

## City and County of San Francisco Master Report

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

File Number:	120877 File 1	Type: Communi	ication Status:	To be Introduc	ced
Enacted:				Effective:	
Version:	1 In Cor	ntrol: Board of S	Supervisors		
File Name:	Petitions and Commi	unications	Date	Introduced:	07/24/2012
Requester:		Cost:		Final Action:	
Comment:		·	Petitions and Communi 2012, through August 2 President to Committee to be ordered filed by the Personal information the to the Board of Supervithe California Public Resunshine Ordinance. Predacted.	27, 2012, for re e considering re ne Clerk on Se at is provided sors is subject ecords Act and	ference by the elated matters, or ptember 4, 2012. in communications to disclosure under the San Francisco
		;	From Clerk of the Board Sole Source Contracts departments: Copy: Ea Adult Probation Airport	Report for the	following

City Administrator/General Services Agency

City Attorney Civil Service

Controller

District Attorney

Arts Commission Asian Art Museum Assessor-Recorder Board of Appeals Board of Supervisors

Economic & Workforce Development

Elections

**Emergency Management** 

Environment

**Ethics** 

Film Commission

Fine Arts Museums

Fire

Health Service System

Human Resources

Human Rights

Human Services

Juvenile Probation

Law Library

Mayor's Office

Mayor's Office of Community Development

and Housing

Mayor's Office on Disability

Municipal Transportation Authority

Office of Citizen Complaints

Planning

Police

Port

Public Defender

Public Health

**Public Library** 

**Public Utilities Commission** 

Public Works

Recreation and Park

Residential Rent Stabilization and Arbitration (Rent

#### Board)

Retirement

Sheriff

Small Business

Status of Women

Technology

Treasurer-Tax Collector

War Memorial and Performing Arts

\*From concerned citizens, regarding Sheriff Ross Mirkarimi. 48 letters. (2)

From Clerk of the Board, reporting the following individuals have submitted a Form 700 Statement: (3) Todd David, SOTF - Assuming

Judy B., Legislative Aide - Leaving

From concerned citizen, regarding waste of resources for unnecessary repaving of roadway. (4)

\*From various City Departments, submitting notification that the adopted Budget for FYs 2012-2013 and 2013-2014 is adequate for the Department to meet service levels as proposed by the Board: (5)

Airport Commission

Asian Art Museum

Board of Appeals

Board of Supervisors

**Building Inspection** 

California Academy of Sciences

Child Support Services

Citizens Complaints

City Attorney

Controller

District Attorney

Elections

**Emergency Management** 

Employees Retirement System

Environment

**Ethics Commission** 

Fire

Mayor's Office of Housing

**Human Rights Commission** 

**Human Services Agency** 

Chief Medical Examiner

Planning

Public Defender

Public Health

Public Works

Recreation and Parks

Residential Rent Stabilization and Arbitration Board

Sheriff

From Clerk of the Board, reporting the following departments have submitted their reports regarding Sole Source Contracts for FY2011-2012: (6)

Economic and Workforce Development Public Works

From Department of Public Health, correcting previous communication regarding sole source contracts for FY2011-2012. (7)

From Mayor's Office, submitting notice that Mayor Ed Lee will be out of state from August 21, 2012, until August 22, 2012. Supervisor Sean Elsbernd will serve as Acting-Mayor. Copy: Each Supervisor, City Attorney. (8)

From Mayor's Office, submitting notice that Mayor Ed Lee will be out of state from August 22, 2012, until August 25, 2012. Supervisor Carmen Chu will serve as Acting-Mayor. Copy: Each Supervisor, City Attorney. (9)

\*From Clerk of the Board, reporting the following departments have submitted their 2010 Local Agency Biennial Notices: (10)

Aging and Adult Services

Airport Commission

Arts Commission

Asian Art Museum

Assessor-Recorder

Board of Supervisors

Child Support Services

Children and Families Commission

Children, Youth and Their Families

Official Court and Their rannies

Citizens' General Obligation Bond Oversight

#### Committee

City Administrator/General Services Agency

City College of San Francisco

Controller

Economic and Workforce Development

Economic and Workforce Development - Workforce Investment Board

Elections

**Emergency Management** 

Employees' Retirement System

Fine Arts Museums

Health Authority

Health Service System

Human Resources

**Human Rights Commission** 

Juvenile Probation

Local Agency Formation Commission

Municipal Transportation Agency

Planning, Planning Commission, Historic

Preservation Commission

Police

Port

Public Defender

Public Health

Public Library

Public Works

Real Estate incl. Wholesale Produce Market)

Recreation and Park

Retiree Health Care Trust Fund Board

**Small Business** 

Status of Women

Sunshine Ordinance Task Force

Transportation Authority

Treasure Island Development Authority

Treasurer-Tax Collector

War Memorial and Performing Arts Center

From Mayor's Office, announcing appointment of Joshua Arce to Commission on the Environment, replacing Rahul Prakash. (11)

From City Administrator, submitting Indemnification Quarterly Report for January-March 2012. (12)

\*From concerned citizens, regarding KPOO radio. 97 letters. (13)

From Capital Planning Committee, regarding Proposed Project List for the Streetscape, Pedestrian and Bicycle Safety portion of the 2011 Road Repaving & Street Safety General Obligation Bond. Copy: Each Supervisor. (14)

From Police Commission, regarding approval to recommend that the Board accept a gift from Hewlett Packard to SFPD. Copy: Each Supervisor. (15)

From Planning Department, regarding Downtown Plan Annual Monitoring Report 2011. Copy: Each Supervisor. (16) From Planning Department, regarding schedule of application fees, effective August 31, 2012. (17)

From Controller's Office of Public Finance, regarding update on City's 2012 Annual Rating Meetings. (18)

From Laguna Honda Hospital and Rehabilitation Center, submitting quarterly report in response to Resolution No. 200-05. (19)

From Department of Elections, regarding certification for the Referendum Against Ordinance 104-12, Zoning Map Amendment - 8 Washington Street. Copy: Each Supervisor. (20)

From Department of Elections, regarding disclaimer requirements for local ballot measures. 2 letters. Copy: Each Supervisor. (21)

From Office of Economic Analysis, regarding Contract with Shell Energy for the CleanPowerSF Program: Economic Impact Report. Copy: Each Supervisor. (22)

From Human Services Agency, regarding Human Services Care Fund: FY2011-2012, 4th Quarter Update. Copy: Each Supervisor. (23)

From Treasurer-Tax Collector, submitting Quarterly Review of the Schedule of Cash, Investments, and Accrued Interest Receivable as of March 31, 2012. (24)

From City Administrator, regarding transfer of functions of the Human Rights Commission to the General Services Agency. (25)

From Controller's Office, regarding adjustments to Recreation & Park Fees set in Article 12 to reflect changes in the CPI. Copy: Each Supervisor. (26)

From Assessor-Recorder, submitting the 2011 Assessor-Recorder Annual Report regarding clean energy technology exclusion. (27)

From concerned citizen, regarding CPMC debt collection practices. (28)

\*From Superior Court of California, 2011-2012 San Francisco Civil Grand Jury, submitting the following reports: Copy: Each Supervisor. (29) Where There's Smoke... The Need to Strengthen the Art Commission's Stewardship of San Francisco's Cultural Legacy Déjà Vu All Over Again: San Francisco's City Technology Needs a Culture Shock Better MUNI Service Needed, Without Switchbacks: An Investigation into the San Francisco Municipal

Transportation Agency Investment Policies and Practices of the San Francisco Employees' Retirement System

From Collin Woo, regarding the Metro Theatre. (30)

From Mayor's Office, reappointing the following to the Public Utilities Commission: Copy: Each Supervisor, City Attorney. (31)

Ann Moller Caen
Francesca Vietor
Vince Courtney

From Clerk of the Board, regarding Mayor's appointment of Joshua Arce to the Commission on the Environment. 2 letters. (32)

From Department of Public Health, submitting request for waiver of Administrative Code Chapter 12B for Mitchell Instrument Co., Inc. (33)

From Department of Human Resources, submitting request for waiver of Administrative Code Chapter 12B for South San Francisco Conference Center. (34)

From San Francisco Police Academy, submitting request for waiver of Administrative Code Chapter 12B for Embassy Suites Hotel. (35)

From Civil Service Commission, noticing Commission action adopting report regarding survey of monthly rates paid to police officers and firefighters in all cities of 350,000 or more. Copy: Each Supervisor. (36)

\*From Office of Citizens Complaints, Quarterly Reports for Second Quarter of 2012. Copy: Each Supervisor. (37)

From concerned citizen, regarding CleanPowerSF program. (38)

From Treasurer-Tax Collector, submitting Monthly Investment Report. (39)

From California Academy of Sciences, responding to Civil Grand Jury Report. (40)

From concerned citizen, regarding effects of Proposition B on pensions of City employees. Copy: Each Supervisor. (41)

From Economic and Workforce Development, submitting Annual Report on gifts received up to \$10,000. Copy: Each Supervisor. (42)

From Clerk of the Board, announcing the following

appointments by the Mayor to the Recreation and Park Commission: (43) Thomas R. Harrison Gloria Bonilla Meagan Levitan

From President of the Board, rescinding appointment of self to the Retirement Board. Copy: Each Supervisor, City Attorney. (44)

From Mayor, submitting notice that Mayor Ed Lee will be out of state from August 3, 2012, until August 5, 2012. Supervisor Kim will serve as Acting-Mayor. Copy: Each Supervisor, City Attorney. (45)

\*From Office of Controller's City Services Auditor Division, submitting report regarding Department of Public Works contract with Webcor for construction at San Francisco General Hospital. (46)

From Controller, submitting adjustment to correct clerical error in Annual Budget for FYs 2012-2013 and 2013-2014. Copy: Each Supervisor. (47)

From Budget and Legislative Analyst, submitting report regarding the possible impacts of formula retail on fresh food businesses. (48)

From Department of Public Works, submitting Annual Report regarding the Micro-LBE Set-Aside Program. Copy: Each Supervisor. (49)

From Recreation and Parks, submitting Fourth Quarter Report regarding Lead Poisoning Prevention. (50)

\*From Office of Controller's City Services Auditor Division, submitting report regarding Citywide Cash Transactions: Combined Assessment FY2011-2012. (51)

From Office of Controller's City Services Auditor Division, submitting report regarding Audit for the \$2.2 Million KCI USA, Inc., Sole Source Contract. (52)

From Morrison and Foerster, LLP, submitting notice of intent to file CEQA Petition to set aside the City's approvals of the 8 Washington/Seawall Lot 351 Project. Copy: Each Supervisor, City Attorney. (53)

Verified Petition for Writ of Mandate and Administrative Mandate under CEQA, entitled Ferry Building Investors, LLC, et al. v. San Francisco Port Commission, et al.; Pacific Waterfront Partners, LLC, et al., Real Parties in Interest, filed on July 20, 2012, in Superior Court of California, County of San Francisco, Case No. CPF-12-512355. Copy: Each Supervisor, City Attorney.

(54)

From concerned citizen, regarding the Central Subway construction in North Beach. (55)

From concerned citizen, regarding the Public Library policy when viewing of the Internet. (56)

From concerned citizens, regarding Chick-Fil-A. 3 letters. Copy: Each Supervisor. (57)

From concerned citizen, regarding Proposition 63 petition. (58)

\*From concerned citizens, regarding stop-and-frisk policy. 2 letters. (59)

From concerned citizen, regarding Beach Chalet Athletics Fields. (60)

From concerned citizen, regarding fog or smoke machines used in bars and clubs. (61)

From concerned citizens, regarding affordable housing. 2 letters. (62)

From Department of Fish and Game, submitting notice of public hearing regarding establishment of fees for permits, permit applications, and facility inspections. Copy: Each Supervisor. (63)

From Fish and Game Commission, submitting Notice of Proposed Changes in Regulations regarding Sport Fishing, and notice of hearing. Copy: Each Supervisor. (64)

From concerned citizen, regarding MUNI switchbacks. File No. 120841. (65)

From concerned citizen, regarding MUNI's hate-filled bus ads promoting Israel. (66)

From Office of Economic and Workforce Development, announcing Todd Rufo replacing Jennifer Matz as Director and Ken Rich becoming Director of Development. Copy: Each Supervisor. (67)

From Parks and Recreation, Office of Historic Preservation, announcing designation as eligible and acceptance for listing of 527-7th Street Warehouse in the California Register of Historical Resources. Copy: Each Supervisor. (68)

From Pacific Gas and Electric Company, submitting Notice of Application of 2013-2014 Statewide Marketing,

Education and Outreach Program. Copy: Each Supervisor. (69)

From First Republic Bank, announcing withdrawal of application for Conditional Use Authorization for 3901-24th Street, Planning Case N. 2011.1372c. Copy: Each Supervisor, City Attorney. (70)

From concerned citizen, regarding Coop conversions of SROs. (71)

From Department of Public Health, submitting Annual Report of increases in contracts during FY2011-2012. Copy: Each Supervisor. (72)

From Department of Elections, submitting Ballot Simplification Committee Meeting Notice. Copy: Each Supervisor. (73)

From concerned citizens, regarding property owners being put through hardships by Assessor's Office. (74)

From concerned citizens, regarding Efficiency Dwelling Unit legislation. File No. 120191. 5 letters. (75)

From concerned citizen, regarding release of personal and confidential information. (76)

From concerned citizen, regarding Beach Chalet Athletic Fields Renovation Project Final Environmental Impact Report and Project Approval. Copy: Each Supervisor. (77)

From Budget and Legislative Analyst, submitting report regarding Proposed Gross Receipts Tax. File No. 120681. Copy: Each Supervisor, City Attorney. (78)

\*From Planning Department, response to the letter of appeal of approval of Conditional Use Authorization at 3901-24th Street. File No. 120766. Copy: Each Supervisor. (79)

From Youth Commission, regarding Affordable Housing Trust Fund and Housing Production Incentives (File No. 120554), report regarding City College accreditation, and free MUNI for low-income youth. (80)

From concerned citizens, regarding CPMC's pending application for approval of its Long Range Development Plan. File No. 120549. 4 letters. Copy: Each Supervisor, City Attorney. (81)

From concerned citizens, regarding re-appointment of Michael Antonini to Planning Commission. 3 letters. File No. 120732. (82)

From concerned citizens, regarding the Historic Preservation Commission's decision approving the Certificate of Appropriateness to rehabilitate Richardson Hall, Woods Hall, and Woods Hall Annex, located at 55 Laguna Street. File No. 120726. 4 letters. Copy: Each Supervisor, City Attorney. (83)

From concerned citizen, regarding shootings and killings on San Bruno Avenue. (84)

From concerned citizens, regarding definition of student housing and eliminating grandfathering of Art Institute. File No. 111374. 3 letters. (85)

From concerned citizen, regarding special assessment of liens for assessment of cost. File No. 120655. (86)

From concerned citizen, regarding public benefits financing in the Eastern Neighborhoods area plans. Copy: Each Supervisor. (87)

From Assessor-Recorder and Treasurer-Tax Collector, submitting joint Annual Report for the Biotech exclusions. (88)

\*From Department of Emergency Management, submitting Annual Report for FY2011-2012. (89)

\*From Public Utilities Commission, submitting Savings Report regarding Water Revenue Bonds, 2012 Series D. (90)

From concerned citizen, regarding mural at Bernal Heights Library. (91)

\*(An asterisked item represents the cover sheet to document that exceeds 25 pages. The complete document is available at the Clerk's Office Room 244, City Hall.)

History of Legislative File 120877	History	of L	eaisl	ative	File	120877
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Ver	Acting Body	Date	Action	Sent To	Due Date	Result

#### **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

#### **MEMORANDUM**

Date:

July 30, 2012

To:

Honorable Members, Board of Supervisors

From:

Angela Calvillo, Clerk of the Board

Subject:

Sole Source Contracts

Sunshine Ordinance Section 67.24(e) requires that at the end of each fiscal year each City Department provide the Board of Supervisors with a list of all sole source contracts entered into during the past fiscal year.

Attached is the report on the sole source contracts for Fiscal Year 2011-2012.

The departments' responses are on file in Communications Page folders in the Clerk of the Board's Office and on the Board's website (Meeting Information Communications.)

