increase their payroll without additional tax for up to six years.

The proposed legislation can be understood as a variation on the policy of enterprise zones. These policies have been criticized for using tax revenues to subsidize business location in a depressed area, without stimulating a genuine process of long-term economic development that can survive the expiration of the subsidy. Unlike traditional enterprise zones, however, the possibility that Twitter might move to the Central Market area would likely increase its attractiveness to other businesses, leading to job and tax revenue growth after the expiration of the legislation.

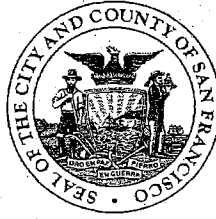
Twitter is growing rapidly and reportedly needs a new location. It is said to be choosing between the San Francisco Mart building, at Market and 10th Street, or locations in San Mateo County. Analysis of rent, commuting, labor, and tax costs suggests that San Francisco's higher business tax could create a significant incentive for Twitter to leave the city. San Francisco's payroll tax covers all compensation to employees, including stock options. Twitter is currently valued in secondary markets in excess of \$7 billion, after being valued at only \$250 million in February 2009. The compensation associated with its stock options could be sizable in the future, and the accompanying payroll tax could reach into the tens of millions of dollars. If that is the case, it would appear to make a San Francisco location more expensive for the company than an alternative in San Mateo County.

Because of this, the legislation was analyzed based on the assumption that Twitter would leave the city if it was not enacted, and would move to the SF Mart if it was. Under these two scenarios, the long-term payroll tax growth associated with the formation of a technology industry cluster in the Central Market area outweighs the payroll tax growth that could reasonably be expected to occur without Twitter, by approximately \$2.7 million per year on average over twenty years. In addition, the legislation can be expected to lead to higher job growth and property values in the area, which will also increase sales, hotel, utility user, property, and transfer tax revenues.

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This research suggests that two changes to the proposed legislation could reduce risks of an adverse economic impact, and increase the benefit to the General Fund while maintaining its economic benefits. In addition, two related policy ideas are offered for the consideration of decision-makers.

1. Requiring multi-location businesses to apportion their payroll, such that they are only eligible to exclude net new payroll within the area.
2. Removing large commercial properties, other than the SF Mart, from the area. If the large properties were excluded, the net payroll tax gain for the City would rise to an estimated \$5.5 million a year, as the City would no longer lose the payroll tax growth that would happen at these properties naturally.
3. As a policy idea that is not directly tied to the proposed legislation, the City could structure a parcel tax on vacant commercial property, which would not apply to occupied commercial property. This would encourage owners of vacant commercial property to be flexible on rent, and thereby maximize occupancy and employment in the city. This tax could not be included in the proposed legislation, as it would have to be submitted to the voters pursuant to Proposition 218. Nevertheless, it is mentioned here as a future policy consideration.
4. Finally, this analysis suggests that an important variable in the fiscal and economic success of the proposed legislation is Twitter's decision to locate in the Central Market area instead of moving out of San Francisco. In turn, Twitter's potential future payroll tax liability associated with its stock options appears to be the largest cost factor weighing against a San Francisco location. The City should consider modifying the payroll expense tax, to reduce the incentive for successful technology companies to move out of San Francisco.



John Arntz
Director

Memorandum

To: Honorable Members, Board of Supervisors
From: John Arntz, Director of Elections
Date: March 17, 2011
RE: Disclaimer Requirements for Local Ballot Measures:
Endorse, Oppose or Take No Position on a Measure
(Municipal Elections Code (MEC) Section 500(c)(8))

The Department of Elections must print a disclaimer in the Voter Information Pamphlet before any opponent, proponent or rebuttal argument that has been authorized by motion of the Board of Supervisors and submitted by the Board of Supervisors or by one or more Members of the Board for or against any measure (Municipal Elections Code Section 500 (c) (8)). The disclaimer indicates which Supervisors endorse the measure, oppose the measure, or take no position on the measure.

Each Supervisor must notify the Department of Elections in writing of his or her position on each measure for which the Board or a Member or Members authorized by motion will submit a proponent, opponent or rebuttal argument. For the potential June 7, 2011 election, the notification deadline is 5:00 p.m. on Friday, March 25. **Please understand that, if a Supervisor has not submitted his or her positions by this deadline, the Department of Elections will be required to print that the Supervisor takes no position on each measure.** The Department has no discretion in this matter.

Once the motion authorizing submissions of arguments has been adopted, we will send a form that may be used to indicate that the Supervisor wishes to endorse, oppose or take no position on each measure for which argument submissions have been authorized. The form will be provided for convenience; written positions on the proposed measures may be submitted in another format.

If you have any questions, please contact Barbara Carr at 415-554-6105.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 MAR 17 PM 4:23

AK

11



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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 MAR 18 PM 3:39
PC

March 4, 2011

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

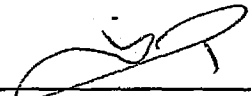
**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc.
d/b/a T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF13140H**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- ☐ (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- ☒ (b) No land use approval is required because
No planning review is needed for this pole-mounted T-Mobile installation. The telecommunications installation is located entirely on an existing utility pole in the right of way and is exempt from Planning and Zoning Division regulations.

A copy of this notification letter is being sent to the local government agency identified below for its information. Should there be any questions regarding this project, or if you disagree with the information contained herein, please contact Rana Christie, Manager 3, for T-Mobile, at (925) 521-5886, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at (415) 703-2699.

Sincerely,



Rana Christie
Manager 3
T-Mobile West Corporation
a subsidiary of T-Mobile USA Inc.

Enclosed: Attachment A

cc: City and County of San Francisco, Attn: Dept of Public Works, 875 Stevenson St, Rm 460,
San Francisco, CA 94103
City and County of San Francisco, Attn: Planning Director, 1660 Mission Street, 5th Fl,
San Francisco, CA 94103
City of San Francisco, Attn: Administrator, 1 Carlton B. Goodlett Pl, Rm 244, San Francisco,
CA 94102
City of San Francisco, Attn: Clerk of the Board, 1 Carlton B. Goodlett Pl, Rm 244, San Francisco,
CA 94102

12

ATTACHMENT A

1. Project Location

Site Identification Number: SF13140H
Site Name: PGE Cap 68 Garcia Ave
Site Address: 68 Garcia Ave, San Francisco, CA 94127
County: San Francisco
Assessor's Parcel Number: In front of 2922-002
Latitude: 37° 44' 38.92" N
Longitude: 122° 27' 34.67" W

2. Project Description

Number of Antennas to be installed: 3
Tower Design: Existing PG&E Wood Utility Pole
Tower Appearance: Installation of three (3) antennas mounted on an existing PG&E wood utility pole extension with cabinets on the same pole.
Tower Height: Previous height 44'. Pole extension with antennas 53'8".
Size of Buildings: No equipment cabinets will be disturbing the ground. Antennas and equipment will be completely on the existing utility pole.

3. Business Addresses of all Governmental Agencies

City and County of San Francisco
Attn: Dept of Public Works
875 Stevenson St, Rm 460
San Francisco, CA 94103

City & County of San Francisco
Attn: Planning Director
1660 Mission Street, 5th Fl
San Francisco, CA 94103

City & County of San Francisco
Attn: Administrator
1 Dr. Carlton B. Goodlett Pl, Rm 244
San Francisco, CA 94102

City & County of San Francisco
Attn: Clerk of the Board
1 Dr. Carlton B. Goodlett Pl, Rm 244
San Francisco, CA 94102

4. Land Use Approvals

Date Zoning Approval Issued:

Land Use Permit #:

If Land use Approval was not required: No planning review is needed for this pole-mounted T-Mobile installation. The telecommunications installation is located entirely on an existing utility pole in the right of way and is exempt from Planning and Zoning Division regulations.

T-Mobile

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 MAR 18 PM 3:39
T-Mobile West Corporation
a subsidiary of T-Mobile USA Inc.
Engineering Development
1855 Gateway Boulevard, 9th Floor
Concord, California 94520

March 4, 2011

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

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc.
d/b/a T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF43585D**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- ☐ (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- ☒ (b) No land use approval is required because
No planning review is needed for this pole-mounted T-Mobile installation. The telecommunications installation is located entirely on an existing utility pole in the right of way and is exempt from Planning and Zoning Division regulations.

A copy of this notification letter is being sent to the local government agency identified below for its information. Should there be any questions regarding this project, or if you disagree with the information contained herein, please contact Rana Christie, Manager 3, for T-Mobile, at (925) 521-5886, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at (415) 703-2699.

Sincerely,



Rana Christie
Manager 3
T-Mobile West Corporation
a subsidiary of T-Mobile USA Inc.

Enclosed: Attachment A

cc: City and County of San Francisco, Attn: Dept of Public Works, 875 Stevenson St, Rm 460,
San Francisco, CA 94103
City and County of San Francisco, Attn: Planning Director, 1660 Mission Street, 5th Fl,
San Francisco, CA 94103
City of San Francisco, Attn: Administrator, 1 Carlton B. Goodlett Pl, Rm 244, San Francisco,
CA 94102
City of San Francisco, Attn: Clerk of the Board, 1 Carlton B. Goodlett Pl, Rm 244, San Francisco,
CA 94102

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ATTACHMENT A

1. Project Location

Site Identification Number: SF43585D
Site Name: PGE 297 States St
Site Address: 297 States Street, San Francisco, CA 94114
County: San Francisco
Assessor's Parcel Number: In front of 2619-046 ROW
Latitude: 37° 45' 53.59" N
Longitude: 122° 26' 32.16" W

2. Project Description

Number of Antennas to be installed: 3
Tower Design: Existing PG&E Wood Utility Pole
Tower Appearance: Installation of three (3) antennas mounted on an existing PG&E wood utility pole extension with cabinets on the same pole.
Tower Height: Previous height 35'. Pole extension with antennas 40'1".
Size of Buildings: No equipment cabinets will be disturbing the ground. Antennas and equipment will be completely on the existing utility pole.

3. Business Addresses of all Governmental Agencies

City and County of San Francisco Attn: Dept of Public Works 875 Stevenson St, Rm 460 San Francisco, CA 94103	City & County of San Francisco Attn: Planning Director 1660 Mission Street, 5 th Fl San Francisco, CA 94103
City & County of San Francisco Attn: Administrator 1 Dr. Carlton B. Goodlett Pl, Rm 244 San Francisco, CA 94102	City & County of San Francisco Attn: Clerk of the Board 1 Dr. Carlton B. Goodlett Pl, Rm 244 San Francisco, CA 94102

4. Land Use Approvals

Date Zoning Approval Issued:

Land Use Permit #:

If Land use Approval was not required: No planning review is needed for this pole-mounted T-Mobile installation. The telecommunications installation is located entirely on an existing utility pole in the right of way and is exempt from Planning and Zoning Division regulations.

March 9, 2011
To STATE, COUNTY AND CITY OFFICIALS

BOS-11
cpages

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 MAR 14 PM 3:21

BY _____
AK

**NOTICE OF APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY FOR RECOVERY OF COSTS OF DEMAND
RESPONSE PROGRAMS 2012-2014 PROGRAMS AND BUDGETS
(A.11-03-001)**

The California Public Utilities Commission (CPUC) requires PG&E to file an application to authorize and fund PG&E's Demand Response Programs. Per this requirement, PG&E filed application No.11-03-001 on March 1, 2011, requesting approval of its 2012-2014 Demand Response Programs ("Application")

What are Demand Response Programs?

Demand response programs increase electric reliability and reduce PG&E's total power purchase costs by motivating electric customers to reduce electric usage during high-demand, or peak usage, periods and/or shift electric usage to other periods when electric demand is lower.

PG&E's Application proposes a total demand response related revenue footnote [1] requirement of \$228 million [2]¹: \$76.8 million in 2012; \$73.8 million in 2013; and \$77.4 million in 2014. PG&E proposes to recover these costs in electric distribution rates from both bundled and direct access customers. The annual revenue requirement increase (as compared to 2011 revenue requirements) is approximately \$76.8 million. Bundled customers are customers who receive electric generation as well as transmission and distribution service from PG&E. Direct Access customers are customers who receive transmission and distribution service from PG&E, but who purchase electric generation service from third-party energy service providers.

Will Electric Rates Increase if the Application is Approved?

Yes. Approval of PG&E's proposed 2012-2014 demand response program budget will increase electric distribution rates paid by all electric bundled and direct access customers. PG&E expects any rate changes associated with its Application will be consolidated with electric rate changes in other CPUC proceedings. The eventual net change in rates is difficult to predict. Absent other electric rate changes, PG&E's budget request resulting from this Application filing would increase average bundled electric rates approximately 0.64 percent and would not have a significant impact on individual customers' rates.

FOR FURTHER INFORMATION

To request a copy of the application and exhibits or for more details, call PG&E at 1-800-743-5000. For TDD/TTY (speech-hearing impaired), call 1-800-652-4712. Para más detalles llame al 1-800-660-6789 詳情請致電 1-800-893-9555

You may request a copy of the application and exhibits by writing to:

Pacific Gas and Electric Company
Demand Response Application
P.O. Box 7442, San Francisco, CA 94120.

THE CPUC PROCESS

The CPUC's Division of Ratepayer Advocates (DRA) will review this application.

The DRA is an independent arm of the CPUC, created by the Legislature to represent the interests of all utility customers throughout the state and obtain the lowest possible rate for service consistent with reliable and safe service levels. The DRA has a multi-disciplinary staff with expertise in economics, finance, accounting and engineering. The DRA's views do not necessarily reflect those of the CPUC. Other parties of record will also participate.

The CPUC may hold evidentiary hearings where parties of record present their proposals in testimony and are subject to cross-examination before an Administrative Law Judge (ALJ). These hearings are open to the public, but only those who are parties of record may present evidence or cross-examine witnesses during evidentiary hearings. Members of the public may attend, but not participate in, these hearings.

After considering all proposals and evidence presented during the hearing process, the ALJ will issue a draft decision. When the CPUC acts on this application, it may adopt all or part of PG&E's request, amend or modify it, or deny the application. The CPUC's final decision may be different from PG&E's application.

If you would like to learn how you can participate in this proceeding or if you have comments or questions, you may contact the CPUC's Public Advisor as follows:

Public Advisor's Office
505 Van Ness Avenue
Room 2103
San Francisco, CA 94102

1-415-703-2074 or 1-866-849-8390 (toll free)
TTY 1-415-703-5282 or TTY 1-866-836-7825 (toll free)

If you are writing a letter to the Public Advisor's Office, please include the number of the application (11-03-001) to which you are referring. All comments will be circulated to the Commissioners, the assigned Administrative Law Judge and the Energy Division staff.

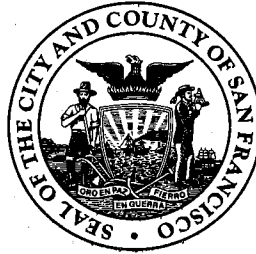
A copy of PG&E's Demand Response application and exhibits are also available for review at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, Monday-Friday, 8 a.m.-noon.

1. Revenue is a technical term used to describe the total amount of money customers pay in rates for the electric and gas service they receive.

2. Budget total includes charges for franchise fees (fees that PG&E pays to cities and counties for the right to use or occupy public streets, roads and ways) and uncollectibles (billed revenues that are unpaid by other customers).

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BOARD of SUPERVISORS



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

Date: March 18, 2011
To: Honorable Members, Board of Supervisors
From: Angela Calvillo, Clerk of the Board *AC*
Subject: Form 700

This is to inform you that the following individuals have submitted a Form 700 Statement:

Angela Calvillo - Annual
Severin Campbell – Budget Analyst - Annual
Harvey Rose – Budget Analyst - Annual
Matthew McOmber - LAFCo - Assuming
Christiane Layton - LAFCo - Assuming
Jennifer Gore - LAFCo - Annual
Madeline Miller - LAFCo - Annual
Nancy Miller - LAFCo - Annual
Daniel Calvert - LAFCo - Leaving

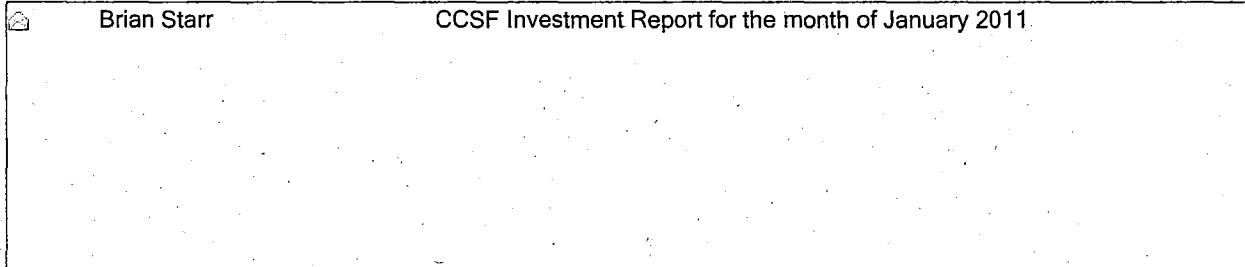
BDS-11

CCSF Investment Report for the month of January 2011

Brian Starr to: Brian Starr

03/21/2011 04:19 PM

Ben Rosenfield, Board of Supervisors, cynthia.fong, dgriffin, grazioij, Greg
Cc: Wagner, Harvey Rose, Jose Cisneros, Kurian Joseph, Michelle Durgy, ras94124,
sfdocs, Tonia Lediju, TRydstrom, Pauline Marx



All,

Attached please find the CCSF Investment Report for the month of January 2011.



CCSF Monthly Investment Report 013111.pdf

Thank you,

Brian Starr
Investment Analyst
City and County of San Francisco
City Hall - Room 140
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4638
brian.starr@sfgov.org

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**Office of the Treasurer & Tax Collector
City and County of San Francisco**

Pauline Marx, Chief Assistant Treasurer
Michelle Durgy, Chief Investment Officer



José Cisneros, Treasurer

Investment Report for the month of January 2011

February 28, 2011

The Honorable Edwin M. Lee
Mayor of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4638

The Honorable Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4638

Ladies and Gentlemen,

In accordance with the provisions of California State Government Code Section 53646, we forward this report detailing the City's pooled fund portfolio as of January 31, 2011. These investments provide sufficient liquidity to meet expenditure requirements for the next six months and are in compliance with our statement of investment policy and California Code.

This correspondence and its attachments show the investment activity for the month of January 2011 for the portfolios under the Treasurer's management. All pricing and valuation data is obtained from Interactive Data Corporation.

CCSF Investment Earnings Statistics

(in \$ million)	Pooled Fund		All Funds	
	Fiscal YTD	January 2011	Fiscal YTD	January 2011
Average Daily Balance	\$ 4,180	\$ 4,910	\$ 4,205	\$ 4,910
Net Earnings	32.04	5.37	32.18	5.37
Earned Income Yield	1.30%	1.29%	1.30%	1.29%

CCSF Pooled Fund Statistics

(in \$ million)	% of	Book	Market	Coupon*	Yield to	Days to
Investment Type	Portfolio	Value	Value		Maturity*	Maturity*
U.S. Treasuries	11.3%	\$ 549	\$ 549	1.07%	1.00%	640
Federal Agencies	63.8%	3,102	3,095	1.60%	1.42%	1,072
TLGP	19.0%	918	922	2.05%	1.45%	367
State & Local Agency						
Government Obligations	1.0%	50	50	3.00%	1.63%	131
Public Time Deposits	0.2%	10	10	0.71%	0.71%	182
Negotiable CDs	4.6%	225	225	0.42%	0.42%	253
Money Market Funds	0.0%	2	2	0.17%	0.17%	1
Totals	100.0%	\$ 4,857	\$ 4,853	1.58%	1.33%	839

* denotes weighted averages

In the remainder of this report, we provide additional information and analytics at the security-level and portfolio-level, as recommended by the California Debt and Investment Advisory Commission.

Very truly yours,

José Cisneros
Treasurer

cc: Treasury Oversight Committee: Joe Grazioli, Don Griffin, Todd Rydstrom, Richard Sullivan
Ben Rosenfield, Controller, Office of the Controller
Tonia Lediju, Internal Audit, Office of the Controller
Cynthia Fong, Deputy Director for Finance & Administration, San Francisco County Transportation Authority
Harvey Rose, Budget Analyst
San Francisco Public Library

Compliance Report

Pooled Fund

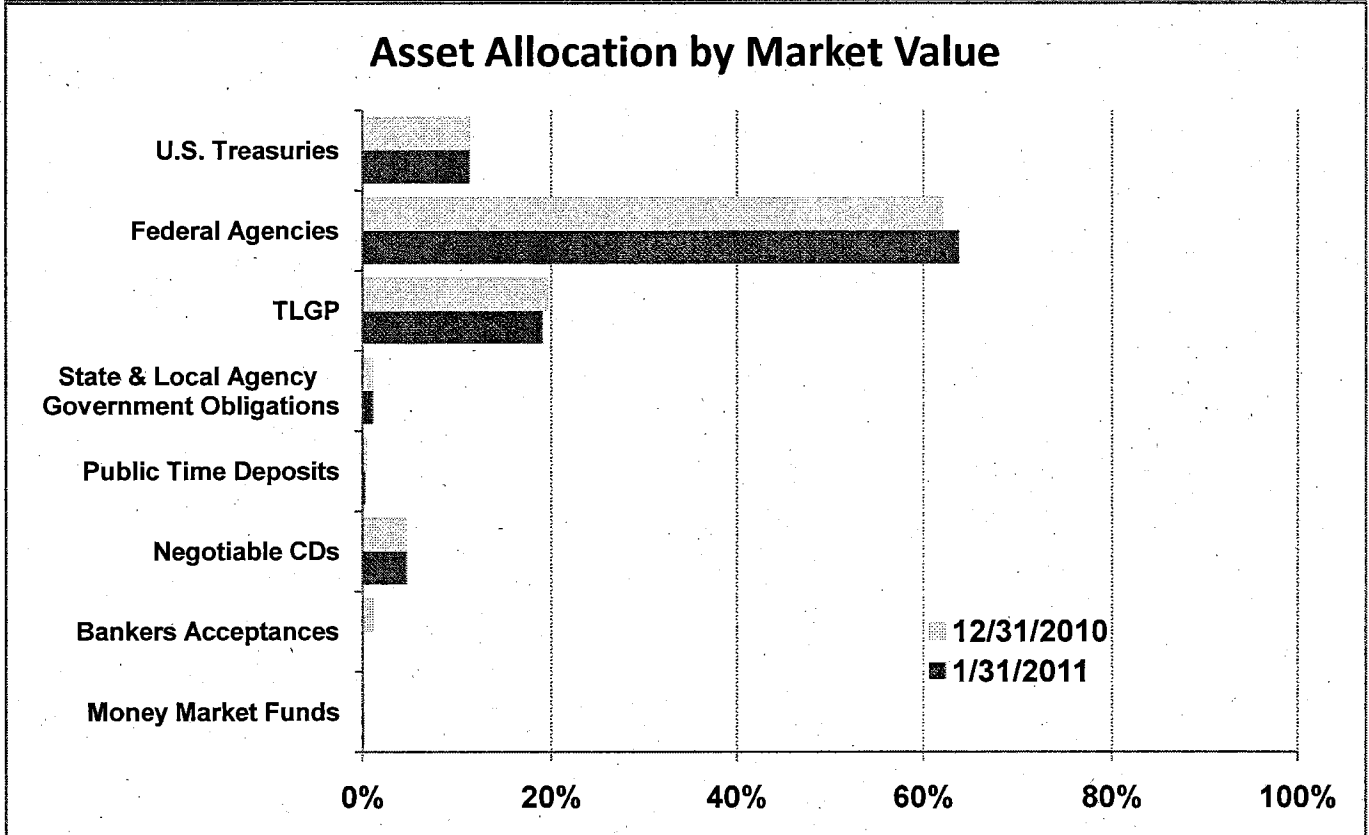
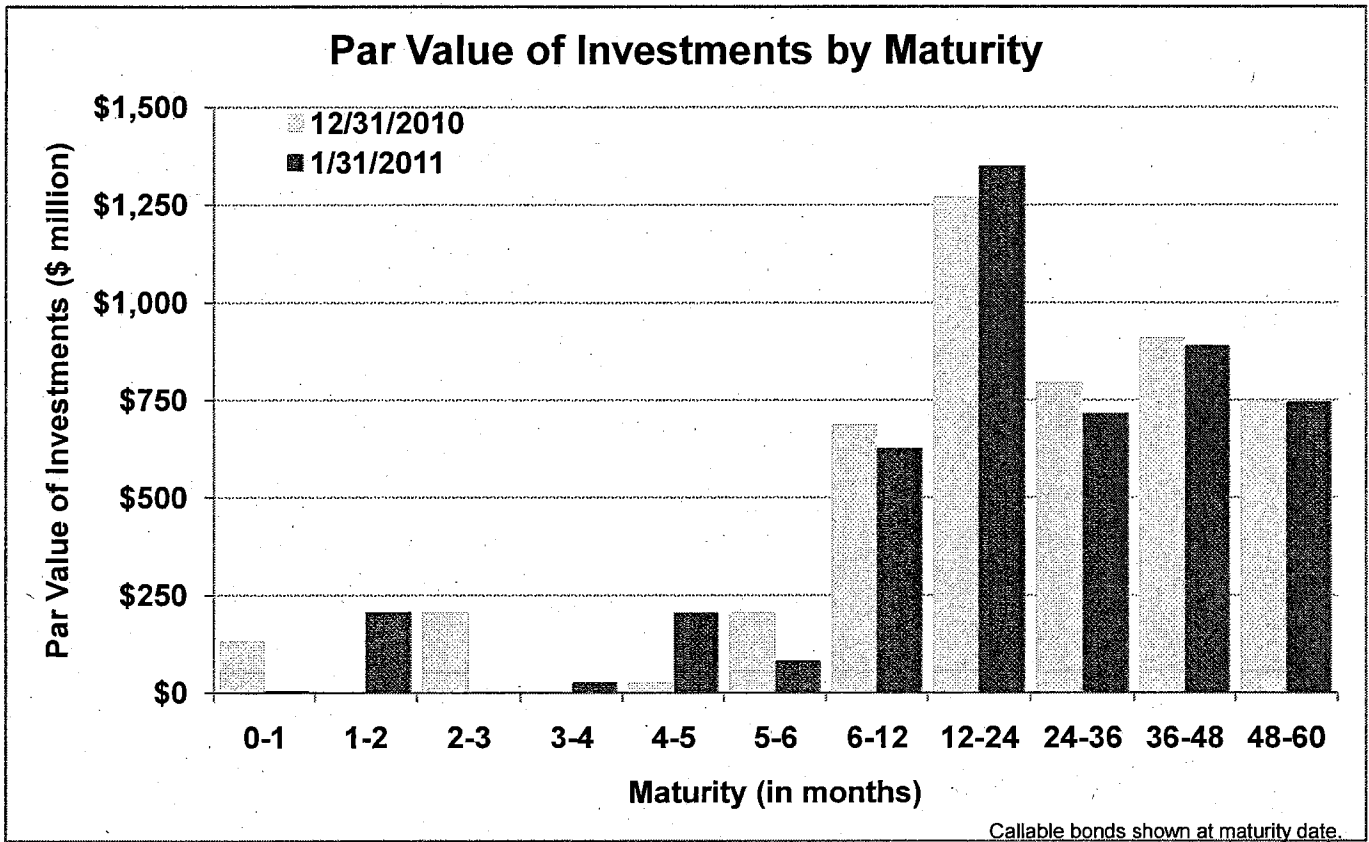
As of January 31, 2011

<i>(in \$ million)</i>							
Security Type	Par Value	Book Value	Market Value	Market/Book Price	Current % Allocation	Max. Policy Allocation	Compliant?
U.S. Treasuries	\$ 550	\$ 549	\$ 549	99.89	11.31%	100%	Yes
Federal Agencies	3,093	3,102	3,095	99.77	63.76%	70%	Yes
TLGP	906	918	922	100.43	19.00%	30%	Yes
State & Local Agency Government Obligations	50	50	50	99.90	1.04%	20%	Yes
Public Time Deposits	10	10	10	100.00	0.21%	100%	Yes
Negotiable CDs	225	225	225	100.00	4.64%	30%	Yes
Bankers Acceptances	-	-	-	-	0.00%	40%	Yes
Commercial Paper	-	-	-	-	0.00%	25%	Yes
Medium Term Notes	-	-	-	-	0.00%	15%	Yes
Repurchase Agreements	-	-	-	-	0.00%	100%	Yes
Reverse Repurchase/ Securities Lending Agreements	-	-	-	-	0.00%	\$75mm	Yes
Money Market Funds	2	2	2	100.00	0.05%	100%	Yes
LAIF	-	-	-	-	0.00%	\$50mm	Yes
TOTAL	\$ 4,837	\$ 4,857	\$ 4,853	99.92	100.00%	-	Yes

Note: The full Investment Policy can be found at <http://www.sftreasurer.org/>, in the Investment Report section of the About Us menu.

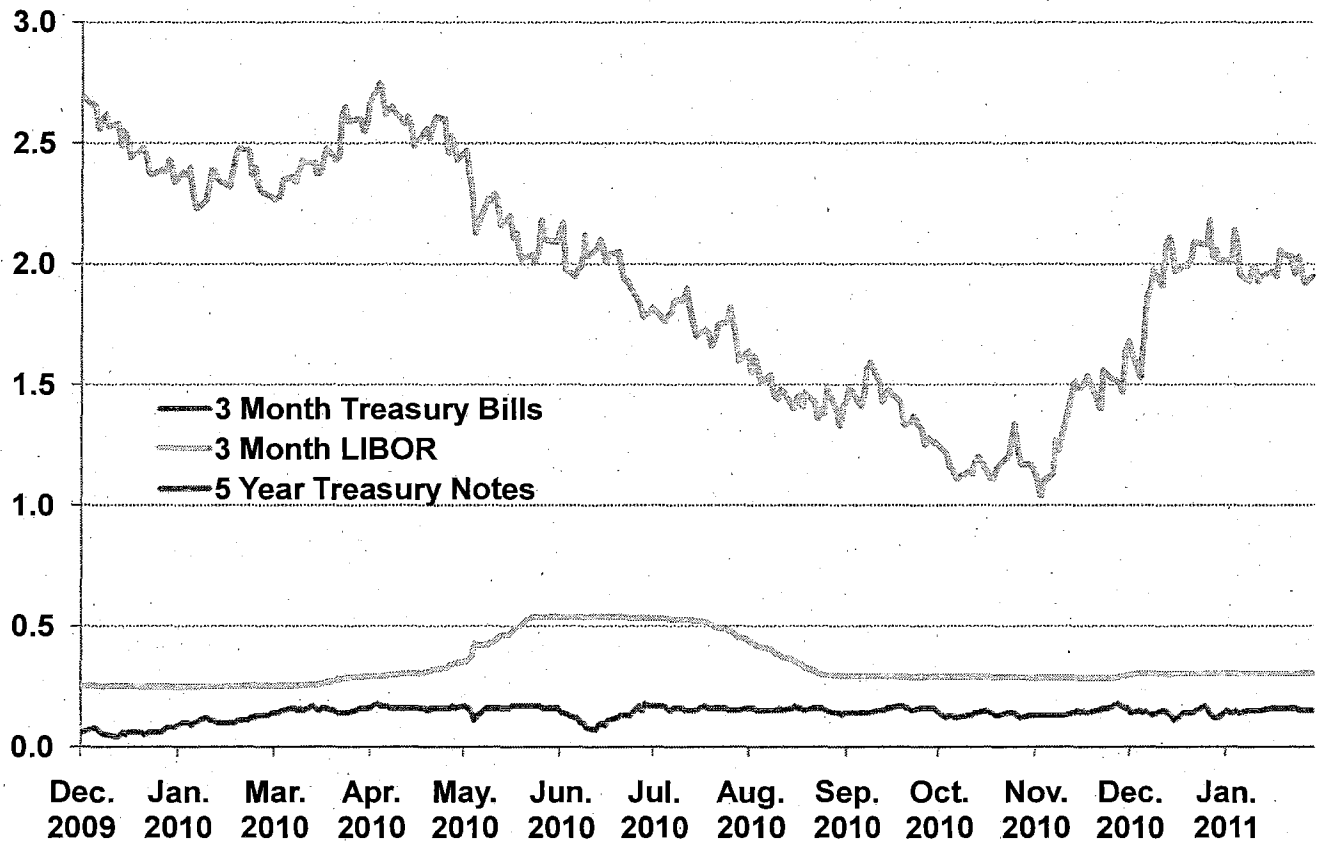
¹ PFM Prime Series - Institutional Class, 0.05% of fund's net assets