Attachment

C: Ben Rosenfield, Controller

#### Report from City Departments Sole Source Contracts - Fiscal Year 2011-2012

Department	Communications	Page Folder
	Date	Item #
Adult Probation	7/31/12	7
Airport	7/10/12	28
Arts Commission	7/2412	3
Asian Art Museum	7/31/12	7
Assessor-Recorder	6/19/12	19
Board of Appeals	6/19/12	19
Board of Supervisors	7/10/12	28
Building Inspection	7/10/12	28
Children, Youth & Their Families	7/24/12	3
City Administrator/General Services Agency	7/31/12	7
City Attorney	7/24/12	3
Civil Service	7/24/12	3
Controller	7/24/12	3
District Attorney	7/24/12	3
Economic & Workforce Development	9/4/12	1
Elections	7/24/12	3
Emergency Management	7/31/12	7
Environment	7/17/12	15
Ethics	6/19/12	19
Film Commission	7/24/12	3
Fine Arts Museums	7/10/12	28
Fire	7/24/12	3
Health Service System	7/24/12	3
Human Resources	7/17/12	15
Human Rights	7/31/12	7
Human Services	7/10/12	28
Juvenile Probation	7/10/12	3
Law Library	7/10/12	28
Mayor's Office	7/24/12	3
Mayor's Office of Community Development & Housing	7/10/12	28
Mayor's Office on Disability	7/17/12	15
Municipal Transportation Authority	7/10/12	28
Office of Citizen Complaints	7/10/12	3
Planning	7/10/12	28
Police	6/26/12	20
Port	7/31/12	7
· ·		3
Public Defender	7/24/12	
Public Health	7/10/12	28
Public Library	7/24/12	3
Public Utilities Commission	7/10/12	28
Public Works	9/4/12	1
Recreation & Park	7/17/12	15
Residential Rent Stabilization & Arbitration (Rent Board)	7/10/12	28
Retirement	7/24/12	3
Sheriff	7/10/12	28
Small Business	7/24/12	3
Status of Women	7/31/12	7
Technology	7/24/12	3
Treasurer-Tax Collector	7/31/12	7
War Memorial & Performing Arts	7/24/12	3

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

<u>To:</u>

BOS Constituent Mail Distribution,

Cc:

Bcc:

BCC:

Subject: Ross Mirkarimi

From:

Shannon Seaberg <sseaberg@yahoo.com>

To:

Board of Supervisors <board\_of\_supervisors@ci.sf.ca.us>,

Date:

08/22/2012 12:34 PM

Subject:

Ross Mirkarimi

I do not believe that Sherriff Ross Mirkarimi should be removed from office, nor do I believe that his actions were official misconduct. Please vote to retain Mr. Mirkarimi in the position of sherriff.

Regards,

Shannon Seaberg 222 Theresa Street San Francisco, CA 94112

#### **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:

August 27, 2012

To:

Honorable Members, Board of Supervisors

From:

Angela Calvillo, Clerk of the Board

Subject:

Form 700

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

Todd David - Sunshine Ordinance Task Force - Assuming Judy B. - Legislative Aide - Leaving



<u>To</u>:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: wasted resources

From: To:

Seth Mausner <seth2m@sbcglobal.net>

board.of.supervisors@sfgov.org,

Date: Subject: 08/16/2012 11:18 PM wasted resources

Dear Staff,

I live on the last block of Myra Way (791), where there is no bus route. Our block is very lightly travelled. It had no potholes and was in good condition. I am outraged that taxpayer money went to repaving it this week, not to mention all the wasted resources and pollution this totally unnecessary action caused. And yet there is not enough money for education and social services !!

Sincerely,

Seth Mausner Director, Music Team San Francisco 415.584.5946 musicteamsf.org .

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



San Francisco International Airport

August 13, 2012

Honorable Edwin Lee Mayor, City and County of San Francisco City Hall, Room 200

Angela Calvillo, Clerk of the Board Board of Supervisors City Hall, Room 244

Ben Rosenfield, Controller City Hall, Room 316

RE: Adopted Budget for FY 2012-13 and FY 2013-14

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2012-13 and FY 2013-14, as adopted by the Board of Supervisors, is adequate for my department to meet service levels as proposed to the Board.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Very truly yours,

John L. Martin Airport Director

cc: Kate Howard, Mayor's Budget Director Leo Levenson, Controller's Budget and Analysis Director

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE MAYOR LARRY MAZZOLA
PRESIDENT

LINDA S. CRAYTON
VICE PRESIDENT

ELEANOR JOHNS

RICHARD J. GUGGENHIME

PETER A. STERN

JOHN L. MARTIN
AIRPORT DIRECTOR



Sept. 4, 2012 – Communications Page

From Clerk of the Board, the following departments have submitted their reports regarding Sole Source Contracts for FY 2011-2012:

Department of Public Works Economic and Workforce Development

#### City and County of San Francisco

#### San Francisco Department of Public Works

Office of the Director 1 Dr. Carlton B. Goodlett Place, City Hall, Room 348 San Francisco, CA 94102 (415) 554-6920 www.sfdpw.org



Edwin M. Lee, Mayor Mohammed Nuru, Director BOARD OF SUPERVISORS

2012 JUL 30 PM 3: 21



July 27, 2012

Ms. Angela Calvillo Clerk of the Board **Board of Supervisors** City Hall, Room 244 San Francisco, CA 94102

Reference: FY 2011-12 List of Sole Source Contracts

Dear Ms. Calvillo:

In accordance with the City's Sunshine Ordinance (Administrative Code Chapter 67), this letter is to confirm that the Department of Public Works is reporting that we did not award any sole source contract for the fiscal year 2011-2012.

If you have any questions or need additional information, please contact Robert Carlson of my staff at 554-4831.

Sincerely,

Mohammed Nuru

Director

Cc:

Kate Howard, Mayor's Budget Office

Robert Carlson, DPW



Re: Fw: Sole Source Contracts and Annual Reports - Response Required Merrick Pascual to: Board of Supervisors 07/31/2012 09:15 AM Cc: Jennifer Entine Matz, Myisha Hervey

To whom it may concern,

The Office of Economic and Workforce Development did not enter into any sole source contracts during FY 11-12. I apologize for the late response.

Please contact me with any questions.

Thanks, Merrick

Merrick Pascual
Chief Financial Officer
Office of Economic and Workforce Development
(415) 701-5511



#### San Francisco Department of Public Health

Barbara A. Garcia, MPA Director of Health

2012 AUG 17 PM 2: 34

RECEIVED SAN FRANCISCO

#### MEMORANDUM

DATE:

August 17, 2012

TO:

Angela Calvillo, Clerk of the Board of Supervisors

FROM:

Jacquie Hale, Director, Office of Contracts Management and Compliance

RE:

Sole Source Contracts for Fiscal Year 2011-12

This is to correct a memorandum you may have received earlier that was dated incorrectly, forwarding out annual list of sole source contracts for the 2011-12 fiscal year (attached).

If you have any questions on this report, please contact me at 554-2609.

Thank you.

#### Attachment

cc:

Greg Wagner, Chief Administrative Officer, DPH

Anne Okubo, Deputy Chief Administrative Officer, DPH

Start Date	End Date	Vendor Name	Amount S			Service Type
S.F. Adminis	strative Code	Chapter 21.5(b): Other Purchases-Commodities or service	es	availa	ble on	ly from a sole source
		1				
Medical and	Related Serv	/ices:	,	e1		
07/01/07		Auto transfusion, Inc.	\$	25	0,000	Proprietary auto transfusion equipment
01/01/12	12/31/14	Blood Centers Of The Pacific	\$			Blood and blood-related products
07/01/11	06/30/16	Compumed, Inc.	\$			Remote EKG reading and services for Jail Health Services
07/01/10	06/30/15	KCI USA Inc.	\$	3,00	0,000	Negative pressure wound (bedsores) therapy devices
07/01/11	12/31/12	Sourcecorp Deliverex	\$			Medical records storage and retrieval
Healthy San	Francisco					
07/01/11	06/30/14	San Francisco Community Health Authority	\$	48,00	0,000	Healthy San Francisco private provider payments
07/01/11	06/30/14	San Francisco Community Health Authority				Healthy San Francisco administration
06/01/07	06/30/12	The Center To Promote Healthcare Access	\$			Healthy San Francisco One-E-App eligibility system
Government	t Agencies:		-			
01/01/10	12/31/11	City College Of San Francisco	\$	50	0.000	Substance abuse counselor certification
11/01/07	12/31/11	San Francisco Superior Court	\$			Drug Court
07/01/11	12/31/15	San Francisco Superior Court	\$			Community Justice Court
10/01/09	08/31/11	San Francisco Unified School District	\$			Safe Routes to School program
09/01/11	08/31/13	San Francisco Unified School District	\$			Safe Routes to School program
10/01/11	06/30/13	State of California / Dept of Health Services	\$			AB2968 pilot project for community-living support benefits
Regents of t	the University	γ of California (UCSF):				<u> </u>
03/01/09	06/30/13	Regents of The University of California	\$	22	5 000	HIV Return to Work legal services
07/01/09	06/30/12	Regents of The University of California	\$			Antimicrobial resistant pathogens research re: syphilis
07/01/10	06/30/13	Regents of The University of California	\$			Vocational rehabilitation services / long-term housing mntc.
11/01/11	12/31/12	Regents of The University of California	\$			Comprehensive maternity care services
11/01/11	12/31/12	Regents of The University of California	\$			Prenatal and Neonatal consultation and transportation services
01/01/12	12/31/12	Regents of The University of California	\$			Tertiary care services
07/01/09	12/31/11	Regents of UC on Behalf of UCSF Med Ctr/Grp	\$			Tertiary care services
Non-profit C	) Prganizations	,				
07/01/11	06/30/16	44 McAllister Associates LP	\$	1.58	8.440	Property mgmt and onsite supportive housing services
07/01/10	12/31/11	Brothers Against Guns Inc.	\$			Court-ordered intensive home-based supervision for youth
07/01/09	06/30/14	Children's Health Council	\$			Mental Health Services for One Child
02/01/11	06/30/15	Devereux Foundation	\$			Placement and services for a single client with special needs
10/01/10	07/31/15	Mercy Housing California XI	\$			Housing at Arlington Residence
07/01/10	06/30/15	Providence Foundation of San Francisco	\$			Supportive housing services at 3500 Third Street
07/01/11	12/31/12	Realizing Youth As Leaders, Inc., (ROYAL)	\$			Mental health services in Tagalog, Visayan, and English
07/01/07	06/30/15	S F Mental Health Educational Funds	\$			San Francisco Mental Health Board staffing
03/01/12	08/31/12	San Francisco Public Health Foundation	\$			Health Impact Assessment for Sustainable Development
06/01/12	08/31/12	San Francisco Public Health Foundation	\$			Research support for PH Capacity/Adapt / Climate Change
09/01/11	09/29/12	San Francisco Public Health Foundation	\$			Community Transformation Grant
06/01/12	08/31/12	San Francisco Public Health Foundation	\$			Access to parks and open space

Start Date	End Date	Vendor Name	An	nount	Service Type
		Chapter 21.30: Software Licenses, Support, Escrow, Fina			
01/01/09		A D L Data Systems Inc.	\$		Software mntc./spt. for LHH patient care system
07/01/08		Andrew J Wong Inc.	\$		Web-based app. for multi-dept. Children's System of Care
07/01/08		Bat Technologies LLC	\$		Software lic./mntc. LabBilSys system for Public Health Lab
10/01/09	09/30/11	Catalyst Systems LLC	\$		Systems support for Patient Classification System at SFGH
10/01/09	09/30/12	Catalyst Systems, LLC	\$		Systems support for Patient Classification System at SFGH
05/01/10	04/30/15	Cerner Corporation	\$		Software maintenance for patient database at SFGH
05/01/07	04/30/12	Cerner DHT Inc.	\$		Software maintenance for pathology workflow at SFGH
05/01/10	04/30/15	Cerner DHT Inc.	\$		Software maintenance for pathology workflow at SFGH
07/01/09	12/31/12	Clarion Data Inc.	\$		Software maintenance for LHH
01/01/10	12/31/12	Common Cents Systems Inc.	\$		Software maintenance for Apollo LEMS system for PH Lab
07/01/11	06/30/12	Dataway	\$		DPH network security
07/01/12		Dataway	\$		Security infrastructure Integrated Enterprise Network System
01/01/09	12/31/13	Delta Health Technologies LLC	\$		Software mntc/spt/remote svr for Health At Home field staff
01/01/09	12/31/18	Delta Health Technologies, LLC	\$		Upgrade to hosted system for Health At Home field staff
11/21/11	06/30/14	E M C Corp	\$		Software mntc/spt/installation for EMC Documentum System
07/01/09	06/30/13	Echo Consulting Services of California, Inc.	\$		Software support for INSYST system
12/01/08		Emsystem LLC	\$		Software mntc/spt for inventory/resource mgt. for EMSA
08/23/08		First Watch Solutions, Inc.	\$		Software mntc for First Watch app. at EMSA
08/23/08	08/22/11	Firstwatch	\$		Software mntc for First Watch app. at EMSA
08/01/07	07/31/12	Four Rivers Software Systems Inc.	\$		Software mntc for SFGH
05/01/12	06/30/14	Four Rivers Software Systems Inc.	\$		Software mntc for SFGH
07/01/09	06/30/14	Genisys Decision Corp	\$	268,800	Software mntc for CHN Budget Office
09/01/09	08/31/11	Healthstream	\$	400,000	Access to the online web-based training system
08/17/09	08/16/12	Hill Rom	\$	136,000	Software mntc for Watchchild system at SFGH
07/01/10	08/31/11	Huge Media	\$		Website mntc/spt/updates Communicable Disease Control
07/01/08	06/30/15	Legacy Systems Solutions Inc.	\$	470,000	Software mntc
02/01/10	06/30/15	McKesson	\$	405,000	Software lic/mntc CarEnhance / Healthy SF Nurse Advice line
07/01/12	06/30/16	McKesson	\$	575,000	System mntc/upgrade for Pathways materials mgt. system
12/01/11	12/31/18	McKesson Technologies, Inc	\$	679,088	Software addition of Timecard to OneStaff payroll interface
12/12/11	09/30/17	Nuance Communications, Inc	\$	540,000	Software mntc for Powerscribe medical dictation system
12/01/10	11/30/12	Oracle USA	\$	250,000	Software mntc for Oracle apps.
08/01/10	07/31/13	Performance Logic, Inc	\$	93,408	Access to the Health Commander quality mgt. app. at SFGH
01/01/09	12/31/14	Philips Healthcare	\$	318,300	Software mntc/spt for critical care system SFGH for legal doctn
01/01/09	12/31/14	Philips Healthcare	\$	441,700	Software mntc/spt for critical care system SFGH for legal doctn
07/01/10	06/30/15	Quadramed	\$		Software lic/mntc for SFGH and LHH
07/01/09	06/30/13	R T Z Associates Inc.	\$		Access to SF Get Care
01/01/09	12/31/15	SearchAmerica Inc.	\$		Access to database for patient financial services at CHN
07/01/10	06/30/17	Siemens Medical Solutions USA			PPS and RCO contracts consolidation\
07/01/07	06/30/12	Siemens Medical Solutions USA Inc.	\$		PPS services
07/01/07	06/30/12	Siemens Medical Solutions USA Inc.	\$		Remote Computing Option
07/01/07	06/30/12	Siemens Medical Solutions USA Inc.	\$	9,900,000	Products and Professional Services
06/01/07	06/30/12	Social Interest Solutions	\$	2,495,341	One-E-App for Healthy San Francisco