Portfolio Analysis Pooled Fund



Yield Curves

Yields (%) on Benchmark Indices



Investment Portfolio

Pooled Fund

As of January 31, 2011

Type of Investment	CUSIP	Issue Name	Settle Date	Maturity Date	Duration	Coupon	Par Value	Book Value	Amortized Book Value	Market Value
U.S. Treasury	912828LV0	T 1 08 31 11	10/29/09	8/31/11	0.58	1.00	\$ 100,000	\$ 100,316	\$ 100,100	\$ 100,469
U.S. Treasury	912828LV0	T 1 08 31 11	10/29/09	8/31/11	0.58	1.00	99,900,000	100,200,480	99,994,488	100,368,283
U.S. Treasury	912828LG3	T 1 7 31 11	11/19/09	7/31/11	0.50	1.00	120,000,000	120,801,563	120,233,088	120,487,498
U.S. Treasury	912828KA7	T 1.125 12 15 11	12/9/09	12/15/11	0.87	1.13	50,000,000	50,378,906	50,163,197	50,375,000
U.S. Treasury	912828LB4	T 1.5 07.15.12	3/23/10	7/15/12	1.44	1.50	50,000,000	50,441,406	50,276,858	50,812,500
U.S. Treasury	912795V99	B 031011	3/31/10	3/10/11	0.10	0.00	50,000,000	49,817,489	49,817,489	50,000,000
U.S. Treasury	912828PJ3	T BILL 1.375 11 30 15	12/16/10	11/30/15	4.68	1.38	50,000,000	49,519,531	49,562,227	48,828,124
U.S. Treasury	912828PJ3	TB 1.375 11 30 15	12/16/10	11/30/15	4.68	1.38	50,000,000	49,519,531	49,562,227	48,828,124
U.S. Treasury	912828PJ3	TRASURY NOTE 1.375 11 30 2015	12/23/10	11/30/15	4.68	1.38	50,000,000	48,539,063	48,614,915	48,828,124
U.S. Treasury	912828LF5	T N 1.125 06 30 2011	12/31/10	6/30/11	0.41	1.13	30,000,000	30,023,933	30,019,702	30,112,500
Subtotals					1.71	1.07	\$ 650,000,000	\$ 649,342,219	\$ 648,344,291	\$ 648,740,622
Federal Agency	31398AVQ2	FNMA 1.75 3 23 11	11/19/09	3/23/11	0.14	1.75	\$ 50,000,000	\$ 50,770,000	\$ 50,078,732	\$ 50,109,375
Federal Agency	31398AVQ2	FNMA 1.75 3 23 2011 Bullet	11/20/09	3/23/11	0.14	1.75	20,000,000	20,314,600	20,032,234	20,043,750
Federal Agency	31331YZ86	FFCB Bullet 3.875 8 25 11	11/19/09	8/25/11	0.56	3.88	50,000,000	52,705,000	50,861,064	51,015,625
Federal Agency	3128X8P22	FHLMC 1.125	11/20/09	6/1/11	0.33	1.13	28,600,000	28,779,471	28,638,596	28,689,375
Federal Agency	31398AF23	FNMA 3NC1.5 1X 1.80	2/8/10	2/8/13	1.98	1.80	50,000,000	50,000,000	50,000,000	50,375,000
Federal Agency	31398AF23	FNMA 1.8 2 8 13	2/8/10	2/8/13	1.98	1.80	25,000,000	24,987,500	24,991,583	25,187,500
Federal Agency	3128X9ZK9	FHLMC 1.8 2 25 13 3NC1	2/25/10	2/25/13	2.02	1.80	75,000,000	75,000,000	75,000,000	75,070,313
Federal Agency	31331JGD9	FFCB 2 Year Bullet .95 Coupon	3/9/10	3/5/12	1.09	0.95	17,050,000	17,016,071	17,031,425	17,156,563
Federal Agency	31331JGD9	FFCB 2 Year Bullet Fixed .95	3/9/10	3/5/12	1.09	0.95	58,000,000	57,893,860	57,941,893	58,362,500
Federal Agency	31331G2R9	FFCB 1.875 12.07.12	3/26/10	12/7/12	1.82	1.88	37,000,000	37,333,370	37,227,989	37,844,063
Federal Agency	3133X4YB8	FHLB 1.5 2.5NC1	4/15/10	10/15/12	1.68	1.50	100,000,000	100,000,000	100,000,000	100,250,000
Federal Agency	3136FMNR1	FNMA 2.5NC1 Berm 1.56	4/19/10	10/29/12	1.72	1.56	100,000,000	100,000,000	100,000,000	100,281,250
Federal Agency	31331JAB9	FFCB 1.625 Bullet 12.12	4/16/10	12/24/12	1.87	1.63	50,000,000	50,048,500	50,034,142	50,921,875
Federal Agency	31331JLW1	FFCB 1.125 2NC1 American	4/29/10	4/26/12	1.23	1.13	74,370,000	74,221,260	74,278,059	74,509,444
Federal Agency	3134G1DZ4	FHLMC 2NC1Y 1X call 1.17	5/18/10	5/18/12	1.29	1.17	50,000,000	50,000,000	50,000,000	50,109,375
Federal Agency	3136FMA38	FNMA 2.5 6 25 12	6/25/10	6/25/15	4.22	2.50	49,080,000	49,018,650	49,026,075	49,448,100
Federal Agency	3134A4JT2	FHLMC 5.75 01 15 12	6/10/10	1/15/12	0.94	5.75	20,000,000	21,479,608	20,881,684	21,012,500
Federal Agency	3133XXME4	FHLB 1.42 fixed 2.5 NC 1 Year	6/10/10	9/24/12	1.63	1.42	20,230,000	20,215,922	20,219,891	20,261,609
Federal Agency	3134G1GX6	FHLMC 2.05 6 30 14	6/30/10	6/30/14	3.31	2.05	37,900,000	37,900,000	37,900,000	38,160,563
Federal Agency	3134G1KL7	FHLMC 1.5 07 12 13	7/12/10	7/12/13	2.41	1.50	50,000,000	50,000,000	50,000,000	50,171,875
Federal Agency	3134G1KL7	FHLMC 1.5 7 12 13	7/12/10	7/12/13	2.41	1.50	50,000,000	50,000,000	50,000,000	50,171,875
Federal Agency	31398AV90	FNMA 1.3 7 16 13	7/16/10	7/16/13	2.43	1.30	25,000,000	24,987,500	24,989,781	25,125,000
Federal Agency	31398AV90	FNMA 1.3 7 16 13	7/16/10	7/16/13	2.43	1.30	50,000,000	49,975,000	49,979,562	50,250,000
Federal Agency	3136FMX90	FNMA STRNT 1.75 7 27 15	7/27/10	7/27/15	4.34	1.75	25,000,000	25,000,000	25,000,000	25,187,500
Federal Agency	3136FMX90	FNMA STRNT 1.75 7 27 15	7/27/10	7/27/15	4.34	1.75	25,000,000	25,000,000	25,000,000	25,187,500
Federal Agency	3134G1HD9	FHLMC .750 3 28 11 AMORT CALL	7/20/10	3/28/13	2.14	0.75	50,000,000	50,066,500	50,014,572	50,031,250
Federal Agency	880591DT6	TVA 6.79 5 23 12	8/4/10	5/23/12	1.27	6.79	20,500,000	22,725,275	22,113,155	22,149,609
Federal Agency	3136FM6G4	FNMA 2.125 8 1 15	8/10/10	8/10/15	4.30	2.13	25,000,000	25,000,000	25,000,000	25,000,000
Federal Agency	31398A2H4	FNMA 1.35 08 16 13	8/16/10	8/16/13	2.49	1.35	25,000,000	25,000,000	25,000,000	25,007,813
Federal Agency	3136FM3R3	FNMA 1.75 8 18 14	8/18/10	8/18/14	3.43	1.75	53,270,000	53,507,584	53,398,881	53,419,822
Federal Agency	31331JE33	FFCB 1.75 03 16 15	9/16/10	3/16/15	3.97	1.75	50,000,000	49,975,000	49,977,101	49,640,625
Federal Agency	31315PGT0	FARMER MAC 2.125 09 15 15	9/15/10	9/15/15	4.39	2.13	45,000,000	44,914,950	44,921,424	45,239,063
Federal Agency	31331JX99	FFCB 1.23 11 04 2014	11/4/10	11/4/14	3.67	1.23	110,025,000	109,722,431	109,740,863	108,512,156
Federal Agency	31398AVH1	FNMA 2.9 4 7 14	11/4/10	4/7/14	3.04	2.90	19,750,000	19,966,855	19,884,486	19,830,234
Federal Agency	31398A3Q3	FNMA 1.50 9 23 14	11/4/10	9/23/14	3.54	1.50	27,435,000	27,627,045	27,620,997	27,220,664
Federal Agency	31398A2H4	FNMA 1.35 8 16 13	11/16/10	8/16/13	2.49	1.35	50,000,000	50,127,250	50,189,497	50,015,625
Federal Agency	313371CN4	FHLB 1.38 10 21 14	11/4/10	10/21/14	3.63	1.35	45,525,000	45,598,751	45,616,408	44,870,578

Investment Portfolio

Pooled Fund

Type of Investment	CUSIP	Issue Name	Settle	Maturity	Duration	Coupon	Par Value	Book Value	Amortized			
			Date	Date					Book Value	Market Value		
Federal Agency	3136FPYX9	FNMA STRNT 0.5 12 03 13	12/3/10	12/3/13	2.82	0.50	50,000,000	50,000,000	50,000,000	49,671,875		
Federal Agency	31398A3R1	FNMA 1.35 3 21 2011	11/10/10	3/21/14	3.07	1.35	24,500,000	24,564,827	24,568,772	24,408,125		
Federal Agency	31331J2R3	FFCB 1.62 11 16 15	11/16/10	11/16/15	4.61	1.62	32,400,000	32,116,500	32,128,455	31,640,625		
Federal Agency	313371UC8	FHLB 0.875 12 27 13	11/18/10	12/27/13	2.87	0.88	75,000,000	74,865,000	74,873,921	74,460,938		
Federal Agency	313371W93	FHLB 1.34 12 15 2014	12/15/10	12/15/14	3.78	1.34	75,000,000	75,000,000	75,000,000	73,992,188		
Federal Agency	313371PC4	FHLB 0.875 12 12 14	11/22/10	12/12/14	3.79	0.88	25,000,000	24,617,500	24,644,344	24,234,375		
Federal Agency	313371ZY5	FHLB 1.875 12 11 15	12/3/10	12/11/15	4.66	1.88	25,000,000	24,982,000	24,982,589	24,648,435		
Federal Agency	313371W51	FHLB 1.25 12 12 14	12/6/10	12/12/14	3.77	1.25	50,000,000	49,725,000	49,759,991	49,171,875		
Federal Agency	31331J4S9	FFCB 1.40 12 08 14	12/16/10	12/8/14	3.76	1.40	27,000,000	26,986,500	26,995,337	26,839,688		
Federal Agency	31315PLT4	FARMER MAC 1.25 12 06 2013	12/6/10	12/6/13	2.80	1.25	35,000,000	34,951,700	34,954,212	34,814,063		
Federal Agency	31331J4S9	FFCB 1.4 12 08 14	12/8/10	12/8/14	3.76	1.40	19,000,000	18,956,680	18,958,311	18,887,188		
Federal Agency	313371ZY5	FHLB 1.875 12 11 15	12/14/10	12/11/15	4.66	1.88	50,000,000	49,871,500	49,903,600	49,296,875		
Federal Agency	313371W51	FHLB 1.25 12 12 14	12/8/10	12/12/14	3.77	1.25	75,000,000	74,391,000	74,455,530	73,757,813		
Federal Agency	3133724E1	FHLB 06 30 2014	12/31/10	6/30/14	3.35	1.21	50,000,000	50,000,000	50,000,000	49,671,875		
Federal Agency	3137EACM9	FHLMC 1.75 09 10 15	12/15/10	9/10/15	4.42	1.75	50,000,000	49,050,000	49,307,261	49,250,000		
Federal Agency	31398A4M1	FNMA 1.625 10 26 2015	12/15/10	10/26/15	4.53	1.63	25,000,000	24,317,500	24,391,241	24,328,125		
Federal Agency	313370JB5	FHLB 1.75 09 11 2015	12/15/10	9/11/15	4.38	1.75	75,000,000	73,587,000	74,103,786	73,804,688		
Federal Agency	31331J2S1	FFCB 1.50 11 16 2015	12/15/10	11/16/15	4.62	1.50	25,000,000	24,186,981	24,239,948	24,304,688		
Federal Agency	3133XVNU1	FHLB 2.75 12 12 2014	11/23/10	12/12/14	3.69	2.75	25,400,000	26,848,308	26,779,807	26,400,125		
Federal Agency	3133XVNU1	FHLB 2.75 12 12 2014	11/23/10	12/12/14	3.69	2.75	2,915,000	3,079,668	3,071,880	3,029,778		
Federal Agency	3133XVNU1	FHLB 2.75 12 12 2014	12/8/10	12/12/14	3.69	2.75	25,000,000	26,332,000	26,281,993	25,984,375		
Federal Agency	3133XVNU1	FHLB 2.75 12 12 2014	12/8/10	12/12/14	3.69	2.75	50,000,000	52,674,000	52,573,611	51,968,750		
Federal Agency	313370JS8	FHLB 1.375 09 12 2014	12/8/10	9/12/14	3.50	1.38	26,095,000	26,129,068	26,250,297	25,972,680		
Federal Agency	31331J6A6	FFCB 1.30 12 23 13	12/23/10	12/23/13	2.85	1.30	75,000,000	74,976,563	74,977,418	75,304,688		
Federal Agency	31331J6Q1	FFCB 1.72 12 29 2014	12/29/10	12/29/14	3.79	1.72	27,175,000	27,157,065	27,157,482	27,285,398		
Federal Agency	31331J6Q1	FFCB 1.72 12 29 2014	12/29/10	12/29/14	3.79	1.72	70,000,000	69,988,800	69,989,061	70,284,375		
Federal Agency	31398A4M1	FNMA 1.625 10 26 2015	12/23/10	10/26/15	4.53	1.63	42,000,000	40,924,380	41,056,778	40,871,250		
Federal Agency	31398A4M1	FNMA 1.625 10 26 2015	12/23/10	10/26/15	4.53	1.63	50,000,000	48,701,500	48,859,524	48,656,250		
Federal Agency	3128X3L76	FHLMC 5. 11 13 2014	12/23/10	11/13/14	3.48	5.00	21,910,000	24,606,902	24,652,709	24,593,975		
Federal Agency	3128X3L76	FHLMC 5.0 11 13 2014	12/23/10	11/13/14	3.48	5.00	1,000,000	1,123,090	1,125,181	1,122,500		
Federal Agency	31398A6V9	FNMA FLOAT 0.3816668 12 03 201	12/21/10	12/3/12	1.83	0.38	50,000,000	50,000,000	50,009,542	50,000,000		
Federal Agency	31398A6V9	FNMA FLOAT 0.3835 12 03 12	12/23/10	12/3/12	1.83	0.38	50,000,000	50,000,000	50,010,653	50,000,000		
Federal Agency	3134G1U69	FHLMC FLOAT 0.36 01 10 2013	1/11/11	1/10/13	1.94	0.36	50,000,000	50,000,000	50,000,500	49,984,375		
Federal Agency	3134G1U69	FHLMC FLOAT QTR 0.36 01 10 2013	1/12/11	1/10/13	1.94	0.36	50,000,000	49,989,900	49,991,177	49,984,375		
Federal Agency	3136FP4E4	FNMA 1.75 12 30 13	1/28/11	12/30/13	2.86	1.75	30,000,000	30,157,980	30,153,850	30,093,750		
Subtotals							2.85	1.60	\$ 3,093,130,000	\$ 3,101,736,863	\$ 3,098,798,851	\$ 3,094,560,048
TLGP	481247AK0	J P MORGAN CHASE TLGP	3/24/09	6/15/12	1.36	2.20	\$ 25,000,000	\$ 25,119,000	\$ 25,050,467	\$ 25,529,700		
TLGP	36967HAN7	GENL ELEC CAP CORP FDIC TLGP	3/24/09	3/12/12	1.10	2.25	35,000,000	35,185,150	35,069,175	35,698,425		
TLGP	61757UAF7	MORGAN STANLEY FDIC GTD TLG	3/16/09	9/22/11	0.64	2.00	25,000,000	25,037,750	25,009,561	25,281,250		
TLGP	06050BAJ0	BAC 2.375 06.22.12 TLGP	4/14/09	6/22/12	1.37	2.38	50,000,000	50,685,000	50,298,107	51,331,800		
TLGP	17313UAE9	C 2.125 04.30.12 TLGP	4/2/09	4/30/12	1.23	2.13	25,000,000	25,117,500	25,047,460	25,437,500		
TLGP	064244AA4	BK OF THE WEST.BNP 2.15 03.27.12	4/2/09	3/27/12	1.14	2.15	5,000,000	5,026,950	5,010,384	5,101,563		
TLGP	064244AA4	BK OF THE WEST.BNP 2.15 03.27.12	4/2/09	3/27/12	1.14	2.15	20,000,000	20,108,000	20,041,615	20,406,250		
TLGP	06050BAG6	BAC 2.1 04.30.12 TLGP	4/2/09	4/30/12	1.23	2.10	25,000,000	25,093,000	25,037,564	25,516,925		
TLGP	17314JAA1	C 1.625 03.30.11 TLGP	4/16/09	3/30/11	0.16	1.63	50,000,000	50,225,000	50,017,987	50,500,000		
TLGP	38146FAF8	GS 1.625 07.15.11 TLGP	4/16/09	7/15/11	0.45	1.63	50,000,000	50,204,500	50,040,900	50,320,050		
TLGP	90390QAA9	USSA CAPITAL CO	4/28/09	3/30/12	1.15	2.24	16,000,000	16,125,600	16,049,793	16,262,500		
TLGP	61757UAN0	MORGAN STANLEY FDIC GTD TLGP	3/19/09	3/13/12	1.11	0.49	25,000,000	25,040,325	25,015,020	25,070,313		
TLGP	17313YAC5	CITIGROUP FDG INC GTD TLGP	6/29/09	6/3/11	0.34	1.25	50,000,000	49,957,000	49,992,548	50,312,500		

Investment Portfolio

Pooled Fund

Type of Investment	CUSIP	Issue Name	Settle. Date	Maturity Date	Duration	Coupon	Par Value	Book Value	Amortized Book Value	Market Value
TLGP	17313YAC5	CITIGROUP FDG INC GTD TLGP	6/29/09	6/3/11	0.34	1.25	50,000,000	49,957,000	49,992,548	50,312,500
TLGP	36967HAD9	GE TLGP 3 12 09 11	7/30/09	12/9/11	0.85	3.00	50,000,000	51,602,500	50,578,164	51,062,500
TLGP	4042EPAA5	HSBC 3.125 12 16 11 TLGP	9/16/09	12/16/11	0.87	3.13	50,000,000	51,969,550	50,762,871	51,500,000
TLGP	905266AA0	Union Bank TLGP Float 03 16 12	3/23/09	3/16/12	1.12	0.50	25,000,000	25,033,725	25,012,666	25,070,313
TLGP	17314JAA1	C 1.625 03.30.11 TLGP	10/22/09	3/30/11	0.16	1.63	35,000,000	35,423,500	35,046,068	35,350,000
TLGP	61757UAP5	MS 2.25 3 13 12	11/4/09	3/13/12	1.10	2.25	20,000,000	20,431,800	20,203,850	20,403,125
TLGP	61757UAP5	MS TLGP 2.25 03 13 12	11/6/09	3/13/12	1.10	2.25	50,000,000	51,084,000	50,512,942	51,007,813
TLGP	36967HAV9	GE TLGP 2.125 12 21 12	11/6/09	12/21/12	1.86	2.13	25,000,000	25,253,750	25,153,229	25,500,000
TLGP	38146FAA9	GS 3.25 06.15.12 TLGP	3/22/10	6/15/12	1.35	3.25	50,000,000	52,215,000	51,357,230	52,000,000
TLGP	36967HBB2	GE TLGP 2% 09.28.2012	3/22/10	9/28/12	1.63	2.00	25,000,000	25,366,000	25,240,423	25,575,800
TLGP	36967HBB2	GE TLGP 2.0 Bullet 09.28.12	4/20/10	9/28/12	1.63	2.00	75,000,000	76,010,250	75,685,203	76,727,400
TLGP	481247AK0	JPM 2.2 06152012	4/21/10	6/15/12	1.36	2.20	50,000,000	51,097,500	50,698,155	51,059,400
Subtotals					0.99	2.05	\$ 906,000,000	\$ 918,369,350	\$ 911,923,931	\$ 922,337,625
Municipal Obligation	13063BHX3	CAL RANS 3. 5 25 2011	11/23/10	5/25/11	0.31	3.00	\$ 10,000,000	\$ 10,074,600	\$ 10,046,064	\$ 10,056,600
Municipal Obligation	13063BHX3	CAL RANS 3. 5 25 2011	11/23/10	5/25/11	0.31	3.00	15,000,000	15,111,900	15,069,097	15,084,900
Municipal Obligation	13063BHY1	CAL RANS 3. 06 28 2011	11/23/10	6/28/11	0.41	3.00	15,000,000	15,110,250	15,074,685	15,106,200
Municipal Obligation	13063BHY1	CAL RANS 3. 06 28 2011	11/23/10	6/28/11	0.41	3.00	10,000,000	10,073,500	10,049,790	10,070,800
Subtotals					0.36	3.00	\$ 50,000,000	\$ 50,370,250	\$ 50,239,637	\$ 50,318,500
Public Time Deposit		BANK OF SAN FRANCISCO CD	5/18/10	5/18/11	0.30	1.65	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Public Time Deposit		FIRST NATIONAL BANK 0.70 7 29 11	7/31/10	7/31/11	0.30	0.70	5,000,000	5,000,000	5,000,000	5,000,000
Public Time Deposit		FIRST NATIONAL BANK 0.7 8 3 11	8/4/10	8/4/11	0.30	0.70	5,000,000	5,000,000	5,000,000	5,000,000
Subtotals					0.30	0.71	\$ 10,100,000	\$ 10,100,000	\$ 10,100,000	\$ 10,100,000
Negotiable CD	0605C02G6	B OF A NEG0 CD 09 06 12	9/2/10	9/4/12	1.58	0.75	\$ 25,000,000	\$ 25,000,000	\$ 25,000,000	\$ 25,000,000
Negotiable CD	78009JY90	RBC CAP MKTS NEG0 CD 0.34 9 6 11	12/9/10	9/6/11	0.60	0.34	50,000,000	50,000,000	50,000,000	50,000,000
Negotiable CD	25152XMF4	DEUTSCHE BANK NEG0 CD QTR FLO/	12/28/10	9/28/11	0.66	0.45	100,000,000	100,000,000	100,000,000	100,000,000
Negotiable CD	78009J2E4	RBC CAP MKTS NEG0 CD MON FLOAT	12/28/10	6/28/11	0.42	0.26	50,000,000	50,000,000	50,000,000	50,000,000
Subtotals					0.69	0.42	\$ 225,000,000	\$ 225,000,000	\$ 225,000,000	\$ 225,000,000
Money Market Fund		PFM PRIME FUND 06 30 11	7/23/10	2/1/11	0.30	0.17	\$ 2,281,075	\$ 2,281,075	\$ 2,281,075	\$ 2,281,075
Subtotals					0.30	0.17	\$ 2,281,075	\$ 2,281,075	\$ 2,281,075	\$ 2,281,075
Grand Totals					2.24	1.58	\$ 4,836,511,075	\$ 4,857,199,757	\$ 4,846,687,784	\$ 4,853,337,870

Monthly Investment Earnings

Pooled Fund

For month ended January 31, 2011

Type of Investment	CUSIP	Issue Name	Par Value	Coupon	YTM at Purch.	Settle Date	Maturity Date	Earned Interest	Amort. Expense	Realized Gain/(Loss)	Earned Income /Net Earnings
U.S. Treasury	912828LV0	T 1 08 31 11	\$ 100,000	1.00	0.83	10/29/09	8/31/11	\$ 86	\$ (15)	\$ -	\$ 71
U.S. Treasury	912828LV0	T 1 08 31 11	99,900,000	1.00	0.83	10/29/09	8/31/11	85,550	(13,882)	-	71,668
U.S. Treasury	912828LG3	T 1 7 31 11	120,000,000	1.00	0.60	11/19/09	7/31/11	101,141	(40,143)	-	60,998
U.S. Treasury	912828KA7	T 1.125 12 15 11	50,000,000	1.13	0.75	12/9/09	12/15/11	47,905	(15,959)	-	31,946
U.S. Treasury	912828LB4	T 1.5 07.15.12	50,000,000	1.50	1.11	3/23/10	7/15/12	63,754	(16,194)	-	47,560
U.S. Treasury	912795V99	B 031011	50,000,000	0.00	0.38	3/31/10	3/10/11	16,447	-	-	16,447
U.S. Treasury	912795UX7	B 01 13 11	-	0.00	0.34	6/10/10	1/13/11	2,028	-	-	2,028
U.S. Treasury	912828PJ3	T BILL 1.375 11 30 15	50,000,000	1.38	1.58	12/16/10	11/30/15	58,551	8,229	-	66,780
U.S. Treasury	912828PJ3	TB 1.375 11 30 15	50,000,000	1.38	1.58	12/16/10	11/30/15	58,551	8,229	-	66,780
U.S. Treasury	912828PJ3	TRASURY NOTE 1.375 11 30 2015	50,000,000	1.38	2.00	12/23/10	11/30/15	58,551	25,119	-	83,670
U.S. Treasury	912828LF5	T N 1.125 06 30 2011	30,000,000	1.13	0.96	12/31/10	6/30/11	28,902	(4,099)	-	24,803
Subtotals			\$ 550,000,000					\$ 521,465	\$ (48,715)	\$ -	\$ 472,750
Federal Agency	31398AVQ2	FNMA 1.75 3 23 11	\$ 50,000,000	1.75	0.60	11/19/09	3/23/11	\$ 72,917	\$ (48,814)	\$ -	\$ 24,103
Federal Agency	31398AVQ2	FNMA 1.75 3 23 2011 Bullet	20,000,000	1.75	0.57	11/20/09	3/23/11	29,167	(19,985)	-	9,182
Federal Agency	31331YZB6	FFCB Bullet 3.875 8 25 11	50,000,000	3.88	0.78	11/19/09	8/25/11	161,458	(130,210)	-	31,249
Federal Agency	3128X8P22	FHLMC 1.125	28,600,000	1.13	0.71	11/20/09	6/1/11	26,813	(9,971)	-	16,842
Federal Agency	31398AF23	FNMA 3NC1.5 1X 1.80	50,000,000	1.80	1.80	2/8/10	2/8/13	75,000	-	-	75,000
Federal Agency	31398AF23	FNMA 1.8 2 8 13	25,000,000	1.80	1.82	2/8/10	2/8/13	37,500	354	-	37,854
Federal Agency	3128X9ZK9	FHLMC 1.8 2 25 13 3NC1	75,000,000	1.80	1.80	2/25/10	2/25/13	112,500	-	-	112,500
Federal Agency	31331JGD9	FFCB 2 Year Bullet .95 Coupon	17,050,000	0.95	1.05	3/9/10	3/5/12	13,498	1,447	-	14,945
Federal Agency	31331JGD9	FFCB 2 Year Bullet Fixed .95	58,000,000	0.95	1.04	3/9/10	3/5/12	45,917	4,526	-	50,443
Federal Agency	31331G2R9	FFCB 1.875 12.07.12	37,000,000	1.88	1.53	3/26/10	12/7/12	57,813	(10,471)	-	47,342
Federal Agency	3133XY4B8	FHLB 1.5 2.5NC1	100,000,000	1.50	1.50	4/15/10	10/15/12	125,000	-	-	125,000
Federal Agency	3136FMNR1	FNMA 2.5NC1 Berm 1.56	100,000,000	1.56	1.56	4/19/10	10/29/12	130,000	-	-	130,000
Federal Agency	31331JAB9	FFCB 1.625 Bullet 12.12	50,000,000	1.63	1.59	4/16/10	12/24/12	67,708	(1,530)	-	66,179
Federal Agency	31331JLW1	FFCB 1.125 2NC1 American	74,370,000	1.13	1.23	4/29/10	4/26/12	69,722	6,334	-	76,056
Federal Agency	3134G1DZ4	FHLMC 2NC1Y 1X call 1.17	50,000,000	1.17	1.17	5/18/10	5/18/12	48,750	-	-	48,750
Federal Agency	3136FMA38	FNMA 2.5 6 25 12	49,080,000	2.50	2.53	6/25/10	6/25/15	102,250	1,042	-	103,292
Federal Agency	31331GLL1	FEDERAL FARM CREDIT	-	2.80	2.88	6/10/10	1/28/14	38,273	(8,219)	53,241	83,295
Federal Agency	3134A4JT2	FHLMC 5.75 01 15 12	20,000,000	5.75	1.07	6/10/10	1/15/12	95,833	(78,541)	-	17,292
Federal Agency	3133XXME4	FHLB 1.42 fixed 2.5 NC 1 Year	20,230,000	1.42	1.45	6/10/10	9/24/12	23,939	521	-	24,460
Federal Agency	3134G1GX6	FHLMC 2.05 6 30 14	37,900,000	2.05	2.05	6/30/10	6/30/14	64,746	-	-	64,746
Federal Agency	3134G1KL7	FHLMC 1.5 07 12 13	50,000,000	1.50	1.50	7/12/10	7/12/13	62,500	-	-	62,500
Federal Agency	3134G1KL7	FHLMC 1.5 7 12 13	50,000,000	1.50	1.50	7/12/10	7/12/13	62,500	-	-	62,500
Federal Agency	31398AV90	FNMA 1.3 7 16 13	25,000,000	1.30	1.32	7/16/10	7/16/13	27,083	354	-	27,437
Federal Agency	31398AV90	FNMA 1.3 7 16 13	50,000,000	1.30	1.32	7/16/10	7/16/13	54,167	707	-	54,874
Federal Agency	31398AV25	FNMA 1.55 7 12 13	-	1.55	1.56	7/12/10	7/12/13	32,722	(3,272)	20,727	50,177
Federal Agency	3136FMX90	FNMA STRNT 1.75 7 27 15	25,000,000	1.75	1.75	7/27/10	7/27/15	36,458	-	-	36,458
Federal Agency	3136FMX90	FNMA STRNT 1.75 7 27 15	25,000,000	1.75	1.75	7/27/10	7/27/15	36,458	-	-	36,458
Federal Agency	3134G1LU6	FHLMC 0.499951 1 28 13	-	0.50	0.50	8/5/10	1/28/13	15,000	-	-	15,000
Federal Agency	3134G1HD9	FHLMC .750 3 28 11 AMORT CALL	50,000,000	0.75	0.70	7/20/10	3/28/13	31,250	(8,213)	-	23,037
Federal Agency	880591DT6	TVA 6.79 5 23 12	20,500,000	6.79	0.72	8/4/10	5/23/12	115,996	(104,838)	-	11,158
Federal Agency	3136FM6G4	FNMA 2.125 8 1 15	25,000,000	2.13	2.13	8/10/10	8/10/15	44,271	-	-	44,271
Federal Agency	31398A2H4	FNMA 1.35 08 16 13	25,000,000	1.35	1.35	8/16/10	8/16/13	28,125	-	-	28,125
Federal Agency	3136FM3R3	FNMA 1.75 8 18 14	53,270,000	1.75	1.63	8/18/10	8/18/14	77,685	(20,178)	-	57,507
Federal Agency	31331JE33	FFCB 1.75 03 16 15	50,000,000	1.75	1.76	9/16/10	3/16/15	72,917	472	-	73,389
Federal Agency	31315PGT0	FARMER MAC 2.125 09 15 15	45,000,000	2.13	2.17	9/15/10	9/15/15	79,688	1,444	-	81,131
Federal Agency	31331JX99	FFCB 1.23 11 04 2014	110,025,000	1.23	1.30	11/4/10	11/4/14	112,776	6,420	-	119,196

Monthly Investment Earnings

Pooled Fund

Type of Investment	CUSIP	Issue Name	Par Value	Coupon	YTM at Purch.	Settle Date	Maturity Date	Earned Interest	Amort. Expense	Realized Gain/(Loss)	Earned Income Net Earnings
Federal Agency	31398AVWH1	FNMA 2.9 4 7 14	19,750,000	2.90	2.56	11/4/10	4/7/14	47,729	(43,653)	-	4,077
Federal Agency	31398A3Q3	FNMA 1.50 9 23 14	27,435,000	1.50	1.31	11/4/10	9/23/14	34,294	(18,432)	-	15,862
Federal Agency	31398A2H4	FNMA 1.35 8 16 13	50,000,000	1.35	1.26	11/16/10	8/16/13	56,250	(42,878)	-	13,372
Federal Agency	313371CN4	FHLB 1.38 10 21 14	45,525,000	1.35	1.31	11/4/10	10/21/14	51,216	(1,580)	-	49,636
Federal Agency	3136FPYX9	FNMA STRNT 0.5 12 03 13	50,000,000	0.50	0.50	12/3/10	12/3/13	20,833	-	-	20,833
Federal Agency	31398A3R1	FNMA 1.35 3 21 2011	24,500,000	1.35	1.27	11/10/10	3/21/14	27,563	(15,341)	-	12,222
Federal Agency	31331J2R3	FFCB 1.62 11 16 15	32,400,000	1.62	1.80	11/16/10	11/16/15	43,740	4,813	-	48,553
Federal Agency	313371UC8	FHLB 0.875 12 27 13	75,000,000	0.88	0.93	11/18/10	12/27/13	54,688	3,687	-	58,375
Federal Agency	313371W93	FHLB 1.34 12 15 2014	75,000,000	1.34	1.34	12/15/10	12/15/14	83,750	-	-	83,750
Federal Agency	313371PC4	FHLB 0.875 12 12 14	25,000,000	0.88	1.26	11/22/10	12/12/14	18,229	8,006	-	26,236
Federal Agency	313371Z5	FHLB 1.875 12 11 15	25,000,000	1.88	1.89	12/3/10	12/11/15	39,063	304	-	39,367
Federal Agency	313371W51	FHLB 1.25 12 12 14	50,000,000	1.25	1.39	12/6/10	12/12/14	52,083	5,811	-	57,895
Federal Agency	31331J4S9	FFCB 1.40 12 08 14	27,000,000	1.40	1.41	12/16/10	12/8/14	31,500	288	-	31,788
Federal Agency	31315PLT4	FARMER MAC 1.25 12 06 2013	35,000,000	1.25	1.30	12/6/10	12/6/13	36,458	1,366	-	37,824
Federal Agency	31331J4S9	FFCB 1.4 12 08 14	19,000,000	1.40	1.46	12/8/10	12/8/14	22,167	919	-	23,086
Federal Agency	313371Z5	FHLB 1.875 12 11 15	50,000,000	1.88	1.93	12/14/10	12/11/15	78,125	2,185	-	80,310
Federal Agency	313371W51	FHLB 1.25 12 12 14	75,000,000	1.25	1.46	12/8/10	12/12/14	78,125	12,887	-	91,012
Federal Agency	3133724E1	FHLB 06 30 2014	50,000,000	1.21	1.21	12/31/10	6/30/14	50,417	-	-	50,417
Federal Agency	3137EACM9	FHLMC 1.75 09 10 15	50,000,000	1.75	2.17	12/15/10	9/10/15	72,917	17,023	-	89,940
Federal Agency	31398A4M1	FNMA 1.625 10 26 2015	25,000,000	1.63	2.22	12/15/10	10/26/15	33,854	11,913	-	45,767
Federal Agency	313370JB5	FHLB 1.75 09 11 2015	75,000,000	1.75	2.17	12/15/10	9/11/15	109,375	25,305	-	134,680
Federal Agency	31331J2S1	FFCB 1.50 11 16 2015	25,000,000	1.50	2.20	12/15/10	11/16/15	31,250	14,025	-	45,275
Federal Agency	3133XVNU1	FHLB 2.75 12 12 2014	25,400,000	2.75	1.30	11/23/10	12/12/14	58,208	(30,336)	-	27,872
Federal Agency	3133XVNU1	FHLB 2.75 12 12 2014	2,915,000	2.75	1.31	11/23/10	12/12/14	6,680	(3,449)	-	3,231
Federal Agency	3133XVNU1	FHLB 2.75 12 12 2014	25,000,000	2.75	1.38	12/8/10	12/12/14	57,292	(28,186)	-	29,106
Federal Agency	3133XVNU1	FHLB 2.75 12 12 2014	50,000,000	2.75	1.37	12/8/10	12/12/14	114,583	(56,583)	-	58,000
Federal Agency	313370JS8	FHLB 1.375 09 12 2014	26,095,000	1.38	1.34	12/8/10	9/12/14	29,901	(769)	-	29,132
Federal Agency	31331J6A6	FFCB 1.30 12 23 13	75,000,000	1.30	1.31	12/23/10	12/23/13	81,250	663	-	81,913
Federal Agency	31331J6Q1	FFCB 1.72 12 29 2014	27,175,000	1.72	1.74	12/29/10	12/29/14	38,951	381	-	39,331
Federal Agency	31331J6Q1	FFCB 1.72 12 29 2014	70,000,000	1.72	1.72	12/29/10	12/29/14	100,333	238	-	100,571
Federal Agency	31398A4M1	FNMA 1.625 10 26 2015	42,000,000	1.63	2.19	12/23/10	10/26/15	56,875	18,860	-	75,735
Federal Agency	31398A4M1	FNMA 1.625 10 26 2015	50,000,000	1.63	2.19	12/23/10	10/26/15	67,708	22,768	-	90,476
Federal Agency	3128X3L76	FHLMC 5. 11 13 2014	21,910,000	5.00	1.71	12/23/10	11/13/14	91,292	(58,835)	-	32,457
Federal Agency	3128X3L76	FHLMC 5.0 11 13 2014	1,000,000	5.00	1.71	12/23/10	11/13/14	4,167	(2,685)	-	1,481
Federal Agency	31398A6V9	FNMA FLOAT 0.3816668 12 03 201	50,000,000	0.38	0.38	12/21/10	12/3/12	16,433	-	-	16,433
Federal Agency	31398A6V9	FNMA FLOAT 0.3835 12 03 12	50,000,000	0.38	0.38	12/23/10	12/3/12	16,512	-	-	16,512
Federal Agency	3134G1U69	FHLMC FLOAT 0.36 01 10 2013	50,000,000	0.36	0.36	1/11/11	1/10/13	10,500	-	-	10,500
Federal Agency	3134G1U69	FHLMC FLOAT QTR 0.36 01 10 2013	50,000,000	0.36	0.37	1/12/11	1/10/13	10,000	277	-	10,277
Federal Agency	3136FP4E4	FNMA 1.75 12 30 13	30,000,000	1.75	1.56	1/28/11	12/30/13	4,375	(4,130)	-	245
Subtotals			\$3,093,130,000					\$ 4,127,081	\$ (575,756)	\$ 73,968	\$ 3,625,293
TLGP	481247AK0	J P MORGAN CHASE TLGP	\$ 25,000,000	2.20	2.05	3/24/09	6/15/12	\$ 45,833	\$ (3,129)	\$ -	\$ 42,704
TLGP	36967HAN7	GENL ELEC CAP CORP FDIC TLGP	35,000,000	2.25	2.07	3/24/09	3/12/12	65,625	(5,295)	-	60,330
TLGP	61757UAF7	MORGAN STANLEY FDIC GTD TLG	25,000,000	2.00	1.94	3/16/09	9/22/11	41,667	(1,272)	-	40,395
TLGP	06050BAJ0	BAC 2.375 06.22.12 TLGP	50,000,000	2.38	1.93	4/14/09	6/22/12	98,958	(18,227)	-	80,731
TLGP	17313UAE9	C 2.125 04.30.12 TLGP	25,000,000	2.13	1.97	4/2/09	4/30/12	44,271	(3,241)	-	41,030
TLGP	064244AA4	BK OF THE WEST.BNP 2.15 03.27.12	5,000,000	2.15	1.96	4/2/09	3/27/12	8,958	(766)	-	8,192
TLGP	064244AA4	BK OF THE WEST.BNP 2.15 03.27.12	20,000,000	2.15	1.96	4/2/09	3/27/12	35,833	(3,072)	-	32,762
TLGP	06050BAG6	BAC 2.1 04.30.12 TLGP	25,000,000	2.10	1.97	4/2/09	4/30/12	43,750	(2,565)	-	41,185
TLGP	36967HAG2	GE 1.625 01.07.11 TLGP	-	1.63	1.23	4/16/09	1/7/11	6,771	(1,593)	-	5,178

Monthly Investment Earnings

Pooled Fund

Type of Investment	CUSIP	Issue Name	Par Value	Coupon	YTM at Purch	Settle Date	Maturity Date	Earned Interest	Amort Expense	Realized Gain/(Loss)	Earned Income Net Earnings
TLGP	36967HAG2	GE 1.625 01.07.11 TLGP	-	1.63	1.24	4/16/09	1/7/11	6,771	(1,576)	-	5,195
TLGP	17314JAA1	C 1.625 03.30.11 TLGP	50,000,000	1.63	1.39	4/16/09	3/30/11	67,708	(9,783)	-	57,926
TLGP	38146FAF8	GS 1.625 07.15.11 TLGP	50,000,000	1.63	1.44	4/16/09	7/15/11	67,708	(7,731)	-	59,977
TLGP	90390QAA9	USSA CAPITAL CO	16,000,000	2.24	1.96	4/28/09	3/30/12	29,867	(3,649)	-	26,218
TLGP	61757UAN0	MORGAN STANLEY FDIC GTD TLGP	25,000,000	0.49	0.38	3/19/09	3/13/12	10,602	(1,147)	-	9,456
TLGP	17313YAC5	CITIGROUP FDG INC GTD TLGP	50,000,000	1.25	1.30	6/29/09	6/3/11	52,083	1,893	-	53,977
TLGP	17313YAC5	CITIGROUP FDG INC GTD TLGP	50,000,000	1.25	1.30	6/29/09	6/3/11	52,083	1,893	-	53,977
TLGP	36967HAD9	GE TLGP 3 12 09 11	50,000,000	3.00	1.61	7/30/09	12/9/11	125,000	(57,631)	-	67,369
TLGP	4042EPAA5	HSBC 3.125 12 16 11 TLGP	50,000,000	3.13	1.34	9/16/09	12/16/11	130,208	(74,368)	-	55,840
TLGP	905266AA0	Union Bank TLGP Float 03 16 12	25,000,000	0.50	0.39	3/23/09	3/16/12	10,804	(960)	-	9,844
TLGP	17314JAA1	C 1.625 03.30.11 TLGP	35,000,000	1.63	0.78	10/22/09	3/30/11	47,396	(25,054)	-	22,341
TLGP	61757UAP5	MS 2.25 3 13 12	20,000,000	2.25	1.32	11/4/09	3/13/12	37,500	(15,565)	-	21,935
TLGP	61757UAP5	MS TLGP 2.25 03 13 12	50,000,000	2.25	1.31	11/6/09	3/13/12	93,750	(39,166)	-	54,584
TLGP	36967HAV9	GE TLGP 2.125 12 21 12	25,000,000	2.13	1.79	11/6/09	12/21/12	44,271	(6,894)	-	37,377
TLGP	38146FAA9	GS 3.25 06.15.12 TLGP	50,000,000	3.25	1.23	3/22/10	6/15/12	135,417	(84,148)	-	51,268
TLGP	36967HBB2	GE TLGP 2% 09.28.2012	25,000,000	2.00	1.41	3/22/10	9/28/12	41,667	(12,319)	-	29,347
TLGP	36967HBB2	GE TLGP 2.0 Bullet 092812	75,000,000	2.00	1.44	4/20/10	9/28/12	125,000	(35,110)	-	89,890
TLGP	481247AK0	JPM 2.2 06152012	50,000,000	2.20	1.16	4/21/10	6/15/12	91,667	(43,286)	-	48,381
Subtotals			\$ 906,000,000					\$ 1,561,169	\$ (453,759)	\$ -	\$ 1,107,411
Municipal Obligation	13063BHX3	CAL RANS 3. 5 25 2011	\$ 10,000,000	3.00	1.51	11/23/10	5/25/11	\$ 25,000	\$ (12,637)	\$ -	\$ 12,363
Municipal Obligation	13063BHX3	CAL RANS 3. 5 25 2011	15,000,000	3.00	1.51	11/23/10	5/25/11	37,500	(18,956)	-	18,544
Municipal Obligation	13063BHY1	CAL RANS 3. 06 28 2011	15,000,000	3.00	1.76	11/23/10	6/28/11	37,500	(15,750)	-	21,750
Municipal Obligation	13063BHY1	CAL RANS 3. 06 28 2011	10,000,000	3.00	1.76	11/23/10	6/28/11	25,000	(10,500)	-	14,500
Subtotals			\$ 50,000,000					\$ 125,000	\$ (57,843)	\$ -	\$ 67,157
Public Time Deposit		FIRST NATL PTD 01 18 11	\$ -	1.00	1.00	1/18/10	1/18/11	\$ 4,722	\$ -	\$ -	\$ 4,722
Public Time Deposit		BANK OF SAN FRANCISCO CD	100,000	1.65	1.65	5/18/10	5/18/11	142	-	-	142
Public Time Deposit		FIRST NATIONAL BANK 0.70 7 29 11	5,000,000	0.70	0.70	7/31/10	7/31/11	3,014	-	-	3,014
Public Time Deposit		FIRST NATIONAL BANK 0.7 8 3 11	5,000,000	0.70	0.70	8/4/10	8/4/11	3,014	-	-	3,014
Public Time Deposit		FIRST NATL PTD 01 31 11	-	0.54	0.54	1/18/11	1/31/11	1,944	-	-	1,944
Subtotals			\$ 10,100,000					\$ 12,837	\$ -	\$ -	\$ 12,837
Negotiable CD	0605C02G6	B OF A NEGO CD 09 06 12	\$ 25,000,000	0.75	0.75	9/2/10	9/4/12	\$ 16,146	\$ -	\$ -	\$ 16,146
Negotiable CD	78009JY90	RBC CAP MKTS NEGO CD 0.34 9 6 11	50,000,000	0.34	0.34	12/9/10	9/6/11	14,639	-	-	14,639
Negotiable CD	25152XMF4	DEUTSCHE BANK NEGO CD QTR FLOA	100,000,000	0.45	0.45	12/28/10	9/28/11	38,750	-	-	38,750
Negotiable CD	78009J2E4	RBC CAP MKTS NEGO CD MON FLOAT	50,000,000	0.26	0.26	12/28/10	6/28/11	11,217	-	-	11,217
Subtotals			\$ 225,000,000					\$ 80,752	\$ -	\$ -	\$ 80,752
Bankers Acceptance	06422TN33	BA 0.57 1 03 2011	\$ -	0.00	0.57	7/6/10	1/3/11	\$ 822	\$ -	\$ -	\$ 822
Bankers Acceptance	06422TNC3	BA 0.51 1 12 11	-	0.00	0.51	7/19/10	1/12/11	3,584	-	-	3,584
Subtotals			\$ -					\$ 4,406	\$ -	\$ -	\$ 4,406
Money Market Fund		PFM PRIME FUND 06 30 11	\$ 2,281,075	0.16	0.16	7/23/10	2/1/11	\$ 313	\$ -	\$ -	\$ 313
Subtotals			\$ 2,281,075					\$ 313	\$ -	\$ -	\$ 313
Grand Totals			\$ 4,838,511,075					\$ 6,433,023	\$ (1,136,072)	\$ 73,968	\$ 5,370,918

Monthly Investment Transactions

Pooled Fund

For month ended January 31, 2011

Transaction Type	Settle Date	Type of Investment	CUSIP	Issuer Name	Beginning Par Value	Transactional Par Value	Interest	Gain/Loss	(Premium)/Discount	(Amort)/Accretion	Transaction Amount	Ending Par Value
Interest	1/1/2011	Public Time Deposit		FIRST NATL PTD 01 18 11	\$10,000,000	\$ -	\$ 25,556	\$ -	\$ -	\$ -	\$ 25,556	\$10,000,000
Interest	1/1/2011	Money Market Fund		PFM PRIME FUND 06 30 11	2,280,742	-	333	-	-	-	333	2,280,742
Interest	1/3/2011	Public Time Deposit		BANK OF SAN FRANCISCO CD	100,000	-	422	-	-	-	422	100,000
Interest	1/3/2011	Public Time Deposit		FIRST NATIONAL BANK 0.70	5,000,000	-	8,944	-	-	-	8,944	5,000,000
Interest	1/12/2011	Federal Agency	3134G1KL7	FHLMC 1.5 07 12 13	50,000,000	-	375,000	-	-	-	375,000	50,000,000
Interest	1/12/2011	Federal Agency	3134G1KL7	FHLMC 1.5 7 12 13	50,000,000	-	375,000	-	-	-	375,000	50,000,000
Interest	1/12/2011	Federal Agency	31398AV25	FNMA 1.55 7 12 13	69,090,000	-	535,448	-	-	-	535,448	69,090,000
Interest	1/15/2011	U.S. Treasury	912828LB4	T 1.5 07.15.12	50,000,000	-	375,000	-	-	-	375,000	50,000,000
Interest	1/15/2011	Federal Agency	3134A4JT2	FHLMC 5.75 01 15 12	20,000,000	-	575,000	-	-	-	575,000	20,000,000
Interest	1/15/2011	TLGP	38146FAF8	GS 1.625 07.15.11 TLGP	50,000,000	-	406,250	-	-	-	406,250	50,000,000
Interest	1/16/2011	Federal Agency	31398AV90	FNMA 1.3 7 16 13	25,000,000	-	162,500	-	-	-	162,500	25,000,000
Interest	1/16/2011	Federal Agency	31398AV90	FNMA 1.3 7 16 13	50,000,000	-	325,000	-	-	-	325,000	50,000,000
Interest	1/19/2011	Public Time Deposit		FIRST NATL PTD 01 18 11	10,000,000	-	4,722	-	-	-	4,722	10,000,000
Interest	1/27/2011	Federal Agency	3136FMX90	FNMA STRNT 1.75 7 27 15	25,000,000	-	218,750	-	-	-	218,750	25,000,000
Interest	1/27/2011	Federal Agency	3136FMX90	FNMA STRNT 1.75 7 27 15	25,000,000	-	218,750	-	-	-	218,750	25,000,000
Interest	1/28/2011	Federal Agency	31331GLL1	FEDERAL FARM CREDIT	18,225,000	-	255,150	-	-	-	255,150	18,225,000
Interest	1/31/2011	U.S. Treasury	912828LG3	T 1 7 31 11	120,000,000	-	600,000	-	-	-	600,000	120,000,000
Interest	1/31/2011	Negotiable CD	78009J2E4	RBC CAP MKTS NEGO CD MON	50,000,000	-	11,222	-	-	-	11,222	50,000,000
Interest	1/28/2011	Federal Agency	3134G1LU6	FHLMC 0.499951 1 28 13	40,000,000	(3,889)	96,111	-	-	-	100,000	40,000,000
Call	1/12/2011	Federal Agency	31398AV25	FNMA 1.55 7 12 13	69,090,000	(69,090,000)	-	20,727	(20,727)	-	69,090,000	-
Call	1/28/2011	Federal Agency	31331GLL1	FEDERAL FARM CREDIT	18,225,000	(18,225,000)	-	53,241	(53,241)	-	18,225,000	-
Call	1/28/2011	Federal Agency	3134G1LU6	FHLMC 0.499951 1 28 13	40,000,000	(40,000,000)	-	-	-	-	40,000,000	-
Maturity	1/3/2011	Bankers Acceptance	06422TN33	BA 0.57 1 03 2011	26,925,615	(26,925,615)	74,385	-	-	-	27,000,000	-
Maturity	1/7/2011	TLGP	36967HAG2	GE 1.625 01.07.11 TLGP	25,000,000	(25,000,000)	203,125	-	-	-	25,203,125	-
Maturity	1/7/2011	TLGP	36967HAG2	GE 1.625 01.07.11 TLGP	25,000,000	(25,000,000)	203,125	-	-	-	25,203,125	-
Maturity	1/12/2011	Bankers Acceptance	06422TNC3	BA 0.51 1 12 11	22,942,327	(22,942,327)	57,673	-	-	-	23,000,000	-
Maturity	1/13/2011	U.S. Treasury	912795UX7	B 01 13 11	17,963,327	(17,963,327)	36,673	-	-	-	18,000,000	-
Maturity	1/18/2011	Public Time Deposit		FIRST NATL PTD 01 18 11	10,000,000	(10,000,000)	-	-	-	-	10,000,000	-
Maturity	1/31/2011	Public Time Deposit		FIRST NATL PTD 01 31 11	10,000,000	(10,000,000)	1,944	-	-	-	10,001,944	-
Amortization	1/7/2011	TLGP	36967HAG2	GE 1.625 01.07.11 TLGP	-	-	-	-	-	(165,750)	-	-
Amortization	1/7/2011	TLGP	36967HAG2	GE 1.625 01.07.11 TLGP	-	-	-	-	-	(167,500)	-	-
Purchase	1/1/2011	Money Market Fund		PFM PRIME FUND 06 30 11	2,280,742	333	-	-	-	-	(333)	2,281,075
Purchase	1/11/2011	Federal Agency	3134G1U69	FHLMC FLOAT 0.36 01 1	-	50,000,000	-	-	(500)	-	(50,000,500)	50,000,000
Purchase	1/12/2011	Federal Agency	3134G1U69	FHLMC FLOAT QTR 0.36 01	-	50,000,000	-	-	9,100	-	(49,990,900)	50,000,000
Purchase	1/16/2011	Public Time Deposit		FIRST NATL PTD 01 31 11	-	10,000,000	-	-	-	-	(10,000,000)	10,000,000
Purchase	1/28/2011	Federal Agency	3136FP4E4	FNMA 1.75 12 30 13	-	30,000,000	-	-	(157,980)	-	(30,157,980)	30,000,000
Grand Totals	5	Purchases				\$ (125,149,826)	\$ 5,146,083	\$ 73,968	\$ (223,348)	\$ (333,250)	\$ 130,146,528	
	0	Sales										
	10	Maturity / Calls										
	(5)	Change in number of positions										

File 110287
page



To: BOS Constituent Mail Distribution, ✓
Cc:
Bcc:
Subject: File Number 11-0287

From: Angela Whittaker/CON/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV
Cc: Harvey Rose/BudgetAnalyst/SFGOV@SFGOV, Emily Brownlow/BudgetAnalyst/SFGOV@SFGOV
Date: 03/21/2011 02:42 PM
Subject: File Number 11-0287



cont certify.pdf

Angela Whittaker
Controller's Office of Public Finance
City Hall, Room 336
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Ph: 415-554-6643 Fax: 415-554-4864
Email: angela.whittaker@sfgov.org

305-11

File 11028,
cpage



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

Nadia Sesay
Director
Office of Public Finance

March 18, 2011

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

RE: File Number 11-0287
Authorization for the San Francisco Finance Corporation to Issue Lease Revenue Bonds, Series 2011A

Dear Ms. Calvillo:

Charter Section 9.108 provides that the Controller certify, prior to the sale of the lease financing bonds, that the net interest cost to the City will be lower than other financings involving a lease or leases. The Controller's Office of Public Finance believes that they could issue the bonds at an interest rate of 3.50% as of March 4, 2011. This rate is lower compared to the rate from another company who offer similar financing, with a quoted interest rate of 7.50%.

In order to provide a buffer against an increase in interest rates due to a change in market conditions, the Controller's Office of Public Finance has assumed a 3.75% interest rate. It is also assumed that a change in market conditions will impact the comparable companies in a similar fashion.

If you have any questions or concerns, please contact me or Nadia Sesay at (415) 554-5956.

Sincerely,

Ben Rosenfield
Controller

cc: Nadia Sesay, Director, Controller's Office of Public Finance
Harvey Rose, Budget Analyst



To: BOS Constituent Mail Distribution, Chris Rustom/BOS/SFGOV,
Cc:
Bcc:
Subject: Chaffee -- For National Sunshine Week -- NY Times Condemns Collapse of Open Government in SF

From: "James Chaffee" <chaffeej@pacbell.net>
To: "James Chaffee-Main" <chaffeej@pacbell.net>
Date: 03/18/2011 07:44 PM
Subject: Chaffee -- For National Sunshine Week -- NY Times Condemns Collapse of Open Government in SF

Dear Friends,

You will notice that Rick Knee sent around a badly bowdlerized version of the article that appeared in the New York Times today, condemning the failures of the Sunshine Task Force. This is another sleazy misdirection from Mr. Knee who is largely responsible for this collapse of open government in San Francisco.

The full version is pasted below and Mr. Knee's version is below that.

You will notice that the full article quotes Matt Dorsey as being completely against sunshine and sneers at the Task Force for being radicals attacking city departments when in fact they are City Hall toadies. Also, Mr. St. Croix also finds the Task Force to be unprofessional.

The problem is the Sunshine Task Force is leaderless and ineffectual for all kinds of reasons because they have no credibility even with the forces that they try to cozy up to. Mr. Knee would be ashamed if he had the intelligence to understand when he is being insulted.

James Chaffee

The New York Times

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March 17, 2011

Sunshine Ordinance, Now 17 Years Old, Still Has Baby Teeth

18

By SCOTT JAMES

Scott James is a columnist for The Bay Citizen.

For some, these are dark days for San Francisco's Sunshine Ordinance.

The measure, which was meant to foster transparency in city government, has instead devolved into the Rodney Dangerfield of rule books — it don't get no respect. Despite violations, no city employee has been disciplined for failing to abide by the ordinance, which requires that city dealings be open to public review — including many documents, officials' schedules and meetings.

The ordinance took effect in 1994. It is a way to hold city officials accountable, and an alternative to costly civil lawsuits to obtain public records. An 11-member volunteer citizen panel, appointed by the Board of Supervisors, enforces the ordinance. Since it took effect, 27 instances of serious violations requiring disciplinary action have been cited, according to the citizen panel, the Sunshine Ordinance Task Force.

But those cases have been dismissed or moved into bureaucratic oblivion by the Ethics Commission, which is responsible for punishing sunshine violators.

"The Ethics Commission doesn't do anything," said Allyson Washburn, a member of the task force. "They don't enforce our orders of determination."

Without consequences for violations, Ms. Washburn said, the ordinance lacks teeth.

Richard Knee, chairman of the task force, said the Ethics Commission was adversarial.

As a result, the task force is trying to change the ordinance to limit the commission's role and impose fines of up to \$5,000 against city workers for violations, money that would be paid out of their own pockets. The change would require voter approval.

Some city leaders, however, feel under attack.

Matt Dorsey, spokesman for the city attorney's office, said in an e-mail, "The task force has degenerated into a rogue, lawless jury that beats up on city departments and tries to get conscientious public employees fired."

Mr. Dorsey and other city public information managers said they spent an extraordinary amount of time and resources complying with the ordinance. They described task force hearings as a tedious kangaroo court.

John St. Croix, executive director of the Ethics Commission, said that the work of the task force often lacked due process and that his department had "an obligation to review the cases."

Asked about the 27 cases that have gone nowhere, Mr. St. Croix said 14 were dismissed based on advice from the city attorney's office that other laws took precedence over the ordinance, 12 others remained under review and one was referred elsewhere and apparently ended without action.

Interviews with about a dozen key figures — including city leaders and sunshine advocates — revealed a long list of reasons for current aggravations: legal loopholes, personality conflicts, city efforts to prevent embarrassing revelations and a misunderstanding of the ordinance's scope.

Nevertheless, the ordinance can be effective.

Dorian Maxwell, a city transit worker, was denied access to his complete personnel file until the task force intervened. It took the case in October, and at a March 8 hearing the San Francisco Municipal Transportation Agency finally produced documents whose existence it had previously denied.

In the spectator gallery, Mr. Maxwell's eyes welled as he flipped through the pages, upset by what he called false information in his file.

Hope Johnson, a task force member, strongly criticized the transit agency for what she called "egregious" behavior in Mr. Maxwell's case.

Paul Rose, spokesman for the agency, said, "We absolutely care about the Sunshine Ordinance and respond on a daily basis."

But not always in a timely manner. Two recent Sunshine Ordinance requests made to the agency by The Bay Citizen were not fulfilled in accordance with the ordinance's 15-day deadline. One request, filed Jan. 21, for records regarding dangerous cycling lanes, was complied with last week — after the agency was informed that a failure to disclose would be reported in this column.

Mr. Rose said the agency tracked its success rate for complying with the ordinance, but he did not respond to a request to make that information public.

If all of this sounds like an ordeal, well, that might just be the point.

Bruce B. Brugmann, editor and publisher of the firebrand San Francisco Bay Guardian weekly newspaper, helped create the ordinance. Mr. Brugmann said that the ordinance and task force hearings put public officials in an uncomfortable spotlight, and that was often enough to produce results.

"It's an evolving document," Mr. Brugmann said, noting that the ordinance had already been strengthened once, 1999.

He welcomed the new efforts to make punishments for violations more likely.

"It's a way for citizens to get some relief," he said, "and some accountability at City Hall."

Scott James is an Emmy-winning television journalist and novelist who lives in San Francisco.

sjames@baycitizen.org

OPEN

More in U.S. (1 of 45 articles)

Judge's Order Blocks Law on Unions in Wisconsin

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From: Allen Grossman [mailto:grossman356@mac.com]

Sent: Friday, March 18, 2011 11:25 AM

To: Peter Warfield; James Chaffee; rwhartzjr Jr

Subject: Fwd: Bay Citizen/NYT Bay Area: 'Dark days for SF Sunshine Ordinance'

In case you guys missed this piece in today's NYT.

Allen

Begin forwarded message:

From: Richard Knee <rak0408@earthlink.net>

Date: March 18, 2011 10:48:56 AM PDT

To: "Knee Richard A." <rak0408@earthlink.net>

Subject: Bay Citizen/NYT Bay Area: 'Dark days for SF Sunshine Ordinance'

Friday, March 18, 2011

Dark Days for Sunshine Ordinance

Despite 27 serious breaches of San Francisco's open-government law, no official has ever been disciplined for violating it

By: [Scott James](#)

For some, these are dark days for San Francisco's Sunshine Ordinance.

The measure, which was meant to foster transparency in city government, has instead devolved into the Rodney Dangerfield of rule books — it don't get no respect. Despite violations, no city employee has been disciplined for failing to abide by the ordinance, which requires that city dealings be open to public review — including many documents, officials' schedules and meetings.

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But those cases have been dismissed or moved into bureaucratic oblivion by the Ethics Commission, which is responsible for punishing sunshine violators.

[...]

<http://www.baycitizen.org/columns/scott-james/dark-days-sunshine-ordinance>

REVISED Appeal of Exemption/Exclusion from Environmental Review: 795 Foerster Street; 203, 207 & 213 Los Palmos Drive, Block 3027A, Lot 116 & 117, Permit No: 2008.0558E
Miraloma Park Improvement Club

to:

Board.of.Supervisors, David.Chiu, Eric.L.Mar, Mark.Farrell, Carmen.Chu, Ross.Mirkarimi, Jane.Kim, Sean.Elsbernd, Scott.Wiener, David.Campos, Malia.Cohen, John.Avalos

03/16/2011 11:55 AM

Cc:

mayoredwinlee

Show Details

OK
Attached please find a REVISED letter with respect to this matter, scheduled to come before you on March 22. **Please refer to this letter and discard the one sent on March 15**, which was incomplete. In summary, the Miraloma Park Improvement Club (MPIC) requests that the Board overturn the Planning Department's exemption/exclusion of this project from environmental review, as we believe an EIR is required by CEQA in this case involving a state-designated slide hazard zone and cumulative impact as defined by CEQA.

Thank you for your attention.

Dan Liberthson, Corresponding Secretary, MPIC

18



350 O'Shaughnessy Boulevard • San Francisco, California 94127

Telephone: (415) 281-0892

Miraloma Park Improvement Club

March 15, 2011

Honorable David Chiu, President
San Francisco Board of Supervisors
City Hall, One Dr. Carlton B. Goodlett Place
San Francisco, CA 94103

File 110044
Joy
BOS-11
page
Revised

RE: Appeal of Exemption/Exclusion from Environmental Review
795 Foerster Street; 203, 207 & 213 Los Pamos Drive, Block 3027A, Lot 116 & 117,
Permit No: 2008.0558E

Dear President Chiu and Members of the Board of Supervisors:

The Miraloma Park Improvement Club (MPIC) represents 2200 homes in Miraloma Park on the slopes of Mt. Davidson. We are proud of our history of working with the City Planning Department to promote zoning conservation and quality architectural design in Miraloma Park. The Miraloma Park Residential Design Guidelines, drafted under Department of City Planning supervision, were adopted by the Planning Commission in 1999.

The MPIC has several concerns regarding the exemption to CEQA requirements that has been granted for construction of three homes and the remodel of 4th at the sites noted above.

1. The site has been designated as a hazard zone and slide area by the State, and as such cannot be exempted from CEQA.
2. In addition to the planned three new structures, the site of the proposed project includes an existing house that already has been modified by removal of a back room. Despite this prior remodel and the potential for further remodeling, including enlargement, this existing house has been excluded from the current development proposal. Exclusion of this property from the current application has at least the appearance of attempting to circumvent the CEQA requirement for environmental review of projects that include four or more structures.
3. As defined by CEQA, a cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the environmental document together with other projects causing related impacts. These impacts occur when the incremental impact of the project, when combined with the effects of other past, present and reasonably foreseeable future projects, are cumulatively considerable. Because Miraloma Park contains other large lots vulnerable to infill development, such as the one currently proposed for development, the approval of the Los Pamos subdivision and subsequent development should be subject to a cumulative impact analysis by the Department of City Planning.

This planned subdivision and development would establish a precedent for erosion of zoning by in-fill of the low-density neighborhood of Miraloma Park, and would therefore degrade the character of the neighborhood. We therefore urge the Board of Supervisors to insist that this project be required to comply with all applicable CEQA requirements, as stipulated under California law.

19



350 O'Shaughnessy Boulevard • San Francisco, California 94127

Telephone: (415) 281-0892

Miraloma Park Improvement Club

March 15, 2011

Original

Honorable David Chiu, President
San Francisco Board of Supervisors
City Hall, One Dr. Carlton B. Goodlett Place
San Francisco, CA 94103

RE: Appeal of Exemption/Exclusion from Environmental Review
795 Foerster Street; 203, 207 & 213 Los Palms Drive, Block 3027A, Lot 116 & 117,
Permit No: 2008.0558E

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Thank you for your consideration.

Sincerely

Dan Liberthson
Corresponding Secretary

cc: Mayor Edwin M. Lee

Appeal of Exemption/Exclusion from Environmental Review: 795 Foerster Street; 203, 207 & 213 Los
Palmos Drive, Block 3027A, Lot 116 & 117, Permit No: 2008.0558E

Miraloma Park Improvement Club

to:

Board.of.Supervisors, David.Chiu, Eric.L.Mar, Mark.Farrell, Carmen.Chu, Ross.Mirkarimi, Jane.Kim,
Sean Elsbernd, Scott.Wiener, David.Campos, Malia.Cohen, John.Avalos

03/15/2011 05:06 PM

Cc:

mayoredwinlee

Show Details

With respect to this matter, scheduled to come before you on March 22, the Miraloma Park
Improvement Club wishes to make the statement in the attached file. In summary, we request that the
Board overturn the Planning Department's exemption/exclusion of this project from environmental
review, as we believe an EIR is required by CEQA in this case. Please consult the attached letter for
details.

COMMISSIONERS

Jim Kellogg, President

Discovery Bay

Richard Rogers, Vice President

Montecito

Michael Sutton, Member

Monterey

Daniel W. Richards, Member

Upland

Jack Baylis, Member

Los Angeles

EDMUND G. BROWN, JR



Governor

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

STATE OF CALIFORNIA


Fish and Game Commission

March 15, 2011

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of the notice of proposed emergency regulatory action relating to incidental take of Mountain yellow-legged frog.

Sincerely,


Sheri Tiemann
Staff Services Analyst

Attachments

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 17 PM 3:11
BY AK

20

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 240, and 2084, of the Fish and Game Code (FGC) and to implement, interpret or make specific sections 200, 202, 205, 240, 2080, 2084, and 2085 of said Code, readopted Section 749.6, Title 14, California Code of Regulations (CCR), relating to incidental take of mountain yellow-legged frog (*Rana muscosa* and *Rana sierrae*) ("MYLF") during candidacy period.

Informative Digest/Policy Statement Overview

The sections below describe laws relating to listing species under CESA, the effect of this emergency regulation, a description of related federal law, and a policy statement overview.

A. Laws Related to the Emergency Regulation - Listing under CESA

1. Petition and Acceptance

Fish and Game Code section 2070 requires the Commission to establish a list of endangered species and a list of threatened species. Any interested person may petition the Commission to add a species to the endangered or threatened list by following the requirements in Fish and Game Code sections 2072 and 2072.3. If a petition is not factually incomplete and is on the appropriate form, it is forwarded to the Department of Fish and Game (Department) for evaluation.

Fish and Game Code section 2073.5 sets out the process for accepting for further consideration or rejecting a petition to list a species and, if the petition is accepted, a process for actually determining whether listing of the species as threatened or endangered is ultimately warranted. The first step toward petition acceptance involves a 90-day review of the petition by the Department to determine whether the petition contains sufficient information to indicate that the petitioned action may be warranted. The Department prepares a report to the Commission that recommends rejection or acceptance of the petition based on its evaluation.

Fish and Game Code section 2074.2 provides that, if the Commission finds that the petition provides sufficient information to indicate that the petitioned action may be warranted, the petition is accepted for consideration and the species that is the subject of the petition becomes a "candidate species" under CESA. CESA prohibits unauthorized take of a candidate species. Fish and Game Code section 86 states "take" means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. Killing of a candidate, threatened, or endangered species under CESA that is incidental to an otherwise lawful activity and not the primary purpose of the activity constitutes take under state law. (*Department of Fish and Game v. Anderson-Cottonwood Irrigation District* (1992) 8 Cal.App.4th 1554; see also *Environmental Protection and Information Center v. California Dept. of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (in the context of an ITP issued by the Department under CESA the California Supreme Court stated, "'take' in this context means to catch, capture or kill").)

CESA's take prohibition applies to candidate species pursuant to Fish and Game Code section 2085 upon public notice by the Commission of its finding that sufficient information exists to indicate the petitioned action may be warranted. Upon publication of such notice in the

California Regulatory Notice Register, take of candidate species is prohibited absent authorization as provided in the Fish and Game Code. Following such notice, all activities, whether new or ongoing, that cause incidental take of the candidate species are in violation of CESA unless the take is authorized in regulations adopted by the Commission pursuant to Fish and Game Code section 2084 or the Department authorizes the take through the issuance of an ITP or other means available pursuant to the Fish and Game Code.

2. Status Review and Final Action on the Petition

The Commission's acceptance of a petition initiates a 12-month review of the species' status by the Department, pursuant to Fish and Game Code section 2074.6. This status review helps to determine whether the species should be listed as threatened or endangered. Unlike the Department's initial evaluation, which focuses largely on the sufficiency of information submitted in the petition, the 12-month status review involves a broader inquiry into and evaluation of available information from other sources. The Commission is required to solicit data and comments on the proposed listing soon after the petition is accepted, and the Department's written status report must be based upon the best scientific information available.

Within 12 months of the petition's acceptance, the Department must provide the Commission a written report that indicates whether the petitioned action is warranted. (Fish & G. Code, § 2074.) The Commission must schedule the petition for final consideration at its next available meeting after receiving the Department's report. (*Id.*, § 2075.) In its final action on the petition, the Commission is required to decide whether listing the species as threatened or endangered "is warranted" or "is not warranted." (*Id.*, § 2075.5.) If listing is not warranted in the Commission's judgment, controlling authority directs the Commission to enter that finding in the public record and the subject species is removed from the list of candidate species. (*Id.*, § 2075.5(1); Cal. Code Regs., tit. 14, § 670.1, subd. (i)(2).)

B. Effect of the Emergency Action

Section 749.6 of Title 14 of the California Code of Regulations would authorize and provide for take of MYLF during its candidacy subject to the following terms and conditions:

(a) Take Authorization.

The Commission authorizes the take of Mountain yellow-legged frog during the candidacy period subject to the terms and conditions herein.

- (1) Scientific, Education or Management Activities.
Take of Mountain yellow-legged frog incidental to scientific, education or management activities is authorized.
- (2) Scientific Collecting Activities.
Take of Mountain yellow-legged frog authorized by a scientific collecting permit issued by the Department pursuant to California Code of Regulations, Title 14, section 650 or a recovery permit issued by a federal wildlife agency pursuant to United States Code, Title 16, section 1539(a)(1)(A) is authorized.

- (3) **Actions to Protect, Restore, Conserve or Enhance.**
Take of Mountain yellow-legged frog incidental to otherwise lawful activities initiated to protect, restore, conserve or enhance a state or federally threatened or endangered species and its habitat is authorized.
 - (4) **Fish Hatchery and Stocking Activities.**
Take of Mountain yellow-legged frog incidental to fish hatchery and related stocking activities consistent with the project description and related mitigation measures identified in the Department of Fish and Game (Department) and U.S. Fish & Wildlife Service Hatchery and Stocking Program Joint Environmental Impact Report/Environmental Impact Statement (SCH. No. 2008082025), as certified by the Department on January 11, 2010, is authorized.
 - (5) **Wildland Fire Response and Related Vegetation Management.**
Take of Mountain yellow-legged frog incidental to otherwise lawful wildland fire prevention, response and suppression activities, including related vegetation management, is authorized.
 - (6) **Water Storage and Conveyance Activities**
Take of Mountain yellow-legged frog incidental to otherwise lawful water storage and conveyance activities is authorized.
 - (7) **Forest Practices and Timber Harvest.**
Incidental take of Mountain yellow-legged frog is authorized for otherwise lawful timber operations. For purposes of this authorization, an otherwise lawful timber operation shall mean a timber operation authorized or otherwise permitted by the Z'Berg Nejedly Forest Practice Act (Pub. Resources Code, Section 4511 et seq.), the Forest Practice rules of the Board of Forestry, which are found in Chapters 4, 4.5 and 10 of Title 14 of the California Code of Regulations or other applicable law. The Z'Berg Nejedly Forest Practice Act and Forest Practice Rules can be found at the following website:
http://www.fire.ca.gov/resource_mgt/resource_mgt_forestpractice.php.
- (b) **Reporting.**
- Any person, individual, organization, or public agency for which incidental take of Mountain yellow-legged frog is authorized pursuant to subdivision (a), shall report observations and detections of Mountain yellow-legged frog, including take, to the Department of Fish and Game on a semi-annual basis during the candidacy period. Observations, detections, and take shall be reported pursuant to this subdivision to the Department of Fish and Game, Fisheries Branch, Attn: Mountain yellow-legged frog observations, 830 S St., Sacramento, CA 95811, or by email submission to mylfddata@dfg.ca.gov. Information reported to the Department pursuant to this subdivision shall include as available: a contact name; the date and location (GPS coordinate preferred) of the observation, detection, or take; and details regarding the animal(s) observed.
- (c) **Additions, Modifications or Revocation.**
- (1) Incidental take of Mountain yellow-legged frog from activities not addressed in this section may be authorized during the candidacy period by the Commission pursuant to

Fish and Game Code section 2084, or by the Department on a case-by-case basis pursuant to Fish and Game Code section 2081, or other authority provided by law.