Start Date	End Date	Vendor Name	Amount S			Service Type
		Chapter 21.42: Professional Services Contracts for Healtl	h ar	nd Bel		
07/01/10		Adolescent Treatment Center DBA Thunder Road	\$			Residential treatment services for youth
03/01/07	02/28/13	AIDS Community Research Consortium	\$			Client advocacy, treatment adherence for people of color
03/01/09	06/30/13	AIDS Emergency Fund	\$			HIV emergency assistance services
07/01/10	06/30/12	Asian American Recovery Services	\$	9,900	0,000	Fiscal intermediary services for Drug Court, Access, etc.
01/01/11	06/30/12	Asian American Recovery Services	\$			Comprehensive Outreach Program for Pacific Islander and Asian
07/01/11	06/30/16	Asian and Pacific Islander Wellness Center	\$	1,260	0,000	Outreach and pretreatment for gender variant individuals
09/01/11	06/30/13	Asthma Resource Center of San Francisco	\$			Implementation assistance for Asthma Task Force
07/01/10	06/30/13	Bayview Hunters Point Foundation	\$	6,998	8,000	Fiscal Intermediary services for Family Mosaic Program
10/01/11	06/30/13	Bayview Hunters Point HERC	\$			Disease reduction in Bayview Hunter's Point African-Am. cmty.
03/01/10	06/01/13	Black Coalition on AIDS	\$			Brandy Moore Transitional Housing, Rafiki House case mgt.
01/01/11	12/31/12	Boys and Girls Club of San Francisco	\$	100	0,000	Access and coordination of mental health services for youth
01/01/11	12/31/15	California Family Health Council	\$			Chlamydia infertility prevention
12/01/09	06/30/13	California Pacific Medical Center	\$	660	0,000	In-homeHIV/AIDS case mgt, medical, mental health services
03/01/08	06/30/13	Catholic Charities CYO	\$			Attendant care at Leland House and Peter Claver Community
07/01/10	06/30/14	Catholic Charities CYO	\$	533	3,792	On-site supportive services to Edith Witt Senior Community
07/01/10	06/30/12	Catholic Charities CYO	\$	1,329	9,552	Residential day treatment for youth
07/01/10	06/30/13	Catholic Charities CYO	\$	1,356	6,728	Support housing services in permanent housing
07/01/11	06/30/16	Catholic Charities CYO	\$	2,480	0,340	Supportive housing services for Peter Claver Community
07/01/07	06/30/13	Catholic Healthcare West DBA St. Mary's Medical Center	\$	5,100	0,000	Integrated Case Mgt., primary care for people with HIV/AIDS
07/01/08	08/31/11	Chinatown Community Development Corporation	\$	179	9,424	Direct Access to Housing (DAH) at William Penn Hotel
07/01/11	07/31/16	Chinatown Community Development Corporation	\$	59	1,160	Housing units at William Penn and Cambridge Hotels
07/01/09	06/30/12	Chinese Hospital	\$			Immunization services
07/01/08	08/31/11	Community Awareness & Treatment Services	\$			Direct Access to Housing (DAH) at the Eddy Street Apartments
07/01/11	07/31/16	Community Awareness & Treatment Services	\$	1,193	3,920	Supportive housing services at the Eddy Street Apartments
07/01/11	06/30/14	Community Awareness & Treatment Services	\$	9,272	2,991	Medical Respite, SF Homeless Outreach, and MAP
06/01/12	04/30/13	Community Initiatives	\$	7	5,000	Healthy Schools and Healthy Restaurant Meals programs
03/01/07		Dolores Street Community Services	\$			Nurse case mgt. services at the Richard Cohen residence
07/01/09	06/30/15	Eldergivers	\$	160	0,800	Art Therapy at LHH
07/01/10	12/31/11	Familiesfirst Inc.	\$	423	3,561	Day treatment/day rehabilitation services
07/01/10	12/31/12	Family Services Agency of San Francisco	\$	537	7,000	On-site mental health administrative services
05/01/12	12/31/13	Family Services Agency of San Francisco	\$	763	3,550	Mental health outpatient services for deaf and hard-of-hearing
07/01/10	12/31/11	Fred Finch Youth Center	\$			Mental health residential and day treatment services for youth
01/01/10	06/30/15	Glide Community Housing Inc.	\$			On-site client support and property management services
03/01/07	12/30/11	Glide Foundation	\$	547	7,591	HIV Counseling, Testing and Linkages (CTL) services
07/01/08	08/31/11	GP-TODCO	\$.	. 588	3,517	Direct Access to Housing (DAH) at Bayanihan, Knox, and Isabel
07/01/11	07/31/11	GP-TODCO	\$	1,46	1,371	Multiple housing units at various sites (scattered housing)
01/01/10	06/30/13	Haight Ashbury Free Clinic - Walden House	\$	4,530	0,438	Rep. Payee and other services
07/01/10	12/31/11	Haight Ashbury Free Clinic - Walden House	\$	846	6,738	Counseling services for homeless women and their families
01/01/11	12/31/13	Haight Ashbury Free Clinic - Walden House	\$			Mental health services
01/01/09	12/31/12	Harm Reduction Coalition	\$	347	7,460	Drug Overdose Prevention and Education (DOPE) Project

Start Date	End Date	Vendor Name	Amount		Service Type
07/01/11	06/30/13	Hearing and Speech Center of Northern California	\$		Audiology services at LHH
07/01/11	12/31/12	Jewish Family and Children's Services	\$		Mental health services for children and youth
07/01/10	06/30/12	Lutheran Social Services	\$		Third party rent payment and money management services
07/01/10	06/30/13	Lutheran Social Services	\$		Support services and rental subsidies at Folsom Dore
07/01/10	06/30/16	Lutheran Social Services	\$		
01/01/11		<u> </u>			Rep. Payee services for people living with HIV/AIDS
	12/31/12	Mission Council On Alcohol Abuse / Spanish	\$		Substance abuse services for Spanish-speaking
07/01/10	06/30/13	Mission Creek Senior Community	\$	<u></u>	Residential subsidies at Mission Creek Senior Community
07/01/06	07/31/13	Mission Neighborhood Health Center	\$		HIV Outreach, Testing, and Referral Services
07/01/09	06/30/12	Mission Neighborhood Health Center	\$		Immunization services
07/01/10	06/30/14	Mission Neighborhood Health Center	\$		HIV Early Intervention services
03/01/09	06/30/13	Native American Health Center	\$		HIV Health Services - Centers of Excellence
07/01/10	06/30/13	North & South Market Adult Day Hith Corp	\$		Adult day and supportive housing services at Mission Creek
07/01/09	06/30/12	North East Medical Services	\$		Immunization services
07/01/10	12/31/12	North of Market Senior Svc DBA Curry Senior Services	\$		Substance abuse and mental health services
01/01/09	05/31/14	P H F E Management Solutions	\$		Fiscal interm. services to support HIV prevention programs
11/01/05	06/30/14	Plaza Apartments Associates Lp	\$		Direct Access to Housing (DAH) for Plaza Hotel Plaza Apts.
03/01/09	06/30/13	Positive Resource Center	\$		HIV Return to Work
03/01/07	06/30/13	Project Open Hand	\$		Delivered Meals Grocery Center
01/01/09	12/31/11	Public Health Foundation Enterprises	\$		Fiscal intermediary services for STD services
07/01/11	06/30/15	S F Community Clinic Consortium	\$		provision of Americorp and VISTA interns
10/01/10	03/31/14	Saint Francis Memorial Hospital	\$		Rally Family Visitation Services
07/01/09	06/30/12	San Francisco AIDS Foundation	\$		HIV Client Advocacy & Benefits Counseling Services
01/01/10	12/31/12	San Francisco AIDS Foundation	\$		STD services for MSM - Magnet Clinic
07/01/11	06/30/16	San Francisco AIDS Foundation	\$		Non Medical case management services
09/01/09	08/31/11	San Francisco Bicycle Coalition	\$		Safe Route to Schools Project activities
09/01/11	08/31/13	San Francisco Bicycle Coalition	\$		Safe Route to Schools Project classes
07/01/11	06/30/16	San Francisco Food Bank	\$		Food services to non-profits
07/01/07	06/30/15	San Francisco Mental Health and Education Fund	\$		San Francisco Mental Health Board staffing
07/01/10	06/30/13	San Francisco Network Ministries	\$	180,500	Housing, support svcs. /homeless women leaving prostitution
03/01/09	06/30/13	San Francisco Suicide Prevention	\$	520,000	Nightline phone crisis services
04/01/11	09/30/12	Seneca Center	\$	268,800	Mental health services for children and adolescents
07/01/08	08/31/11	St. VIncent De Paul Society of San Francisco	\$	466,502	Arlington Hotel
07/01/10	12/31/12	St. VIncent De Paul Society of San Francisco	\$	3,217,483	Mental health and substance abuse residential services
04/01/09	12/31/11	Stop AIDS Project	\$	300,000	Assessment of internet structural and network interventions
03/01/09	06/30/13	Tenderloin Health	\$	3,600,000	Centers of Excellence for people with HIV/AIDS
07/01/10	06/30/13	Tenderloin Health	\$		Housing stabilization
12/13/10	06/30/12	Tenderloin Health	\$		Project Homeless Connect info/referral, navigation
07/01/08	08/31/11	Tenderloin Neighborhood Development Corp.	\$		Ritz and Dalt Hotels
07/01/11	06/30/16	Tenderloin Neighborhood Development Corp.	\$		Multiple housing units at various sites (scattered housing)
07/01/11	12/31/12	The Tides Center	\$		Community-based primary care for women
03/01/09	06/30/12	Tides Center	\$	<del></del>	Needle Exchange for youth
07/01/10	12/31/11	Victor Treatment Centers Inc	\$		Mental health residential day tx. svcs. for children/adolescents
07/01/10	06/30/13	Walden House	\$		Services in a co-op setting for adults with disabling HIV/AIDS
03/01/09	06/30/13	Westside Community Mental Health Center	\$		Centers of Excellence for people with HIV/AIDS
09/01/11	08/31/13	Y M C A of San Francisco	\$		Safe Routes to School Project collaboration

## Office of the Mayor san francisco



BOS-11, COB, 3 Depoties at attry, EF, chape EDWIN M. LEE MAYOR

BOARD OF SUPERVISORS
SAN FRANCISCO

2012 AUG 20 AM 9: 15

August 20, 2012

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

Dear Ms. Calvillo,

Pursuant to Charter Section 3.100, I hereby designate Supervisor Sean Elsbernd as Acting-Mayor from the time I leave the State of California on Tuesday, August 21 at 7:35 pm, until Wednesday, August 22 at 11:59 pm.

Sincerely,

Edwin M. Lee Mayor

cc: Mr. Dennis Herrera, City Attorney

### OFFICE OF THE MAYOR SAN FRANCISCO



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EDWIN M. LEE Mayor

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ARD OF SUPERVISOR

SAN FRANCISCO

17 AUG 20 AM 9: 15

August 20, 2012

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

Dear Ms. Calvillo,

Pursuant to Charter Section 3.100, I hereby designate Supervisor Carmen Chu as Acting-Mayor beginning Wednesday, August 22 at 11:59 pm, until I return on Saturday, August 25 at 10:51 pm.

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

Sincerely

Edwin M. Mayor

cc: Mr. Dennis Herrera, City Attorney

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

#### 2012 Local Agency Biennial Notice

#### Conflict of Interest Code Review Report

Name of Agency: DEPT OF AGING & ADULT SVCS
Mailing Address: 1650 MSSIDN ST. 5M FCR.
Contact Person: UShawn Williams Office Phone No: 355-3509
E-mail: aShaun. Williams OSfgir. Org Fax No: 355-6785
This agency has reviewed its conflict-of-interest code and has determined that:
An amendment is required. The following amendments are necessary: (Check all that apply.)
<ul> <li>Include new positions (including consultants) that must be designated.</li> <li>Delete positions that manage public investments from the list of designated positions.</li> <li>Revise disclosure categories.</li> <li>Revise the titles of existing positions.</li> <li>Delete titles of positions that have been abolished.</li> <li>Other (describe)</li> </ul>
Code is currently under review by the code-reviewing body.
No amendment is required.  The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.
Signature of Chief Executive Officer  8.1.12  Date

Complete this notice regardless of how recently your code was approved or amended.

Please return this notice no later than Aug. 1, 2012, via e-mail (PDF), inter-office mail, or fax to:

Clerk of the Board Board of Supervisors ATTN: Peggy Nevin

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

Fax: 554-5163

E-mail: peggy.nevin@sfgov.org

### Office of the Mayor SAN FRANCISCO



EDWIN M. LEE Mayor

Notice of Appointment

August 20, 2012

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

Honorable Board of Supervisors:

Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Joshua Arce to the Commission on the Environment, assuming the seat formerly held by Rahul Prakash, for a term-ending March 25, 2015.

I am confident Mr. Arce, a CCSF elector, will serve the City and County well. Attached are his qualifications to serve, which demonstrates how this appointment represents the communities of interest, neighborhoods, and diverse populations of San Francisco.

Should you have any questions related to these appointments, please contact my Director of Appointments, Nicole Wheaton, at (415) 554-7940.

Sincerely,

Mavor

## OFFICE OF THE MAYOR SAN FRANCISCO



Rulu Clirk OB EF Gage EDWIN M. LEE MAYOR

August 20, 2012

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

Dear Ms. Calvillo,

Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

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I am confident Mr. Arce, a CCSF elector, will serve the City and County well. Attached are his qualifications to serve, which demonstrates how this appointment represents the communities of interest, neighborhoods, and diverse populations of San Francisco.

Should you have any questions related to these appointments, please contact my Director of Appointments, Nicole Wheaton, at (415) 554-7940.

Sincerely.

Mayor

#### **JOSHUA ARCE**

1028A Howard Street San Francisco, California 94103 (415) 252-9700 • josh@brightlinedefense.org

#### **EDUCATION**

UNIVERSITY OF CALIFORNIA, HASTINGS COLLEGE OF THE LAW

San Francisco, CA Juris Doctor, May 2000 Member, La Raza Law Students Association

UNIVERSITY OF CALIFORNIA, LOS ANGELES

Los Angeles, CA Bachelor of Arts in Political Science, June 1997

#### **EXPERIENCE**

BRIGHTLINE DEFENSE PROJECT, San Francisco, CA

Executive Director

November 2005 to Present

- Founded 501(c)(3) non-profit public policy advocacy organization to protect and empower communities, particularly low-income communities of color and of limited English speakers.
- Led a broad coalition of community advocates to craft and win the strongest local hiring policy in the country, which guarantees San Francisco residents access to blue-collar union jobs on billions of dollars of taxpayer-funded construction.
- Established an expertise in environmental justice and green workforce development through efforts such as a two-year campaign to shut down San Francisco's Potrero Power Plant without building new dirty power plants to replace it and the drive to secure a local hiring agreement that no less than 30% of the workforce on the Sunset Reservoir Solar Project will consist of qualified economically disadvantaged residents of San Francisco's most underserved communities.
- Helped develop and establish low-income and job incentives for landmark GoSolarSF program, which has assisted nearly 2,000 local homeowners and businesses to install solar panels since 2008.

#### JOSHUA ARCE, ATTORNEY AT LAW, San Francisco, CA

Attorney

November 2002 to November 2005

- Maintained own law practice as a solo practitioner, focusing on civil rights issues in employment and housing, civil liberties grievances, landlord-tenant matters, and family law.
- Brought cases against Fortune 500 employers on behalf of wrongfully terminated employees, particularly low-income workers, people of color, and limited English speakers.
- Provided estate planning consultations to over 200 low- and moderate-income families throughout the San Francisco Bay area.

#### WILSON & RUSH LLP, San Francisco, CA

Associate

May 2001 to November 2002

- Worked on transactional matters including small business contracts, taxation, real property matters and estate planning.
- Negotiated settlements on behalf of clients and participated in mediations and alternative dispute resolution programs.

Bos-11 COB





## OFFICE OF THE CITY ADMINISTRATOR RISK MANAGEMENT DIVISION

Naomi Kelly City Administrator

TO:

HONORABLE BOARD OF SUPERVISORS

FROM:

**MATT HANSEN** 

**DIRECTOR** 

DATE:

August 20, 2012

RE:

INDEMNIFICATION QUARTERLY REPORT

JANUARY - MARCH 2012

This report is submitted to the Board of Supervisors as per Administrative Code Section 1.24, wherein the Risk Manager is required to maintain a record of all indemnification agreements approved under the authority granted to the Risk Manager by said Code and to submit quarterly reports of such approvals.

While the attached summary is a brief recap of the nature of the indemnity agreements, supporting documentation is filed in the Risk Management office of the General Services Agency.