- (2) The Commission may modify or repeal this regulation in whole or in part, pursuant to law, if it determines that any activity or project may cause jeopardy to the continued existence of Mountain yellow-legged frog.

C. Existing, Comparable Federal Regulations or Statutes

The Federal Endangered Species Act ("FESA") (16 U.S.C. § 1531 et seq.) includes a listing process that is similar to the listing process under CESA, except that take of a candidate species is not prohibited under FESA. The U.S. Fish & Wildlife Service ("Service") designated the southern California population of MYLF (*Rana muscosa*) as a distinct population segment and listed it as an endangered species under FESA on July 2, 2002. (67 Fed.Reg. 44382.) In January 2003, the Service determined that listing the Sierra Nevada populations of MYLF (*Rana sierrae*) as endangered was warranted, but precluded by other higher priority listing actions. (68 Fed.Reg. 2283.) MYLF (*Rana sierrae*) remains a candidate under FESA based on the Service's "warranted but precluded" finding and take of the species under FESA is not currently prohibited.

FESA Section 4(d) (16 U.S.C. § 1533, subd. (d)) is similar in some respects to Fish and Game Code section 2084. Section 4(d) authorizes the Service or the National Marine Fisheries Service (NMFS) to issue protective regulations prohibiting the take of species listed as threatened. These regulations, also called "4(d) rules," may include any or all of the prohibitions that apply to protect endangered species and may include exceptions to those prohibitions. The 4(d) rules give the Service and NMFS the ability to craft comprehensive regulations to apply to particular activities that may result in take of a threatened species in a manner similar to the Commission's authority to prescribe terms and conditions pursuant to FGC section 2084 during the species' candidacy period. Here, no 4(d) rules have been promulgated for MYLF (*Rana sierrae*) because the "warranted but precluded" finding by the Service did not yet effectuate the designation of MYLF (*Rana sierrae*) as a federally listed threatened or endangered species.

This emergency regulation does not provide FESA authorization for take of MYLF (*Rana muscosa* and *Rana sierrae*). To the extent a project will result in take of MYLF as defined by the FESA, the project proponent is responsible for consulting with the Service to obtain the appropriate take authorization.

D. Policy Statement Overview

The objective of this emergency regulation is to allow specified activities to continue on an interim basis, subject to the measures in the regulation designed to protect MYLF, pending final action by the Commission under CESA related to the proposed listing. The Department's evaluation of the species during the candidacy period will result in the status report described in Section A.2 above. The status report provides the basis for the Department's recommendation to the Commission before the Commission takes final action on the petition and decides whether the petitioned action is or is not warranted.

The regulations as proposed are attached to this notice. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Section 240 Finding

Pursuant to the authority vested in it by FGC Section 240 and for the reasons set forth in the attached "Statement of Emergency Action," the Commission expressly finds that the adoption of this regulation is necessary for the immediate conservation, preservation, or protection of fish and wildlife resources, and for the immediate preservation of the general welfare. The Commission specifically finds that the adoption of this regulation will allow activities that may affect MYLF to continue during the candidacy period as long as those activities are conducted in a manner consistent with the protections specified in this regulation.

Public Comments on Proposed Emergency Regulations

The Commission readopted this emergency regulation at its March 14, 2011 teleconference meeting. It is anticipated that the emergency regulation will be filed with the Office of Administrative Law (OAL) on or about March 28, 2011

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

In order to be considered, public comments on proposed emergency regulations must be submitted in writing to the Office of Administrative Law (OAL), 300 Capitol Mall, Room 1250, Sacramento, CA 95814; AND to the Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814, or via fax to (916) 653-5040 or via e-mail to fgc@fgc.ca.gov. Comments must identify the emergency topic and may address the finding of emergency, the standards set forth in sections 11346.1 and 11349.1 of the Government Code and Section 240 of the Fish and Game Code. Comments must be received within five calendar days of filing of the emergency regulations. Please refer to OAL's website (www.oal.ca.gov) to determine the date on which the regulations are filed with OAL.

Impact of Regulatory Action

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

(a) Costs/Savings in Federal Funding to the State:

The Commission has determined that the adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation pursuant to FGC section 2084 will not result in costs or savings in federal funding to the State.

(b) Nondiscretionary Costs/Savings to Local Agencies:

The Commission has determined that adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation pursuant to Fish and Game Code section 2084

will likely provide cost savings to local agencies in an undetermined amount. In the absence of the emergency regulation, the Department would have to authorize take of MYLF on a project-by-project basis, which is both time-consuming and costly to local agencies seeking take authorization. Without this emergency regulation, many routine and ongoing otherwise lawful wildfire suppression and response activities; water management and conveyance activities; restoration, conservation and enhancement actions; scientific research, monitoring and management activities; and forest practices and timber harvest activities would be delayed, or cancelled entirely while awaiting the necessary CESA authorization or ultimate listing determination by the Commission. These delays and cancellations would cause great economic harm to persons already lawfully engaged in such activities, their employees, their local communities, and the State of California, especially during the current economic crisis.

(c) Programs Mandated on Local Agencies or School Districts:

The Commission has determined that the adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation does not impose a mandate on local agencies or school districts.

(d) 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; and

(e) Effect on Housing Costs:

The Commission has determined that the adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation will not result in any cost to any local agency or school district for which Government Code sections 17500 through 17630 require reimbursement and will not affect housing costs.

(f) Costs or Savings to State Agencies

The Commission has determined that adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation pursuant to Fish and Game Code section 2084 will likely provide cost savings to state agencies in an undetermined amount. In the absence of the emergency regulation, the Department would have to authorize take of MYLF on a project-by-project basis, which is both time-consuming and costly for both the Department in processing and authorizing such take, as well as to state agencies seeking take authorization. Without this emergency regulation, many routine and ongoing otherwise lawful wildfire suppression and response activities; water management and conveyance activities; restoration, conservation and enhancement actions; scientific research, monitoring and management activities; and forest practices and timber harvest activities would be delayed, or cancelled entirely while awaiting the necessary CESA authorization or the ultimate listing decision by the Commission. These delays and cancellations would cause great economic harm to persons already lawfully engaged in such activities, their employees, their local communities, and the State of California, especially in light of the current economic crisis.

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

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes 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: March 15, 2011

Jon K. Fischer
Acting Executive Director

**FISH AND GAME COMMISSION
STATEMENT OF EMERGENCY ACTION
FOR RE-ADOPTION OF EMERGENCY REGULATIONS**

Emergency Action to Re-adopt Section 749.6, Title 14, CCR,
Re: Special Order Relating to Incidental Take of Mountain-Yellow Legged Frog
(*Rana muscosa* and *Rana sierrae*) During Candidacy Period

I. Request for Approval of Re-adoption of Emergency Regulation

The Fish and Game Commission (Commission) requests to re-adopt Section 749.6, Title 14, California Code of Regulations (CCR) [Office of Administrative Law (OAL) file number 2010-0930-03 E] without modification. The Findings of Emergency for this file (Attachment A), which contain the following information: Statement/Finding of Emergency; Authority and Reference Citations; Informative Digest; Fiscal Impact Statement; and Standard Form 399 are incorporated by reference. The objective of this regulation is to allow specified activities to continue on an interim basis, subject to the measures in the regulation designed to protect Mountain yellow-legged frog (MYLF), while the Department of Fish and Game (Department) focuses its efforts on further evaluating the status of MYLF.

II. Emergency Regulation in Effect to Date

On September 15, 2010, the Commission determined that the listing of MYLF may be warranted. (Cal. Reg. Notice Register 2010, No. 40-Z, p. 1601 (October 1, 2010).) The Commission's determination designates MYLF as a candidate species under the California Endangered Species Act (CESA). On September 15, 2010, the Commission adopted an emergency regulation pursuant to Fish and Game Code (FGC) section 2084 to allow incidental take of MYLF during its candidacy period subject to specified conditions. (Cal. Reg. Notice Register 2010, No. 43-Z, p. 1782 (October 22, 2010).) The emergency regulation was approved by OAL and became effective on October 11, 2010. Pursuant to Government Code (GC) sections 11346.1(e) and (h), emergency regulations are effective for 180 days. OAL may approve two re-adoptions, each for a period not to exceed ninety days. In the absence of re-adoption, the current 2084 regulation will expire on April 12, 2011.

III. Statement of Emergency

The Commission has prepared this Emergency Action Statement under the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) in connection with its request to OAL to approve the re-adoption of section 749.6 of Title 14 of the California Code of Regulations (CCR). The Commission's adoption, and requested re-adoption, of section 749.6 as an emergency action under the APA is based, in part, on authority provided by FGC sections 240 and 2084. Pursuant to the latter section, the emergency regulation adopted by the Commission,

section 749.6, authorizes incidental "take" of MYLF during candidacy, subject to certain terms and conditions prescribed by the Commission. (See generally Fish & G. Code, §§ 86, 2080, 2084, 2085.)

As set forth above, the Commission designated MYLF as a candidate species under CESA and found that adoption of section 749.6 pursuant to FGC sections 240 and 2084 constituted a necessary emergency action by the Commission under the APA. If the emergency regulation is not re-adopted, individuals engaging in activities authorized pursuant to section 749.6 would need to obtain an incidental take permit (ITP) or other authorization from the Department on a project-by-project basis to avoid potential criminal liability for violating CESA should take occur. The issuance of individual ITPs authorizing incidental take is a complicated and lengthy process, and the Commission finds specifically that it is not feasible for the regulated community to obtain, and the Department to issue, ITPs or other authorizations on a project-by-project basis for the numerous activities that would otherwise be prohibited during the candidacy period for MYLF. Without re-adoption of the emergency regulation, prospective permittees, by any reasonable measure, would be subject to CESA's take prohibition without an ability to obtain the necessary state authorization during the candidacy period. As a practical matter, activities that result in the take of MYLF would be prohibited and could not be implemented pending final action by the Commission on the listing petition, an action whereby MYLF may or may not be listed as endangered or threatened under CESA. As a result, many projects that are planned or underway that may provide economic, scientific, conservation, and/or other benefits to the State of California, its residents and their communities, and the State's natural resources would be postponed during the candidacy period or canceled entirely. The Commission finds this threatened result constitutes an emergency under Fish and Game Code section 240 and the APA requiring immediate action, especially against the backdrop of the economic crisis currently faced by the State of California.

Given that the emergency circumstances that necessitated the original 2084 regulation are continuing and unchanged, the Commission requests that the previous Finding of Emergency (Attachment A) previously incorporated by reference into this document be used to supplement this justification.

IV. Re-adoption Criteria

1) Same or Substantially Equivalent

Pursuant to GC section 11346.1(h), the text of a re-adopted regulation must be the "same or substantially equivalent" to the text of the original emergency regulation. The proposed language for the re-adopted 2084 emergency regulation is the same as the language of the original 2084 emergency regulation. As no changes have been made to the text of Section 749.6, Title 14, CCR, this requirement has been met.

(2) Substantial Progress

GC section 11346.1(h) specifies that the emergency rulemaking agency must demonstrate that it is making "substantial progress and has proceeded with due diligence" to comply with the standard rulemaking provisions. The Commission has not technically complied with this requirement because a standard rulemaking is not necessary in this particular circumstance and this 2084 regulation is not the appropriate mechanism to authorize take of a threatened or endangered species absent statutory authority.

A 2084 regulation is an appropriate mechanism to authorize take for "candidate" species. Pursuant to FGC sections 2080 and 2085, take of a candidate species is prohibited, unless: (1) the take is authorized in a regulation adopted by the Commission pursuant to FGC section 2084 or (2) the Department authorizes the take through incidental take permits issued on a project-by-project basis pursuant to FGC section 2081. Therefore a 2084 regulation is an appropriate mechanism to authorize take of a candidate species. However, a species is only a "candidate" until the Commission decides whether listing the species as threatened or endangered "is warranted" or "is not warranted." (Fish & G. Code § 2075.5.) This determination immediately follows the conclusion of the 12-month review of the species' status by the Department. (Id. § 2074.6.) After the Commission makes the determination that listing the species is or is not warranted, a 2084 regulation is no longer appropriate because the species is no longer a candidate for listing. At that point, the species is either protected under CESA as a listed species or is no longer protected under CESA because it is not listed and is no longer a candidate for listing.

If the Commission determines that listing the MYLF "is warranted," the former candidate species will become a listed species and the persons conducting activities currently covered by the 2084 regulation that take MYLF will be required to obtain an Incidental Take Permit (ITP) pursuant to FGC section 2081(b). ITP's are authorized for certain activities only if specified criteria are met including minimization and full mitigation of the impacts of the take. ITP's are issued on a project-by-project basis to ensure the mitigation and minimization measures are narrowly tailored to the individual project and completely protective of the species. Given that persons conducting activities that will take MYLF will be required to obtain an ITP, which will contain tailored measures to mitigate the impacts of the take, adoption of this 2084 regulation as permanent is not necessary because the MYLF will be protected under CESA and its provisions as a listed species.

If the Commission decides that listing the MYLF "is not warranted," take of the former candidate species will no longer be prohibited under CESA. Absent protected status, no mechanism would be needed to authorize take of MYLF. In that circumstance, adoption of this 2084 regulation as permanent is unnecessary.

A standard rulemaking is not necessary to authorize take of MYLF regardless. As discussed above, if the MYLF is listed it will be protected under CESA as a listed species independent of this 2084 regulation. If the MYLF is not listed, no authorization will be needed for a take. The Commission is currently proceeding with due diligence in accordance with its statutory duties to determine whether or not the listing of MYLF is warranted and the inherent temporary nature of a 2084 regulation makes pursuing its permanent status unnecessary.

FISH AND GAME COMMISSION STATEMENT OF EMERGENCY ACTION

Emergency Action to Add Section 749.6, Title 14, CCR,
Re: Special Order Relating to Incidental Take of Mountain-Yellow Legged Frog
(*Rana muscosa* and *Rana sierrae*) During Candidacy Period

I. INTRODUCTION

The Fish and Game Commission ("Commission") as established by the Constitution of the State of California has exclusive statutory authority to designate species protected by the California Endangered Species Act ("CESA") (Fish & G. Code, § 2050 et seq.). (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070.) As described in greater detail below, CESA authorizes the Commission to establish lists of threatened and endangered species, and to add or remove species from those lists if it finds, upon receipt of sufficient scientific information, that the action is warranted. Pursuant to section 2084 of the Fish and Game Code, the Commission may authorize, subject to the terms and conditions it prescribes, the taking of any species designated as a candidate for listing under CESA. Pursuant to controlling statutory authority, the candidacy period under CESA generally runs for a 12-month period. (See generally *Id.*, §§ 2074.6, 2080, 2085.) The Commission has relied on the authority in section 2084 to permit take of candidate species on eight previous occasions: in 1994 for the southern torrent salamander; in 1994 for the coho salmon south of San Francisco; in 1997 and 1998 for the spring-run chinook salmon; in 2000 for coho salmon throughout its range in California; in 2002 for the Xantus's murrelet; in 2008 for the longfin smelt; in 2009 for the California tiger salamander; and in 2009 for the Pacific fisher.

On September 15, 2010, the Commission determined that the listing of Mountain yellow-legged frog (MYLF) may be warranted. The Commission's determination designates MYLF as a candidate species under CESA and notice of the Commission's finding will be published in the California Regulatory Notice Register. The Commission has prepared this Emergency Action Statement under the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) in connection with its subsequent adoption of section 749.6 of Title 14 of the California Code of Regulations. The Commission's adoption of section 749.6 as an emergency action under the APA is based, in part, on authority provided by Fish and Game Code sections 240 and 2084. Pursuant to the latter section, the emergency regulation adopted by the Commission, section 749.6, authorizes incidental "take" of MYLF during candidacy, subject to certain terms and conditions prescribed by the Commission. (See generally Fish & G. Code, §§ 86, 2080, 2084, 2085.)

As set forth below, the Commission designated MYLF as a candidate species under CESA and found that adoption of section 749.6 pursuant to Fish and

Game Code sections 240 and 2084 constitutes a necessary emergency action by the Commission under the APA. In the absence of this emergency regulation, individuals engaging in activities authorized pursuant to section 749.6 would need to obtain an incidental take permit ("ITP") or other authorization from the Department of Fish and Game ("Department") on a project-by-project basis to avoid potential criminal liability for violating CESA should take occur. The issuance of individual ITPs authorizing incidental take is a complicated and lengthy process, and the Commission finds specifically that it is not feasible for the regulated community to obtain, and the Department to issue, ITPs or other authorizations on a project-by-project basis for the numerous activities that would otherwise be prohibited during the candidacy period for MYLF. Without this emergency regulation, prospective permittees, by any reasonable measure, would be subject to CESA's take prohibition without an ability to obtain the necessary state authorization during the candidacy period. As a practical matter, activities that result in the take of MYLF would be prohibited and could not be implemented pending final action by the Commission on the listing petition, an action whereby MYLF may or may not be listed as endangered or threatened under CESA. As a result, many projects that are planned or underway that may provide economic, scientific, conservation, and/or other benefits to the State of California, its residents and their communities, and the State's natural resources would be postponed during the candidacy period or canceled entirely. The Commission finds this threatened result constitutes an emergency under Fish and Game Code section 240 and the APA requiring immediate action, especially against the backdrop of the economic crisis currently faced by the State of California.

II. BACKGROUND

On January 27, 2010, the Commission received a petition from the Center for Biological Diversity ("Center") to list MYLF as an endangered species under CESA. (Cal. Reg. Notice Register 2010, No. 9-Z, p. 333 (February 26, 2010).) In June 2010, the Department provided the Commission with a written evaluation of the petition pursuant to FGC section 2073.5, indicating the Department believed that the petition provided sufficient information to indicate the petitioned action may be warranted. On September 15, 2010, at a public meeting in McClellan, California, the Commission considered the petition, the Department's evaluation report and recommendation, and other information presented to the Commission and determined sufficient information exists to indicate the petitioned action may be warranted. In so doing, the Commission accepted the Center's petition for further review and designated MYLF as a candidate species under CESA. The Commission expects to publish notice of its finding as required by law on or about October 1, 2010, at which time "take" of MYLF as defined by the Fish and Game Code will be prohibited, except as authorized by law. (See Fish & G. Code, §§ 86, 2074.2, subds. (a)(2), (b), 2080, 2085.)

On September 15, 2010, the Commission also adopted section 749.6 as an emergency action under the APA (Gov. Code, § 11340 et seq.), as well Fish and Game Code section 240. In the absence of the take authorization provided by section 749.6, or as otherwise provided under existing law, take of MYLF will be prohibited by CESA and unauthorized take will be subject to criminal liability and potential prosecution under state law. Under the APA, upon approval by the Office of Administrative Law, section 749.6 will remain in effect initially for six months beginning on or about October 1, 2010.

III. FACTS CONSTITUTING THE NEED FOR EMERGENCY ACTION

The APA defines an "emergency" to mean "a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare." (*Id.* § 11342.545.) To make a finding of emergency, the agency must describe the specific facts supported by substantial evidence that demonstrate the existence of an emergency and the need for immediate adoption of the proposed regulation. (*Id.*, § 11346.1, subd. (b)(2).) Some of the factors an agency may consider in determining whether an emergency exists include: (1) the magnitude of the potential harm, (2) the existence of a crisis situation, (3) the immediacy of the need, i.e., whether there is a substantial likelihood that serious harm will be experienced unless immediate action is taken, and (4) whether the anticipation of harm has a basis firmer than simple speculation. The Commission has considered all of these factors and the definition of an emergency provided in the APA, as well as pertinent authority in Fish and Game Code section 240. Under this latter authority, notwithstanding any other provision of the Fish and Game Code, the Commission may adopt an emergency regulation where doing so is necessary for the immediate conservation, preservation, or protection of fish and wildlife resources, or for the immediate preservation of the general welfare. The Commission finds that such necessity exists in the present case.

Section 749.6 authorizes incidental take of MYLF during candidacy for seven categories of activities:

- In connection with scientific, education or management activities.
- In connection with activities authorized pursuant to a scientific collecting permit issued by the Department or a recovery permit issued by a federal wildlife agency pursuant to United States Code, Title 16, section 1539, subdivision (a)(1)(A).
- In connection with otherwise lawful activities initiated to protect, restore, conserve or enhance any state or federally threatened or endangered species and its habitat.
- In connection with fish hatchery and stocking operations consistent with the project description and related mitigation measures identified in the

Department and U.S. Fish & Wildlife Service ("Service") Hatchery and Stocking Program Joint Environmental Impact Report/Environmental Impact Statement (SCH No. 2008082025)("EIR/EIS"), as certified by the Department on January 11, 2010.

- In connection with activities necessary to prevent, respond or suppress wildland fire; and
- In connection with water storage and conveyance activities.
- In connection with otherwise lawful timber operations.

The Commission finds as set forth below that an emergency exists with respect to each of these covered activities.

A. Scientific, Education or Management Activities

Section 749.6, subdivision (a)(1) and (2), authorizes incidental take of MYLF for scientific, education or management activities, including activities authorized through a scientific collecting permit issued by the Department or through a recovery permit issued by a federal wildlife agency. As explained below, the Commission finds that the designation of MYLF as a candidate species under CESA, and the related take prohibition, constitutes an emergency under the APA with respect to otherwise lawful scientific, education or management activities. The Commission also finds that immediate emergency action to adopt Section 749.6, subdivision (a)(1) and (2), is necessary to conserve, preserve, or protect of fish and wildlife resources, and to preserve the general welfare.

In the absence of the emergency regulation, take of MYLF for scientific, education and management purposes would require authorization by the Department through an individual ITP which is a lengthy, complicated process. (See previous discussion on CESA's other forms of take authorization and why they are not likely to authorize these activities to continue during the candidacy period.) For some of the activities authorized by this subdivision, there is one other unique form of take authorization available, Fish and Game Code section 2081, subdivision (a). Because this form of take authorization still requires "permits or memorandums of understanding (to) authorize individuals...and scientific or educational institutions" to take, it is unlikely that permits under this section could be issued much more quickly than the standard ITP issued by the Department under section 2081, subdivision (b).

Management, education and scientific activities (including research and monitoring) are critical during this candidacy period. During this period, the Department is expected to prepare a status review for MYLF so the Commission can determine if the species should in fact be listed. During this candidacy period, the Department needs all of the scientific information that is available to

make the most scientifically sound recommendation to the Commission and the Commission to make the most scientifically sound final listing decision. There are currently many ongoing MYLF studies proceeding pursuant to Department-issued scientific collecting permits, which are occurring throughout the species' range, and must be allowed to continue to ensure a complete data set. Many studies operate on a continuous basis and rely on that predictability in coming to scientific conclusions about the data they acquire. In addition, new studies during this period that might be proposed should also be facilitated without delay to fill in any data gaps relevant to the possible listing of MYLF. If these activities are not allowed to continue, adequate evaluation and protection of MYLF could be severely impaired and the public will be disserved by decisions being made without the best available science.

Adoption of this emergency regulation would minimize the hardships that would be caused by delays in ongoing or new management, education and scientific activities while providing safeguards to protect the MYLF, including continued regulatory oversight by the Department pursuant to its authority to condition scientific collecting permits. (See Cal. Code Regs, tit. 14, § 650.) Therefore, the Commission finds that impacts to management, education and scientific activities caused by designating the MYLF as a candidate species, constitute an emergency under the APA requiring immediate action.

B. Actions to Protect, Restore, Conserve or Enhance

Section 749.6, subdivision (a)(3), authorizes take of MYLF incidental to otherwise lawful activities where the purpose of the underlying activity is to protect, restore, conserve or enhance a state or federally threatened or endangered species and its habitat. As explained below, the Commission finds that the designation of MYLF as a candidate species under CESA, and the related take prohibition, constitutes an emergency under the APA with respect to otherwise lawful activities to protect, restore, conserve or enhance state or federally threatened or endangered species and their habitat. The Commission also finds that immediate emergency action to adopt Section 749.6, subdivision (a)(3), is necessary to conserve, preserve, or protect of fish and wildlife resources, and to preserve the general welfare.

In the absence of the emergency regulation, take of MYLF incidental to otherwise lawful activities to protect, restore, conserve or enhance state or federally threatened or endangered species and their habitat would require authorization by the Department through an individual ITP which is a lengthy, complicated process. (See previous discussion on CESA's other forms of take authorization and why they are not likely to authorize these activities to continue during the candidacy period.) Ongoing and planned activities to protect, restore, conserve or enhance state or federally threatened or endangered species are critical during this candidacy period. The status of many listed species is precarious, and even the slightest delay in initiated or continued implementation of any

related conservation actions could adversely affect or otherwise cause further decline of these species. In addition, any further decline in the status of listed species will lead to increased costs to the Department because more resources will be required to get the species to the point where protective measures are no longer necessary. Increased cost will also be shouldered by prospective permittees, who will be charged with funding the mitigation and related monitoring required for the impacts of their project on the species.

Adoption of this emergency regulation would minimize the hardships that would be caused by delays in ongoing or new lawful activities to protect, restore, conserve and enhance state or federally threatened or endangered species and their habitat. The Commission finds that impacts to activities to protect, restore, conserve, or enhance state or federally threatened or endangered species and their habitat caused by designating the MYLF as a candidate species, constitute an emergency under the APA requiring immediate action.

C. Fish Hatchery and Stocking Operations

Section 749.6, subdivision (a)(4), authorizes take of MYLF incidental to fish hatchery and related stocking activities consistent with the project description and related mitigation measures identified in the Department and Service Hatchery and Stocking Program Joint EIR/EIS as certified by the Department on January 11, 2010. As explained below, the Commission finds that the designation of MYLF as a candidate species under CESA, and the related take prohibition, constitutes an emergency under the APA with respect to hatchery and stocking program activities. The Commission also finds that immediate emergency action to adopt Section 749.6, subdivision (a)(4), is necessary for the conservation, preservation, or protection of fish and wildlife, and to preserve the general welfare.

In the absence of Section 749.6, subdivision (a)(4), take of MYLF incidental to otherwise lawful fish hatchery and related stocking activities would require authorization by the Department through an individual ITP and, as previously stated, doing so is a lengthy and complicated process. (There are other means by which take can be authorized under CESA, however they either take longer than individual ITPs or are not likely to be available for use for fish hatchery and related stocking activities.) Fish hatchery and related stocking activities consistent with the project description and related mitigation measures identified in the recent Department and Service Joint EIR/EIS play a critical role in efforts to conserve and manage California's fishery both from a conservation and management, and recreational standpoint. In addition, the project description and mitigation measures identified in the Joint EIR/EIS were carefully crafted by the Department and Service with extensive public review and related scientific input, all with the goal of conserving and managing California's fisheries in a way that protects and ensures that any indirect impacts are avoided or substantially reduced to the extent feasible. Absent the take authorization provided by Section

749.6, subdivision (a)(4), during the 12-month candidacy period fish hatchery and related stocking activities would cease or be substantially curtailed to the detriment of the People of California and related natural resources.

Adoption of this emergency regulation would minimize the hardships to hatchery and stocking activities as a result of MYLF being designated as a candidate species under CESA. The Commission finds, as a result, that impacts to hatchery and stocking activities constitute an emergency under the APA requiring immediate action.

D. Wildland Fire Prevention, Suppression and Response

Section 749.6, subdivision (a)(5), authorizes take of MYLF incidental to otherwise lawful wildland fire prevention, response and suppression activities. As explained below, the Commission finds that the designation of MYLF as a candidate species under CESA, and the related take prohibition, constitutes an emergency under the APA with respect to fire prevention, response and suppression activities. The Commission also finds that immediate emergency action to adopt Section 749.6, subdivision (a)(5), is necessary to preserve the general welfare.

In the absence of Section 749.6, subdivision (a)(5), take of MYLF incidental to otherwise lawful fire prevention, response, and suppression activities, would require authorization by the Department through an individual ITP and, as previously stated, doing so is a lengthy and complicated process. (There are other means by which take can be authorized under CESA, however they either take longer than individual ITPs or are not likely to be available for use for wildland fire prevention, suppression and response activities.) It is important to note that unlike many other regulatory statutes, CESA does not contain any exemption from the permitting requirements or the take prohibition for emergency situations like fuel (vegetation) control, wildfire suppression and response.

California's fire seasons have recently involved far-ranging catastrophic wildland fires. The role of the emergency regulation in allowing activities related to fire-related vegetation management and prevention, fire suppression and response to continue falls squarely within virtually any statutory definition of "emergency," including one of the most narrow--CEQA's definition of an emergency that states it is an activity "involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services." (Pub. Resources Code, § 21080; see also CEQA Guidelines, § 15359.)

According to CalFire's website, creating a "defensible space" by controlling vegetation within 100 feet of dwellings and other buildings "dramatically increases the chance of your house surviving a wildfire" and "provides for firefighter safety" when fighting a fire. It is precisely these vegetation control

activities that are authorized under the emergency regulation without the need for additional take authorization. The emergency regulation also removes impediments to critical wildland fire suppression and response. Delays due to permitting would cause risks to public safety, should fire suppression activities be delayed or cancelled entirely. In addition, there would be grave social and economic harm to the employees and agencies tasked with carrying out the fire suppression activities and the local communities where those activities might be critically needed.

Adoption of this emergency regulation would minimize these hardships. Therefore, the Commission finds that impacts to wildland fire prevention, response and suppression activities, caused by designating the MYLF as a candidate species, constitute an emergency under the APA requiring immediate action.

D. Watershed Storage and Conveyance Activities

Section 749.6, subdivision (a)(6), authorizes take of MYLF incidental to otherwise lawful water storage and conveyance activities. As explained below, the Commission finds that the designation of MYLF as a candidate species under CESA, and the related take prohibition, constitutes an emergency under the APA with respect to otherwise lawful water storage and conveyance activities. The Commission also finds that immediate emergency action to adopt Section 749.6, subdivision (a)(6), is necessary to preserve the general welfare.

In the absence of the emergency regulation, take of MYLF incidental to otherwise lawful water storage and conveyance activities would require authorization by the Department through an individual ITP which is a lengthy, complicated process. (See previous discussion on CESA's other forms of take authorization and why they are not likely to authorize these activities to continue during the candidacy period.) Activities to maintain, manage or operate watershed storage and conveyance facilities must be allowed to continue during this candidacy period. Many dams are located in the range of MYLF, and are utilized for power generation, water storage, and recreation. The conveyance facilities operate to transport the water from storage facilities to customers, including members of the public. Without take protection, it is possible that water deliveries, power generation or recreational opportunities would be interrupted. The ability to deliver water and manage stored water without impediment is necessary to avoid serious harm to public health due to lack of water for drinking, sanitation and food production.

Adoption of this emergency regulation would minimize the hardships that would be caused by delays in lawful water storage and conveyance activities. The Commission finds that impacts to lawful water storage and conveyance activities constitute an emergency under the APA requiring immediate action.

E. Forest Practices and Timber Harvest Activities

Section 749.6, subdivision (a)(7), authorizes incidental take of MYLF incidental to otherwise lawful timber harvest activities. As explained below, the Commission finds that the designation of MYLF as a candidate species under CESA, and the related take prohibition, constitutes an emergency under the APA with respect to otherwise lawful timber harvest activities and operations. The Commission also finds that immediate emergency action to adopt Section 749.6, subdivision (a)(7), is necessary to preserve the general welfare.

In general, timber harvest review in California is administered by the California Department of Forestry and Fire Protection ("CalFire") pursuant to the Z'berg Nejedly Forest Practice Act (Pub. Resources Code, § 4511 et seq.), the Forest Practice Rules (Cal. Code Regs., tit. 14, § 895 et seq.), and other applicable law, including the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.). In the absence of Section 749.6, subdivision (a)(7), many existing, already-approved, otherwise lawful timber harvest operations in MYLF range could not move forward absent additional review and re-approval. Likewise, without Section 749.6, many already-approved, otherwise lawful timber harvest operations and activities would require a project-specific authorization under CESA from the Department. Yet, the regulatory oversight of timber operations by various public agencies under State law generally requires consideration and protection of various environmental resources and in many instances government approval of individual timber harvest activities requires compliance with CEQA and mitigation of significant environmental impacts to the extent feasible. Therefore, many timber projects that are about to commence or are already underway currently include measures that will reduce the prospect of adverse impacts to, and minimize and mitigate take of MYLF. Re-opening and re-negotiating agreements for timber activities to address the MYLF's legal status as a candidate species and, where necessary, to obtain an ITP or other take authorization under CESA (e.g., FGC section 2835) would unnecessarily delay these already-approved and otherwise lawful timber operations, resulting in undue burden on the Timber Harvest Plan (THP) holder.

Without this emergency regulation, many routine and ongoing otherwise lawful timber operations on land already managed for timber harvest would be delayed while awaiting the necessary State CESA authorization or cancelled entirely. In many cases, the delays would cause THP holders to substantially delay or cancel their projects entirely, resulting in great social and economic harm to the THP holders, their employees, registered professional foresters, the local communities that rely on timber harvest activities, and the State of California. CalFire review of existing otherwise lawful timber operations, along with project-specific CESA permitting by the Department, would also pose a significant burden to these state agencies. Both CalFire and the Department would likely face a sudden and potentially large increase in requests for timber harvest review and related take authorizations under CESA. Neither agency is equipped with

appropriate resources to handle and address the likely workload associated with this scenario, creating a significant permitting backlog.

F. Reporting

Subdivision (b) of the emergency regulation is different from the previous sections described herein. It is not an additional activity for which take is authorized under the regulation. Instead, subdivision (b) of the emergency regulation concerns reporting detections and observations of MYLF in connection with and by persons involved or otherwise engaged in the activities for which take is authorized pursuant to subdivision (a). It is vital that during this candidacy period detections and observations of MYLF be reported to the Department so it can have the most complete information possible as it prepares its scientific status review of the species and develops related recommendation to the Commission regarding whether listing MYLF under CESA is warranted.

For these reasons, the immediate adoption of this emergency regulation is necessary to allow numerous projects and activities to continue during the candidacy review period for MYLF under CESA. The Commission believes the activities permitted under this regulation will result in very limited take and will not jeopardize the continued existence of the species. The Commission finds, in this respect, that the regulation subject to this determination will ensure appropriate interim protections for MYLF while the Department conducts a 12-month review of the status of the candidate species and the Commission makes its final determination regarding listing under CESA.

IV. Express Finding of Emergency

Pursuant to the authority vested in the Commission by Fish and Game Code section 240, and for the reasons set forth above, the Commission expressly finds that the adoption of this regulation is necessary for the immediate conservation, preservation, or protection of fish and wildlife resources, and for the immediate preservation of the general welfare. The Commission specifically finds that the adoption of this regulation will allow activities that may affect MYLF to continue during the candidacy period as long as those activities are conducted in a manner consistent with the protections specified in this regulation.

V. Authority and Reference Citations

Authority: FGC sections 200, 202, 205, 240, and 2084.

Reference: FGC sections 200, 202, 205, 240, 2080, 2084, and 2085.