Copy of this report will be furnished to the City Attorney and City Controller as per ordinance, and forwarded to the San Francisco Main Library for filing.

cc:

Dennis Herrera, City Attorney Ben Rosenfield, Controller SF Main Library, Government Section

#### APPROVAL OF INDEMNITY PROVISIONS

#### JANUARY - MARCH 2012

City and County of San Francisco Airport Commission, John L. Martin, Airport, Director agreement between Engineered Arresting Systems Corporation. May 17 201and modified January 24, 2012

Under federal law, the San Francisco International Airport is required to contract with ESCO for the design of its engineered materials arrestor system (EMAS). The Airport is required to install an EMAS system by 2015 to continue consistent air transportation services. ESCO is the sole FAA approved designer. The negotiated indemnification agreement sufficiently protects the City from ESCO's negligence, recklessness, or willful misconduct. It is a necessary part of the Agreement.

Port Security Grant Program (PSGP) sub-grantee agreements between the San Francesco Police Department and the Marine Exchange of the San Francisco Bay Region. January 2011

The Marine Exchange's Executive Director has been selected by the Federal Emergency Management Agency (FEMA) as their Fiduciary Agent (FA) for the San Francisco-Bay Region and as such has been authorized to disburse Federal Port Security Grant funds beginning with the 2007 supplement grant cycle, to recipients approved by FEMA. The funding-will allow receipts to complete projects to improve safety and security throughout the San Francisco waterfront. The Marine Exchange is a 501(c) (1) nonprofit entity. They require a hold harmless agreement with each sub-grantee. Without the sub-grantee agreement and its hold harmless clause, the San Francisco Police Department would not be able to access these funds.

Department of the Environment, Robert Hayden, Manager of Transportation Programs and San Francisco EV Initiative SubRecipient agreement between Association of Bay Area Governments (ABAG). June 13, 2012

The California Energy Commission has awarded a grant to ABAG for installation of electric vehicle charges by a number of jurisdictions and other parties in the Bay Area. This SubRecipient Agreement is for some of the state funds to be awarded to San Francisco to pay for a portion of the costs associated with installation of EV chargers in several city owned public garages. The San Francisco Police Department would not be able to access these funds with out indemnification provisions.

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

To:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: 5 KPOO Emails

From:

Emerson Dell <emersondellrose@gmail.com>

To:

Board.of.Supervisors@sfgov.org,

Date:

07/23/2012 10:39 PM

Subject:

Keep the SFBoSuper on the radio

I listen on the radio. Stay on the radio airwaves.

From:

Den O'Donoghue <mail@change.org>

To:

Board.of.Supervisors@sfgov.org.

Date:

07/24/2012 03:08 AM

Subject:

Fund KPOO to broadcast SF Board of Supervisor meetings

Greetings,

I just signed the following petition addressed to: SF Board of Supervisors.

Fund KPOO to broadcast SF Board of Supervisor meetings

This is a vital public service for the people of San Francisco to hear what is going on with their city government.

Sincerely,

Den O'Donoghue

Dunstable, United Kingdom

Note: this email was sent as part of a petition started on Change.org, viewable at http://www.change.org/petitions/sf-board-of-supervisors-fund-kpoo-to-broadcast-sf-board-of-sup ervisor-meetings. To respond, click here

From:

michelle puckett <mail@change.org>

To: Date: Board.of.Supervisors@sfgov.org,

07/24/2012 10:09 AM

Subject:

Fund KPOO to broadcast SF Board of Supervisor meetings

Greetings,



Capital Planning Committee

BOS-11

B+F Clerk

Naomi M. Kelly, City Administrator, Chair

#### **MEMORANDUM**

July 23, 2012

To:

Supervisor David Chiu, Board President

From:

Naomi Kelly, City Administrator and Capital Planning Committee Cha-

Copy:

Members of the Board of Supervisors Angela Calvillo, Clerk of the Board

Capital Planning Committee

Regarding: Proposed Project List for the Streetscape, Pedestrian and Bicycle Safety

portion of the 2011 Road Repaying & Street Safety General Obligation

In accordance with the 2011 Road Repaying and Street Safety Bond Report, on July 16, 2012, the Capital Planning Committee (CPC) reviewed the list of all potential projects funded by the Streetscape, Pedestrian and Bicycle Safety portion of the bond. This list is not a commitment to specific project amounts or schedules, which will be finalized when the bonds are approved for issuance. The CPC's recommendation on this item is set forth below as well as a record of the members present.

1. Board File Number TBD

Approval of the Proposed Project List (attached) for the Streetscape, Pedestrian and Bicycle Safety portion of the 2011 Road Repaying & Street Safety General **Obligation Bond** 

Recommendation:

Recommend the Board of Supervisors approve the list of potential projects noting that amounts and schedules will be finalized when bonds are approved for

issuance.

Comments:

The CPC recommends approval of these items by a

vote of 10-0.

Committee members or representatives in favor

include: Naomi Kelly, Office of the City

Administrator; Ed Reiskin, SFMTA; Mohammad Nuru, Public Works; John Rahaim, Planning

Department; John Martin, San Francisco International Airport; Nadia Sesay, Controller's Office; Todd Rydstrom, SFPUC; Dawn Kamalanathan, Recreation and Parks Department; Elaine Forbes, Port of San Francisco; and Kate Howard, Mayor's Budget Office.

Enclosed: (1) Project List; (2) Map of Projects

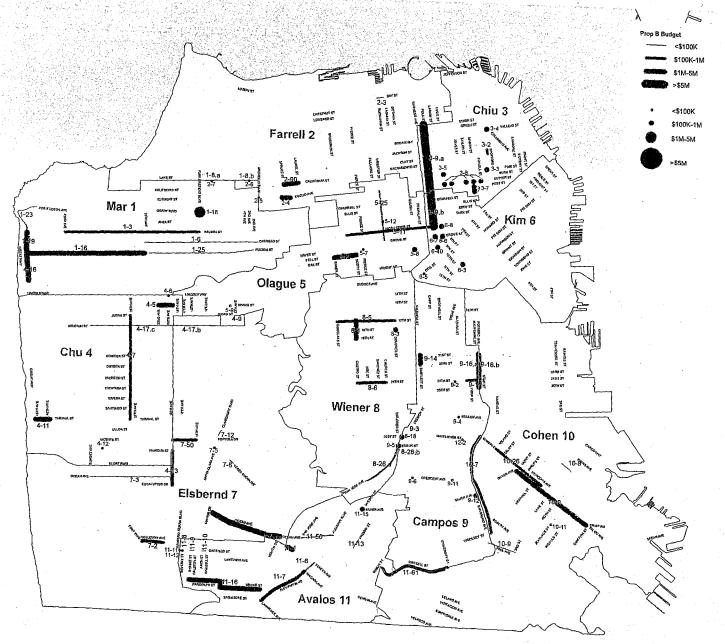
## 2011 Road Repaying and Street Safety Bond: Streetscapes, Pedestrian and Bicycle Safety Improvements

#### **Project List**

ID	District & Project Name (Listed Alphabetically)	Prop	B Budget
	District 1 Streetscape		
1-16	Fulton Streetscape Improvements Coordinated with TEP (25 <sup>th</sup> Ave - Great Hwy)	\$	1,600,000
1-18	Geary/Park Presidio Pedestrian Improvements	\$	500,000
1-19	Great Highway Streetscape (Balboa to Lincoln)	\$	1,700,000
	Follow the Paving		
1-3	Balboa Road Diet/Traffic Calming (Park Presidio to 41st Ave)	\$	500,000
1-6	Cabrillo Bike Lanes (Arguello to 25th Ave)		8,600
1-25	Fulton Pedestrian Islands (2nd Ave to 24th Ave)	<u> </u>	95,000
4-16 1-8	Great Highway Bike Facility Improvements (Fulton to Lincoln)  Lake Bike Lanes (Arguello to Park Presidlo)	\$ \$	30,400 11,900
1-23	Point Lobos Bike Lanes (El Camino Del Mar to Cabrillo)	\$	43,200
	District 2	Application and District Control	
	Streetscape		
2-90	California Laurel Village Improvements (Spruce to Laurel)	\$	1,250,000
	Follow the Paving		
2-3	Bay Cycle Track (Laguna to Buchanan)	<u> </u>	86,300
2-4	Euclid Pedestrian Improvements (Spruce to Iris)	\$_	168,700
2-5	Euclid/Arguello Crosswalk Opening  Lake Bike Lanes (Arguello to Park Presidio)	\$ \$	75,000
<u>1-8</u> 2-7	Lake/11th Ave Streetscape Enhancements	\$	28,900 75,000
2-6	Lake/3rd Ave Streetscape Enhancements	<del>-</del> \$	54,700
	District 3	Ψ	01,700
	Streetscape	UP-ly	
3-4	Columbus/Stockton & Vallejo Pedestrian Improvements	\$	800,000
3-9	Polk Complete Street (McAllister to Union)	\$	5,356,000
3-2	Spofford Chinatown Living Alley	\$	500,000
	Follow the Paying		<b>。此</b> 的是3
3-7	Mason Pedestrian Improvements (Geary to Sutter)	\$	103,900
3-5 3-3	Pine/Hyde Pedestrian Improvements Pine/Stockton Crosswalk Opening	\$ \$	228,000 120,000
3-8	Sutter Pedestrian Improvements (Powell to Hyde)	<del>-</del> \$	500,000
	District 4		000,000
	Streetscape		To be
4-5	Irving Streetscape Improvements (19th Ave to 26th Ave)	\$	3,000,000
4-11	Taraval Streetscape Improvements (46th Ave to 48th Ave)	\$	1,600,000
	Follow the Paving		
4-7	28th Ave Crosswalk Enhancements (Judah to Taraval)	\$	2,000
4-17 4-6	Kirkham Traffic Striping (9th Ave to 48th Ave) Lincoln/20th Ave Crosswalk Opening	<u>\$</u> \$	8,000
4-12	Wawona/Crestlake Traffic Calming	<del>\$</del>	69,000 20,700
7.12	District 5	——————————————————————————————————————	20,700
	Streetscape		
5-2	Fell & Oak Streetscape Enhancements (Scott to Baker)	\$	1,100,000
8-28.b	Wiggle/(Various Blocks) Streetscape & Pedestrian Improvements	\$	640,000
	Follow the Paying		
5-8	Fell/Gough Crosswalk Opening	<u> </u>	250,000
5-7 5-9	Hayes/Pierce Crosswalk Opening		75,000
5-9 4-9	Irving/7th Ave Pedestrian Improvements  Judah Bike Lane (4th Ave to 6th Ave)	<u>\$</u>	6,000 41,400
4-17	Kirkham Traffic Striping (9th Ave to 48th Ave)	<del>-</del> \$	1,500
5-11	McAllister Streetscape Enhancements Coordinated with TEP (Polk to Divisadero)	\$	233,750
5-12	Turk/Webster Pedestrian Improvements	\$	50,000
5-25	Webster Buffered Bike Lane (Fulton to McAllister)	\$	1,000
2-40	Webster Buffered Bike Lane (McAllister to Sutter)	\$	22,000
	District 6		
	Sireetscape  Pall Complete Circle (Mod Nichola Leigna)		0.004.000
3-9 6-40	Polk Complete Street (McAllister to Union)  Polk/10th/Fell St Intersection Improvements for Contra Flow Bike Lane	<u>\$</u>	2,884,000 240,000
6-40	Follow the Paving	\$	240,000
6-3	9th St/Folsom Pedestrian Improvements	\$	184,200
6-6	Grove/Larkin Streetscape Enhancements	\$	25,000
6-7	Grove/Polk Pedestrian Improvements	\$	50,000
5-11	McAllister Streetscape Enhancements Coordinated with TEP (Polk to Divisadero)	\$	21,250
6-5	McCoppin/Otis Crosswalk Opening	\$	95,000
6-36	Polk/McAllister Intersection Improvements	\$	50,000

·	District 7		_
0.00	Streetscape	1.7	
4-13	19th Ave Planted Median (Wawona to Eucalyptus)	\$	600,000
7-11	Ocean Streetscape/Greening (Howth to Manor)	\$	960,000
	Follow the Paving		
7-12	Claremont Widen Uphill Bike Lane (Ulloa to Dorchester)	\$	1,100
7-2	Holloway Buffered Bike Lane (Varela to Font)	\$	184,300
<del>4-17</del> 7-3	Kirkham Traffic Striping (9th Ave to 48th Ave)  Ocean Bike Lanes (Sunset to 19th Ave)	<u>          \$                          </u>	1,500
7-6	San Pablo Traffic Calming Phase 2 (Miraloma to Santa Clara)	<del>\$</del>	49,300 6,900
7-5	Santa Clara/Yerba Buena Traffic Calming	\$	43,200
7-50	Vicente Streetscape Enhancements (14th Ave to 19th Ave)	\$	333,500
	District 8	MARKAN MINIMARY	PROPERTY OF STREET
	Streetscape	7/5	
8-6	24th St Urban Village (Castro to Church)	\$	680,000
8-1	Castro Streetscape and Pedestrian Safety Improvements (17 <sup>th</sup> /Market to 19th St)	\$	4,000,000
8-3	Dolores/18th St Intersection Improvements	\$	400,000
8-28.a	Wiggle/Various Blocks Streetscape & Pedestrian Improvements	\$	160,000
8-26	Follow the Paving  San Jose Widen Bike Lane Buffer	<u>ф</u>	129.000
8-18	San Jose/30th St Crosswalk Opening	<u> </u>	138,900
The second secon	District 9	φ	140,200
	Streetscape		
9-1	24th St Corridor Action Plan (Potrero to Bryant)	\$	720,000
9-14	Bartlett Plaza Living Alley (21st St to 22nd St)	\$	1,600,000
9-16	Potrero Streetscape Improvements Coordinated with TEP (21st St to 25th/On Ramp)	\$	1,600,000
	Follow the Paving		
9-3	29th St Bike Lane & Bike Box (Tiffany to San Jose)	\$	49,700
9-4	Alabama/Mullen Traffic Calming	\$	73,000
9-6	Crescent/Murray Streetscape Enhancements	<u> </u>	73,300
9-11 12-2	Crescent/Putnam Streetscape Enhancements  Mayflower/Bradford Intersection Improvement	<u>\$</u> \$	20,700 73,000
9-5	San Jose/Dolores Crosswalk Opening	\$	275,000
9-12	Silver/San Bruno Pedestrian Improvements	\$	200,000
	District 10	100	
	- Streetscape		(3) 经现代
10-4,5,6	Palou Complete Street Project (Crisp/Griffith to 3rd)	\$_	2,400,000
10-1,2,3	Palou Intersection Improvements (Silver/Quint, Ingalls, and Phelps)	\$	1,280,000
9-16	Potrero Streetscape Improvements Coordinated with TEP (21st St to 25th/On Ramp)	\$	1,600,000
10-7	Follow the Paving  Bayshore Bike Lane (Silver to Paul)	\$	125,000
10-8	Hudson Traffic Galming (Mendell to Keith)	\$	6,900
10-26	Oakdale Streetscape Enhancements (3rd St to Loomis)	\$	236,600
10-9	Paul Bike Lanes (3rd St to San Bruno)	\$	78,700
10-11	Underwood/Jennings Traffic Calming - Gateway Treatment	\$	93,400
ATTICONE SECTION AND ADDRESS OF	District 11		
	Streetscape		**P***********************************
11-1	Geneva Balboa Park Station Streetscape and Curb Changes (San Jose to I-280)	\$	968,000
11-61	Mansell Paving Improvements (University to Dublin/Persia)	\$	250,000
11-15	Mission/Silver Pedestrian Improvements  Randolph Streetscape Improvements (Broad to Orizaba)		1,100,000
11-16	Follow the Paving	\$ 21497-00	1,100,000
11-7	Alemany Pedestrian Improvements (Lawrence to Niagara)	\$	171,000
11-0	Holloway & Garfield Traffic Calming	\$	155,800
11-13	Madrid Traffic Calming (Brazil to Persia)	\$	20,700
11-50	Ocean Ave Streetscape Enhancements (San Jose to Alemany)	\$	5,300
	City Wide		and the second second
	Follow the Paving		
9-50	Sharrow Installations at Various Locations		123,000
12-1/10	Uncontrolled Crosswalk Improvements at various locations	\$	95,000
	Administrative Program Management, Audit_Oversight & Issuance Costs (4.4%)	Table 1	2,200,000
	Program Management, Audit, Oversight & issuance Costs (4.4%)  Reserve (3%)	P C	1,571,600
TOTAL MANAGEMENT OF STREET	Total:	\$	50,000,000
1		- 4	

<sup>\*</sup> Projects along Muni routes will be coordinated with the recommendations of the SFMTA Transit Effectiveness Project





CITY AND COUNTY OF SAN FRANCISCO 5: 5:

July 17, 2012

THOMAS MAZZUCCO President

DR. JOE MARSHALL

PETRA DEJESUS

ANGELA CHAN

CAROL KINGSLEY

L. JULIUS TURMAN Commissioner

SUZY LOFTUS Commissioner

Inspector John Monroe Secretary

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

Dear Honorable Supervisors:

At the meeting of the Police Commission on Wednesday, July 11, 2012, the following resolution was adopted:

#### **RESOLUTION NO. 12-37**

APPROVAL TO RECOMMEND THAT THE BOARD OF SUPERVISORS ACCEPT A GIFT FROM HEWLETT PACKARD TO THE SAN FRANCISCO POLICE DEPARTMENT OF SIXTY (60) LAPTOPS, VALUED AT APPROXIMATELY \$59,400.00

RESOLVED, that the Police Commission hereby recommends that the Board of Supervisors accept a gift from Hewlett Packard to the San Francisco Police Department of sixty (60) laptops, valued at approximately \$59,400.00.