VI. Informative Digest

The sections below describe laws relating to listing species under CESA, the effect of this emergency regulation, a description of related federal law, and a policy statement overview.

A. Laws Related to the Emergency Regulation - Listing under CESA

1. Petition and Acceptance

Fish and Game Code section 2070 requires the Commission to establish a list of endangered species and a list of threatened species. Any interested person may petition the Commission to add a species to the endangered or threatened list by following the requirements in Fish and Game Code sections 2072 and 2072.3. If a petition is not factually incomplete and is on the appropriate form, it is forwarded to the Department for evaluation.

Fish and Game Code section 2073.5 sets out the process for accepting for further consideration or rejecting a petition to list a species and, if the petition is accepted, a process for actually determining whether listing of the species as threatened or endangered is ultimately warranted. The first step toward petition acceptance involves a 90-day review of the petition by the Department to determine whether the petition contains sufficient information to indicate that the petitioned action may be warranted. The Department prepares a report to the Commission that recommends rejection or acceptance of the petition based on its evaluation.

Fish and Game Code section 2074.2 provides that, if the Commission finds that the petition provides sufficient information to indicate that the petitioned action may be warranted, the petition is accepted for consideration and the species that is the subject of the petition becomes a "candidate species" under CESA. CESA prohibits unauthorized take of a candidate species. Fish and Game Code section 86 states "take" means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. Killing of a candidate, threatened, or endangered species under CESA that is incidental to an otherwise lawful activity and not the primary purpose of the activity constitutes take under state law. (*Department of Fish and Game v. Anderson-Cottonwood Irrigation District* (1992) 8 Cal.App.4th 1554; see also *Environmental Protection and Information Center v. California Dept. of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (in the context of an ITP issued by the Department under CESA the California Supreme Court stated, "'take' in this context means to catch, capture or kill").)

CESA's take prohibition applies to candidate species pursuant to Fish and Game Code section 2085 upon public notice by the Commission of its finding that sufficient information exists to indicate the petitioned action may be warranted. Upon publication of such notice in the California Regulatory Notice Register, take

of candidate species is prohibited absent authorization as provided in the Fish and Game Code. Following such notice, all activities, whether new or ongoing, that cause incidental take of the candidate species are in violation of CESA unless the take is authorized in regulations adopted by the Commission pursuant to Fish and Game Code section 2084 or the Department authorizes the take through the issuance of an ITP or other means available pursuant to the Fish and Game Code.

2. Status Review and Final Action on the Petition

The Commission's acceptance of a petition initiates a 12-month review of the species' status by the Department, pursuant to Fish and Game Code section 2074.6. This status review helps to determine whether the species should be listed as threatened or endangered. Unlike the Department's initial evaluation, which focuses largely on the sufficiency of information submitted in the petition, the 12-month status review involves a broader inquiry into and evaluation of available information from other sources. The Commission is required to solicit data and comments on the proposed listing soon after the petition is accepted, and the Department's written status report must be based upon the best scientific information available.

Within 12 months of the petition's acceptance, the Department must provide the Commission a written report that indicates whether the petitioned action is warranted. (Fish & G. Code, § 2074.) The Commission must schedule the petition for final consideration at its next available meeting after receiving the Department's report. (*Id.*, § 2075.) In its final action on the petition, the Commission is required to decide whether listing the species as threatened or endangered "is warranted" or "is not warranted." (*Id.*, § 2075.5.) If listing is not warranted in the Commission's judgment, controlling authority directs the Commission to enter that finding in the public record and the subject species is removed from the list of candidate species. (*Id.*, § 2075.5(1); Cal. Code Regs., tit. 14, § 670.1, subd. (i)(2).)

B. Effect of the Emergency Action

Section 749.6 of Title 14 of the California Code of Regulations would authorize and provide for take of MYLF during its candidacy subject to the following terms and conditions:

a) Take Authorization.

The Commission authorizes the take of Mountain yellow-legged frog during the candidacy period subject to the terms and conditions herein.

- (1) Scientific, Education or Management Activities.
Take of Mountain yellow-legged frog incidental to scientific, education or management activities is authorized.
- (2) Scientific Collecting Activities.
Take of Mountain yellow-legged frog authorized by a scientific collecting permit issued by the Department pursuant to California Code of Regulations, Title 14, section 650 or a recovery permit issued by a federal wildlife agency pursuant to United States Code, Title 16, section 1539(a)(1)(A) is authorized.
- (3) Actions to Protect, Restore, Conserve or Enhance.
Take of Mountain yellow-legged frog incidental to otherwise lawful activities initiated to protect, restore, conserve or enhance a state or federally threatened or endangered species and its habitat is authorized.
- (4) Fish Hatchery and Stocking Activities.
Take of Mountain yellow-legged frog incidental to fish hatchery and related stocking activities consistent with the project description and related mitigation measures identified in the Department of Fish and Game (Department) and U.S. Fish & Wildlife Service Hatchery and Stocking Program Joint Environmental Impact Report/Environmental Impact Statement (SCH. No. 2008082025), as certified by the Department on January 11, 2010, is authorized.
- (5) Wildland Fire Response and Related Vegetation Management.
Take of Mountain yellow-legged frog incidental to otherwise lawful wildland fire prevention, response and suppression activities, including related vegetation management, is authorized.
- (6) Water Storage and Conveyance Activities
Take of Mountain yellow-legged frog incidental to otherwise lawful water storage and conveyance activities is authorized.
- (7) Forest Practices and Timber Harvest.
Incidental take of Mountain yellow-legged frog is authorized for otherwise lawful timber operations. For purposes of this authorization, an otherwise lawful timber operation shall mean a timber operation authorized or otherwise permitted by the Z'Berg Nejedly Forest Practice Act (Public Resources Code, Section 4511 et seq.), the Forest Practice Rules of the Board of Forestry, which are found in Chapters 4, 4.5, and 10, of Title 14 of the California Code of Regulations, or other applicable law. The Z'Berg Nejedly Forest Practice Act and Forest Practice Rules can be found at the following website:
http://www.fire.ca.gov/resource_mgt/resource_mgt_forestpractice.php.

(b) Reporting.

Any person, individual, organization, or public agency for which incidental take of Mountain yellow-legged frog is authorized pursuant to subdivision (a), shall report observations and detections of Mountain yellow-legged frog, including take, to the Department of Fish and Game on a semi-annual basis during the candidacy period. Observations, detections, and take shall be reported pursuant to this subdivision to the Department of Fish and Game, Fisheries Branch, Attn: Mountain yellow-legged frog observations, 830 S St., Sacramento, CA 95811, or by email submission to mylfdata@dfg.ca.gov. Information reported to the Department pursuant to this subdivision shall include as available: a contact name; the date and location (GPS coordinate preferred) of the observation, detection, or take; and details regarding the animal(s) observed.

(c) Additions, Modifications or Revocation.

- (1) Incidental take of Mountain yellow-legged frog from activities not addressed in this section may be authorized during the candidacy period by the Commission pursuant to Fish and Game Code section 2084, or by the Department on a case-by-case basis pursuant to Fish and Game Code section 2081, or other authority provided by law.
- (2) The Commission may modify or repeal this regulation in whole or in part, pursuant to law, if it determines that any activity or project may cause jeopardy to the continued existence of Mountain yellow-legged frog.

C. Existing, Comparable Federal Regulations or Statutes

The Federal Endangered Species Act ("FESA") (16 U.S.C. § 1531 et seq.) includes a listing process that is similar to the listing process under CESA, except that take of a candidate species is not prohibited under FESA. The U.S. Fish & Wildlife Service ("Service") designated the southern California population of MYLF (*Rana muscosa*) as a distinct population segment and listed it as an endangered species under FESA on July 2, 2002. (67 Fed.Reg. 44382.) In January 2003, the Service determined that listing the Sierra Nevada populations of MYLF (*Rana sierrae*) as endangered was warranted, but precluded by other higher priority listing actions. (68 Fed.Reg. 2283.) MYLF (*Rana sierrae*) remains a candidate under FESA based on the Service's "warranted but precluded" finding and take of the species under FESA is not currently prohibited.

FESA Section 4(d) (16 U.S.C. § 1533, subd. (d)) is similar in some respects to Fish and Game Code section 2084. Section 4(d) authorizes the Service or the National Marine Fisheries Service (NMFS) to issue protective regulations prohibiting the take of species listed as threatened. These regulations, also called "4(d) rules," may include any or all of the prohibitions that apply to protect endangered species and may include exceptions to those prohibitions. The 4(d)

rules give the Service and NMFS the ability to craft comprehensive regulations to apply to particular activities that may result in take of a threatened species in a manner similar to the Commission's authority to prescribe terms and conditions pursuant to FGC section 2084 during the species' candidacy period. Here, no 4(d) rules have been promulgated for MYLF (*Rana sierrae*) because the "warranted but precluded" finding by the Service did not yet effectuate the designation of MYLF (*Rana sierrae*) as a federally listed threatened or endangered species.

This emergency regulation does not provide FESA authorization for take of MYLF (*Rana muscosa* and *Rana sierrae*). To the extent a project will result in take of MYLF as defined by the FESA, the project proponent is responsible for consulting with the Service to obtain the appropriate take authorization.

D. Policy Statement Overview

The objective of this emergency regulation is to allow specified activities to continue on an interim basis, subject to the measures in the regulation designed to protect MYLF, pending final action by the Commission under CESA related to the proposed listing. The Department's evaluation of the species during the candidacy period will result in the status report described in Section VI.A.2 above. The status report provides the basis for the Department's recommendation to the Commission before the Commission takes final action on the petition and decides whether the petitioned action is or is not warranted.

VII. Specific Agency Statutory Requirements

The Commission has complied with the special statutory requirements governing the adoption of emergency regulations pursuant to Fish and Game Code section 240. The Commission held a public hearing on this regulation on September 15, 2010, and the above finding that this regulation is necessary for the immediate conservation, preservation, or protection of fish and wildlife resources, and for the immediate preservation of the general welfare meets the requirements of section 240.

VIII. Impact of Regulatory Action

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

(a) Costs/Savings in Federal Funding to the State:

The Commission has determined that the adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation pursuant to FGC section 2084 will not result in costs or savings in federal funding to the State.

(b) Nondiscretionary Costs/Savings to Local Agencies:

The Commission has determined that adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation pursuant to Fish and Game Code section 2084 will likely provide cost savings to local agencies in an undetermined amount. In the absence of the emergency regulation, the Department would have to authorize take of MYLF on a project-by-project basis, which is both time-consuming and costly to local agencies seeking take authorization. Without this emergency regulation, many routine and ongoing otherwise lawful wildfire suppression and response activities; water management and conveyance activities; restoration, conservation and enhancement actions; scientific research, monitoring and management activities; and forest practices and timber harvest activities would be delayed, or cancelled entirely while awaiting the necessary CESA authorization or ultimate listing determination by the Commission. These delays and cancellations would cause great economic harm to persons already lawfully engaged in such activities, their employees, their local communities, and the State of California, especially during the current economic crisis.

(c) Programs Mandated on Local Agencies or School Districts:

The Commission has determined that the adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation does not impose a mandate on local agencies or school districts.

(d) 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; and

(e) Effect on Housing Costs:

The Commission has determined that the adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation will not result in any cost to any local agency or school district for which Government Code sections 17500 through 17630 require reimbursement and will not affect housing costs.

(f) Costs or Savings to State Agencies

The Commission has determined that adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation pursuant to Fish and Game Code section 2084 will likely provide cost savings to state agencies in an undetermined amount. In the absence of the emergency regulation, the Department would have to authorize take of MYLF on a project-by-project basis, which is both time-consuming and costly for both the Department in processing

and authorizing such take, as well as to state agencies seeking take authorization. Without this emergency regulation, many routine and ongoing otherwise lawful wildfire suppression and response activities; water management and conveyance activities; restoration, conservation and enhancement actions; scientific research, monitoring and management activities; and forest practices and timber harvest activities would be delayed, or cancelled entirely while awaiting the necessary CESA authorization or the ultimate listing decision by the Commission. These delays and cancellations would cause great economic harm to persons already lawfully engaged in such activities, their employees, their local communities, and the State of California, especially in light of the current economic crisis.

Regulatory Language

Section 749.6, Title 14, CCR, is added to read:

749.6 Incidental Take of Mountain Yellow-Legged Frog (*Rana muscosa* and *Rana sierrae*) During Candidacy Period

This regulation authorizes take as defined by Fish and Game Code section 86, of Mountain yellow-legged frog (*Rana muscosa* and *Rana sierrae*), subject to certain terms and conditions, during the species' candidacy under the California Endangered Species Act (Fish and Game Code, section 2050 et seq.).

(a) Take Authorization.

The Commission authorizes the take of Mountain yellow-legged frog during the candidacy period subject to the terms and conditions herein.

(1) Scientific, Education or Management Activities.

Take of Mountain yellow-legged frog incidental to scientific, education or management activities is authorized.

(2) Scientific Collecting Activities.

Take of Mountain yellow-legged frog authorized by a scientific collecting permit issued by the Department of Fish and Game pursuant to California Code of Regulations, Title 14, section 650, or a recovery permit issued by a federal wildlife agency pursuant to United States Code, Title 16, section 1539, subdivision (a)(1)(A), is authorized.

(3) Activities to Protect, Restore, Conserve or Enhance.

Take of Mountain yellow-legged frog incidental to otherwise lawful activities where the purpose of the activity is to protect, restore, conserve or enhance a species designated as an endangered, threatened, or candidate species under state or federal law, or such species' habitat is authorized.

(4) Fish Hatchery and Stocking Activities.

Take of Mountain yellow-legged frog incidental to fish hatchery and related stocking activities consistent with the project description and related mitigation measures identified in the Department of Fish and Game (Department) and U.S. Fish & Wildlife Service Hatchery and Stocking Program Joint Environmental Impact Report/Environmental Impact Statement (SCH. No. 2008082025), as certified by the Department on January 11, 2010, is authorized.

(5) Wildland Fire Response and Related Vegetation Management.

Take of Mountain yellow-legged frog incidental to otherwise lawful wildland fire prevention, response and suppression activities, including related vegetation management, is authorized.

(6) Water Storage and Conveyance Activities

Take of Mountain yellow-legged frog incidental to otherwise lawful water storage and conveyance activities is authorized.

(7) Forest Practices and Timber Harvest.

Incidental take of Mountain yellow-legged frog is authorized for otherwise lawful timber operations. For purposes of this authorization, an otherwise lawful timber operation shall mean a timber operation authorized or otherwise permitted by the Z'Berg Nejedly Forest Practice Act (Public Resources Code, Section 4511 et seq.), the Forest Practice Rules of the Board of Forestry, which are found in Chapters 4, 4.5, and 10, of Title 14 of the California Code of Regulations, or other applicable law. The Z'Berg Nejedly Forest Practice Act and Forest Practice Rules can be found at the following website: http://www.fire.ca.gov/resource_mgt/resource_mgt_forestpractice.php.

(b) Reporting.

Any person, individual, organization, or public agency for which incidental take of Mountain yellow-legged frog is authorized pursuant to subdivision (a), shall report observations and detections of Mountain yellow-legged frog, including take, to the Department of Fish and Game on a semi-annual basis during the candidacy period. Observations, detections, and take shall be reported pursuant to this subdivision to the Department of Fish and Game, Fisheries Branch, Attn: Mountain yellow-legged frog observations, 830 S St., Sacramento, CA 95811, or by email submission to mylfddata@dfg.ca.gov. Information reported to the Department pursuant to this subdivision shall include as available: a contact name; the date and location (GPS coordinate preferred) of the observation, detection, or take; and details regarding the animal(s) observed.

(c) Additions, Modifications or Revocation.

(1) Incidental take of Mountain yellow-legged frog from activities not addressed in this section may be authorized during the candidacy period by the Commission pursuant to Fish and Game Code section 2084, or by the Department on a case-by-case basis pursuant to Fish and Game Code section 2081, or other authority provided by law.

(2) The Commission may modify or repeal this regulation in whole or in part, pursuant to law, if it determines that any activity or project may cause jeopardy to the continued existence of Mountain yellow-legged frog.

Note: Authority cited: Sections 200, 202, 205, 240 and 2084, Fish and Game Code. Reference: Sections 200, 202, 205, 240, 2080, 2084 and 2085, Fish and Game Code.

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STATE OF CALIFORNIA

Fish and Game Commission

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 15 PM 3:08
BY AK

March 14, 2011

TO ALL INTERESTED AND AFFECTED PARTIES:

On March 14, 2011, the Commission adopted emergency regulations concerning ocean salmon sport fishing. The Administrative Procedure Act requires that we make this regulation available for public review for at least five working days prior to submitting the regulation to the Office of Administrative Law.

Attached for your review are copies of the notice of emergency regulatory action, the emergency regulatory language in strikeout/underline format, and the Statement of Facts Constituting Need for Emergency Action.

Sincerely,



Sherrie Fonbuena
Associate Governmental Program Analyst

Attachments

TITLE 14. Fish and Game Commission Notice of Emergency Regulatory Action

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing.

Informative Digest/Policy Statement Overview

California's commercial and recreational salmon fisheries have been severely constrained since 2007 when the Sacramento River Fall Chinook (SRFC) escapement failed to meet the minimum level of its conservation objective of the Pacific Fishery Management Council's (PFMC) Fishery Management Plan (FMP). The FMP conservation objective is an annual SRFC escapement range of 122,000 to 180,000 hatchery and natural adult spawners. The SRFC escapements for 2007, 2008 and 2009 ranged from 40,900 to 91,400 adults.

In response to the series of record low SRFC escapements, the National Marine Fisheries Service (NMFS) and Commission closed the ocean waters off California to the commercial and recreational salmon fisheries during 2008 and 2009 and offered limited fishing in 2010. As a result, the commercial and recreational salmon fisheries were declared a fishery disaster in 2008 by the State of California and the U.S. Department of Commerce. The 2009 and 2010 salmon fisheries were also declared extensions of the 2008 fishery disaster by the State of California and the U.S. Department of Commerce. The total projected economic loss to the State for recent closures of California commercial and recreational salmon fisheries in coastal marine waters and a Central Valley in-river salmon recreational fishery were \$262 million (2008) and \$279 million (2009) and \$166 million (2010). Although recreational fishing was allowed in 2010, considerable economic losses were still projected because the season was shorter in duration and was closed two days per week.

Recent Developments

On March 1, 2011, the PFMC released the Preseason Report I: Stock Abundance Analysis and Environmental Assessment Part 1 for 2011 Ocean Salmon Fisheries (Preseason Report I). The Preseason Report I projects that the 2011 SRFC preseason ocean abundance is 730,000 adult Chinook which is significantly higher than the 2010 preseason ocean abundance projection.

Based upon this new information on March 9, 2011, the PFMC recommended that the federal waters of the Fort Bragg, San Francisco, and Monterey port areas should open on April 2, 2011 to recreational salmon fishing. The minimum size limit in all areas is 24 inches total length. The NMFS will enact this recommendation in federal regulations via routine in season action.

Given this federal rule change is pending, this proposed emergency regulatory action would implement this same opening date of April 2, 2011, in Section 27.80, Title 14, CCR for state waters.

Emergency action is necessary to conform Section 27.80, Title 14, CCR, to the federal regulations in order to reduce continued adverse economic impact on the port areas of Fort Bragg, San Francisco and Monterey. If federal regulations are effective on April 2 opening the fishery, but fishing and possession of salmon continues to be prohibited in state waters as of this

date, the state alone could be held responsible for continued adverse economic consequences to these port areas. The proposed changes are necessary to bring needed economic benefit to local businesses who are recovering from the lingering effects of three years of continuous salmon fishery closures.

The standard rulemaking process will not provide sufficient time for submission, review, and filing of the conforming state regulations with the Secretary of State by April 2, 2011. The lack of emergency action would result in different state and federal regulations governing ocean salmon recreational fishing season dates in waters off California, creating confusion for the public and extreme difficulty regarding enforcement of an opening date. The lack of clarity would also result in significant hardship and increased operational and management costs to both state and federal agencies and stakeholders associated with responding to uncertainty as to what rules actually govern individual fishing activities. Thus, the Commission finds this emergency action is necessary for the immediate preservation of the public peace and general welfare pursuant to Section 240 of the Fish and Game Code.

Proposed Regulations

This regulatory action proposes amendment of Section 27.80, Title 14, CCR, concerning the recreational ocean salmon fishing seasons in the ocean waters off California. The changes for each management area are listed in the following paragraphs:

- 1) The waters between Horse Mountain and Point Arena will open on April 2, 2011.
- 2) The waters between Point Arena and Pigeon Point will open on April 2, 2011.
- 3) The waters between Pigeon Point and Point Sur will open on April 2, 2011.
- 4) The waters below Point Sur will open on April 2, 2011.

The 2011 closing dates for the above four management areas will be decided in April by the PFMC and Commission, and Section 27.80 will be amended pursuant to the regulatory process to implement these dates.

This emergency regulatory action is expected to allow salmon fishing opportunities in these four management areas approximately 1 to 2 months earlier as compared to the standard rulemaking process, consistent with the pending new federal regulations. This emergency action could result in \$8.2 million in total economic output for businesses that provide goods and services to salmon anglers and provide support for up to 84 jobs in these businesses that would otherwise be lost if regulations are delayed because they are implemented via the standard rulemaking process.

The 2008, 2009 and 2010 combined fishery disaster losses for the ocean recreational fishery were \$406 million. This emergency action will help salmon-related businesses recover from the recent salmon fishery closures and is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

Section 240 Finding

Pursuant to the authority vested in it by Section 240 of the Fish and Game Code and for the reasons set forth in the "Statement of Facts Constituting Need for Emergency Action," the Commission expressly finds that the adoption of this regulation is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

These proposed changes will help businesses that provide goods and services to salmon anglers recover from the adverse economic effects of the recent salmon fishery closures.

Public Comments on Proposed Emergency Regulations

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

In order to be considered, public comments on proposed emergency regulations must be submitted in writing to the Office of Administrative Law (OAL), 300 Capitol Mall, Room 1250, Sacramento, CA 95814; AND to the Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814, or via fax to (916) 653-5040 or via e-mail to fgc@fgc.ca.gov. Comments must identify the emergency topic and may address the finding of emergency, the standards set forth in sections 11346.1 and 11349.1 of the Government Code and Section 240 of the Fish and Game Code. Comments must be received within five calendar days of filing of the emergency regulations. The Commission anticipates filing the emergency regulations with OAL on March 21, 2011. Please refer to OAL's website (www.oal.ca.gov) to determine the date on which the regulations are filed with OAL.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the emergency regulatory action has been assessed, and the following 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 action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary to bring needed economic benefit to local businesses who are recovering from the lingering effects of three years of continuous salmon fishery closures.

This proposal to open April and May could result in an angler effort increase for sport salmon fishing of up to 33.6% for the port areas of Fort Bragg, San Francisco and Monterey. On a pro-rata basis, increasing the estimated business output for merchants that provide goods and services to salmon anglers in the State by this same percentage could result in an average projected increase of about \$8.2 million in total economic output for businesses.

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

This proposal to open April and May could result in an angler effort increase for sport salmon fishing of up to 33.6% for the port areas of Fort Bragg, San Francisco, and Monterey. On a pro-rata basis, the estimated employment impacts could result in an increase of about 84 jobs in businesses that provide goods and services to salmon anglers.

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

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. There are no new reporting requirements imposed as a result of the proposed regulations.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None

Effect on Small Business

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

Consideration of Alternatives

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes 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

Jon K. Fischer
Acting Executive Director

Dated: March 14, 2011

Regulatory Language

Section 27.80, Title 14, CCR is amended to read:

§27.80. Salmon.

(a) Methods of take:

(1) General Provisions. Only by angling as defined in Section 1.05. No sinkers or weights exceeding four pounds may be used, except that a fishing line may be attached to a sinker or weight of any size if such sinker or weight is suspended by a separate line and the fishing line is released automatically by a mechanical device from the sinker or weight when any fish is hooked. See sections 28.65 and 28.70.

(2) Barbless Hooks. No more than two (2) single point, single shank barbless hooks shall be used in the ocean north of Point Conception (34° 27'00"N. lat.) when salmon fishing or fishing from any boat or floating device with salmon on board.

(3) Other Hook Restrictions. When fishing with bait in the ocean between Horse Mountain (40° 05'00"N. lat.) and Point Conception, if angling by any means other than trolling, then no more than two (2) single point, single shank, barbless circle hooks shall be used. The distance between the two hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). A circle hook is defined as a hook with a generally circular shape, and a point which turns inwards, pointing directly to the shank at a 90 degree angle. Trolling is defined as angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions. See Section 28.65(g).

(4) One Rod Restriction north of Point Conception. Salmon may be taken by angling with no more than one rod in ocean waters north of Point Conception. See Section 28.65(e).

(b) Season:

(1) North of Horse Mountain (40° 05'00"N. lat.) and Humboldt Bay. All waters of the ocean north of Horse Mountain and in Humboldt Bay are open to salmon fishing from May 29, 2010 to September 6, 2010.

Exception: The ocean area surrounding the Klamath River mouth bounded on the north by 41° 38'48"N lat. (approximately 6 nautical miles north of the Klamath River mouth), on the south by 41° 26'48"N lat. (approximately 6 nautical miles south of the Klamath River mouth), and extending 3 nautical miles offshore is closed to salmon fishing during August. No salmon may be taken at any time in ocean waters at the mouths of the Smith and Klamath rivers and during August and September at the mouth of the Eel River. See Section 27.75.

(2) Between Horse Mountain and Point Arena (38° 57'30"N. lat.). All waters of the ocean between Horse Mountain and Point Arena ~~are will~~ open to salmon fishing ~~April 3 to September 6, 2010 2, 2011.~~ (Note: The rest of the season will be decided in April by the Pacific Fishery Management Council and California Fish

and Game Commission and the section will be amended pursuant to the regulatory process.)

(3) Between Point Arena and Pigeon Point (37° 11'00"N. lat.). All waters of the ocean between Point Arena and Pigeon Point arewill open to salmon fishing April 3, 2010 to April 30, 2010 seven days per week. From May 1, 2010 through September 6, 2010, fishing is open Thursday through Monday only 2, 2011.

(Note: The rest of the season will be decided in April by the Pacific Fishery Management Council and California Fish and Game Commission and the section will be amended pursuant to the regulatory process.)

(4) Between Pigeon Point and Point Sur (36° 18'00"N. lat.). All waters of the ocean between Pigeon Point and Point Sur arewill open to salmon fishing April 3, 2010 to April 30, 2010 seven days per week. From May 1, 2010 through September 6, 2010, fishing is open Thursday through Monday only 2, 2011.

(Note: The rest of the season will be decided in April by the Pacific Fishery Management Council and California Fish and Game Commission and the section will be amended pursuant to the regulatory process.)

(5) South of Point Sur. All waters of the ocean south of Point Sur arewill open to salmon fishing April 3, 2010 to April 30, 2010 seven days per week. From May 1, 2010 through September 6, 2010, fishing is open Thursday through Monday only 2, 2011. (Note: The rest of the season will be decided in April by the Pacific Fishery Management Council and California Fish and Game Commission and the section will be amended pursuant to the regulatory process.)

(c) Limit:

(1) Two salmon per day. See subsection (c)(2) below and Section 1.17.

(2) Statewide Silver (coho) Salmon Restrictions: No silver (coho) salmon may be retained.

(d) Minimum size:

(1) North of Horse Mountain: Twenty-four inches total length.

~~(2) South of Horse Mountain: Twenty inches total length through April 30, 2010 and twenty-four inches total length thereafter.~~

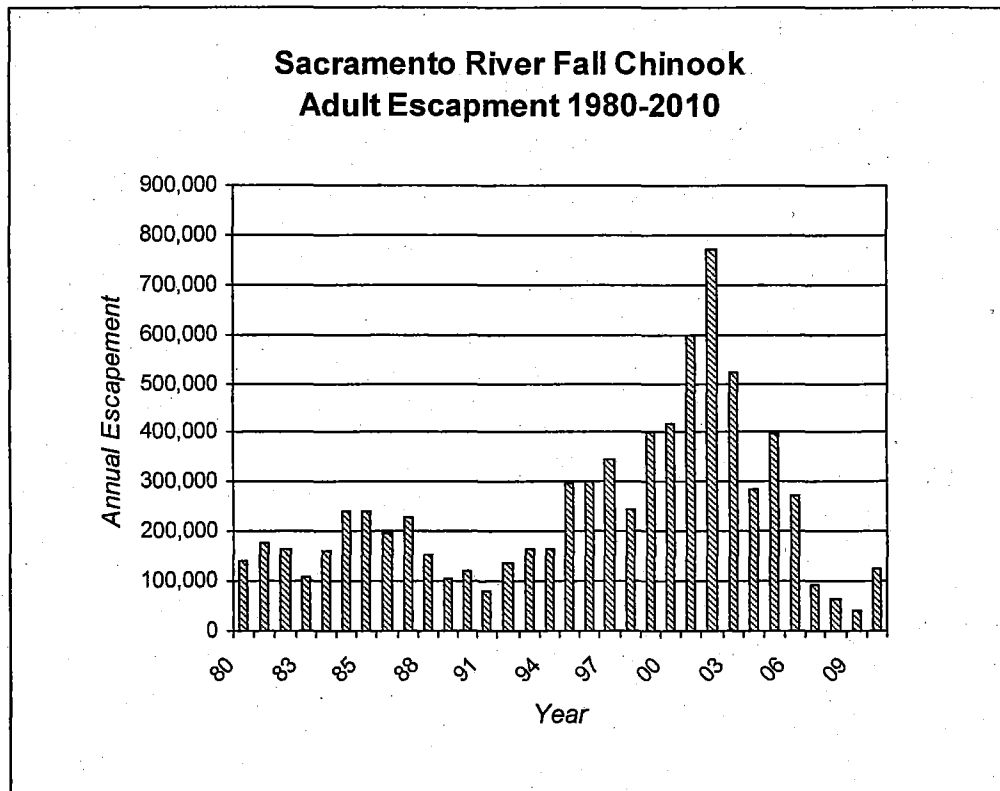
Note: Authority cited: Sections 200, 202, 205, 220, 240, 316.5 and 2084, Fish and Game Code. Reference: Sections 200, 202, 205, 316.5 and 2084, Fish and Game Code.

**CALIFORNIA FISH AND GAME COMMISSION
STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION**

Emergency Action to Amend Section 27.80
Title 14, California Code of Regulations
Re: Ocean Salmon Recreational Fishing
Conformance with Federal Regulations

I. Statement of Facts Constituting the Need for Emergency Regulatory Action:

California's commercial and recreational salmon fisheries have been severely constrained since 2007 when the Sacramento River Fall Chinook (SRFC) escapement failed to meet the minimum level of its conservation objective of the Pacific Fishery Management Council's (PFMC) Fishery Management Plan (FMP). The FMP conservation objective is an annual SRFC escapement range of 122,000 to 180,000 hatchery and natural adult spawners. The SRFC escapements for 2007, 2008 and 2009 ranged from 40,900 to 91,400 adults as shown below.



In response to the series of record low SRFC escapements, the National Marine Fisheries Service (NMFS) and California Fish and Game Commission (Commission) closed the ocean waters off California to the

commercial and recreational salmon fisheries during 2008 and 2009 and offered limited fishing in 2010. As a result, the commercial and recreational salmon fisheries were declared a fishery disaster in 2008 by the State of California and the U.S. Department of Commerce. The 2009 and 2010 salmon fisheries were also declared extensions of the 2008 fishery disaster by the State of California and the U.S. Department of Commerce. The total projected economic loss to the State for recent closures of California commercial and recreational salmon fisheries in coastal marine waters and a Central Valley in-river salmon recreational fishery were \$262 million (2008) and \$279 million (2009) and \$166 million (2010). Although recreational fishing was allowed in 2010, considerable economic losses were still projected because the season was shorter in duration and was closed two days per week.

Recent Developments

On March 1, 2011, the PFMC released the Preseason Report I: Stock Abundance Analysis and Environmental Assessment Part 1 for 2011 Ocean Salmon Fisheries (Preseason Report I). The Preseason Report I projects that the 2011 SRFC preseason ocean abundance is 730,000 adult Chinook which is significantly higher than the 2010 preseason ocean abundance projection.

Based upon this new information on March 9, 2011, the PFMC recommended that the federal waters of the Fort Bragg, San Francisco, and Monterey port areas should open on April 2, 2011 to recreational salmon fishing. The minimum size limit in all areas is 24 inches total length. The NMFS will enact this recommendation via a routine inseason action.

Given this federal rule change is pending, this proposed emergency regulatory action would implement this same opening date of April 2, 2011, in Section 27.80, Title 14, CCR for state waters along with a statewide size limit of 24 inches.

Emergency action is necessary to conform Section 27.80, Title 14, CCR, to the federal regulations in order to reduce continued adverse economic impact on the port areas of Fort Bragg, San Francisco and Monterey. If federal regulations are effective on April 2 opening the fishery, but fishing and possession of salmon continues to be prohibited in state waters as of this date, the state alone could be held responsible for continued adverse economic consequences to these port areas. The proposed changes are necessary to bring needed economic benefit to local businesses who are recovering from the lingering effects of three years of continuous salmon fishery closures.

The standard rulemaking process will not provide sufficient time for submission, review, and filing of the conforming state regulations with the Secretary of State by April 2, 2011. The lack of emergency action would result in different state and federal regulations governing ocean salmon recreational fishing season dates in waters off California, creating confusion for the public and extreme difficulty regarding enforcement of an opening date. The lack of clarity would also result in significant hardship and increased operational and management costs to both state and federal agencies and stakeholders associated with responding to uncertainty as to what rules actually govern individual fishing activities. Thus, the Commission finds this emergency action is necessary for the immediate preservation of the public peace and general welfare pursuant to Section 240 of the Fish and Game Code.

Proposed Regulations

This regulatory action proposes amendment of Section 27.80, Title 14, CCR, concerning the recreational ocean salmon fishing seasons and the statewide size limit of 24 inches in the ocean waters off California. The changes for each management area are listed in the following paragraphs:

- 1) The waters between Horse Mountain and Point Arena will open on April 2, 2011.
- 2) The waters between Point Arena and Pigeon Point will open on April 2, 2011.
- 3) The waters between Pigeon Point and Point Sur will open on April 2, 2011.
- 4) The waters below Point Sur will open on April 2, 2011.

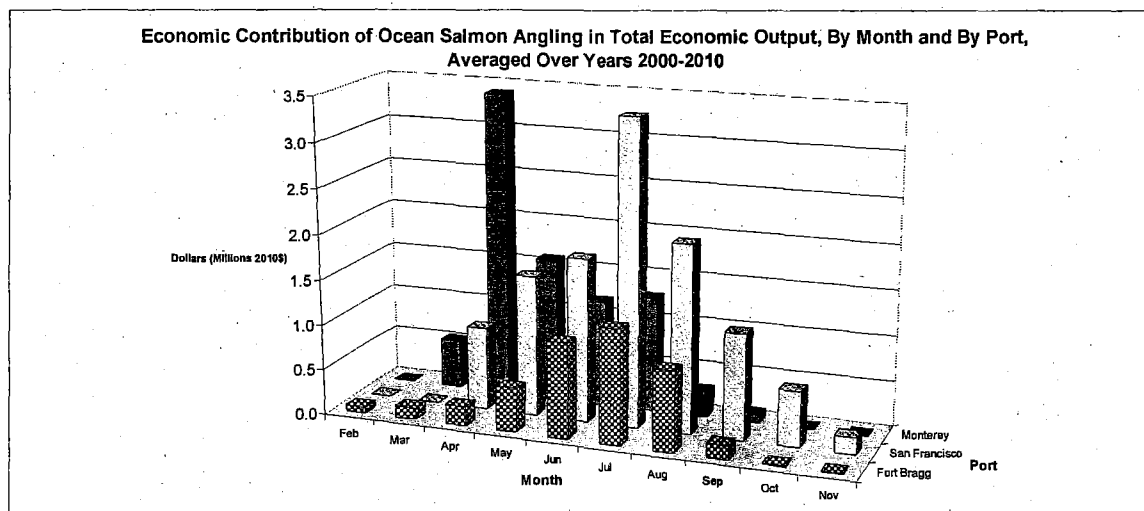
The 2011 closing dates for the above four management areas will be decided in April by the PFMC and Commission, and Section 27.80 will be amended pursuant to the regulatory process to implement these dates.