AYES:

Commissioners Marshall, DeJesus, Chan, Kingsley, Loftus

ABSENT:

**Commissioner Mazzucco** 

**RECUSED:** 

**Commissioner Turman** 

Very truly yours,

Inspector John Monroe

Secretary.

THE POLICE COMMISSION

1345/rct

cc:

L. Solomon/Technology



MEMO

# **Transmittal**

HARD COPY

**Planning Department Publication** 

Downtown Plan Annual Monitoring Report 2011

(published July 2012)

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

Reception: 415.558.6378

415.558.6409

Planning Information: 415.558.6377

DATE:

August 3, 2012

TO:

Angela Calvillo, Clerk of the Board of Supervisors

1 Dr. Carlton B. Goodlett Place

City Hall, Room 244

San Francisco, Ca. 94102-4689

FROM:

John Rahaim, Director – Planning Department (415) 558-6411

Scott Edmondson, Project Manager, Planning Department (415) 575-6818

RE:

Publication, Downtown Plan Annual Monitoring Report 2011

**HEARING DATE:** 

None. Informational item

In compliance with San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-Page Documents", the Planning Department has attached the Downtown Plan Annual Monitoring Report 2011 and a stand-alone summary page in digital format.

A hard copy of this document is available from the Clerk of the Board.

Additional hard copies may be printed from the electronic copy or requested by contacting Scott Edmondson of the Planning Department at 415-575-6818 or scott.edmondson@sfgov.org.

Digital copies of the Report are also available on the Planning Department's web site from this link: http://www.sf-planning.org/ftp/files/Citywide/Downtown Annual Report 2011.pdf.



<u>To</u>: Cc: Angela Calvillo/BOS/SFGOV@SFGOV,

AnMarie Rodgers/CTYPLN/SFGOV@SFGOV,

Bcc:

Maria Oropeza-Mander/CTYPLN/SFGOV@SFGOV, Teresa

Ojeda/CTYPLN/SFGOV@SFGOV,

Subject:

Notice of Electronic Transmittal | Planning Department Publication | SF Commerce &

Industry Inventory 2011

丁



**ATTACHMENTS:** 

DTPMR 2011 BOS HrdCpy Trans.pdf DTPMR 2011 BOS Cov Lett.pdf DTMR 2011 FINAL.pdf

7

DTPMR 2011 Graph Summ 11x17.pdf

# **Notice of Electronic Transmittal**

# Planning Department Publication Downtown Plan Annual Monitoring Report 2011 (published July 2012)

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<u>A hard copy of this document</u> has been sent to and is available from the Clerk of the Board. Additional hard copies may be printed from the electronic copy or requested from Scott Edmondson of the Planning Department at 415-575-6818 or <a href="mailto:scott.edmondson@sfgov.org">scott.edmondson@sfgov.org</a>.

Digital copies of the Report are also available on the Planning Department's web site from this link:

• http://www.sf-planning.org/ftp/files/Citywide/Downtown Annual Report 2011.pdf.

August 3, 2012

Dear Supervisors:

The Planning Department is pleased to send you the recently published *Downtown Plan Annual Monitoring Report 2011* in digital format in compliance with San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-Page Documents."

This report summarizes business and development trends affecting downtown San Francisco as required by SF Administrative Code, Chapter 10E. It covers the 2011 calendar year or fiscal year 2011-12 depending on data. It notes changes in the amount of commercial space, employment, housing production, parking supply, collection and use of fees and other revenues that occurred in 2011 relative to the objectives of the Downtown Plan and mandated monitoring requirements.

In summary, the small annual changes identified for 2011 indicate an extension of past trends:

- Downtown continued to be one of the City's and Region's resilient places..
- Employment increased, vacancy rates decreased, rents increased, more so Downtown than citywide.
- Housing production continued to slump Downtown and citywide because of the 2008-9 recession.
- Residential production Downtown will increase in the future as the economic recovery picks up because many proposed projects in the residential development entitlement pipeline have a downtown location (9%, or almost 4,000 units).
- Transit use continues to be stable and high, at 36% peak-period SF Muni transit ridership to Downtown.

The report is available online: <a href="http://www.sf-planning.org/ftp/files/Citywide/Downtown Annual\_Report\_2011.pdf">http://www.sf-planning.org/ftp/files/Citywide/Downtown Annual\_Report\_2011.pdf</a>. One innovation this year is the Report's use of an InfoGraphic to summarize key points (see pp. ii-v). You may also obtain a hard copy of the report from the Clerk of the Board.

Should you have any questions, comments or suggestions regarding the *Downtown Plan Annual Monitoring Report 2011*, please call me or contact Scott Edmondson, Project Manager: 415-575-6818 and <a href="mailto:scott.edmondson@sfgov.org">scott.edmondson@sfgov.org</a>.

Sincerely yours,

John Rahaim

Director of Planning

by Pahen

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

# DOWNTOWN PLAN

ANNUAL MONITORING REPORT 2011

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# DOWNTOWN PLAN MONITORING REPORT GRAPHIC SUMMARY



The Legend above illustrates the color key used in the Summary InfoGraphic.

During 2011, Downtown San Francisco continued to be a resilient district for San Francisco and the region largely because of Downtown Plan polices.

- Downtown contains a majority of the City's office (72.2 million square feet--msf--or 64%) and hotel space (20,000 rooms or 62%).
- About 13% or 1.8 msf of the upcoming commercial space proposed in the development entitlement pipeline is located Downtown.
- Vacancy rates declined in 2011, and are now at 11% for office and 6.7% for retail.
- Downtown office rents increased 16% during 2011 to \$39.25 per square foot.
- Hotel occupancy rates increased to 82% and room rates to \$188/night.
- Employment stabilized in 2011, increasing 1% citywide to 550,000 jobs, while it increased 14% to 233,500 jobs Downtown.
- Fiscal revenues, such as business, sales, hotel, property, increased 0 to 12% in fiscal year 2011-12.
- Residential production in 2011 continued to suffer from the Great Recession of 2008-9.
   Downtown had a net loss of 31 residential units from demolition, while there was a net gain of 269 units citywide. However, 9% of the proposed projects in the entitlement pipelineor 3,900 units--are located Downtown.
- Transit ridership in fiscal year 2010-11 was substantial (650,000 boardings per day citywide, 45% during PM peak period of 4-6PM), with 36% of peak period boardings having a Downtown destination/origin—the highest ridership of any City neighborhood.
- Mode share in Superdistrict 1 (generally the northeast quadrant of San Francisco) changed relatively little from year 2000, with the 2010 split being 32% transit, 31% walk, 24% car, 2% bike, 8% work at home, and 2% other.

## **EXISTING COMMERCIAL SPACE**

Downtown share of Citywide

Office

Square feet



72,200,00



Retail

Square feet



4,000,000



Hotel

Rooms



**62**%

20,000

215 hotels Citywide

# COMMERCIAL PROJECT PIPELINE

Downtown share of Citywide

Office

Square feet



**6**%

522,000

Retail

Square feet



**12**%

361,550

Hotel

Square feet



-81%

-154,500

TOTAL

Square feet



3%

1,800,000

# PART 1: Commercial (cont'd)

VACANCY & OCCUPANCY			EMPLOYMENT (JOBS	)	
	% Vacant		Downtown share of Citywi	de Total	% Change (2010-11)
Office Vacancy	+		Office Jobs		
08x+3 09x+500000000000000000000000000000000000	10.7% 11% 13.8%	SEE 1/ABLE 3	65%	139,162	<b>+ 12%</b> → 3%
Retail Vacancy	+		Retail Jobs	T	
	6.7% 5.1%	SEE TABLE 4	28%	27,484	<b>↑7%</b>
Office Rent	% Change (2010-11)		Hotel Jobs		
\$39.25 /SQUARE FOOT (FULL SERVICE)	<b>↑ 17%</b>		70%	12,077	<b>+ 40</b> %
Hotel Occupancy &	Rates		TOTAL JOBS		*
82% OCCUPANCY AVE	\$188 Rage rate / Room	SEE TABLE S	43%	233,475	<b>+ 14%</b>

FISCAL REVENUE	Business Tax	Hotel Tax
	\$401,000,000	\$177,400,000 + 12%
	Sales & Use Tax	Property Tax
	\$106,000,000 + 0.3%	\$1,220,000,000 + 2%

## **RESIDENTIAL UNITS**



## **DOWNTOWN PARKING SPACES**



Net units

% Change (2010-11)

-31

Net new spaces

% Change (2010-11)

282

13%

## **RESIDENTIAL PIPELINE** PROJECTS 2011



Downtown % of Citywide

Units



# JOBS-HOUSING LINKAGE FEE COLLECTION 2010-2011



\$1,950,000

# MODE SPLIT (SUPERDISTRICT 1)

2000	Mode	2010
<b>32</b> %	TRANSIT	<b>32</b> %
28%	CAR	<b>24</b> %
2%	BIKE	<b>2</b> %
31%	WALK	<b>31</b> %
<b>5</b> %	WORK AT HOME	8%
3%	OTHER	2%





### PART 2: Infrastructure (cont'd)

TRANSIT RIDERSHIP FY 2010-2011



**273,000**DURING PEAK PERIOD (4:00-6:00PM)



43%

97,500
PEAK-PERIOD BOARDINGS HAD DOWNTOWN AS THEIR ORIGIN/DESTINATION



highest of all neighborhoods

TRANSIT IMPACT DEVELOPMENT FEE

\$584,600

**+ 267**%

## INTRODUCTION

#### The Downtown Plan

The central premise of San Francisco's *Downtown Plan* is that a compact, walkable, and transit oriented downtown will create a notable, lively, and attractive center for the City and region. Over the years, Plan-related decision making became increasingly coordinated regionally. The Plan also capitalizes on the City's core assets, including its transit infrastructure, visitor economy, and vibrant diversity.

The vision behind the 1984 *Downtown Plan* is a district known the world over as a center of ideas, services, and trade; as a place rich in human experience, as is true of all great cities. The essential characteristics of such a place are a compact mix of activities, historical values, distinctive architecture, and urban form that engenders the special excitement of a world city.

To achieve this vision, San Francisco's *Downtown Plan* contains objectives and policies that guide land use decision making to create the physical form and pattern of a vibrant, compact, pedestrian-oriented, livable, and autonomically vital downtown.

The Downtown Plan emerged from a growing public awareness during the 1970s that proposed development threatened the essential character of downtown San Francisco. The issue often appears as a conflict between civic objectives to foster a vital economy on the one hand, and those aimed at forming the urban patterns, structures, and unique physical identity of a vibrant downtown on the other hand. This physical identify in turn reinforces economic vitality and informs cultural identity. However, the perceived conflicts between policies that support an vital economy and those that support a great place are more often appearance than reality. Further, good planning can and should create the conditions for not only a great place, but a vital economy too, as it has done for downtown San Francisco.

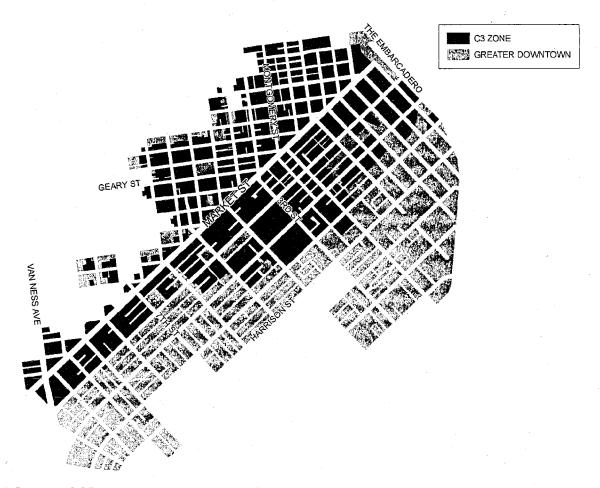
The *Downtown Plan* is one of the General Plan's Area Plans. The Downtown area is defined as the C-3-zoned district (see Map 1). Some of the Plan's policies refer to a less precisely defined area germane to housing and transportation policies that have wider effects geographically. This wider area is labelled the Greater Downtown area in Map 1, and is mostly in the South of Market area (SoMa) and the northeast quadrant of the City.

The *Downtown Plan* guides development decisions and public policy actions; it creates programs designed to improve services and infrastructure. When the Board of Supervisors approved the *Downtown Plan* in 1985, the Board also required that the Planning Department prepare monitoring reports periodically to track performance and make adjustments if required. This document is one such report.

#### Report Structure

This Downtown Plan Annual Monitoring Report 2011 summarizes business and development trends affecting downtown San Francisco as required by SF Administrative Code, Chapter 10E. The report covers the 2011 calendar year or fiscal year 2011-12 depending on data available. This annual report notes changes in the amount of commercial space, employment, housing production, parking supply, collection and use of fees and other revenues that occurred over the year relative to the objectives of the Downtown Plan and mandated monitoring requirements.

Part 1 of this report, "Commercial Space, Employment and Revenue Trends," highlights the growth that the Downtown Plan enabled, and discusses the production of new commercial space, employment activity, and recent sales tax revenues on both a citywide and



Map 1. Downtown C-3 Zone

Downtown basis. Part 2, "Downtown Support Infrastructure," reviews housing and available transportation trends – two key elements supporting the functioning of the Downtown core.

The 25-year report, 25 Years: Downtown Plan Monitoring Report 1985-2009, contains more detailed information and assessment. Previous annual and five-year reports are available on the Department's web site.<sup>1</sup>

#### **Data Sources**

This annual report includes information found in the Housing Inventory, the Commerce and Industry Inventory, and Pipeline quarterly reports, all published by the Planning Department. It also includes information from the state Employment and Development Department (EDD), the Municipal Transportation Agency (MTA), Dunn and Bradstreet business data, Cassidy Turley/BT Commercial and CBRE real estate reports, and information gathered from the Department of Building Inspection, and the Office of the Controller.

<sup>1</sup> See the Planning Department's Home Page, Resource Center main menu tab, and Downtown Monitoring Reports at http://www.sf-planning.org/index. aspx?page=1663#downtown\_report

## PART 1: COMMERCIAL SPACE, EMPLOYMENT, AND REVENUE TRENDS

The *Downtown Plan* seeks to manage commercial development and provides for most new office growth in San Francisco to occur in and around the Downtown C-3 zoned area. Over the 1985-2009 period, San Francisco's downtown commercial space grew by 26.2 million square feet—much of this within the C-3 district. The Plan shifted new commercial development to the South of Market (SoMa) as intended. The Plan's annual limit on new office space, institutionalized by a voter initiative passed in 1986, helped to manage the pace of new office development and reduce speculative development of office buildings.

Recent planning south of Market Street will add office, residential density, and new mixed-use neighborhoods to the south of the Downtown C-3 District. The Transit Center District Plan, which overlaps the C-3 District, will include some office and residential development. The Rincon Hill Plan will add housing even further south of the C-3 district. The Eastern Neighborhoods Community Plans rezoned the southeast quadrant of the City to accommodate the majority of future non-downtown office growth. The community plans will establish new mixed-use residential neighborhoods encompassing PDR, retail, smaller offices, and institutional uses. However, they will not be locations for dense, downtown high-rise office developments. As a result, future office development will remain concentrated in and near downtown San Francisco.

#### Commercial Space

Pipeline Development Projects

As of the fourth quarter of 2011, there were over 720 projects in the citywide development project "pipeline." Two-thirds of the projects (69%) were exclusively residential; one-fifth (21%) were mixed-use with both residential and commercial components. The remaining nine percent (9%) of the projects were exclusively commercial (office, retail/entertainment, hotel, or PDR).

The Downtown C-3 area accounts for 1.75 million square feet, or 11% of commercial space in the pipeline (Table 1). The Downtown C-3 and Transbay pipeline projects together would add over 5.2 million square feet of commercial space, or 38% of the pipeline, to the downtown area.<sup>3</sup> Candlestick Point would add about 3.8 million square feet of commercial space (27% of the pipeline), including office, R&D, and retail.

**Table 1. Commercial Project Pipeline** 

Neighborhood*	Square Feet	Percent-
Candlestick	3,801,500	27%
Transbay	3,514,977	25%
Mission Bay	2,274,942	16%
Downtown C-3 Zone	1,754,046	13%
Rest of City	2,683,541	19%
TOTAL	14,029,006	100%

<sup>\*</sup> As defined in the Pipeline Report at http://www.sfplanning.org
Source: Planning Department, Pipeline Report, Quarter 4, 2011, unpublished. For published reports, see http://www.sf-planning.org/index.aspx?page=1691.

Of the total 14 million net square feet of commercial space in the pipeline, about 6% of pipeline square footage is under construction (845,287 net square feet, of which 565,500 square feet is office and 79,000 square feet is retail). Another 7% of the pipeline projects have received building permit approval or have been issued a permit (964,890 square feet, of which 816,000 square feet is office and 55,500 square feet is retail), and may have begun construction. The

If all the commercial projects were completed, they would add 14 million square feet of commercial space, including 9.5 million square feet of office and 3.1 million square feet of retail space to San Francisco's existing 112 million square feet of office space and 55.9 million square feet of existing retail space.<sup>2</sup>

<sup>1</sup> Planning Department, Pipeline Report, Quarter 4, 2011, unpublished. For published reports, see http://uww.sf-planning.org/index.aspx?page=1691.

CoStar Group, Office Report and Retail Report, Quarter 1, 2011. No new projects have been completed (as of June 2012).

<sup>3</sup> The Downtown C-3 district includes a part of the Transbay Project.

majority of the pipeline projects (87%) are still in the early stages of development, with permit applications filed or approved by the Planning Department or filed with the Department of Building Inspection but not yet approved.

Projects under construction are typically ready for occupancy within two years. Projects not yet under construction but approved by the Planning Department are usually available for occupancy within two to four years. Projects filed for planning approval take two to four or more years, depending on complexity.

#### Office Space

Close to two-thirds of the City's office space is located in the Downtown C-3 district (Table 2). At 343 acres (or slightly more than half a square mile), it represents one of the densest concentrations of office space in the country.

Table 2. Existing Office Space

Area	Square Feet_
San Francisco	112,300,000
C-3 District	72,200,000
% office in C-3 District	64%

Source: Costar Group

Since peaking at its historic high of over 20% in 2002, San Francisco's office vacancy rate declined through 2008. By year end 2009, office vacancies had increased to 15.6%. In 2011, citywide office vacancy rates decreased from 14.5% to 11% (Table 3). At 10.7%, the Downtown Financial District continued to have an office vacancy rate slightly lower than the citywide average (11%).

Much of this activity is due to an increasingly active technology sector, but also to the banking and professional services sectors. Relocations or expansions in place were occurring with firms such as Solution Set, Linked In, Citigroup, Covington & Bruling, First Republic Bank, and Goodby, Silverstein & Partners.

#### Office space absorption

In 2011, market absorption of existing space in new leases amounted to 2.95 million square feet, surpassing rates set during the first tech boom of the late 1990s. At that rate, the approximately 9 million square feet of vacant office space at the beginning of 2011 would last about three years. Industry forecasts indicate a recovering market, even a "hot" office market for 2012.

#### The project pipeline

In addition to vacant existing space, there is approximately 6.3 million net square feet of office space in the project pipeline for the wider downtown area. Of this total, 565,500 square feet is under construction in the Downtown and Transbay areas, with another 618,500 square feet in Mission Bay whose building permits have been issued. This development would likely be completed over the next three years and represents another one-third year of supply at 2011 absorption rates. Projects totaling another 5.1 million square feet of office space within the wider downtown area are in earlier stages of permitting (approximately 1.6 years of supply at 2011 absorption rates).

Although Salesforce.com signed an 18-year agreement in January 2012 for 400,000 square feet of space at 50 Fremont Street (at Mission Street), the firm continues to plan the development of its 2 million square foot, 14-acre Mission Bay campus over the next decade (purchased in November 2010).

#### Office rents<sup>5</sup>

By year end 2011, citywide office rents increased to \$38.18 per square foot (on an annual full service basis), up from \$32.91 per square foot in 2010. The Financial District experienced a similar increase to \$39.25 per square foot, up from \$33.42 in 2010. Increasing rental rates are expected to continue in 2012.

<sup>4</sup> Downtown C-3, Transbay, Mission Bay, East SoMa, Rincon Hill, Showplace/Potrero areas. The 6.2 million square feet includes the SalesForce.com campus proposal for 1.3 million square feet of office space, which was an acrive pipeline project in Q4 2011. The company stopped the project in early 2012, but will continue planning and development.

<sup>5</sup> Cassidy Turley, Office Market Snapshot, San Francisco County, Fourth Quarter 2011...

Table 3.
Office Vacancy Summary

Area	Q4 <b>- 2</b> 009	Q4 - 2010	Q4 - 2011	Percentage Point Change 2010-11
San Francisco	15.6%	14.5%	11.0%	-3.5 pts
Downtown Financial District	14.5%	13.9%	10.7%	-3.2 pts
Other Downtown*	17.2%	15.5%	11.4%	-1.1 pts
Bay Area	17.6%	16.6%	13.8%	-2.8 pts

Source: CTBT Commercial, Class A & B office space.

Table 4.
Retail Vacancy Summary

Area	- 2009	2010	2011	Percentage Point Change 2010-11
San Francisco	6.8%	6.6%	5.1%	-1.5 pts
Downtown*	10.8%	10.6%	6.7%	-3.9 pts

Source: Terranomics.

#### Retail Space

The Downtown C-3 area contains about four million square feet, or 7%, of San Francisco's 56 million square feet of retail space. It is the Bay Area's preeminent retail hub, and serves local, regional, and visitor shopping needs. The majority of retail space in San Francisco is outside the downtown area, mostly along the City's many neighborhood commercial streets and shopping areas.

As shown in Table 4 above, the retail vacancy rate for the downtown area at the end of 2011 was 6.7%, higher than the Citywide average of 5.1%. Vacancy rates decreased from 2010 levels for the Downtown area and citywide from 10.6% and 6.6%, respectively. Approximately 362,000 net square feet of retail space is in the development pipeline for the Downtown C-3 District. This amounts to 63% of the 575,000 net square feet anticipated for the wider Downtown area and 12% of the 3.1 million square feet of retail uses in the pipeline located citywide.

#### Hotel Space

San Francisco has over 215 hotels with a total of 33,000 hotel rooms. Just over 20,000 or 62% of these rooms are located in the Downtown C-3 District and within walking distance of the Moscone Convention Center. About 1,200 hotel rooms have been added between 2005 and 2008. An additional 1,700 rooms are in the pipeline, of which 200 have a 2012 opening target.

Both hotel occupancy and average daily rates increased during 2011 (Table 5). Average hotel occupancy increased to almost 82% from 75% two years ago, and average daily rates increased to almost \$188 per room from \$160 two years ago.

Table 5. Hotel Occupancy and Rate

	2009	2010	2011
Occupancy	75.5%	79.5%	81.9%
Average Daily Rate	\$160.27	\$161.99	\$187.90

Source: San Francisco Convention & Visitors Bureau

<sup>\*</sup> Includes Jackson Square, South Beach, Union Square, and Yerba Buena.

<sup>\*</sup> Labeled as "City Center" in Terranomics Report. Includes the Union Square area, the retail core of the C-3 zone

<sup>6</sup> Co-Star, Retail Report, San Francisco Retail Market, 1st Quarter 20011.

<sup>7</sup> The wider Downtown consists of the C-3, Transbay, Mission Bay, East SoMa, Rincon Hill, Showplace/Potrero areas.

<sup>8</sup> San Francisco Travel Association (www.sanfrancisco.travel/research/).

Source PDK Consulting. See .San Francisco Travel Association (www.sanfrancisco. travel/research/).

Table 6. Employment -- Citywide

Land Use	2009	2010	2011	% Change
Office	211,890	211,050	214,476	2%
Retail	98,280	98,139	97,373	-1%
PDR	76,730	72.967	71,077	-3%
Hotel	17,830	17,568	17,313	-1%
Cultural, Institutional, Educational (CIE)	124,830	126.208	128,248	2%
Private Households	19,440	19,819	20,857	5%
TOTAL	549,000	545,751	549,344	1%

Source: EDD (variations from other published employment numbers are due to rounding and EDD confidentiality

Table 7. Employment - Downtown C-3 Zone

Land Use	2009	2010*	2011**	% Change 2010 - 2011	C-3 Share of SF Employment 2011
Office	127,090	124,810	139,162	11.5%	65%
Retail	26,500	25,720	27,484	6.9%	28%
PDR	21,740	17,320	18,505	6.8%	26%
Hotel	11,160	1.1,620	12,077	3.9%	70%
CIE	23,730	23,410	33,571	43.4%	26%
Private Households	1,820	1,840	2,676	45.4%	13%
TOTAL	210,220	204,720	233,475	14.0%	43%

Source: EDD (variations from other published employment numbers are due to rounding and EDD confidentiality requirements).

#### **Employment**

San Francisco employment stabilized in 2011. As of the first quarter of 2011, San Francisco had approximately 549,350 jobs (Table 6). This represents a 1% gain of about 3,600 jobs from 2010. Within this overall gain, employment in retail, PDR, and hotel land uses declined 1%, 3%, and 1%, respectively. Employment and increased in office, Cultural, Institutional, Educational (CIE), and private household (employer) by 2%, 2%, and 5%, respectively.

As of the first quarter of 2011, approximately 43% of all San Francisco employment was located in the Downtown C-3 zone. Downtown employment increased by an estimated 14%. The majority of office and hotel jobs continue to be located in the larger downtown area.

#### Office Employment

The downtown Financial District remains the center of office employment in San Francisco. As of the first quarter of 2011, there were 214,476 office jobs in San Francisco (Table 6). Of these jobs, about 139,162 were located in the Downtown C-3 District (Table 7), or 65% of total office employment citywide.

Downtown office employment grew by 11.5% from 2010, or by 14,350 jobs. Downtown San Francisco maintains the greatest concentration of office jobs in the region including financial, legal, and other specialized business services. Many of these jobs continue to be in the financial, insurance, and real estate sectors.

<sup>\*</sup> As of second quarter 2010.

<sup>\*\*</sup> As of first quarter 2011.

#### Retail Employment

San Francisco's high concentration of regional-serving retail establishments continue to be a primary destination offering not only goods and services, but a unique urban experience. Visitor traffic in particular represents a large share of downtown San Francisco's sales receipts.

As of the first quarter of 2011, there were 97,375 retail jobs in San Francisco (Table 6). About 27,500 of these jobs could be found in the C-3 District (Table 7), or about 28% of total retail jobs citywide. This is roughly the same share of retail jobs reported in the 2010.

#### Hotel Employment

The majority of hotel jobs and rooms continue to be located downtown. As of the fourth quarter of 2011, there were over 17,310 hotel jobs in the City. Approximately 12,075 of these jobs were in the C-3 District or about 70% of all hotel jobs citywide. Downtown hotel jobs increased 3.9% from 2010.

#### Fiscal Revenues

This section reports tax revenues from business taxes (including registration and payroll), property taxes (including transfer tax and annual tax), sales and use taxes, and the hotel tax for the 2010-2011 fiscal year (FY). The revenue information reported reflects deposits to the City's general fund, rather than the total amount of all revenues the City received, and is reported in nominal dollars. In general, the FY 2011-12 budget assumed continued moderate recovery in tax revenues throughout the fiscal year. Tax revenues that are projected to recover beyond budgeted levels include property, payroll, sales, hotel, and property transfer taxes. These gains are partially offset by projected shortfalls in state health and social service subventions, utility users tax, and charges for services. In the sales in the sales are projected.

#### Business Taxes

Estimated business tax revenue (Table 8) in FY 2011-12 is estimated at \$409.8 million, a 4.8% increase from \$391.1 million collected in FY 2011-12. Total business tax revenue is comprised of business payroll tax and registration tax.

Business payroll taxes assess the payroll expense of persons and associations engaging in business in San Francisco and represent the vast majority of business taxes collected. This tax imposes a fee on all businesses that employ or contract with one or more employees to perform work or render services within the city. In FY 2011-12, the Controller's Office estimated that it will collect \$401.4 million in payroll taxes, up from \$383 million in FY 2010-11.

Business registration tax is an annual fee assessed for general revenue purposes on all business in the City. The Controller's Office estimates that approximately \$8.4 million in business registration fees will be collected in FY 2011-12, up from \$8.1 million in FY 2010-11.

#### Property Taxes

Real property taxes (Table 9) are the largest single source of tax revenue for the City. The Controller's office expects them to remain stable in fiscal year 2011 and that property transfer taxes will increase. <sup>14</sup> Together, an estimated \$1.2 billion in property related taxes will be collected in FY 2011-12.

Real property taxes allocated to the general fund in FY 2011-12 are estimated at \$1.06 billion dollars, about the same as the \$1.062 billion in FY 2010-11 (Table 9), mainly because of the slow economic recovery.

Property transfer taxes are estimated to increase during the reporting period. Projected collections for FY 2011-12 are estimated to be about \$162.5 million, up from \$135.2 million in FY 2010-11. (Table 9). Unlike real property taxes, which are collected annually and based on property valuation assessments, property transfer tax is highly volatile because it is collected only at the time of sale and it is based on sales price.

<sup>10</sup> For more information on regional trends, business formation and relocation see the Commerce and Industry Inventory at http://www.sfplanning.org.

<sup>11</sup> July 1, 2010 to June 30, 2011.

<sup>12</sup> All revenues would include money allocated by law to specific uses and not available for general city services and expenses.

<sup>13</sup> City and County of San Francisco, Controller's Office, FY 2011-12 Six-Month Budget Status Report, February 13, 2012, p 6.

<sup>14</sup> Ibid.

Table 8. Business Taxes

Revenue Source (\$ Millions)	FY 2009-10	FY 2010-11	FY 2011-12*	% Change 2011-2012
Payroll	\$345.6	\$383	\$401.4	4.8%
Registration	\$7.9	\$8.1	\$8.4	3.7%
TOTAL	\$353.5	\$391.1	\$409.8	4.8%

<sup>\*</sup> Estimates from Office of the Controller, FY 2011-12 Six-Month Budget Status Report.

Table 9. Property Taxes

Revenue Source (\$ Millions)	FY 2009-10	FY 2010-11	FY 2010-11*	% Change 2011-2012
Property Tax	\$1,060.3	\$1,061.9	\$1,060.0	-0.2%
Property Transfer Tax	\$83.7	\$135.2	\$162.5	20.2%
TOTAL	\$1,144.0	\$1,197.1	\$1,222.5	2.1%

<sup>\*</sup> Estimates from Office of the Controller, FY 2011-12 Six-Month Budget Status Report.

Table 10. Sales and Use Taxes

Revenue Source (\$ Millions)	FY 2009-10	_ FY 2010-11	FY 2011-12*	% Change 2011-2012
Sales and Use Tax	\$96.6	\$106.3	\$106.0	-0.3%

<sup>\*</sup> Estimates from Office of the Controller, FY 2011-12 Six-Month Budget Status Report.