Justification

In 2010, the 2011 opening dates for recreational salmon fisheries south of Horse Mountain were not established by the PFMC for the first time since 1977 to enhance protection of SRFC due to the stock failing to meet the minimum conservation objective for three consecutive years and the uncertainty in the recent abundance forecasts. Prior to the 2008 and 2009 salmon fishery closures, the recreational salmon fishery always opened on the Saturday nearest February 15 in Fort Bragg and on the first Saturday in April for the San Francisco and Monterey port areas. These opening dates were always enacted the prior year during the PFMC process.

The April and May ocean recreational salmon fisheries are very important economically to the Fort Bragg, San Francisco, and Monterey port areas.

For the Fort Bragg port area, April and May accounts for about 4.9% and 11.4%, respectively, of that coastal community's total economic benefit from each salmon season. For the San Francisco port area, April and May accounts for 7.8% and 13.3%, respectively, of that community's total economic benefit from each salmon season. For the Monterey port area, April and May accounts for 40.7% and 19.0%, respectively, of that community's total economic benefit from each salmon season.



When limited salmon fishing reopened in 2010 after being closed for two successive seasons, April was a particularly important month for several port areas and a significant portion of the salmon revenue for the entire season was generated in that month. 35% of all salmon angler trips and 31% of all Charter Passenger Fishing Vessels (CPFV) salmon trips occurred in April. The April 2010 angler trips for Monterey were 20% higher as compared to the 2000-07 mean number of angler trips. Fort Bragg port showed a similar 15% jump for the same comparison while San Francisco port dropped 5.3%. The poor San Francisco salmon fishing in April 2010 was primarily due to bad weather and longer travel times to the fishing grounds.

In addition, the CPFV fleets in the Fort Bragg, San Francisco, and Monterey port areas have been severely reduced as a result of being closed or significantly constrained for three successive salmon seasons, which is compounded by a poor economy in general and significant increases in fuel prices. Since 2001, the number of CPFVs targeting salmon has decreased almost 30% (120 to 86) in California. The CPFV fleet has decreased 53%, 45% and 13% in Fort Bragg (number=8), Monterey (number=22) and San Francisco ports (number=49), respectively. Many CPFVs in San Francisco and Monterey switched to

sight-seeing and/or whale-watching trips in order to survive economically during the salmon fishery closures in recent years.

Industry contacts indicated that there has been a 30% reduction in coastal retail businesses that provide goods and services to salmon anglers. The economic benefit of opening April and May is desperately needed to keep the salmon-related businesses from suffering continued losses during these fiscally challenging times.

This emergency regulatory action is expected to allow salmon fishing opportunities in these four management areas approximately 1 to 2 months earlier as compared to the standard rulemaking process, consistent with the pending new federal regulations. This emergency action could result in \$8.2 million in total economic output for businesses that provide goods and services to salmon anglers and provide support for up to 84 jobs in these businesses that would otherwise be lost if regulations are delayed because they are implemented via the standard rulemaking process.

The 2008, 2009 and 2010 combined fishery disaster losses for the ocean recreational fishery were \$406 million. This emergency action will help salmon-related businesses recover from the recent salmon fishery closures and is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

II. Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

III. Impact of Regulatory Action:

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

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

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

proposed changes are necessary to bring needed economic benefit to local businesses who are recovering from the lingering effects of three years of continuous salmon fishery closures.

This proposal to open April and May could result in an angler effort increase for sport salmon fishing of up to 33.6% for the port areas of Fort Bragg, San Francisco and Monterey. On a pro-rata basis, increasing the estimated business output for merchants that provide goods and services to salmon anglers in the State by this same percentage could result in an average projected increase of about \$8.2 million in total economic output for businesses.

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

This proposal to open April and May could result in an angler effort increase for sport salmon fishing of up to 33.6% for the port areas of Fort Bragg, San Francisco, and Monterey. On a pro-rata basis, the estimated employment impacts could result in an increase of about 84 jobs in businesses that provide goods and services to salmon anglers.

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

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. There are no new reporting requirements imposed as a result of the proposed regulations.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None

IV. Plain English Statement:

It has been determined that the amendment of these regulations may affect small businesses. The Commission has drafted the regulations in

Plain English pursuant to Government Code sections 11342(e) and 11346.2(a)(1).

V. Authority and Reference:

The Fish and Game Commission proposes this emergency action pursuant to the authority vested by sections 200, 202, 205, 220, 240, 316.5, and 2084 of the Fish and Game Code and to implement, interpret, or make specific sections 200, 202, 205, 316.5, and 2084 of said Code.

VI. Express Finding of Emergency:

Pursuant to the authority vested in it by Section 240 of the Fish and Game Code and for the reasons set forth above in the "Statement of Facts Constituting Need for Emergency Action," the Commission expressly finds that the adoption of this regulation is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

These proposed changes will help businesses, that provide goods and services to salmon anglers, recover from the adverse economic effects of the recent salmon fishery closures.

VII. Specific Agency Statutory Requirements:

The Commission has complied with the special statutory requirements governing the adoption of emergency regulations pursuant to Section 240 of the Fish and Game Code. The Commission will hold a public hearing on this regulation on March 14, 2011, and the above finding that this regulation is necessary for the immediate preservation of the public peace, health and safety, or general welfare, meets the requirements of Section 240.

VIII. Documents Relied Upon for Rulemaking:

PFMC, 2011, *Preseason Report I: Stock Abundance Analysis and Environmental Assessment Part 1 for 2011 Ocean Salmon Fisheries*, PFMC, 7700 NE Ambassador Place, Suite 200, Portland, Oregon 97220-1384.

Informative Digest (Plain English Overview)

California's commercial and recreational salmon fisheries have been severely constrained since 2007 when the Sacramento River Fall Chinook (SRFC) escapement failed to meet the minimum level of its conservation objective of the Pacific Fishery Management Council's (PFMC) Fishery Management Plan (FMP). The FMP conservation objective is an annual SRFC escapement range of 122,000 to 180,000 hatchery and natural adult spawners. The SRFC escapements for 2007, 2008 and 2009 ranged from 40,900 to 91,400 adults.

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The 2008, 2009 and 2010 combined fishery disaster losses for the ocean recreational fishery were \$406 million. This emergency action will help salmon-related businesses recover from the recent salmon fishery closures and is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

The decision may have already been made - or not - seems there's both stories out there. Please consider these ideas re Sharp Park golf course from someone who does not play golf but has walked many a course with friends and family (in Hawaii, Alaska, Bali, and St. Andrews - as well as Lincoln, Harding, & Sharp Park) and who does not do bird counts or keep lists of rare sightings but has belonged to many flora and fauna groups (including the Audubon Society, WWT, Nature Conservancy, Environmental Defense Fund, National Wildlife Fund, Earth Share, Greenpeace, Ducks Unlimited) and taken countless guided & unguided bird wilderness, and other nature walks.

Sharp Park is one of the rare places anyone can walk & enjoy both the beach and ocean on one side and beautiful grasses, pond, rolling hills up to small mountains on the other - while playing golf or not. One can even watch the people - playing golf or not. The Ohlone made their boats as well as sheltered their possessions in structures made from similar reeds to those allowed to develop as part of the course. I understand the making of the course is what actually brought in, allowed to flourish the two species about which concern is now raised. I like the new bird walk area at the south end and the picnic & walkway area dedicated to my neighbor Mr. Sampson at the north end: both these bring different additional groups to walk the berm and share the space - not separate & isolate unnecessarily. Let's keep this unusual opportunity going. Golf is not on a links course - and we don't have too many of them. Let's preserve this one. As well as my niece's memory of the great blue heron - bigger than they are - flushed walking beside the golf course beside the

Chantal A. Handley
390 Polone Avenue
Pacific, Ca. 94044

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OFFICE OF SUPERVISORS
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To: BOS Constituent Mail Distribution, Cheryl Adams/CTYATT,
Cc:
Bcc:
Subject: File 110206 Parkmerced - 110206 - March 29th, 4:00pm

Jay
Cpage

From: Aaron Goodman <amgodman@yahoo.com>
To: board.of.supervisors@sfgov.org
Cc: rick.caldeira@sfgov.org, joy.lamug@sfgov.org, rick.cooper@sfgov.org, bill.wycko.com@sfgov.org, linda.avery@sfgov.org
Date: 03/20/2011 11:01 PM
Subject: Parkmerced - 110206 - March 29th, 4:00pm

SF Board of Supervisors;

Please find the following items attached;

- a) bullet points on the parkmerced project*
- b) memo sent prior on Parkmerced as part of the overall SF Green-Belt and concerns for the impacts of cummalative projects on Parkmerced.*
- c) (unable to attach, but in the documents submitted prior) - the 30 pages of drawings I submitted to the SF Planning Commissioners, prior during the Dec 9th meeting at SFSU, and the Feb. 10th hearing at the SF Planning Commission. The original documents were submitted in color and represent a feasible alternative focused on protecting the landscape, direct tier-5 implementation of transit FIRST, and addressing of the tower's, and lack of cummalative-impact, and infill based alternatives by the SF Planning Department. There are infill drawings of the existing blocks I did a quick study of infill on the pie-shaped block, as an example of infill, and gave three density study's based on the existing shapes/sizes which could still meet many of the goals of the developer through infill based efforts.*
- d) memo submitted to the SF Planning Commission on alternatives and requirements per CEQA.*
- e) final memo submitted to the SF Planning Commission on legal issues.*
- f) NTHP memo signed by organizations on the issues.*

Also I hope you all will look carefully at the FULL, Parkmerced overall docket for your review. Including me sent by organizations, national/local memo of 6 organizations (NTHP National Trust for Historic Preservation) memo on terming the open-space in parkmerced as "courtyards" for the benefit of the developer by attorney's representing Stellar (Gibson Dunn & Crutcher) ignoring the open-space loss to tenants. The SFPUC memo's on the preferential alternative of "grade-seperation" of transit/traffic/pedestrians on 19th ave. And the historic resource analysis by Page & Turnbull which intentionally inadequately addresses the issue of the cummalativ impacts on the landscape internal courtyards in parkmerced.

There are many points and issues raised by the appellants, all of which are sincere and concerning, echoed by the comments of commissioner's at the SF Planning Commission hearing on the CEQA and EIR issues. I have spent over 5 years on this issue due to the SFSU-CSU Masterplan, and Parkmerced Vision Projects. I do not believe that many of the SFBOS sitting currently have seen parkmerced through an independent or architectural (design/concept driven eye), or toured with me the site. Standing at the intersection of 19th and Junipero Ser and then walking the entire site, internal courtyards, and sold-off sites, provides a complex view of the impact on one singular development, on numerous sites, and issues that range from our housing situation in SF, to

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open-space, the urban green-belt, transit issues/gridlock on 19th, and newly stated projects (creative arts center, at SFSU-CSU, and possibly future projects at Stonestown, that will assuredly change the character of this district. I see little true reason when we see 800k units being built throughout the city, and little of the type of housing Parkmerced represents.

We need a herman hertberger, we need social housing, we need Parkmerced.






We should not allow development greed to turn what is a shining example of how housing SHOULD be built into a developer's cash-box. We do not have to save Parkmerced in a time-capsule, but the current plans, ignore any semblance of sustainable adaptive re-use, or concern for the existing tower residents long-term. The quake in Japan is indicative of not only Parkmerced's future housing stock, the PG&E lines, the liquifaction of soil at this location, and the lack of housing -1,000 units post the SFSU-CSU purchase of Stonestown (UPN) and Parkmerced blocks (UPS).

We cannot address everything, but we CAN require a more open-process of decision making in the design and solution(S) we entertain. I hope you will reject the project, support the appellants and organizations who are opposed, and stand not only for the existing community, but the need for future development that provide RENTAL housing for our working class citizens of the future.

3,000 per month is not affordable for working class rental housing, and neither is 800k for a 1 bedroom..... We need to do better, sooner, and with more care and concern for the existing communities we are impacting

Sincerely

Aaron Goodman
amgodman@yahoo.com

 100617_plancommission.pdf  Parkmerced.pdf  PARKMERCED BULLET POINTS.pdf
 parkmerced_finalmemo2.pdf  NTHP_memo.pdf

June 17th, 2010 5:30pm SF Planning Department "DEIR" hearing on Parkmerced

Project DEIR #2008.0021E

Per CEQA Section 15064 public agencies and especially certified local governments must carefully consider **ANY** potentially feasible alternative which may avoid or minimize a significant environmental impact. The demolition of an entire community and cultural landscape is significant, and Per the California Resource Code Section 21002 and CEQA section 15126-6 it states that **the EIR must contain a fair and thorough discussion of potentially feasible alternative(s) (note the "PLURAL") which do not involve demolition.**

The project sponsor's and planning departments elimination of Option G-a "INFILL PRESERVATION OPTION" intentionally **UNFAIRLY** removes the one option that best serves to mitigate the loss of a cultural landscape site eligible for the state and national register. It also fails to look at the existing zoning and adjacent sold off sites, or the 19th Ave. planning department study for options in development and "equity" density as a proposal to mitigate the impacts on Parkmerced's prior boundaries.

By ignoring the entire district of Parkmerced's original 191 acres, and by submitting long-term programmatic EIR's of the SFSU-CSU Masterplan, and Parkmerced "Vision" projects ignores the options that protect the integrity of the district of Parkmerced, along with not considering cumulatively the EIR's and future proposed growth such as at Stonestown that are noted as possible future developments. The Parkmerced Investor's, SFSU-CSU Masterplanner's, and SF Planning Department's JOINT efforts at limiting the alternatives reviewed, are circumventing adequate historical resource review, the addressing of SOCIAL and low-middle income rental housing impacts and needs in the city and county of San Francisco.

This is extreme negligence in following CEQA state laws, and the parameters of the SF General Plan, by a public certified agency.

Please reconsider your prior decision to eliminate option G-a, based on financial, environmental, and historic preservation principles of sustainable redevelopment.

Sincerely

Aaron Goodman
25 Lisbon St. SF, CA 94112
amgodman@yahoo.com

cc: Bill Wycko Environmental Review Officer as submitted comments on June 17th, 2010 5:30pm

Parkmerced – (simplicity, utility, and beauty) and a “national park” as well?

What parks or open-space areas do you think of when you look at an aerial photo of San Francisco? The Presidio, Golden-Gate Park, Stern Grove, McLaren Park would be some of the first and foremost sites mentioned by locals, second would be some of the local public and private golf courses, perhaps even Lake Merced, yet how many would state “Parkmerced” let alone see it as a public **PARK** or amenity of open-space, landscape extravagance, or even off-hand suggest that it be eligible for California register of Historic Resources, or the National Register of Historic Places? Yet it is, and currently the site is under extreme development pressures by the SFSU-CSU Masterplan and Parkmerced Vision Projects simultaneously.

Parkmerced is important as a planned garden city, and per Charles Birnbaum founder and president of The Cultural Landscape Foundation www.tclf.org Parkmerced is “without question of national significance and is likely eligible to the National Register of Historic Places. Furthermore, the significance of the historic designed landscape suggest that the site is a potential National Historic Landmark Candidate, an elite group of less than 2,600 properties (of which less than 60 have significance in Landscape Architecture). “

Parkmerced reflects an important development of essential rental housing stock for low-middle income residents of the city, and is representative of one of the earliest wartime planned residential communities in San Francisco and the Bay Area. Parkmerced was prior an island of affordable multi-family rental units surrounded by some of the most suburban neighborhoods of San Francisco, neighborhoods composed of expensive single family homes and golf-courses. Currently the existing housing stock of the district has been cut by over 1,000 units due to the expansion of the SFSU-CSU university campus which has drastically effected family housing stock, availability and pricing due to student turn-over in the Stonestown and Parkmerced units. The purchase in 2000-2003 of the Stonestown Apartments and portions of Parkmerced have initiated MOU’s and negotiations that have not reflected the actual impacts on the surrounding communities. There has been little change in the housing rental stock built since Parkmerced and few social or affordable alternatives to renter’s in San Francisco due to consistent battles between housing developers and tenant advocates. Perhaps the effort between the city of San Francisco and Met-Life deserves another more closer look in terms of the incentivization to build rental housing at a larger scale.

Parkmerced is significant as a historic district designed as a single composition by the work of master-class landscape architect Thomas Church. Church is considered to be the most talented and influential landscape architect of the modern period. He was a figure with both a national and an international reputation, spreading notions of livable, low-maintenance garden design through popular magazines like House Beautiful and Sunset, and in his book Gardens Are For People (1955). Parkmerced is Church’s largest extant work, and one of his few residential landscapes that is generally accessible to the public as most are private gardens and off-limits to the public. Compared to other landscape works from the period Parkmerced was highly innovative design, with curving walks and biomorphic shapes defining central lawns. Parkmerced’s details only come to light upon walking and moving between the internal garden areas and seeing the units internally through the eyes of its tenants. Parkmerced is significant on

a local and national level as there is no other development in San Francisco that represents in such a distinctive manner and with such great integrity the feeling and character of a modern garden city.

Metropolitan-Life Insurance's intentions of the original development of Parkmerced may never be fully realized, yet some of the issues that propelled this effort are in the old Fortune Magazine article on housing in 1946. In creating an integrated landscape/urban/architectural oasis in the middle of an ever expanding gridded street layout in the city and county of San Francisco when Metropolitan Life Insurance Company Built Parkmerced in the 1940's. The beaux-arts street plan curvilinear landscape forms and simple utilitarian design was meant as one of the first garden apartment community experiments in San Francisco at a time when affordable housing concerns due to returning World War 2 Veterans was at an extreme. Thomas Dolliver Church (a master-class landscape architect with mainly private residence work) and Leonard Schultze (Architect) crafted a wonderful palette of internal and external areas on the site, grading and planting the areas, integrating density and keeping the buildings low-scale to allow for the local microclimate. It was considered one of San Francisco's first "transit-orientated-developments" and still today hosts a great variety of residents (immigrant families, students, seniors, working class low-mid income groups, families, and disabled). There are many issues currently that surround the Parkmerced project due to the intentions of the developer, and joint impacts by San Francisco State University (CSU) that are scheduled to start on October 21st for utility line work for a future "creative arts center" on the prior open-space and community center amenities of the original Parkmerced construction and site outline. The DEIR on Parkmerced and the EIR approved by the CSU Regents lacked an adequate description of the affected development of Parkmerced. By avoiding the need to identify or adequately describe a baseline in both projects it is impossible to analyze the actual impacts on Parkmerced by the dual projects proposed (CEQA Guideline Paragraph 15125). This work is being fast-tracked, and was mentioned as being under "pressure" by SF Planning Commissioners at a recent hearing. It is surprising that the University is quickly jump-starting their efforts as noted in the SFSU-Xpress prior to the issuance of the memo's on Parkmerced's DEIR (comments and responses) or the actual initiation hearing on Oct. 21st, and scheduled hearing on November 18th 2010.

The real question is why does the developer consistently force individuals to choose between historic preservation and environmental sustainability? These issues are not separate but joined very closely when you see how many European cities develop infill projects that include modern well planned designs internally in existing urban communities. It really is a question of whether the city, planners, politicians, and residents really understand what is at risk in the proposed demolition and acquiescence to a developer on transit routing, parking, open-space loss, and legal rental housing issues involved. The developer claims this project is a "0-carbon-emissions" project, yet the idea alone of demolishing an entire neighborhood including trees, vegetation and infrastructure, cannot be construed as "green" or "sustainable". There is little hard facts or info on the measurement or lost imbued energy of the impacts of such a wholesale demolition, and the sustainability claims of the sponsors are unsupported by any real independent analysis. There has been little factual third party evidence on the "soundness" of the garden units which is a required document when proposing demolition through the SF Department of Building Inspection, nor information on the structural integrity of the tower units built in the 1940's pre-dating the structural knowledge of today on seismic concrete construction. Most of the

renovation work to date by Stellar Management has been quick cosmetic work on flipping the property on the garden units while extolling the virtues of saving the tower units and remaining within the limits of what they would be allowed to build per current zoning, and the efforts to stay below the height-plane of view cones of adjacent neighborhoods and home-owners. The views of Parkmerced from surrounding areas provide a much varied and topographical view of change in the district, that provides consistent views of towers that not only break the sky-plane visually, but suggest that Parkmerced's options ignore the possibility of replacing and increasing the tower heights by 10 stories to help alleviate the demolition of the garden units. The one option that utilized infill as a sound basis was eliminated as not meeting the project sponsors "goals". What should the goals be on such a redevelopment of land, and project that violates multiple sections of the SF General Plan, and provides little remorse or respect for the existing work of a master-class landscape architect?

Finally the current financial issues of Stellar have been documented coast to coast due to predatory equity lending issues of the other Met-Life rental property in New York City Peter Cooper-Stuyvesant Town. The developers proposal to re-route and pay for muni in addition to parking 11,000 cars at 1:1 parking seem far from "green" when dead-ending the muni trains, and criss-crossing 19th Ave. with little direct transit routing or discussion on alternative transit projects that would help jump-start the Tier-5 level transit changes needed in a district clogged bumper to bumper in cross-county traffic. Financially who will be there to ensure the full build-out or address the future seismic events, or considerable legal concern on the promises being made towards equal units in size and space to existing residents. There is also little statement on the lack of flexibility for existing residents when needing to move on site due to any change in familial class. Instead the majority of new renter's are out of state, international new arrivals, or SFSU-CSU students who will be little likely to afford the new Parkmerced proposed.

There is also little mention of the memo submitted by the legal firm of Gibson, Dunn & Crutcher by a Mr. Jim Abrams that notes Stellar management's Seth Mallen agreeing with their legal team in a memo to the SF Planning Department that there was a need to label the courtyards as "COURTYARDS" neither using the terms public or private, in which the developers team sticks with using the term "courtyards" in the diagrams and existing and proposed open-space plans. This was noted to be an error in both the Page & Turnbull and SOM documents submitted to the SF Planning Department in the EIR's submitted since open-space has not been calculated in terms of loss based on the overall site, and range of privacy levels created within the internal gardens at Parkmerced. The National Trust for Historic Preservation noted very accurately that the proposed re-design would be a REDUCTION of open space per unit from 1,015 square feet per unit to 333 square feet per unit.

The lack of any alternative that adequately looked at preserving the landscape internal courtyards that are eligible for the National Register Landmarking status, should bring pause or reflectivity by the SF Planning Commission prior to rushing to judgment on this project. There has been noted by multiple tenancy organizations including Tenants Together the new state-wide renter's rights organization www.tenants-together.org the concern on case-laws currently that negate the promises being made by Stellar Management on the rent-controlled status of existing residents. Current construction of rental units in the city, and the lack of any semblance of social or affordable rental housing of adequate size

and scale of Parkmerced are nowhere on the horizon, and the city and state seem ill-adept at conceiving or creating the motivation that helped to jump-start Met-Life on Parkmerced in the 1940's.

The impacts on Parkmerced are profound, yet the understanding of what is at risk and what should be done to prevent the loss, is an education issue of the public that preservation groups can only help in the basic effort on, and are not understood fully by the public, nor in the planning departments or owners public hearings to date. It is therefore extremely important that the public be made aware by the press, of the issues involved and what is genuinely at risk. I would propose that it is a PARK, a cultural landscape of a shared community of low-mid income people that should be protected, it is made of internal and external private, semi-private, and public areas and a rare PUBLIC example of a master-class landscape architects work in the bay area, that helped to define the term MODERN LANDSCAPE DESIGN in the country. Is it worthy of National Register status, or should it be demolished and repaved into a typical rectilinear gridded street design to achieve highest and best use and maximal density? Parkmerced is a UNIQUE site and the aerial view by landscape architect Tom Fox was published in The Cultural Landscape Foundations "Marvels of Modernism, Landscapes at Risk 2008" in a travelling exhibition that was published in Garden Magazine and DWR stores nationwide. Parkmerced may never be replicated due to urban land costs, and cannot be rebuilt elsewhere due to today's construction costs alone. Architects, Cities and our government in general have lost the ability to conceptualize social housing experimentally and build in the same grandness of the garden city movement that was so visually solved in the Met-Life projects nationwide in ParkFairfax, ParkLaBrea, and Peter-Cooper Stuysevant Town. The Parkmerced "vision" project and CSU-SFSU "masterplan", projects can physically be built anywhere in the country and could be great impetus for new garden city movements in other parts of the country versus typical suburban sprawl that seems to have found its way across the valley in California. Perhaps it is time to consider seriously that Parkmerced is a genuine learning center for how and in what ways landscape design, urban planning and architecture can invigorate the discussion and elevate architecture as a profession in our current financial and social ills as a society. Parkmerced's design brought together the wealth of a nation returning from war, to a construction phase and development effort unseen since in our nation's history. The Parkmerced development served as a wonderful example of design planning and reiterations improved upon and worked on by landscape architects in depths that helped to re-define our connection to landscapes, open-space, and the need to provide each and every citizen with a true feeling of belonging in our communities, by providing infrastructure, transit, amenities, schools, and open-space shared in a social experiment that seems currently un-attainable in urban areas socio-economically. The historical part of San Francisco that documents modern changes in housing, landscape and planning is visible in Parkmerced, and provides a wonderful public amenity too essential to risk losing in how our cities are being dis-invested in time for speculative vultures to pick off such sites for redevelopment. Parkmerced can serve as a key new entry point into San Francisco, it does not need to be frozen in form, it deserves much more time to work within its boundaries and courtyards to engender more positive adaptive re-use in its rejuvenation, alternatives and options need to be explored and should not be signed off quickly due to development pressures, nor internal machinations of parties not versed in the value of a park or green space in a very dense city. Preserve Parkmerced, it is a Park worth keeping when we seem to lose

cultural landscapes daily due to a lack of understanding on the actual value open-space and landscape architecture have in our history of our cities development patterns.

Sincerely

Aaron Goodman (District 11 Resident / Architect)

PARKMERCED BULLET POINTS

- Sustainability **MUST** include Preservation alternatives including **INFILL**.
- Tearing down **SOUND** garden units without proof of deterioration is against the SF General Plan. An independent analysis on the existing buildings conditions is required.
- The project would destroy the unique and diverse community of over 8,000 people at Parkmerced. Parkmerced was built after World War II as an affordable rental housing community for working families. It must be preserved, not bulldozed;
- The project would demolish over 1500 units of sound, rent-controlled housing. With our city's rental housing scarcity, San Francisco needs to preserve, not demolish, its rent-controlled housing units;
- The project would subject residents of southwest San Francisco to decades of large scale construction, including traffic, noise, utility disruptions and pollution. The project is scheduled to last an astounding 20 – 30 years;
- The proposal would turn the fate of more than 8000 San Franciscans over to speculators engaged in the type of reckless real estate schemes that have failed across the nation. Even the city's consultants concluded that the project is on shaky financial footing
- No information provided on the water consumption to regrade and replant 191.2 acres
- Direct Tier-5 stated future routing of transit along 19th through grade level change is not explored sufficiently as a current proposal/alternative to relieve traffic issues.
- No information on structural stability of the existing 11 towers.
- Financial lack of analysis on savings utilizing the Mills Act for preservation restoration
- The lack of alternatives being explored, or adequately analyzed and commented on by the SF Planning Department, Commissioners, and SFHPC.
- No information on the total loss of amenities to tenants since 2000 sell off of lands.
- The lack of any historical analysis that adequately reviews the total cumulative impact on parkmerced as a historic district. Both the SFSU-CSU "Masterplan" and Parkmerced "Vision" projects ignore intentionally the other's impact on Parkmerced as an entity circumventing CEQA analysis on historical eligible properties.
- Overall tree-scape/landscape loss since the sale from Leona Helmsley to today
- The lack of a cumulative plan that diverts development pressures to the SFSU-CSU Stonestown, and South/Eastern commercial and sold off sites along the outer edges of Parkmerced's designed core.
- The lack of any ecological low-impact project as proposed by the SFPUC such as a green-belt-way concept down brotherhood along the existing creekbed, and with a new public park at 800 brotherhood way
- The false equation and lack of value assessed in the developer agreement that the open-space loss, private patios, public shared spaces, private courtyards, walkways, hardscape and softscape, and national landmark eligible design as a cultural landscape is being "equated" to a new washer-dryer-dishwasher in the statement by the MOEWD. The landscape is "**PRICELESS**" as the only public accessible example of Thomas Dolliver Church's work. Garden unit residents are losing 2/3rds of there current open-space from 1,100sf per unit to almost 333 sf per unit per the National Trust for Historic Preservation's memo submitted on the draft EIR of Parkmerced.
- The energy carbon footprint of the new development vs. a more preservation based alternative utilizing infill and options needs to be submitted by separate third party organizations to adequately determine the "green-levels" of the project being claimed by the developer including recent renovations to date and the cumulative impacts by SFSU's project jointly.
- **SB375** is being used to circumvent adequate CEQA analysis
- State tenancy laws such as costa-hawkins, and other recent case law state clearly in appeals that the city **CANNOT** contract around state law in its agreements with developers on rent-controlled housing and replacement units.

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

Re: February 10th, 2011 SF Planning Commission hearing on Parkmerced (3:30pm)

Dear President Chiu and Supervisors:

I am writing this final memo on behalf of the Parkmerced Action Coalition residents in opposition to the development project proposed for Parkmerced. The project proposals by both the Parkmerced "Vision" project, and the SFSU-CSU "Masterplan" projects jointly and cumulatively NEGATIVELY affect the 191.2 acres of the Met-Life Development by Leonard Schultz and Thomas Dolliver Church. As a singularly designed entity as a district eligible for the local state and national register's as a historic district and cultural landscape property the proposals before you lack any adequate mitigation proposal to save and preserve at the most basic level the landscape and open-space masterplanned design at risk. Short shrift has been given to the issues of carbon-footprint, direct grade-seperation for transit, and the open-space loss of amenities prior to and in the proposed development agreements.

The advocacy of national organizations to raise awareness of this site's importance, and the efforts by tenants rights groups to shed light on the improprieties of the development agreement and promises that are non-enforceable in a court of law per current case law indicates repeatedly the questionability of these "agreements". The prior negotiations between city agencies and SFSU-CSU on the "Masterplan" for the college campus and the LACK of true fair-share impacts assessed to the CSU campus per "City of Marina vs. CSU" indicate a "too close relationship" between city, state and developer interests. When the benefit of the developer, CSU planners, SFMTA, and investors take priority over peoples homes and lives we are no longer a city that adheres to the principles of the SF General Plan and the proper and adequate development of essential housing.

We sadly are consistently removing people, and neighborhoods from our city, and replacing them with towers, denser urban fabric, and a total lack of adequate infrastructure planning. While politicians play with there roles in terms of preservation, and adequate CEQA analysis, we are losing open-space, and the few gems we have left in terms of publicly accessible landscapes, and the urban planning variety they show our future generations. I have consistently opposed both projects not just on principles but on gut feeling as an architect that this proposal is WRONG for our neighborhoods and urban fabric. Overseas in many European countries, infill would be the proper response. Here it is tabled

and shoveled under the doormat. I do not consider the current development plan to be adequately reviewed and proper mitigation measures included. The project should be cancelled, until the developer and architect can bring another more reasonable concept to the table inclusive of preservation.

I thus strongly oppose the project for the following reasons:

A) Lincoln Place Tenants Assn. v. City of Los Angeles (2005) 130 Cal. App. 4th 1491

B) Lincoln Place Tenants Assn. v. City of Los Angeles (2007) 155 Cal. App. 4th 425

C) Buena Vista Gardens Apartments v. City of San Diego Planning Department (1985) 175 Cal.App.3d 289. [In this case the court invalidated a project to demolish and redevelop a large affordable apartment complex, because the City's General Plan's Housing Element did not comply with the requirements of the Government Code for a Housing Element.]

D) Camp v. Mendocino County Board of Supervisors (1981) 123 Cal.App.3d 334. [In this case the court enjoined the entire county of Mendocino from any further approval of anything until they cleaned up their General Plan, which lacked a land use element and noise element.]

E) City of Marina et Al. vs. Board of Trustees of the California State University (2006) 109 Cal. App. 4th 1179 [‘fair-share’ impact fees assessed to the CSU in terms of the proposed growth, including impacts on housing, transportation, openspace, parking, traffic]

F) Laurel Heights Improvement Assn. vs. Regents of University of California (1988) 47 Cal.3d 376, 392, quoting Pub.Resources Code, § 21000, subd. (a); see also CEQA Guidelines, § 15003, subd.(a).) “ ‘all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.’ ”

G) CEQA requires “[e]ach public agency [to] mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so” (Pub. Resources Code, § 21002.1, subd. (b)) and to discuss feasible methods of mitigation in the EIR (*id.*, § 21100, subd. (b)(3); CEQA Guidelines, § 15126.4, subd. (a)(1); see also Pub. Res. Code, § 21002.1, subd. (a) [one purpose of the EIR is “to indicate the manner in which . . . significant effects can be mitigated or avoided”].) [we have included in the documents submitted to the SF Planning Department drawings and sketches that show that there IS an adequate mitigation project available, and an option to preserve and protect the MAJORITY of the landscape elements on site through the INFILL option eliminated by the planning department as ‘infeasible’. The lack of adequate analysis in mitigation measures fully analyzed independently from the developer’s interests, or the improper utilization of SB375 or AB32 to allow the project proponent to circumvent state CEQA law in terms of analyzing fully or through the process of developer and planning department elimination of adequate and proper alternatives is the reason for legal action in regards to this project. When there IS a

significant alternative that has been proposed it requires the planning department and city agencies, to fully analyze the alternative to determine if it is feasible and if it will help to prevent, mitigate or avoid the **SIGNIFICANT** effects on the proposed site.]

H) The City of San Francisco cannot lawfully approve any land use legislation, because the San Francisco General Plan DOES NOT substantially comply with the requirements of the Government Code, *e.g.*, secs. 65300 *et seq.* The Government Code requires mandatory elements, including a Land Use Element and a Housing Element that comply with the state Government Codes. The San Francisco General Plan does not contain those elements. It contains no Land Use Element, and its 2004 Housing Element was invalidated by the Court of Appeal., and there is no Housing Element currently that complies with the requirements of the Government Code.

I) Further, the General Plan's Transportation Element is not correlated with its (non-existent) Land Use Element. Utilizing "TOD" or transit orientated projects as an impetus to also circumvent adequate open-space protection, and ignore the quality of life impacts such decisions create in terms of urbanization impact, and adequate analysis in terms of routing, time-travel, limiting the number of stops proposed within a community, and future direct regional connection through placing the transit improvements 1st, instead of delaying them to a future date is a critical issue here in regards to transit planning. Allowing the developer to build out and determine routing of public transit, undermines the public's best interest in the public transit system and privatizes what should be under the public's control.

J) It has been well noted and stated by public agencies, city and the developer that there is a "partnership" between SFSU-CSU and Parkmerced's prior and current ownership in regards to student housing and development. The Memorandum of Understanding between SFSU-CSU and the City and County of SF did not include adequate community and city mitigation measures to deal with the impacts on the surrounding communities both north and south of SFSU's campus. This is stated clearly in the case of City of Marina vs. CSU that cities can enforce financial fees and require mitigation efforts on Institutional growth of CSU campus's in regards to housing impacts, transit, traffic, parking, and open-space. To date this has been ignored in **BOTH** environmental impact reports.