Table 11. Hotel Room Tax-

Revenue Source (\$ Millions).	FY 2009-10	FY 2010-11	FY 2011-12*	% Change 2011-2012
Hotel Room Tax	\$135.5	\$158.9	\$177.4	11.6%

<sup>\*</sup> Estimates from Office of the Controller, FY 2011-12 Six-Month Budget Status Report.

#### Sales Tax

Sales tax revenues (Table 10) fluctuate with economic conditions and reflect consumer confidence and spending. Of the 8.5% sales tax rate, San Francisco receives 1% with the rest going to the State and other districts. A portion of this revenue is deposited in the City's general fund with the balance allocated by law for specific programs and services.

As shown in Table 10, FY 2011-12 sales tax collections are expected to be flat, with an estimated 0.3% decrease to \$106 million from \$106.3 million in FY 2010-11. An estimated 20% of sales tax revenues are collected in the Downtown C-3 zoned area, which continues to account for roughly one-quarter of general retail store sales tax and business to business sales tax.

#### Hotel Tax

The hotel tax (Table 11) remained at 14% for the 2011-12 fiscal year reporting period. A substantial portion of this revenue is dedicated to the Moscone Convention Center, grants for the arts, museums, and other visitor amenities with the balance deposited into the City's general fund.

As shown in Table 11, \$177.4 million in hotel taxes are expected to be collected and deposited into the general fund in fiscal year 2011-12. This represents nearly a 12% increase from FY 2010-11, when \$158.9 million was collected.

# PART 2: DOWNTOWN SUPPORT INFRASTRUCTURE

This section discusses the *Downtown Plan's* housing and transportation targets. The *Downtown Plan* was developed under the assumption that significant employment growth and office development would occur and that this growth must be managed to enhance—not detract—from the Downtown. In the absence of new policies and programs, automobile traffic would continue to grow and important historic buildings located north of Market Street could be lost.

The Plan established a special use district around the Transbay Terminal to shift office construction to that area as a means of reducing further disruption of the financial center north of Market. As an incentive to save historic buildings and to shift office development to the planned area south of Market Street, the Plan enabled owners of buildings designated for preservation to sell development rights to developers in the special use district. New commercial development would provide revenue to partially cover the costs of urban service improvements. Specific programs were created to address needs for additional housing, transit, child care and open space, as were specific targets for new housing production and transportation management.

In December 2010, the Transfer of Development Rights ordinance was amended by the Board of Supervisors to allow eligible owners of historic buildings to sell development rights to any C-3 zoned lot.

#### Housing

Residential Units Completed

Citywide, only 348 new units were completed in 2011, down 68% from 1,082 units completed in 2010 (Table 12). Accounting for alterations, conversions and demolitions, the total net change in the number of units constructed was 269, a 78% drop in production from the 1,230 net units produced citywide in 2010.

In the Downtown C-3 District, a total of 20 new units were constructed, but the demolition of 52 units and merger of 1 unit produced a net areawide reduction of 31 units compared to a net increase of 281 units in 2010. In SoMa, 21 net units were completed in 2011 compared to 150 in 2010. Combined, the two areas lost 10 units in contrast to producing more than one-third of net housing completed citywide in

Table 12. Net Housing Change: Citywide

Change	2009	2010	2011	% change 2011-2012
New construction	3,366	1,082	348	-68%
+ alterations, conversions	117	318	5	
- less demolitions	-29	-170	-84	
Total net change	3,454	1,230	269	-78%
% in C3	32%	23%	-12%	-150%

Source: Housing Inventory 20101

Table 13. Net Housing Change: Downtown

Area	_ 2009	2010	2011	% change 2011-2012
Downtown C-3 Zone	1,091	281	-31	-111%
SoMa*	1,523	150	21	-86%
Rest of City	840	799	279	-65%
TOTAL	3,454	1,230	269	-78%

Source: Housing Inventory 2011

<sup>\*</sup> Net change accounts for units gained or lost due to alterations, conversions and demolitions.

Housing Inventory SoMa planning district, excluding C-3.

2010. Housing production in Downtown has slowed considerably since production of 1,091 units in 2009 (Table 13, above).

Housing production in 2011 did not meet the *Downtown Plan's* goal of adding between 1,000 and 1,500 units to the City's housing stock annually. However, annual variation around the average housing production target is to be expected, particularly in association with financial downturns like the national and global Great Recession of 2008-09 and the continuing slow recovery.

#### Residential Pipeline Projects

As of the fourth quarter 2011, the citywide pipeline of residential development projects under construction or seeking planning approval and building permits contained a total of 42,400 residential units. The top five areas with the most proposed units are Candlestick, Treasure Island, Park Merced, Downtown, and Market Octavia (see Table 14). The permit status of the proposed units is as follows: 13% filed for planning approval, 66% have planning approval, 7% filed for a building permit, 7% have an approved or issued building permit, and 8% are under construction.

Table 14. Residential Project Pipeline (net units)

Rank	Area	Units	% Share
1	Candlestick	10,435	25%
2	Treasure Island	7,800	18%
3	Park Merced	5,859	14%
4	Downtown	3,891	9%
5	Market Octavia	2,128	5%
	Rest of city	12,288	29%
	TOTAL	42,401	100%

Source: Planning Department, Pipeline Report, Quarter 4, 2011, unpublished. For published reports, see <a href="http://www.sf-planning.org/index.aspx?page=1691">http://www.sf-planning.org/index.aspx?page=1691</a> (scroll down for earlier reports).

Approximately 24,000 units are associated with the three large, recently entitled projects that will be built out over a longer period (Candlestick, Treasure Island, Park Merced). The remaining 18,800 units of smaller projects would be expected to be built out under the more typical time frames: two years from beginning

construction and two to four years from planning approval. Given the City's historical production rate of 1,534 units per year, the 18,400 units associated with smaller projects would be expected to be built out in 12 years, by 2024.

In Table 14, the Downtown District ranks fourth in number of proposed units, with 3,891 units or 9% of the total. The permit status of those units is as follows: 17% filed for planning approval, 17% with planning approval, 12% filed for a building permit, 36% have an approved or issued building permit, and 18% are under construction. With 36% of the units related to projects that already have building permits or that will receive them soon, the number of units under construction would be expected to increase over the next two years.

#### Jobs Housing Linkage Program (JHLP)

Prompted by the *Downtown Plan*, the City determined that large office development projects, by increasing employment, would attract new residents and therefore increase demand for housing. In response, the Office Affordable Housing Production Program (OAHPP) was established in 1985 to require large office developments to contribute to a fund to increase the amount of affordable housing. In 2001, the OAHPP was re-named the Jobs-Housing Linkage Program (JHLP) and revised to require all commercial projects with a net addition of 25,000 gross square feet or more to contribute to the fund.

Due to the reduction in commercial development as a result of the 2008-2009 economic recession, the program has collected no money since fiscal year 2008 when \$10.2 million in JHLP fees were collected, until this fiscal year (2011-12), in which \$1.95 million was collected (Table 15). Since the program was established in 1985 however, a total of \$74.25 million has been collected to partially subsidize the construction of over 1,000 units of affordable housing.

Table 15. Jobs-Housing Linkage Fees Collected

Fiscal Year	Revenue
2009-10	\$0
2010-11	\$0
2011-12*	\$1,950,905
TOTAL	\$1,950,905

<sup>\*</sup> Department of Building Inspection as of 5/23/2012

#### Transportation

This section reports on *Downtown Plan* transportation targets including an inventory of parking spaces, vehicle occupancy rates, peak period transit ridership, commute mode split, and fees collected by the Transit Impact Development Fee (TIDF) as required by the Downtown Plan monitoring ordinance.

#### Parking Inventory

The *Downtown Plan's* goal to limit the number of long-term parking spaces to the number that existed in 1984 has generally been achieved. Although the supply of off-street parking has continued to grow with new development, the Downtown Plan policies slowed the growth. There are over 33,430 off-street parking spaces in the Downtown C-3 district, about 20% of the 166,520 off-street parking spaces citywide.<sup>1</sup>

In terms of recent changes to the supply of parking, available information only includes projects approved by the Planning Commission which likely underestimates the number of spaces added. For example projects permitted as of right, including those in redevelopment areas, typically do not require Planning Department approval and are not counted as a result.

In 2011, 282 net new parking spaces were approved in the C-3 district, including 129 new spaces as part of the 350 Mission Street office development, 113 net spaces at 55 9th Street residential with groundfloor retail project, and 40 net spaces at 300 Grant Street (aka 272 Sutter).

Table 16.
Net Parking Change - Downtown C-3 Zone\*

Year	Net Parking
2009	-80
2010	250
2011	282
TOTAL	452

<sup>\*</sup> Approved projects only

#### Peak Period Transit Ridership

According to available Automatic Passenger Count (APC) data collected by the San Francisco Municipal Transportation Agency (SFMTA) in 2010, the downtown area continues to maintain the highest number of peak period transit trips in the city with more than one-third having downtown as their origin or destination. Of the approximately 650,000 total weekday boardings in 2010, about 273,000 (42%) occurred during the peak period (4:00-6:00pm; Table 18). Of these peak period trips, approximately 97,500 had downtown as their origin or destination (or 36% of total weekday boardings)

Table 18.
Peak Period Transit Ridership to and from Downtown

Area	Ridership	% of Total Trips
San Francisco	272,854	100%
Downtown	97,504	36%

Source: Municipal Transportation Agency (MTA), 2010.

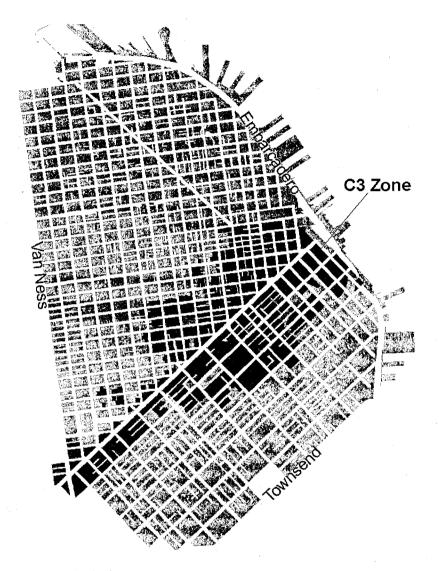
#### Downtown Commute Mode Split

The *Downtown Plan* assumed that transit share of all peak period trips into the Downtown C-3 District would increase from 64% when the Plan was adopted in 1984, to 70% by 2000. It is not clear whether this goal has been met, although available information suggests that transit share has increased.

Complete commute mode information for the Downtown C-3 District was not available as of the writing of this report. Data from the most recent Transportation Management Association's Commuter Behavior Survey (2009) estimated transit ridership at approximately 72% for select buildings surveyed in the Downtown Financial District core, where transit share is highest. However, this result represents only a portion of the overall C-3 District.

Mode share is available for Superdistrict 1 (a much larger area covering the northeastern portion of San Francisco, see Map 2), and this report uses it as an approximation of transit and mode share behavior. According to the 2006-2010 ACS, most Superdistrict 1 employed residents used transit to get to work (32%), although almost an equal share walked (31%), which is a remarkably high share, with only 2% biking and 2%

<sup>1</sup> SFMTA, Parking Census 2011.



Map 2. Superdistrict 1

Table 17. Average Vehicle Occupancy Rates

	Census 2000 ACS 2010***			
Area	Workers	Residents	Workers	Residents
San Francisco	1.18	1.13	1.15	1.11
Superdistrict 1*	1.21	1.13	NA	1.09
Downtown C-3 zoned census tracts**	NA	NA	NA	1.08
Bay Area	1.10	1.10	1.08	1.08

Superdistrict 1 covers northeast San Francisco and is the smallest area information available from Census 2000 Includes Downtown C-3 zoned census tracts; this information is not available from Census 2000 ACS 2010 estimates are subject to margins of error of around .02, therefore the difference since 2000 may not be statistically significant

using other modes. One in four used a car (24%) and 8% worked at home without generating any commute trips. In comparison to the 2000 Census data, transit and walk shares remained the same at 32% and 31%, respectively. The share of car use declined from 28% to 24%. Bike share was unchanged at 2%, although hidden in this share is a 60% increase of almost 600 riders. The share of persons working at home is small, but up from 5% to 8%.

#### Vehicle Occupancy Rate

The *Downtown Plan* sought to increase ridesharing into downtown from 1.48 persons per vehicle in 1985 when the Plan was adopted, to 1.66 persons per vehicle by the year 2000. Although ridesharing data for the Downtown C-3 is not available, available information suggests that this target has not been met and that vehicle occupancy may have declined to about 1.21 for Superdistrict 1 in year 2000 and 1.09 for year 2010.

In Superdistrict 1, the average vehicle occupancy for workers has been declining. In 1980, five years before the *Downtown Plan's* adoption, vehicle occupancy was 1.28 passengers per car. In 1990 it dropped to 1.22. By the 2000 Census, vehicle occupancy had dropped to 1.21 for workers and 1.13 for residents (Table 17).<sup>2</sup> These figures compare with a vehicle occupancy rate of 1.18 for all individuals working in San Francisco and 1.13 for all San Francisco residents. The entire Bay Area region had an even lower rate of 1.10.<sup>3</sup>

Vehicle occupancy rates are now available from the 2010 American Community Survey (ACS) for the City of San Francisco and the Bay Area. For smaller areas, such as Superdistrict 1 and the Downtown C-3, information is only available for residents. These estimates however, continue to show a drop in average vehicle occupancy for both workers and residents: from 1.18 for workers and 1.13 for residents in 2000 to 1.15 for workers and 1.11 for residents in 2010. For Superdistrict 1, vehicle occupancy rates for residents dropped to 1.09 (from 1.13). For census tracts covering the Downtown C-3 zone, vehicle occupancy for residents was even lower at 1.08 in 2010.

In 1981, as a precursor to the *Downtown Plan* and responding to a substantial increase in downtown office development, San Francisco enacted a fee to recover a portion of additional transit operating and capital costs incurred by this growth. Initially, all new office developments were required to pay \$5 per square foot of office space to cover the added transit service to downtown office buildings. In 2004, the Municipal Transportation Agency (MTA) modified this fee to include all proposed non-residential developments in San Francisco.

San Francisco has collected about \$584,600 in TIDF revenues to date for fiscal year 2011-12 (Table 19). The City has collected approximately \$5.25 million since FY 2019-10. This represents about 4% of the total \$142.7 million in TIDF revenues the fee has generated since its inception in 1981 through the FY 2011-12 estimate in Table 19.4

Table 19. Transit Impact Development Fee (TIDF) Collections

Fiscal Year	Revenue
2009-10	\$4,513,011
2010-11	\$159,470
2011-12*	\$584,600
TOTAL	\$5,561,956

<sup>\*</sup> Department of Building Inspection as of 5/23/12.

Transit Impact Development Fee (TIDF)

<sup>2</sup> The vehicle occupancy rate is the average number of individuals riding in a vehicle. The lowest possible rate is 1, where all vehicles are single occupant.

<sup>3</sup> Occupancy rates for Superdistrict 1 are from Tables 17, 18 and 19 of the 2000 Census Data Summary #5 (Journey-to-Work in the San Francisco Bay Area), released in June 2005. These rates are for commute trips to work and do not necessarily reflect peak period patterns.

<sup>4</sup> This total also includes \$5.5 million in interest charges on TIDF fees paid by installments between 1983 and 2001. See "25 Years—Downtown Monitoring Report," Table 16. The Ordinance was enacted in 1981. Collections from 1983 through FY 2008-09 totaled \$137,436,791. The additional \$5,257,081 collected in FY 2009-10 through 2011-12 (estimate) in Table 19, above, brings the total collected from inception through the FY 2011-12 estimate to \$142,693,872.

## CONCLUSION

The *Downtown Plan* directed that dense employment growth be concentrated in the C-3 district and immediately adjacent areas. In order to accommodate this growth, the Plan contains a series of goals, policies and targets that were designed to ensure that new development would represent a net benefit to the City.

By most measures, the San Francisco *Downtown Plan* has been a success. It guided the creation of one of the most successful core areas of any American city. The vitality, job and housing density, retail activity and overall character of the downtown have improved dramatically. These trends must continue to be monitored so that decisionmakers can make adjustments when required to continue the success and avoid unintended consequences.