K) Parkmerced Project amendments to the General Plan would cause internal inconsistency within the General Plan, and the Project itself is inconsistent with both the General Plan and the requirements of Proposition M, *e.g.*, open space, density, land use, etc. and Proposition J (Preservation Commission) which has not been involved in the current discussion and approval process, and recently adopted a contextual statement on Modern Landscape design.

L) The Developer Agreement improperly equates the equivalence of a washer-dryer and dishwasher to that of the open-space lost in the proposed development. It negates the loss of open space prior and amenities in the original build out of the development at 191.2 acres. The "bait-and-switch" approach by prior management and the current development ignores the overall consistent loss of space. The documents submitted by both Page & Turnbull in the Historic Resources Analysis, and SOM (Architect) both manipulate the numbers and diagrams to ignore the overall loss of open-space on site, and ignore the gradation and quality of landscape present. The National Trust for Historic Preservation equated it to 2/3rds loss of open space or from about 1,100s.f. per unit to 333s.f. this loss could be equated per current construction costs of +\$800s.f. to about \$600-800,000.00 per unit.

M) The project **IGNORES** the existing towers which are seismically **UNRETROFITTED**, and thus provide a life-safety concern to the community and essential housing stock of the district/city per the CAPS program these buildings must be addressed and properly included in the discussion of what is to be proposed. The lack of adequate analysis financially on the retrofit, or rebuild of the existing towers is not included and waived off as infeasible by the developer. The documentation must occur to provide a basis for determining what is the best alternative for the PUBLIC benefit.

In conclusion;

The City does not have a valid Housing Element or Land Use Element of the General Plan, therefore it is not possible to correlate the proposed project with the General Plan as required by Section 4.105 of the San Francisco Charter and Section 2A.53 of the San Francisco Administrative Code

The City did not evaluate the proposed developer agreement in the FEIR, therefore impacts caused by the development agreement such as tenancy rights, and future concerns based on case-law at the court appellate level may not have been adequately analyzed or mitigated. Therefore the current promises and agreements by the City of San Francisco on the Trinity Plaza project and currently the proposed Developer Agreement being espoused as adequate hold NO WATER in a court of law.

I strongly urge you to reject the plans currently submitted and require the developer to re-design the proposal with a more balanced approach to sustainable infill, adequate structural analysis on the towers in terms of retrofit costs, or replacement, direct transit connections through grade-seperation along 19th ave. or along the eastern edge of parkmerced's site, and include a larger development district rezoning to lessen the impact on one community disproportionately.

As noted prior this is a CONTIGUOUS community of EXISTING human beings it is NOT a blank slate, and thus CANNOT be approached without looking seriously at the HUMAN consequences of the developments proposed.

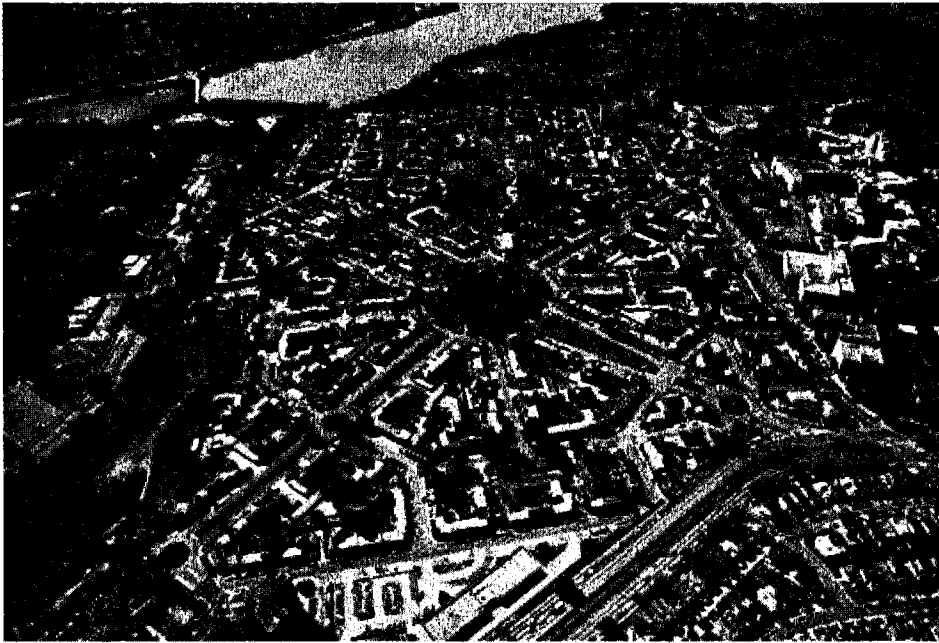
Therefore, any approval of the Project is arbitrary and capricious, an abuse of discretion, and a failure to proceed as required by law.

Thank you for your consideration of these comments.

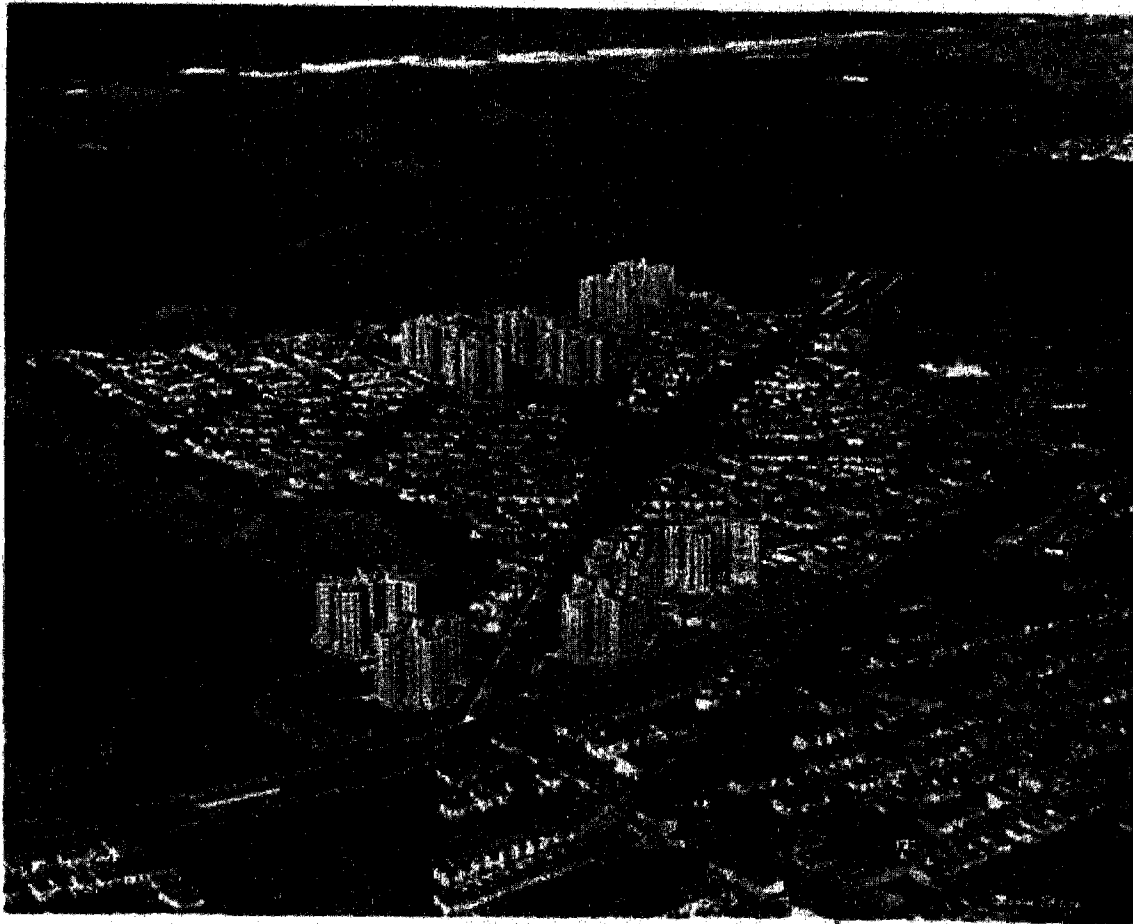
Sincerely,

Aaron Goodman

Cc: San Francisco Planning Commission, SF Historic Preservation Commission, Mayor Edmund Lee, Governor Jerry Brown, Milford Donaldson SOHP, National Trust for Historic Preservation Western Office, The Cultural Landscape Foundation, The California Preservation Foundation, The SF Preservation Consortium, SF Heritage, The Coalition of San Francisco Neighborhoods, The West of Twin Peaks Central Council, The Parkmerced Action Coalition.



Aerial View of Parkmerced's urban design a beux arts street layout, compared to the typical gridded street design of San Francisco. This photo was selected for The Cultural Landscape Foundation's Marvels of Modernism, Landscapes @ Risk 2008 www.tclf.org (photograph by Tom Fox SWA Landscape Architects) The large brown area on the southwest portion of the photo is the 800 Brotherhood Way site, and Benny Buffano Peace statue, this area was proposed in my submittal as a reclaimed public park and open-space linkage for a lineal park connecting the METNA neighborhood to Lake Merced and reclaiming portions of Parkmerced's lost amenities. The Cambon commercial site at the south side edge of the photo sits directly along what could be seen as a primary new development area for commercial, office, and new towers and entrance to the city of San Francisco. The next image a historical one, shows the primary situation of the 5 eastern most towers, and the pinch-point of transit along 19th and Junipero Serra Blvd. to the 1952 Brotherhood Way Intersection.



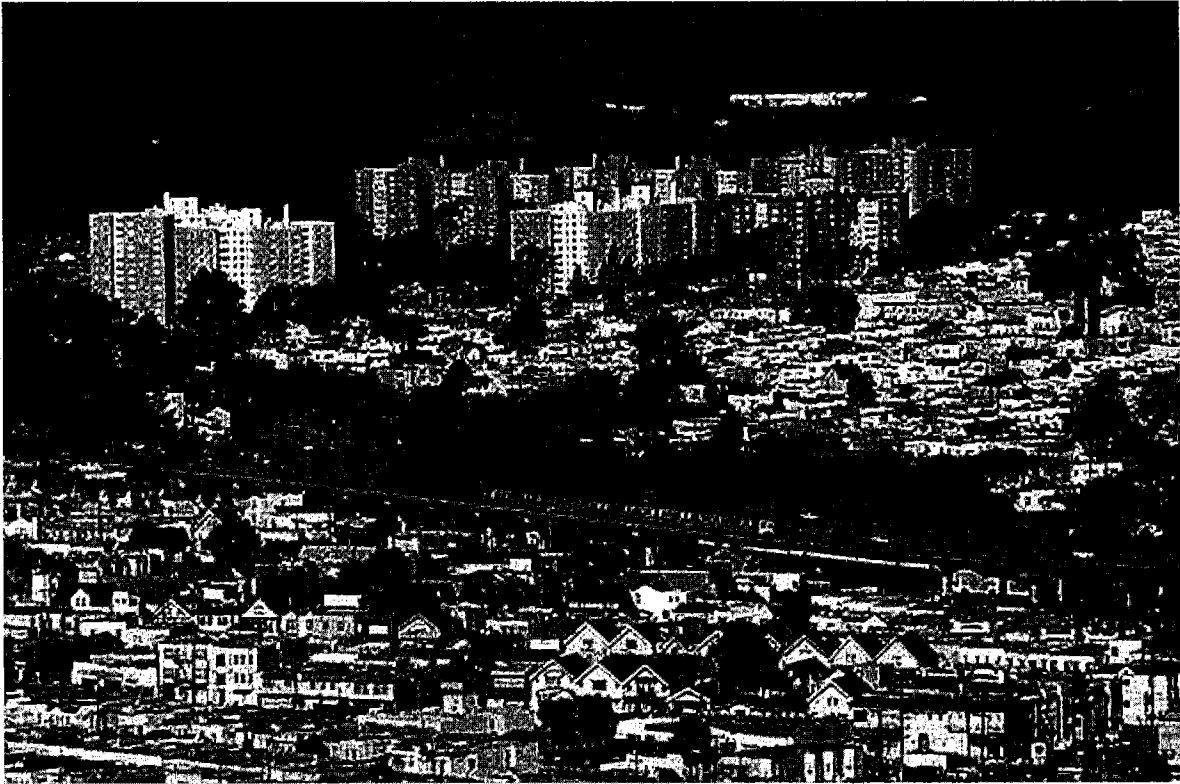
No alternative routing, or location stops along 19th Ave. were considered to help alleviate the transit and traffic issues created by the "X" crossing at 19th and Junipero Serra and the 1952 Cloverleaf at Brotherhood Way. These two sites and the parking garages and 5 eastern most towers of Parkmerced represent the best solution to the current issues at stake. By removing the existing un-reinforced towers, and utilizing the Mills Act on the remaining site of Parkmerced a simple solution can be achieved through infill and removal of parking structures, including a shuttle service, and providing new developable land along the transit corridor through grade separation, to stitch back a community and surrounding neighborhoods torn apart by the 19th avenue corridor. It would achieve a new public/national park accessible to the surrounding communities.



An example of the open-space at risk, with full mature landscape, and gradation of open-space and quality of personal unit space throughout the complex. The private/public areas were designated by the legal team of the developer and SF Planning Department as "courtyards" so they could be easily re-assigned to other areas of the site square footage wise.



Juan Bautista Circle, a primary open-space area used by many residents for exercise and sitting enjoyment. Although the trees are aged, the space is cherished by many and considered the “heart” of parkmerced. This is proposed as a water retention pond in the new development.



This view of transit and housing, shows the issue with the distance and connectivity to regional transit. When the area between the transit hub and development is ignored, as is evidenced by WALKING the distance between the two, we lose site of what could be a solution to the transit/traffic impacts created. The towers shown are ALL unretrofitted, and thus may not survive a future earthquake. Are we considering these PEOPLE that live there and the human loss of life that can occur due to non-action on the issue of seismic safety?



I have taken many photos of the site, which are available on www.parkmercedlandscape.blogspot.com

I have walked ALL the courtyards and seen firsthand what is at risk.

I have attempted to inform the city and the community of the issues, and have repeatedly submitted it to the press, and the National Trust for Historic Preservation's 11 Most Endangered sites.

I believe we have a better option/alternative and it only requires the city to stand up on the principles of urban planning outlined in the SF General Plan.

Your decision, has an impact, and the need is more acute than ever to ensure that the human impact of this project is NOT ignored.

Sincerely

Aaron Goodman - 2.10.2011

January 28, 2011

Mr. Ron Miguel, President
San Francisco Planning Commission
Attn: Jonas Ionin, Acting Commission Secretary
1650 Mission Street, Suite 400
San Francisco, CA 94103

**NATIONAL
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Submitted via email: jonas.ionin@sfgov.org

Re: Parkmerced Project (SFPD File No. 2008.0021E)

Dear Commissioner Miguel,

As the San Francisco Planning Commission meets to consider the environmental and planning impacts of the proposed Parkmerced Project, the historic preservation community remains deeply concerned about the destructive impact of the Project on the Parkmerced Historic District.

Parkmerced was determined eligible for the National Register of Historic Places and the California Register of Historical Resources as a significant example of planned residential development in San Francisco and the work of master landscape architect Thomas Dolliver Church and his celebrated colleague Robert Royston. According to the Cultural Landscape Foundation, Parkmerced is one of only four remaining examples of large-scale, pre- and post-World War II residential developments in the country and is without question of national significance. The Foundation has identified Parkmerced as a potential National Historic Landmark candidate—an elite group of less than 2,600 such properties in America. As one of Thomas Church's largest and most publicly accessible works, Parkmerced is also an important community resource.

The six undersigned local, state, regional, and national historic preservation organizations urge the City of San Francisco to adopt Project alternatives or components of alternatives that maximize preservation of the Parkmerced Historic District and retain its eligibility for the California Register of Historical Resources and the National Register of Historic Places. We question the consistency of the proposed Project with San Francisco's Planning Code Priority Policies and urge the City to require additional, more substantive mitigation measures for the severe impact to historic resources that could result from the Parkmerced Project.

Requirements of the California Environmental Quality Act

CEQA reflects the statewide policy that projects with significant environmental impacts, including impacts to the State's historic environment, should not be approved "if there are

feasible alternatives ... available which would substantially lessen the significant environmental effects ..." (Pub. Resources Code § 21002.) CEQA thus requires that alternatives be analyzed that would "feasibly obtain most of the basic objectives of the project." (Guideline § 15126.6 subd.(a).)¹ Findings supporting the infeasibility of an alternative must be supported by "substantial evidence" based on an independent analysis by the lead agency. (Pub. Resources Code § 21081.5; Preservation Action Council v. City of San Jose (2001) 141 Cal. App.4th 1336.) An alternative need not accomplish every project objective, or maximize profitability, to be considered feasible under CEQA.²

Any project that would demolish a historic resource necessarily has a significant effect on the environment, requiring a lead agency to study and adopt feasible alternatives such as rehabilitation, if available and practical. (See Pub. Resources Code § 21081; 21084.1.) CEQA's requirements to identify and analyze feasible alternatives in an EIR are manifest when a project threatens historic resources, as is its substantive mandate that the lead agency not approve a project if a feasible alternative exists.

The Project Alternative Analysis Indicates that an Environmentally Superior Alternative is Feasible

As noted in the DEIR, Project alternatives proposing retention of portions of the Parkmerced Historic District result in substantially fewer impacts to historic resources and a range of other environmental qualities. Under Alternative C, Retention of the Historic District Central Core Alternative, the Parkmerced Historic District would retain eligibility for the California and National Registers while allowing for new development and densification on other parts of the Project site. The DEIR further identifies Alternative C as the environmentally superior option. This alternative is preferable not only because it would preserve an important part of San Francisco's history, but because the reuse of existing infrastructure would result in substantially fewer emissions of greenhouse gases, making Alternative C the truly sustainable alternative (see DEIR VII.32). Finally, Alternative C would provide cost savings by maintaining the existing stream of rental revenue and significantly reducing the scope of new construction.

To date, the City has provided no information to justify the rejection of environmentally superior alternatives based on "economic, environmental, social, and technological factors." (Guideline § 15126.6(b).) The City acknowledges that all of the proposed alternatives are "potentially feasible in that *they would attain most of the basic objectives* identified in Chapter III, Project Description, all are within boundaries of the property under the control of the Project sponsor and all are capable of being constructed on the Project Site." (Comments and Responses, Master Response A.4, emphasis added.)

¹ "Feasible" is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Pub. Resources Code § 21061.1.)

² Citizens of Goleta Valley v. Board of Supervisors (1998) 197 Cal.App.3d 1167, 1181.

CEQA requires that the EIR provide sufficient information about each alternative “to allow meaningful evaluation, analysis, and comparison with the proposed project.” (Guideline at § 15126.6(d).) The reasons and facts for which the sponsor or City has rejected alternatives is essential information that must be provided to the public in the EIR.³ In contrast, the DEIR and Comments and Responses documents for the Project contain no discussion of why various alternatives may be considered infeasible. Contrary to the public disclosure function of the EIR, the City maintains that this information need not be presented in the EIR documents, but can be held back until the CEQA findings are released just prior to project approval.⁴

The Proposed Project is Inconsistent with the City's Planning Priority Policies

The undersigned organizations take exception to the statements in the DEIR and the Comments and Responses document that the Parkmerced Project is consistent with the City's Planning Priority Policies, particularly Priority Policy 7, which states “that landmarks and historic buildings be preserved” (Planning Code at § 101(b)(7)). The DEIR stated that the Parkmerced Historic District does not qualify for such protection, because it “is not currently included in any federal, state or local register.” (DEIR IV.1 fn1). Nothing in the Planning Code, however, indicates that protection of the City's landmarks and historic structures is limited to formally listed sites on a register. This narrow interpretation of City policy also runs counter to CEQA, which makes no distinction between eligible and listed resources in determining what is historic.⁵

In the Comments and Responses volume of the Project EIR, the City again posits that the project is consistent with Priority Policy 7 because the policy specifically references “historic buildings,” and the buildings at Parkmerced are not individually significant. (Response TR.34.1). Parkmerced is a historic district composed of individual elements that lack individual distinction, however, the contributing elements of the district—both buildings and landscape elements—have historic value. There is also a clear distinction between demolishing individual contributing resources in a historic district and demolition of nearly the entirety of a historic district. The conclusion that this degree of destruction is consistent with the City's policy to protect its architectural and cultural heritage is nonsensical. We maintain that the Parkmerced Project is not consistent with Priority Policy 7.

³ See Laurel Heights Improvement Assn. v. Regents of the University of California (1988) 47 Cal.3d. 376, requiring preparation of a new EIR because the lead agency had failed to “explain in meaningful detail...a range of alternatives to the proposed project and, if [it] finds them to be infeasible, the reasons and facts that [it] claims support its conclusion.” *Id.* at 406.

⁴ Comments and Responses, Master Response A.5.

⁵ Cal. Pub. Res. Code § 21084.1; “For purposes of this section, an historical resource is a resource listed in, or *determined to be eligible* for listing in, the California Register of Historical Resources” (emphasis added.)

Proposed Mitigation Measures Remain Grossly Inadequate

While the undersigned are opposed to any demolition of the existing resource, in the event it occurs, the mitigation measures must be much stronger than those proposed in the EIR. Although it is undisputed that the Parkmerced Project would cause significant and unavoidable impacts to historic resources, the Project sponsors continue to offer insufficient mitigation or compensation for this potential loss. The proposed project would result in the near total destruction of a historic district spanning over 192 acres, including demolition of 170 contributing resources and the majority of Thomas Church's designed landscape. The proposed mitigation measures outlined in the DEIR and the Comments and Responses document, consisting of HABS, HAER, and HALS documentation, donation of archival materials, and permanent public interpretation, are tokenisms of little benefit to preservation of historic resources in San Francisco. Given the sheer enormity of the loss at stake, we believe much more should be required.

In its review of the Project DEIR, the California Office of Historic Preservation (OHP) stated that the mitigation measures proposed in the DEIR, specifically HABS/HAER documentation, "does not... in any way mitigate such a devastating alteration to a historic district." The OHP further stated that "the proposed demolition of the Parkmerced resources is indeed a circumstance in which HABS/HAER documentation is clearly insufficient mitigation in relation to the significant adverse effect that wholesale demolition would have on Parkmerced's historic resources..." (Comments and Responses, Letter 3, page 2.)

Indeed, it is a well-established precedent under CEQA that documentation and interpretation do not meaningfully compensate for the destruction of historic resources. As recognized by the court in League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland (1997) 52 Cal.App.4th 896: "Documentation of the historical features of the building and exhibition of a plaque do not reasonably begin to alleviate the impacts of its destruction. A large historical structure, once demolished, normally cannot be adequately replaced by reports and commemorative markers." (*Id.* at 909.)

Echoing this point, the court in Architectural Heritage Association v. County of Monterey (2004) 122 Cal.App.4th 1095 proclaimed: "As drawing a chalk mark around a dead body is not mitigation, so archival documentation cannot normally reduce destruction of an historic resource to an insignificant level." (*Id.* at 1119.)

The severity of the historic resource impacts at Parkmerced demands proportional mitigation measures with an appropriate nexus to the project impacts. Alternative or additional mitigation measures may include:

- Funding to complete a cultural resource survey of historic landscape resources in San Francisco, including development of landscape-specific survey methods and tools;
- Funding to complete a comprehensive, professional cultural resource survey of the southwest quadrant of the City of San Francisco; and/or
- Funding to complete a context study and survey of Modern and post-World War II historic and architectural resources in the City of San Francisco.

Certainly, Planning Department staff with expertise and experience in conducting and managing historic resource survey projects in San Francisco can advise the Commission and sponsor on the likely costs associated with these mitigation measures.

Mitigation could also include funding for the established San Francisco Historic Preservation Fund, administered by the Historic Preservation Fund Committee and the Mayor's Office of Economic and Workforce Development. Contributing to publicly administered funds supporting historic preservation activities as a form of mitigation has several precedents in California, including the Long Beach Navy Memorial Heritage Fund established in association with demolition of the Long Beach Naval Complex in Long Beach, CA; the Historic Schools Investment Fund established in connection with demolition of the Ambassador Hotel in Los Angeles; and the San Francisco Historic Preservation Fund itself, established following illegal demolition work on the Emporium Department Store.

In addition to the mitigation measures proposed here, the undersigned organizations request that the City adopt protections in the Project Development Agreement and CEQA findings prohibiting preemptive demolition of any contributing elements or alteration of character-defining features of the Parkmerced Historic District, including spatial organization, circulation, topography, buildings and structures, vegetation, landscape features, and views. Specifically, the City should impose a mitigation measure barring issuance of demolition permits until a permanent replacement project is pending and the sponsor has demonstrated the financial resources necessary to complete the proposed replacement project within a reasonable timeframe (i.e. construction to commence within six months of receipt of all necessary City approvals). We understand that the Planning Code already includes similar requirements, but feel it is important to codify and reinforce these protections in Project-specific documents.

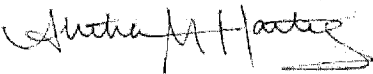
Conclusion

Parkmerced is a nationally significant example of landscape design and World War II-era heritage in the San Francisco Bay Area, as well as one of the largest, and few publicly accessible, works by master landscape architect Thomas Church. The undersigned organizations strongly urge the City to adopt Project alternatives or components of Project alternatives maximizing preservation of the Parkmerced Historic District and

retaining its eligibility for the California Register of Historical Resources and National Register of Historic Places. In addition, we believe that the proposed project is patently inconsistent with the City's Priority Policies. Finally, while we remain opposed to any demolition of the existing resource, in the event the Project is approved, additional mitigation measures are necessary to meaningfully compensate for the severe impacts on the City's irreplaceable heritage.

Thank you for the opportunity to comment on the Parkmerced Project. Please do not hesitate to contact our organizations with regard to any questions related to these comments.

Sincerely,



Anthea M. Hartig, Ph.D.
Director, Western Office
National Trust for Historic
Preservation



Cindy Heitzman
Executive Director
California Preservation
Foundation



Mike Buhler
Executive Director
San Francisco Architectural
Heritage



Charles A. Birnbaum
President
The Cultural Landscape
Foundation



Bob Pullum
Director of Advocacy
Northern California Chapter,
DOCOMOMO-US



Janet Gracyk
President
Northern California
Chapter, Historic American
Landscape Survey

cc: Rick Cooper, Major Environmental Analyses, San Francisco Planning Department
M. Wayne Donaldson, California State Historic Preservation Officer
San Francisco Historic Preservation Commission
San Francisco Preservation Consortium
Gabriel Metcalf, Executive Director, SPUR



Making San Francisco Bay Better

March 17, 2011

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

SUBJECT: Treasure Island FEIR and Project Approvals

Dear President Chiu:

I understand that the Board of Supervisors (and City's Planning Commission) will be certifying the final Environmental Impact Report and other critical Project approvals over the next few weeks, beginning with the Board's Land Use Committee hearing on these issues set for March 21, 2011. I am writing to convey our staff's overall support for the manner in which the issue of sea level rise, storm seiches and wave overtopping is being addressed in the Treasure Island project.

We are proud that BCDC has been recognized as a leader in the development of sea level rise policy for the Bay Area. As part of our work, we actively participated with other departments in drafting the State of California's Climate Adaptation Strategy, and we are currently working on amendments to our Commission's *San Francisco Bay Plan* to address this critical issue.

The Treasure Island project has already earned praise from local, state, national, and international governmental agencies and NGO's for its innovative approach to sea level rise and general sustainability measures. Former Governor Schwarzenegger recognized the City's approach on the Treasure Island project for its compliance and consistency with California's Climate Adaptation Strategy.

Our staff has worked closely with the Treasure Island Development Authority (TIDA) and the project developer, Treasure Island Community Development, LLC (TICD), for the past four years on potential sea level rise impacts and adaptation strategies to address this challenge. The TIDA's and TICD's ability to understand the complexities that must be confronted on this critical long-term issue has been impressive. In addition, their technical and engineering responses have been well thought-out and innovative, and their commitment to long-term adaption strategies, including funding those strategies, will ensure that this regional Priority Development Area will be well positioned to protect the community from future sea level rise. The implementation of the proposed anticipatory design and adaptive management approach offers the promise of becoming an example of techniques for sea level rise protection for other communities in the Bay Area and beyond.

Sincerely,

WILL TRAVIS
Executive Director

cc: All Members of the Board of Supervisors


24



Ordinance - PG&E Wireless smart meters, from Professor Chase

John.Avalos, David.Chiu, Malia.Cohen,
Glen Chase to: Mark.Farrell, Eric.L.Mar, Scott.Wiener,
David.Campos, Carmen.Chu, Sean.Elsbernd,

03/20/2011 07:07 PM

 Glen Chase	Ordinance - PG&E Wireless smart meters, from Professor Chase
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1 attachment



Santa Cruz 2011 Ordinance.pdf

To: San Francisco County Board of Supervisors,
From: Professor Glen Chase (*Background below)
Re: Ordinance - PG&E Wireless Smart Meters
Date: 3-20-2011

Dear Supervisors,

Please pass an Ordinance to stop further installation of PG&E Wireless smart meters in the County of San Francisco.

San Francisco lead much of the early objections challenging the accuracy of the Wireless meters. The CPUC responded by selecting Structure Group, a consultant to PG&E with common interests, to do a report that was supposed to be "Independent." The bias and manipulated statistics in Structure's report is an insult to the BOS and people of San Francisco and California.

The San Luis Obispo County health Commission recently voted unanimously 9-0 to support the San Luis Obispo County position for moratorium against Wireless smart meter installation.

Valid problems from Wireless smart meters have now been identified in many areas: health problems, security problems, hacking problems, electrical & motion detector interference problems, increased cost problems and privacy problems.

Many of these problems would have been scrutinized in advance by a CEQA EIR. The Wireless program not only changes out meters, but it adds 20 million transmitting and receiving antennas within PG&E's utility service area.

If elected officials and constituents could see these 20 million additional antennas, with two or more mounted on each home, the program would be stopped. Because the antennas are miniaturized and mounted within the meter enclosures, does not reduce their impact on people and their environment. But it does effectively keep the antennas out of sight and away from our recognition of many of the problems that they are creating.

On March 10, CPUC Chairman Peevey required PG&E to identify opt-out alternatives by March 24. Please note that Peevey also clarified there is NO assurance the CPUC will require or approve any opt-out. CPUC allowing PG&E to continue installing meters at over 15,000 per day in advance of March 24, is a clear indication of the lack of commitment to opt-out by the CPUC. Many of the current daily

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meter installations are occurring and further scheduled in San Francisco County.

It is my judgment that the ten ORDINANCES passed by four counties and six cities in California was the effective pressure that pushed the CPUC to call for opt-out options from PG&E.

The 33 resolutions and letters from cities and counties were not effective because the CPUC interpreted them as "Preferences," rather than demands, and that those cities and counties would still accept the Wireless program as is.

Additional ordinances are now even more important so that the PUC and PG&E will make significant adjustments, rather than token adjustments, which is where this will likely lead if other cities and counties do not move to pass Ordinances of their own.

It is my judgment, and that of some insiders, that the CPUC move was made now to stop the rapid momentum of Ordinances, so that the record of objection and attention to that objection would not continue to mount.

Urgency Ordinances require a 4/5 or 80% majority vote. Regular ordinances require only a simple majority vote, 3/5, 4/7, 5/9, 6/11 or whatever constitutes a simple majority.

PG&E and the PUC are counting on additional cities NOT passing Ordinances, but rather waiting to see how things go. That will allow PG&E to make only token adjustments and allow the current program with most all of its problems to go forward.

Whether a County Ordinance can or cannot dominate by law the PUC jurisdiction for installation of meters is no longer the relevant point. The point is that the PUC has finally bent to the pressure from the Ordinances together. Greater numbers of Ordinances in the state will move the PUC to better accommodate the common preferences of the cities and counties that have shown their wills via Ordinance on this issue.

For any county that wants the smart grid to ultimately be successful and to achieve the integration of renewable energy sources, it is important that they take an Ordinance position against the current PG&E program at this time.

Please agendize and pass an Ordinance.

Below, I am including (1) a short statement on my background and (2) a listing of Wireless smart meter issues and explanations that I have updated since my previous communication to you January 24, 2011. It is a number of pages long, but it is efficient to cover many issues of the PG&E Wireless smart meter program. Please don't miss item #12. I am also attaching the Santa Cruz County Ordinance for your reference.

PLEASE send an email confirmation to me that you have received this email communication.

Thank you.

Professor Glen Chase
glenchase@aol.com

***(1) BACKGROUND:** Professor Glen Chase: I am a Professor of Systems Management specializing in Environmental Economics and Statistics. I integrate uncertain information from complex sciences in developing Management Systems that need to operate now, without waiting for a higher degree of certainty some time in the future.

I served as an Associate Professor teaching graduate level courses in Systems Management at USC for eight years. I have taught at multiple universities in the

Central Coast area, including The Naval Post Graduate School, The Monterey Institute of International Studies and Cal State University, Monterey Bay. I also consult to industry.

(2) LISTING OF WIRELESS SMART METER ISSUES:

PG&E has incorrectly associated their WIRELESS meters with the advantages of an improved grid, a smart grid and smart meters.

1. NO EIR. Even though this program may represent the largest new technology deployment in California's history, no Environmental Impact Report (EIR) was done.

PG&E claims CEQA EIR exemptions (15301b, 15302c) that refer to exempting minor utility meter modifications. However, CEQA law does not exempt adding a transmitting antenna and a receiving antenna to 10 million homes, creating broadcast stations at each home, in addition to changing the meter. The antennas are housed within the enclosure of the utility meter, but functionally no different than mounted to the roof of each home and no less Environmental Impact.

2. THE PG&E PROGRAM. The original PG&E "Smart Meter" program was approved for \$1.7 Billion in July, 2006, but the meters were approved as WIRED meters with the Information (Pulsed RF signal radiation) being shielded and transmitted through the power lines.

In March 2009, PG&E went back for a rate increase of nearly 1/2 Billion. This \$.5 Billion + the original \$1.7 Billion reaches the current advertised \$2.2 Billion program.

However, and without public scrutiny, PG&E ALSO SWITCHED THE METERS FROM WIRED TO WIRELESS during this rate increase request when relatively no one was watching or suspecting such a change. This explains why the current challenge against PG&E is not many years later, but as soon as it was realized the WIRELESS consequences that this changed program, without an EIR, now imposes.

3. THE FEDERAL SMART GRID ENERGY PROGRAM does NOT mandate WIRELESS meters on homes.

- Wireless creates most all problems: electrical interference, potential hacking of signal information, fires, and health risks.

- Wired Smart Systems eliminate these unnecessary problems and they have been

successfully implemented in Europe and the U.S.

- PG&E (not the CPUC) chose Wireless due to financial benefits they realize from (1) eliminating thousands of jobs with \$ savings not shared with customers and (2) the capability to shut off customer utilities remotely.

4. THE GRID is the physical infrastructure that carries electricity from place to place throughout the country. The U.S. grid is in need of significant maintenance and improvements as are bridges and other infrastructure in the U.S.

'Smart' (grid) implies controlled by computer system programs rather than manually by operations personnel. PG&E has intentionally blurred the distinction between 'Wireless' and 'Smart' and 'Grid' and associated their detrimental and unnecessary Wireless meters with the potential advantages of an improved grid and a smart grid.

5. INDUSTRY NEWS HAS VEHEMENTLY CRITICIZED PG&E for misrepresenting the value of Wireless Smart meters to the public and for strong-arming customers. Industry wants the grid updated and they want it smart due to the many product opportunities that could complement a smart grid.

Industry is concerned that PG&E misrepresenting the uses and value to customers of their Wireless meters and NOT clarifying to customers that "Smart" need not be "Wireless" could turn the public against the smart grid and impede the smart grid program.

6. PG&E WIRELESS SMART METERS DO NOT GIVE CUSTOMERS INFORMATION that they can use to save energy or lower their utility bills, contrary to PG&E claims.

PG&E Wireless smart meters do NOT give customers Real-Time (right now) information. PG&E wireless meters only give PAST information, typically yesterday's information. Customers must go on line to access the information and look at bar graphs in 15-minute segments. The utility use information and its format were designed for PG&E's use, but it is being promoted as though it is for

the customer's benefit.

Whether the Wireless smart meter information is yesterdays or even 15 minutes ago, it is NOT useful to customers as PG&E claims. Imagine your speedometer giving you information from 15 minutes ago or from yesterday. Or imagine attempting to reduce your monthly gasoline expenditures by analyzing the amount of gas you used yesterday while driving from 2:00 PM to 2:15 PM.

People are more accustomed to using monthly utility information that is on the same schedule as their bill paying to attempt to conserve energy and reduce utility bills. If people are educated and reminded how to completely shut off appliances, TV's and Computers and the relative power usage of each, then they can reduce energy usage if they are so motivated.

7. WIRELESS SMART METERS ARE TRANSMITTING ALMOST CONSTANTLY 24 hours per day, every day, NOT just for a 45 second period of the day as PG&E claims (VIDEO #D below).

Pulsed signal transmission radiation (the type emitted by WIRELESS smart meters) is considerably more of a concern than steady signal transmissions. The pulsed bursts from PG&E Wireless meters are approximately two thousandths of a second in duration.

There are approximately 25,000 or more pulsed signal radiation transmissions per day from each meter attached to each home. Rather than admitting this massive number of signal transmissions occurring, PG&E represents their transmissions occurring only during a 45 second period each day, to appear trivial as a small part of the day.

About 15 pulsed signal transmissions are actually occurring every minute, 24 hours per day. But PG&E adds only the two thousandths of a second length of each transmission to get the total transmission time of 45 seconds.

That is equivalent to the following: If a person experienced a massive 24-hour aerial bombing of their city with 25,000 bombs dropped in their immediate proximity, PG&E would call that only a 45 second bombing since the detonation time of each bomb is only two thousandths of a second.

8. PG&E REVEALS ONLY AVERAGE SIGNAL RADIATION (not peak radiation) of their Wireless meters.

In the above bomb example, this would average the explosion impact of the bombs calculated for only 45 seconds per day with NO impact during the other 23 hours, 59 minutes and 15 seconds (or 86,355 seconds) of the day. The average impact of such a thing would be something in the range of a light breeze.

That would thoroughly misrepresent the true impact of the 24-hour bombing raid, and that is the method that PG&E uses to misrepresent their Wireless meters.

9. PG&E CLAIMS THEIR WIRELESS METERS PUT OUT A SIGNAL AND ASSOCIATED SIGNAL RADIATION THAT IS SMALL. Yet, the Wireless meter manufacturers claim that the meters are sufficiently strong to send signals through mountains.

10. HIGHLY QUALIFIED, UNBIASED, INDEPENDENT, WORLD RENOWNED SCIENTISTS HAVE OBSERVED CELL DAMAGE, DNA chain breaks and breaches in the blood-brain barrier in laboratory tests in both test tubes and lab rats. These tests have been repeated in other laboratories in other countries with the same results. Nearly a dozen of these scientists reported their findings and those of colleagues at the Commonwealth Club in San Francisco Nov 18, 2010.

The results of these tests have been written into articles, peer reviewed and placed in prestigious peer reviewed Science Journals. This, and other related information, is being used by countries in Europe and some municipalities in the U.S. as they move from Wireless to WIRED systems or choose Wired over Wireless for their utility meter transmissions (Italy- 27 million wired utility meters, Indiana Electric, Idaho Power, Kennebunk Maine) and internet system connections in their schools (Switzerland, France), etc. To my knowledge, no country in the world is changing from a Wired system to a Wireless system.

Other scientists, predominantly those in or supported by the Wireless industry, are saying they didn't find damage and it is not proven. Their statement regarding proof is also correct because little if anything in this world can be proved to 100%

certainty. It appears to me that they are requiring greater confidence levels of proof for damage from pulsed signal radiation than for other dangers that already have public health precautions.

A student of mine characterized it as follows: If a few honest people say they found your lost wallet and show it to you, that has considerably more weight than others who said they could not find it.

There is also still the determination of whether the damage that occurs to cells in test tubes and to the brains of rats results in damage to humans. It seems that it would and human epidemiology studies support that it does. But to prove cause for sure in addition to correlation, it will likely take more years to determine at a 99.999% certainty level and even more years to determine the full extent of the damage, if that can ever be completely known.

At this time, the likelihood of human damage following these and other tests are more than sufficient to limit the public's exposure, particularly in situations where wired alternatives exist. And forced installation against people's will seems quite inappropriate (VIDEOS #A, C, F below).

11. THE CALIFORNIA COUNCIL OF SCIENCE AND TECHNOLOGY (CCST) January 2011 Report does NOT say that Wireless smart meters are safe. Be careful of some media headlines and PG&E spin.

The CCST Report says quite clearly that further study is needed on the non-thermal impacts of RF radiation on humans, the specific impacts resulting from the type of radiation emitted by Wireless smart meters.

Given the political and funding relationships of CCST members and the Wireless industry, this CCST report conclusion is a tremendously strong statement and warning regarding necessary public policies.

12. BE CAUTIOUS NOT TO JUMP TO SIMPLE BELIEFS THAT HAVE BEEN DEVELOPED BY PR FIRMS AND PROMOTED BY PG&E.

A. Promotion: There is already so much RF and EMF radiation in our environment.

A. Fact: There are Trillions of gallons of water in our oceans and on this Earth. But a young baby can die from just a few gallons of water not removed from a place that the baby can access or be exposed to.

B. Promotion: The old meters are obsolete 19th Century Technology.

B. Fact: Wheels were invented well before the 19th century and they are still serving us quite well. The current analog meters do not create security, hacking, fire, electrical interference or health problems. The current analog meters also have remaining useful lives that are being wasted by massive inappropriate Wireless meter deployments.

C. Promotion: The new Wireless meters will save the people money.

C. Fact: The Attorney General of Connecticut did a Cost-Benefit analysis of the Wireless smart meters after a pilot program was completed in his state. Costs exceeded benefits and the Attorney General rejected the Wireless smart meter program.

D. Promotion: The problems with PG&E's program are a result of poor PG&E communications and lack of customer education.

D. Fact: The problems with PG&E's program are problems of substance that cannot be fixed or corrected by improved communications or further inaccurate information meetings held recently by PG&E Corporate Management. This "Communication problem" theme was developed by Structure Group, a Consultant to PG&E, to cover and reduce attention from the numerous real problems of substance that the PG&E Wireless meter program creates.

13. THERE ARE FURTHER MISLEADING AND DECEPTIVE STATEMENTS and inaccurate representations of this WIRELESS meter program that PG&E Management have made. But I have covered a lot already in this one communication, and so I will complete at this time and offer that you please contact me if you have any questions or would like to speak to me regarding this program.

RECOMMENDATION. Again, I encourage you to read the ORDINANCES of the City of Capitola, City of Watsonville, City of Seaside, Town of Fairfax, City of Rio Dell, City of Ross, Santa Cruz County (attached), Marin County, Lake County and Mendocino County against PG&E Wireless meter installations, do your own investigation and pass a similar ordinance of your own.

14. VIDEOS. I have included below links to short Videos that contradict PG&E Corporate Management on subjects described in the title of each video. Also included below is the Video of the Commonwealth Club Science event referenced above in #10.

If you have any questions or want to speak with me directly, please contact me. I

am currently located in Santa Cruz, California.

Thank you.

Professor Glen Chase
glenchase@aol.com

Attached: Santa Cruz County Urgency Moratorium Ordinance - Wireless Smart Meters

VIDEOS referenced in #14 above:

A. Insurance Companies Won't Insure Wireless Devices Due To Health Risks (3 minutes, 13 seconds)

<http://eon3emfblog.net/?p=382>

B. Microwave radiation dangers in our home (6 minutes, 20 seconds)

<http://www.youtube.com/watch?v=aAnrmJ3unlg>

C. Truth about Smart Meters - Dr. Karl Maret, MD, Biomedical Engineer (Dr. Maret's presentation begins at 23:40 on the video telecast).

<http://www.communitytv.org/programs/online/truth-about-smart-meters>

D. Radiation Measured From Smart Meter Mounted On A Home (6 minutes, 21 seconds)

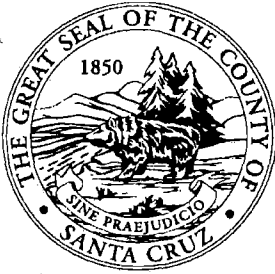
<http://www.youtube.com/watch?v=uRejDxBE6OE>

E. Skyrocketing Utility Bills after smart meter installation, Senator Florez Hearing (3 minutes, 19 seconds)

<http://www.bakersfieldnow.com/news/63581287.html?tab=video>

F. Top EMF scientists in the world reporting at the Commonwealth Club in San Francisco on Nov 18, 2010: cell damage, DNA chain breaks, blood-brain barrier breaches, etc from low levels of pulsed RF radiation as emitted by PG&E Wireless smart meters.

<http://electromagnetichealth.org/electromagnetic-health-blog/cc-video/>



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069
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JOHN LEOPOLD
FIRST DISTRICT

ELLEN PIRIE
SECOND DISTRICT

NEAL COONERTY
THIRD DISTRICT

GREG CAPUT
FOURTH DISTRICT

MARK W. STONE
FIFTH DISTRICT

AGENDA: 1/11/11

January 7, 2011

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: PG&E SMARTMETERS

Dear Members of the Board:

At the May 15, 2010, meeting, the Board of Supervisors first addressed the rising public concern about the installation of SmartMeter technology by the Pacific Gas & Electric Company. In response to unanswered questions about health, safety, and accuracy issues, the Board directed the Chairperson to write to the Public Utilities Commission and our State legislators urging that steps be taken to restore public confidence in SmartMeter technology.

At the Board meeting of August 24, 2010, Board members noted the PG&E report that detailed 45,000 errors in the installation of SmartMeters, and cited concerns about faulty signals, overcharging, inadequate installation, and ongoing public concern about possible health issues. The Board considered the possible circumstances for establishing a moratorium on the installation of SmartMeters and directed County Counsel to evaluate existing ordinances in the state and return to the Board with recommendations.

At the September 14, 2010, meeting, the Board considered the report and recommendations of County Counsel and took the following actions:

1. Authorized the Board Chairperson to write to PG&E to request meaningful community meetings at which the public could have their questions addressed;

34.1

BOARD OF SUPERVISORS

January 7, 2011

Page 2

2. Authorized the Chairperson to write to the Public Utilities Commission to request a response to reports regarding SmartMeter interference with common household devices; and
3. Adopted an urgency ordinance imposing a moratorium on the installation of SmartMeters in the unincorporated area of the county until December 31, 2010.

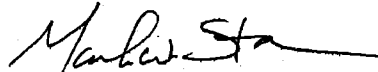
In the intervening months, PG&E has failed to meaningfully address the questions raised by the public about possible health effects and faulty technology. Repeated requests to the Public Utilities Commission and to PG&E have gone unanswered. We believe this apparent indifference to public concern leaves the Board with no alternative but to again adopt an urgency ordinance imposing a moratorium on the installation of SmartMeters in the unincorporated area of the county.

Accordingly, we recommend that the Board consider passing the attached urgency ordinance, by a four-fifths vote, imposing a temporary moratorium on the installation of SmartMeters and related equipment in, along, across, upon, under and over the public streets and other places within the unincorporated area of Santa Cruz County until December 31, 2011.

Sincerely,



JOHN LEOPOLD, Supervisor
First District



MARK W. STONE, Supervisor
Fifth District

JL/MWS:ted
Attachment

cc: County Counsel

1609N5

ORDINANCE NO. _____

**AN UNCODIFIED ORDINANCE OF THE COUNTY OF SANTA CRUZ
ADOPTED AS AN URGENCY MEASURE IMPOSING A TEMPORARY
MORATORIUM ON THE INSTALLATION OF SMARTMETERS AND
RELATED EQUIPMENT IN, ALONG, ACROSS, UPON, UNDER AND
OVER THE PUBLIC STREETS AND OTHER PLACES WITHIN THE
UNINCORPORATED AREA OF SANTA CRUZ COUNTY**

The Board of Supervisors of the County of Santa Cruz find as follows:

WHEREAS, the County of Santa Cruz (the "County"), through its police powers granted by Article XI of the California Constitution, retains broad discretion to legislate for public purposes and for the general welfare, including but not limited to matters of public health, safety and consumer protection; and

WHEREAS, the County of Santa Cruz has a franchise agreement with PG&E that has been in effect since 1955; and

WHEREAS, in addition, the County retains authority under Article XII, Section 8 of the Constitution to grant franchises for public utilities, and pursuant to California Public Utilities Code section 6203, "may in such a franchise impose such other and additional terms and conditions..., whether governmental or contractual in character, as in the judgment of the legislative body are to the public interest;" and

WHEREAS, Public Utilities Code section 2902 reserves the County's right to supervise and regulate public utilities in matters affecting the health, convenience and safety of the general public, "such as the use and repair of public streets by any public utility, the location of the poles, wires, mains, or conduits of any public utility, on, under, or above any public streets, and the speed of common carriers operating within the limits of the municipal corporation;" and

WHEREAS, Pacific Gas & Electric Company ("PG&E") is now installing SmartMeters in Central and Northern California and is installing these meters within the County of Santa Cruz; and

WHEREAS, concerns about the impact and accuracy of SmartMeters have been raised nationwide, leading the Maryland Public Service Commission to deny permission on June 21, 2010 for the deployment of SmartMeters in that state. The State of Hawaii Public Utility Commission also recently declined to adopt a smart grid system in that state. The CPUC currently has pending before it a petition from the City and County of San Francisco, and other municipalities, seeking to delay

the implementation of SmartMeters until the questions about their accuracy can be evaluated; and

WHEREAS, major problems and deficiencies with SmartMeters in California have been brought to the attention of the Board of Supervisors of the County of Santa Cruz, including PG&E's confirmation that SmartMeters have provided incorrect readings costing ratepayers untold thousands of dollars in overcharges and PG&E's records outlined "risks" and "issues" including an ongoing inability to recover real-time data because of faulty hardware originating with PG&E vendors; and

WHEREAS, the ebb and flow of gas and electricity into homes discloses detailed information about private details of daily life. Energy usage data, measured moment by moment, allows the reconstruction of a household's activities: when people wake up, when they come home, when they go on vacation, and even when they take a hot bath. SmartMeters represent a new form of technology that relays detailed hitherto confidential information reflecting the times and amounts of the use of electrical power without adequately protecting that data from being accessed by unauthorized persons or entities and as such pose an unreasonable intrusion of utility customers' privacy rights and security interests. Indeed, the fact that the CPUC has not established safeguards for privacy in its regulatory approvals may violate the principles set forth by the U.S. Supreme Court in *Kyllo v. United States* (2001), 533 U.S. 27; and

WHEREAS, there is now evidence showing that problems with SmartMeters could adversely impact the amateur radio communication network that operates throughout California and neighboring states, as well as other radio emergency communication systems that serve first responders, government agencies, and the public; and

WHEREAS, significant health questions have been raised concerning the increased electromagnetic frequency radiation (EMF) emitted by the wireless technology in SmartMeters, which will be in every house, apartment and business, thereby adding additional human-made EMF to our environment around the clock to the already existing EMF from utility poles, individual meters and telephone poles; and

WHEREAS, FCC safety standards do not exist for chronic long-term exposure to EMF or from multiple sources, and reported adverse health effects from electromagnetic pollution include sleep disorders, irritability, short term memory loss, headaches, anxiety, nausea, DNA breaks, abnormal cell growth, cancer, premature aging, etc. Because of untested technology, international scientists, environmental agencies, advocacy groups and doctors are calling for the use of caution in wireless technologies; and

WHEREAS, the primary justification given for the SmartMeters program is the assertion that it will encourage customers to move some of their electricity usage from daytime to evening hours; however, PG&E has conducted no actual pilot projects to determine whether this assumption is in fact correct. Non-transmitting time-of-day meters are already available for customers who desire them, and enhanced customer education is a viable non-technological alternative to encourage electricity use timeshifting. Further, some engineers and energy conservation experts believe that the SmartMeters program--in totality--could well actually increase total electricity consumption and therefore the carbon footprint; and

WHEREAS, Assembly member Jared Huffman has requested the California Council on Science and Technology to advise him on whether the Federal Communications Commission's standards for SmartMeters are sufficiently protective and assess whether additional technology-specific standards are needed for SmartMeters; and

WHEREAS, a response to Assembly member Huffman from the Council on Science and Technology is expected in the near future; and

WHEREAS, Assembly Member Huffman has also recently introduced legislation (AB 37) which would add a section to the Public Utilities Code to require the CPUC to identify alternative options for customers who do not wish to have a wireless SmartMeter installed and allow customers to opt-out of wireless SmartMeter installation, including removing existing SmartMeters where requested by the customer. Most importantly, the legislation would suspend deployment of SmartMeters until the CPUC meets the above requirements; and

WHEREAS, this Board of Supervisors sent a letter to the CPUC on September 15, 2010 expressing concern about reports that SmartMeter technology was interfering with the proper functioning of common household devices and requesting a response from the CPUC; and

WHEREAS, there has been no response by the CPUC to the letter sent by the Board of Supervisors; and

WHEREAS, because the potential risks to the health, safety and welfare of County residents are so great, the Board of Supervisors wishes to adopt a moratorium on the installation of SmartMeters and related equipment within the unincorporated area of the County of Santa Cruz. The moratorium period will allow the Council on Science and Technology and legislative process referenced above to be completed and for additional information to be collected and analyzed regarding potential problems with SmartMeters; and

WHEREAS, there is a current and immediate threat to public health, safety and welfare because, without this urgency ordinance, SmartMeters or supporting equipment will be installed or constructed or modified in the County without PG&E's complying with the CPUC process for consultation with the local jurisdiction, the County's Code requirements, and subjecting residents of Santa Cruz County to the privacy, security, health, accuracy and consumer fraud risks of the unproven SmartMeter technology; and

WHEREAS, the Board of Supervisors hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment. This Ordinance does not authorize construction or installation of any facilities and, in fact, imposes greater restrictions on such construction and installation in order to protect the public health, safety and general welfare. This Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

WHEREAS, there is no feasible alternative to satisfactorily study the potential impact identified above as well or better with a less burdensome or restrictive effect than the adoption of this interim urgency moratorium ordinance; and

WHEREAS, based on the foregoing it is in the best interest of public health, safety and welfare to allow adequate study of the impacts resulting from the SmartMeter technology; therefore it is appropriate to adopt a temporary moratorium that would remain in effect from the date of its adoption until December 31, 2011, unless your Board acts to repeal it prior to that date.

NOW, THEREFORE BE IT ORDAINED by the Board of Supervisors of the County of Santa Cruz as follows:

SECTION I

Moratorium. From and after the effective date of this Ordinance, no SmartMeter may be installed in or on any home, apartment, condominium or business of any type within the unincorporated area of the County of Santa Cruz, and no equipment related to SmartMeters may be installed in, on, under, or above any public street or public right of way within the unincorporated area of the County of Santa Cruz.

SECTION II

Violations of the Moratorium may be charged as infractions or misdemeanors as set forth in Chapter 1.12 of the Santa Cruz County Code. In addition, violations shall be deemed public nuisances, with enforcement by injunction or any other remedy authorized by law.

SECTION III

This Board of Supervisors finds and determines that: (a) there is a current and immediate threat to the public peace, health, or safety; (b) the moratorium must be imposed in order to protect and preserve the public interest, health, safety, comfort and convenience and to preserve the public welfare; and (c) it is necessary to preserve the public health and safety of all residents or landowners adjacent to such uses as are affected by this interim ordinance as well as to protect all of the citizens of Santa Cruz County by preserving and improving the aesthetic and economic conditions of the County.

SECTION IV

If any provision of this interim ordinance is held to be unconstitutional, it is the intent of the Board of Supervisors that such portions of such ordinance be severable from the remainder and the remainder be given full force and effect.

SECTION V

This interim ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c) (2) – the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and Section 15060(c) (3) – the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION IV

Effective Dates. This ordinance shall take effect immediately based on the findings by the Board of Supervisors that this ordinance is necessary for the protection of the public health, safety, and general welfare. This ordinance shall be in full force and effect from the date of its adoption by the Board of Supervisors until December 31, 2011, at which time it's terms and provision shall expire and no longer remain in effect.

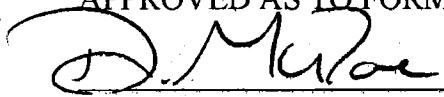
PASSED AND ADOPTED THIS ____ day of _____, 2011, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



County Counsel



NERT Emergency Response Training provided by SFFD

kmcelroy to: board.of.supervisors

03/20/2011 12:15 PM

Cc: NERT, NERT, NERT

Please respond to kmcelroy

kmcelroy	NERT Emergency Response Training provided by SFFD
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Dear President and Board of Supervisors,

I'm a SF ~ NERT volunteer and I want to take this opportunity to thank you for you're continued support of the NERT program. Your funding affords regular citizens, like myself, access to this invaluable NERT training program. Without the Board of Supervisor's annual funding approval this SFFD program couldn't provide hands-on critical skills training for individuals in emergency preparedness.

Since 1990, the SFFD has trained more than 14,000 San Francisco residents to be self sufficient, as well as, assist their neighbors and friends in the event of a disaster. In addition, NERT's participate in on-going drills and exercises to be prepared to assist their neighborhood community when needed. With the recent earthquakes in Japan and New Zealand it reminds everyone how important is is to have trained emergency aware citizens!

Thanking you in advance for you're continued financial support of NERT during these difficult economic times.

Sincerely,

Karla McElroy
1487 - 47th Avenue



PROFESSIONAL & TECHNICAL ENGINEERS, LOCAL 21, AFL-CIO
An Organization of Professional, Technical, and Administrative Employees

March 17, 2011

Fred Blackwell, Executive Director
San Francisco Redevelopment Agency
1 South Van Ness, 5th Floor
San Francisco, California 94102

Dear Mr. Blackwell,

I am following up on recent conversations between Local 21 representatives and representatives of the Redevelopment Agency regarding an extension of our Memorandum of Understanding which will expire on June 30, 2011.

While we believe an extension under any circumstances in these times would be mutually beneficial, it is increasingly important as an agreement in Sacramento on the State budget gets closer to finalization. Not extending the MOU could put the future rights of Redevelopment Agency employees at risk. Sacramento Labor groups and lobbyists are working with legislative staff and vetting various approaches to the extension of employee rights and benefits under successor agencies. Given Labor's involvement in these discussions, the tentative language may, in fact, extend rights and benefits as contained in existing MOUs. That said, however, we all understand that the legislation is in flux and the situation is changing by the hour.

I understand you are hesitant to enter into an extension agreement, but given that failure to do so puts everyone working at the Agency at risk, I urge you to act now without further delay. I will also call you to discuss my concerns.

Sincerely,

Bob Muscat
Executive Director, IFPTE Local 21

CC: Mayor Ed Lee
San Francisco Board of Supervisors
James Morales, General Counsel Redevelopment Agency
Diane Iwata, HR Director Redevelopment Agency
Local 21 Chapter Executive Board - Redevelopment Agency

BOS-11
page

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 MAR 18 PM 3:25
BY Ne

(27)

File 110283

page

support for today's agenda item 30 - workers rights resolution

Joshua Arce

to:

Sup. Eric Mar (Eric.L.Mar@sfgov.org), Sup. Mark Farrell (Mark.Farrell@sfgov.org), Sup. David Chiu (David.Chiu@sfgov.org), Sup. Carmen Chu (Carmen.Chu@sfgov.org), Sup. Ross Mirkarimi (Ross.Mirkarimi@sfgov.org), Sup. Jane Kim (Jane.Kim@sfgov.org), Sup. Sean Elsbernd@sfgov.org, Sup. Scott Wiener (Scott.Wiener@sfgov.org), Sup. David Campos (David.Campos@sfgov.org), Sup. Malia Cohen (Malia.Cohen@sfgov.org), Sup. John Avalos (John.Avalos@sfgov.org),

board.of.supervisors@sfgov.org

03/15/2011 11:39 AM

Cc:

"Raquel.Redondiez@sfgov.org", "Frances.Hsieh@sfgov.org", "AvalosStaff@sfgov.org", "Hillary.Ronen@sfgov.org", "Sheila.Chung.Hagen@sfgov.org", "Victor.Lim@sfgov.org", "Catherine.Rauschuber@sfgov.org", "Judson.True@sfgov.org", "Katy.Tang@sfgov.org", "Cammy.Blackstone@sfgov.org", "Jon.Lau@sfgov.org", "Megan.Hamilton@sfgov.org", "Olivia.Scanlon@sfgov.org", "Alexander.Volberding@sfgov.org", "Una.Fannon@sfgov.org", "Catherine.Stefani@sfgov.org", "Margaux.Kelly@sfgov.org", "April.Veneracion@sfgov.org", "Sunny.Angulo@sfgov.org", "Viva.Mogi@sfgov.org", "LinShao.Chin@sfgov.org", "Les.Hilger@sfgov.org", "Myrna.Melgar@sfgov.org", "Rick.Galbreath@sfgov.org", "Vallie.Brown@sfgov.org", "Robert.Selna@sfgov.org", "Gillian.E.Gillett@sfgov.org", "Adam.Taylor@sfgov.org"

Show Details

Dear Supervisors,

Brightline strongly supports today's agenda Item #30, Sup. Avalos' resolution on behalf of workers at the Avalon Bay Communities project on Ocean Avenue. It's time for San Francisco to eliminate downward pressure on area standard wages for workers on private projects that the City approves. Avalon Bay is a perfect opportunity for the City and County of San Francisco to take a stand in support of wage, benefit, and working condition protections on important projects that we greenlight in our communities.

Attached is a letter that we sent to Avalon Bay last month when we first learned from workers about the working conditions at the Avalon Bay site. Apart from the exchange of a single email, Avalon Bay has been wholly unresponsive to Brightline and other community advocates with respect to this issue.

We find that union contractors are best positioned to deliver these safeguards on construction projects, just as the best thing that any contractor concerned with complying with the City's new local hiring law can do is signatory with our local unions. In addition, one of the fundamental flaws of the housing bubble and subsequent collapse was the undercutting of workers' wages on private construction matched by skyrocketing housing prices and, by virtue of reason, increased and unsustainable profits for developers between those margins.

Clearly, allowing workers' wages to be undermined leading up to the recent economic downturn did nothing for our communities, for housing affordability, or for our working men and women. Therefore, it's time for San Francisco to try another approach.

Please support fair, livable, and area standard wages, benefits, and working conditions for our local construction

28

workers, and take a strong step toward preserving and promoting San Francisco's middle class by approving Agenda Item #30 today.

Thank you,

Joshua Arce
Executive Director

brightline DEFENSE PROJECT

1028A Howard Street
San Francisco, CA 94103
P 415.252.9700
F 415.252.9775
www.brightlinedefense.org

February 24, 2011

Bryan Moore
Project Manager
AvalonBay Communities
185 Berry Street
Suite 3500
San Francisco, CA 94107

Re: *1150 Ocean Avenue Development*

Dear Mr. Moore:

Brightline Defense Project is a policy advocacy organization committed to protecting and empowering communities through strategies such as the city's recently passed local hiring law. We write with respect to your ongoing mixed residential and commercial project at 1150 Ocean Avenue in San Francisco's Ingleside district, a community saturated and surrounded by extremely qualified construction workers.

Many remember the excitement when your project was approved by the Planning Commission back in May of 2009 with the expectation of much-needed local jobs building 173 units of housing and nearly 30,000 square feet of commercial space. Now that work has commenced, however, we have heard from many community members that are concerned about wages and working conditions on your project.

Brightline supports safeguards for workers in the form of area standard wages, benefits, and working condition protections. We find and firmly believe that work performed by union workers employed by union contractors is the best way to ensure these safeguards, and working with our local unions is also the best way that a developer or contractor can engage qualified local workers in order to build projects in a way that meets the community's expectation.

We have heard from local workers that AvalonBay is prepared to enter the next phase of construction with non-union contractors and that has us very concerned. We would like to sit down with you as soon as possible to hear AvalonBay's thoughts on engaging San Francisco's union workforce to complete your exciting project, and how you might work with non-union contractors to do their jobs better by working with our local trade unions.

Very truly yours,



Joshua Arce
Executive Director

Cc: San Francisco Planning Commission



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Overturn San Francisco's Discriminatory Sidewalk Sitting Ban

The Clerk's Office has received eight form emails with the same message as below.

Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184
(415) 554-5163 fax
Board.of.Supervisors@sfgov.org

Complete a Board of Supervisors Customer Service Satisfaction form by clicking
<http://www.sfbos.org/index.aspx?page=104>
----- Forwarded by Board of Supervisors/BOS/SFGOV on 03/21/2011 11:20 AM -----

From: Claire Beven <mail@change.org>
To: Board.of.Supervisors@sfgov.org
Date: 03/11/2011 05:18 AM
Subject: Overturn San Francisco's Discriminatory Sidewalk Sitting Ban

Greetings,

As you know, after the San Francisco Board of Supervisors voted 8-3 against a measure to ban sitting on city sidewalks in June 2010, Mayor Gavin Newsom took Proposition L, better known as the sit-lie ordinance, to the ballot.

Supporters, especially businesspeople in the Haight-Ashbury neighborhood, said it would curb loitering and aggressive panhandling. But since the police acknowledge that enforcement will be "complaint-driven," opponents are sure it will be unfairly used against homeless people.

Penalties for repeat offenders include 30-day jail sentences and \$500 fines. Officials can go ahead and add to that jail sentence, since \$500 might as well be \$1,000,000 for many of the city's homeless. It makes no sense to put people in jail, costing taxpayers money, because they can't pay a fine.

Please take action once again to end this discriminatory sidewalk sitting ban.

Claire Beven
Newcastle upon Tyne, United Kingdom

Note: this email was sent as part of a petition started on Change.org, viewable at
www.change.org/petitions/overturn_san_franciscos_discriminatory_sidewalk_sitting_ban. To

respond, email responses@change.org and include a link to this petition.

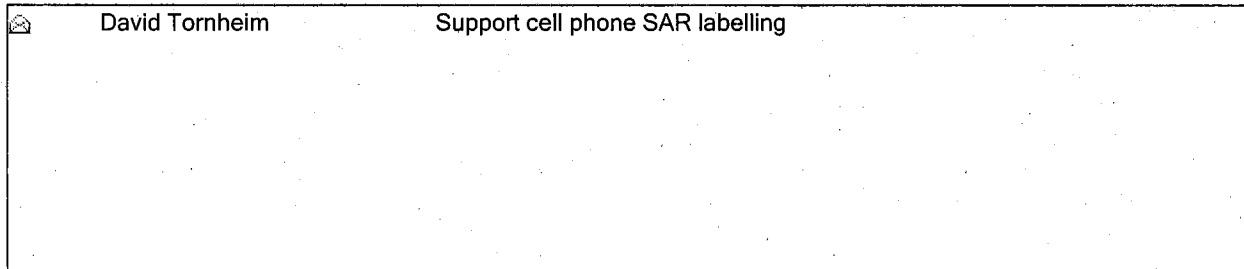
101419



Support cell phone SAR labelling

David Tornheim to: Scott Wiener, Sean Elsbernd, Jane Kim (D6 Supervisor), Maila Cohen, Carmen Chu, Clerk Board of Supervisors, David Campos,
Sent by: <dat_room@hotmail.com>

03/21/2011 01:56 PM



Dear Supervisors:

Thank you for passing by a vote of 10-1 the now acclaimed bill on the Right to Know about cell phone radiation last June. In the past year, the San Francisco effort to inform the public about safer ways to use cell phones has generated global interest, admiration and support. The nations of France

<
<http://healthtakenseriously.com/2011/01/14/france-passes-law-to-require-cell-phone-radiation-disclosure/>>

and Israel are devising major public educational programs about safer cell phone use and requiring the public posting of Specific Absorption Rate (SAR). As you are aware, implementation of the law has been delayed because of industry challenges that have put a great deal of pressure on the Board of Supervisors and particularly its staff. In challenging this law, industry argues that the concept of SAR—which has been legally required to be calculated for all phones for a decade—provides no useful information to consumers because different carriers employ different maximum powers that can result in different peak SARs. This argument ignores three facts:

- * each phone is purchased and used with a single carrier
- * SAR values are artificially low because the test protocol requires spacers between the phone and the head or body
- * all phones come with fine print warnings which stipulate that phones not be used directly next to the head or body

When a phone is purchased, the individual knows which carrier the phone will be used with and hence has a clear sense of the relative power the phone will emit on that given carrier.

If a person uses a phone with a high SAR value, no matter what the carrier, she is more likely than not to be exposed to more radiation than if she uses a phone with a low SAR value. SAR is just like data we get from fuel efficiency ratings for new cars. We all know that actual mileage varies quite a bit from what is posted on the vehicles in the showroom. But, an act of Congress requires that information be posted indicating that one car has an average reported 40 MPG rating, while another has half that. Why should we be denied the same information about potential microwave radiation from cell phones?

The Cellular Telecommunications Industry Association (CTIA) lawsuit (and pulling their conventions from our great city) is intended to intimidate other city and state governments that are developing policies that grant consumers the right to know about microwave radiation released by cell phones. Please do not be bullied by the CTIA. Former Mayor Gavin Newsom signed the bill, rejecting industry protests, saying that "The City is not for sale."

We are asking you to reject these bald efforts that endanger public health and undermine the public right to know. Doing so will help raise awareness that cell phones emit microwave radiation that can cause cancers of the brain, salivary gland, eyes, blood, and testes, kills and damages sperm and alters brain metabolism.

There are already many victims (the most recent being Milton Marks, president of the City College of San Francisco) in the San Francisco area who stand ready to speak out publicly about the need for this important law to be implemented now, some of whom have signed this appeal. Every day we delay puts another young person at risk of developing completely preventable diseases. Please continue to be the city that is "not for sale."

Thank you.

-David Tornheim



CALIFORNIA DEPARTMENT OF

Mental Health

1600 9th Street, Sacramento, CA 95814
(916)653-1843

BOS-11
CPAGS

RECEIVED
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SAN FRANCISCO

2011 MAR 14 PM 3:25

BY

AK

March 9, 2011

Clerk of the Board
Attn: Angela Calviloo
City Hall, Room 244
1 Dr. Carlton Goodlett Place
San Francisco CA 94102

Dear Ms. Calviloo:

This will serve as a follow up notification to our letter to you of January 25, 2011, announcing a proposed housing location for Paul George, a person committed as a Sexually Violent Predator under Welfare and Institutions Code 6600 et seq.

The hearing is for the court to consider the proposed location and was set for March 8, 2011. However, we received notice at the last minute that the hearing has been rescheduled to March 21, 2011. The specifics are below:

Judge Mary Morgan
San Francisco Superior Court
Department 26
850 Bryant Street
San Francisco, CA 94103

Sincerely,

Robert Lucas
Chief, Forensic Services
Long Term Care Services

CC: Cynthia Radavsky, DMH
Richard DaBell, DMH
Alan Stillman, Liberty Healthcare
Jennifer Turner, DMH
Catherine Hickinbotham, DMH

(31)



**Save Sharks
Don't Serve Them**



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2011 MAR 15 AM 9:46

HS



*Please Save the
Sharks!*

- Tai Kerk

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

More than 100,000,000 sharks are killed every year for their fins.
Currently, we are on a path to kill them all by 2048.
Let's vote to Save Sharks, and ban Shark Fin Soup.

Send this card to your local representative
Vote at UGENA.org/sharks

UGENA
UNITED
GLOBAL
ENVIRONMENTAL
NEWS
AGENCY