The housing and transportation goals are among the most important in the *Downtown Plan*. The Plan-states that without sufficient and appropriate housing to serve new commercial development, local housing costs would increase, thereby compromising the vitality of downtown. The Plan also states that if employment growth increases the number of cars downtown, thereby significantly increasing traffic, the areas attractiveness and livability could be affected adversely. As a result, the Plan contains various targets relating to each policy issue.

The City has produced more housing than the Plan target. The cost of housing has increased substantially since the adoption of the Plan, yet this is in part the result of regional economic forces and job growth that has increased the attractiveness of San Francisco and the Bay Area. This housing is increasingly taking the form of downtown office conversions. This trend, along with the potential addition of thousands of new units of pipeline housing, promises to substantially increase the residential population of downtown.

Since the Plan was adopted, the growth in downtown office space has served to enhance the vitality of the area. But further analysis of transportation trends is needed. Available data suggests that while transit use may have increased for downtown workers, the areas growing residential population is more likely to own cars but may not be driving more. Also, ridesharing may have declined, but this could be due to an increase in other forms of transportation including an increase in the number of individuals working from home. These trends will be analyzed in the future when additional transportation information for San Francisco becomes available from the American Community Survey.

## **ACKNOWLEDGMENTS**

#### Mayor

Edwin M. Lee

#### **Board of Supervisors**

David Chiu, President John Avalos David Campos

Carmen Chu

Malia Cohen

Sean Elsbernd Mark Farrell

Jane Kim

Eric Mar

Christina Olague Scott Wiener

#### Planning Commission

Rodney Fong, President Cindy Wu, Vice-President Michael J. Antonini Gwyneth Borden Ron Miguel Kathrin Moore Hisashi Sugaya

#### Planning Department

John Rahaim, Planning Director
Jose Campos, Director of Citywide Planning
Teresa Ojeda, Manager, Information & Analysis Group
Scott T. Edmondson, AICP, Project Manager
Gary Chen, Graphic Designer
Aksel Olsen, Planner
Maria Oropeza-Mander, Administrator

#### Data Sources:

Association of Bay Area Governments (ABAG)
Bureau of Labor Statistics
U.S. Census Bureau
California Department of Finance
California Employment Development Department
California State Board of Equalization
Cushman & Wakefield
Dun & Bradstreet
San Francisco Controller's Office
San Francisco Department of Building Inspection



FOR MORE INFORMATION ABOUT THIS REPORT. CONTACT:

Scott T. Edmondson, AICP

San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco CA 94103-2479 EML: scott.edmondson@sfgov.org

TEL: **415.575.6818** FAX: **415.558.6409** 

WEB: http://www.sfplanning.org

NOTE: For additional information that is available on the Planning Department web site under the heading "Data and Analysis Reports," please see previous reports (annual, live-year, and 25-year) at: http://www.sf-planning.org/index.aspx?page=1663



To: BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: Update on City's 2012 Annual Rating Meetings

From:

"Sesay, Nadia" <nadia.sesay@sfgov.org> "Sesay, Nadia" <nadia.sesay@sfgov.org>,

To: Date:

08/06/2012 12:37 PM

Subject:

Update on City's 2012 Annual Rating Meetings

The City concluded its annual rating meetings with Moody's Investors Service (Moody's), Standard & Poor's (S&P) and Fitch Ratings (Fitch). In addition, the City was requesting ratings in connection with the upcoming sale of approximately \$305 million in general obligation bonds consisting of \$265 million in San Francisco General Hospital bonds and \$40 million in Earthquake Safety and Emergency Response bonds (the "Bonds"). Moody's, S&P and Fitch each affirmed the City's "Aa2"," AA", and "AA-" general obligation bonds credit rating, respectively. Moody's, S&P and Fitch maintained rating outlooks of "Stable", "Negative" and "Stable", respectively.

Highlights from the rating reports:

Credit strengths include--

- -- Large, diverse and growing economy
- -- Strong City policies and Controller oversight
- -- Strong resident wealth levels
- -- Conservatively structured debt portfolio

Credit challenges include—

- -- Budget challenges remain despite improved financial position
- -- Increasing operating and personnel costs

Additionally, S&P considers the City's management practices "strong" under their Financial Management Assessment (FMA) methodology. An FMA of "strong" indicates S&P's view that practices are strong, well embedded and likely sustainable. The City has policies that direct financial reserves, capital spending, debt and investment management, as well as comprehensive budget planning and reporting to the Mayor, Controller and Board of Supervisors. These practices will be a key factor in the City's ability to meet financial challenges ahead.

The City expects to sell the Bonds on August 14, 2012 and close on or about August 29, 2012.

Nadia Sesay Director, Controller's Office of Public Finance City and County of San Francisco Phone: (415) 554-5956 www.sfgov.org/opf

### SAN FRANCISCO PLANNING DEPT.

# CLASS 32 - CATEGORICAL EXEMPTION CERTIFICATE FEE COMPUTATION WORKSHEET

1) \$0 through \$9,999:

(Effective August 31, 2012)

For CLASS 32 Categorical Exemption Certificate (CEQA Review) Applications. See Administrative Code 31.22 (a)(7)(b).

Note: A \$111.00 surcharge is added to any Class 32 Cat. Ex. fees to compensate the City for Appeals costs to the Board of Supervisors.

\$10,710 + \$111 (BOS appeal surcharge) = \$10,821

2)	\$10,000 through \$199,	999:			
	Cost:	- \$10,000 =			
	X 0.186% =	+ \$10,710 + \$111 =	<del></del>		
3)	\$200,000 through \$999	9,999:		,	
	Cost:	\$200,000 =			
	X 0.176% =	+ \$11,063 + \$111 =	<del></del>		
4)	\$1,000,000 through \$9	,999,999:			
	Cost:	\$1,000,000 =			
	X 0.054% =	+ \$12,473 + \$111 =			
5)	\$10,000,000 and above	e:			
	Cost:	\$10,000,000 =			
	X 0.395% =	+ \$17,357 + \$111 =	<del></del> -		
No		oposing major revisions to a proje	• •	oeen inactive fo	r more than six

- 2) An applicant proposing significant revisions to a project which has not been assigned and for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the initial fee paid.

#### SAN FRANCISCO PLANNING DEPARTMENT **ENVIRONMENTAL IMPACT REPORT**

#### For projects located within adopted Plan Areas (adopted after July 1, 2005) FEE COMPUTATION WORKSHEET

(Effective August 31, 2012)

Environmental Impact Report Per Administrative Code Section 31.23.1(b)(2)	
(1) \$zero through \$199,999: \$30,858	
(2) \$200,000 through \$999,999:	
Cost: \$200,000 =	
X 0.758% = (+ \$30,858) =	
(3) \$1,000,000 through \$9,999,999:	
Cost: \$1,000,000 =	
X 0.513% = (+ \$37,213) =	
(4) \$10,000,000 through 29,999,999:	
Cost: \$10,000,000 =	
X 0.211% = (+ \$84,335) =	
(5) \$30,000,000 through \$49,999,999:	
Cost:\$30,000,000 =	
X 0.057% = (+ \$127,301) =	
(6) \$50,000,000 through \$99,999,999:	
Cost:\$50,000,000 =	
X 0.057% = (+ \$139,099) =	
(7) \$100,000,000 and more	
Cost: \$100,000,000 =	
X 0.019% = (+ \$168,596) =	
Note:  1) An applicant proposing major revisions to a project application that has been inactive for more that	ın six

- months and is assigned shall submit a new application.
- 2) An applicant proposing significant revisions to a project which has not been assigned and for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the initial fee paid.
- 3) Monitoring Conditions of Approval and Mitigation Monitoring: \$1,179, as an initial fee, plus time and materials as set forth in Section 31.22(b)(2).

Last updated: July 30, 2012

# SAN FRANCISCO PLANNING DEPARTMENT

# **ENVIRONMENTAL EVALUATION**For projects located within adopted Plan Areas (adopted after July 1, 2005) FEE COMPUTATION WORKSHEET

(Effective August 31, 2012)

Environmental Evaluation Per Administrative Code Section 31.23.1(b)(1) (1) \$0 through \$9,999: \$1,501 (= \$1,390 +\$111 Board of Supervisors surcharge) + T&M beyond the initial fee for full cost recovery if needed.
(2) \$10,000 through \$199,999:
Cost: \$10,000 =
X 2.628% = ( + \$5,777) + \$111 Board of Supervisors surcharge = (3) \$200,000 through \$999,999:
Cost:\$200,000 =
X 1.986% = ( + \$10,868) + \$111 Board of Supervisors surcharge =
(4) \$1,000,000 through \$9,999,999:
Cost: \$1,000,000 =
X 1.666% = ( + \$27,068) + \$111 Board of Supervisors surcharge = (5) \$10,000,000 through \$29,999,999:
Cost: \$10,000,000 =
X 0.513% = ( + \$179,988) + \$111 Board of Supervisors surcharge = (6) \$30,000,000 through \$49,999,999:
Cost: \$30,000,000 =
X 0.193% = (+ \$284,704) + \$111 Board of Supervisors surcharge = (7) \$50,000 000 through \$99,999,999:
Cost: \$50,000,000 =
X 0.046% = (+ \$324,148) +\$111 Board of Supervisors surcharge =
(8) \$100,000,000 and more
Cost: \$100,000,000 =
X 0.019% = ( + \$347,627) + \$111 Board of Supervisors surcharge =
Note:
<ol> <li>An applicant proposing major revisions to a project application that has been inactive for more that months and is assigned shall submit a new application.</li> </ol>

- ın six
- 2) An applicant proposing significant revisions to a project which has not been assigned and for which an application is on file with the Planning Department shall be charged time and materials to cover the full costs in excess of the initial fee paid.
- 3) Monitoring Conditions of Approval and Mitigation Monitoring: \$1,179, as an initial fee, plus time and materials as set forth in Section 31.22(b)(2).

Last updated: July 30, 2012

# SAN FRANCISCO PLANNING DEPARTMENT

ENVIRONMENTAL IMPACT REPORT
For projects located outside adopted Plan Areas (adopted after July 1, 2005)
FEE COMPUTATION WORKSHEET

(Effective August 31, 2012)

Environmental Impact Report -- Per Administrative Code Section 31.22(a)(2) ...

(1) \$zero through \$199,999:	\$24,796			
(2) \$200,000 through \$999,999:				
Cost: \$20	0,000 =	•		
X 0.609% = (	+ \$24,796) =	_		
(3) \$1,000,000 through \$9,999,99	9:			
Cost: \$1,0	000,000 =			•
X 0.413% = (	+ \$29,900) =	_		
(4) \$10,000,000 through 29,999,9	99:			
Cost: \$10	,000,000 =			
X 0.169% = (	+ \$67,767) =	·		
(5) \$30,000,000 through \$49,999	999:			•
Cost: \$30	,000,000 =			~
X 0.046% = (	+ \$102,272) =			
(6) \$50,000,000 through \$99,999	999:			
Cost: \$50	,000,000 =			
X 0.046% = (	+ \$111,676) =			
(7) \$100,000,000 and more				
Cost: \$10	0,000,000 =			
X 0.016% = (	+ \$135,386) =			
Note:				
1) An applicant proposing n months and is assigned s 2) An applicant proposing s application is on file with in excess of the initial fee	shall submit a new applic significant revisions to a p the Planning Departmen	ation. project which has not be	een assigned a	nd for which an

- 3) All EIR supplement applications are appealable to the Board of Supervisors; therefore \$111 BOS appeal surcharge will be added on to its initial intake fee calculation.
- 4) Monitoring Conditions of Approval and Mitigation Monitoring: \$1,179, as an initial fee, plus time and materials as set forth in Section 31.22(b)(2).

# SAN FRANCISCO PLANNING DEPARTMENT

ENVIRONMENTAL EVALUATION
For projects located outside adopted Plan Areas (adopted after July 1, 2005)
FEE COMPUTATION WORKSHEET

(Effective August 31, 2012)

Environmental Evaluation -- Per Administrative Code Section 31.22(a)(1)

(1) \$0 three for full	ough \$9,999: \$ I cost recovery if	1,227 (= \$1,116 +\$111 Board of Supervisors surcharge) + T&M beyond the	e initial fee
(2) \$10,00	0 through \$199,	999:	
C	ost:	\$10,000 =	
(3) \$200,0	2.112% = (	+ \$4,344) + \$111 Board of Supervisors surcharge =	
C	ost:	\$200,000 =	
X	1.597% = (	+ \$8,435) + \$111 Board of Supervisors surcharge =	
(4) \$1,000	,000 through \$9,	999,999:	
C	ost:	\$1,000,000 =	
X (5) \$10,00	1.340% = ( 0,000_through \$2	+ \$21,455) + \$111 Board of Supervisors surcharge = 29,999,999:	
	ost:	\$10,000,000 =	
	0.413% = ( 0,000 through \$4	+ \$144,369) + \$111 Board of Supervisors surcharge = 49,999,999:	
C	ost:	\$30,000,000 =	
(7) \$50,00	0.155% = <u>(</u> 0 000 through \$9	+ \$228,516) + \$111 Board of Supervisors surcharge = 99,999,999:	<del>-</del>
C	ost:	\$50,000,000 =	
х	0.038% = (	+ \$260,127) +\$111 Board of Supervisors surcharge =	-
(8) \$100,0	00,000 and more		
C	ost:	\$100,000,000 =	
<b>. X</b>	0.016% = (	+ \$279,127) + \$111 Board of Supervisors surcharge =	<del>-</del>
Note: 1) 2) 3)	than six month An applicant p application is c costs in exces Monitoring Co	roposing major revisions to a project application that has been inactive the sand is assigned shall submit a new application.  Iroposing significant revisions to a project which has not been assigned on file with the Planning Department shall be charged time and materials of the initial fee paid.  Inditions of Approval and Mitigation Monitoring: \$1,179 as an initial fee, pet forth in Section 31.22(b)(2)	and for which an to cover the full

# SAN FRANCISCO PLANNING DEPT.

BASIC COMMISSION HEARING FEE SCHEDULE
DOWNTOWN C-3 DISTRICT REVIEW & COASTAL ZONE PERMIT COMPUTATION WORKSHEET (Effective August 31, 2012)

For Downtown (C-3) District Review (Section 309) and Coastal Zone Permit (Section 330) Applications. Planning Code Sec. 352(c), Article 3.5

Note: Additional fee of \$25 for Board of Appeals surcharge must be included with fee computation for Section 309 Review and Coastal Zone Permit Applications.

\$292 (= \$267 + \$25 Board of Appeals surcharge)

1) \$0 through \$9,999:

2) \$1	10,000 through \$999	,999:	
	Cost:	\$10,000 =	
	X 0.122% =	+ \$272 =	+ \$25 Board of Appeals surcharge =
(3) \$1	1,000,000 through \$	4,999,999:	
	Cost:	- \$1,000,000 =	
	X 0.145% =	+ \$1,505 =	+ \$25 Board of Appeals surcharge =
(4) \$5	5,000,000 through \$	9,999,999:	
	Cost:	\$5,000,000 =	
	X 0.121% =	+ \$7,440 =	+ \$25 Board of Appeals surcharge =
(5) \$1	10,000,000 through	\$19,999,999:	
	Cost:	\$10,000,000 =	
	X 0.063% =	+ \$13,617 =	+ \$25 Board of Appeals surcharge =
(6) \$2	20,000,000 and more	e = \$20,131 (= \$20,106 + \$2	25 Board of Appeals surcharge)
(7) M	inor change of cond	dition only: \$1,022 plus T&	RM (= \$997.00 + \$25 BoA surcharge) P.C. Section 352 (c) (3)
Va Si re	ariance, Downtown ignificant or Contrib view, the amount o	(C-3) District Section 309 outory building both withing the second and each sub	rovals involving a Conditional Use, Planned Unit Development, review, Certificate of Appropriateness, Permit to Alter a n and outside of Conservation Districts, or a Coastal Zone Permit osequent initial fees of lesser value shall be reduced to 50% plus Refer to P.C. Section 352 (c) (2)
2. Th	e applicant will be	billed for time and materia	als expended beyond the initial fee to recover the Department's

Last updated: July 30, 2012

costs for providing services. Refer to P.C. Section 352 (c) (4)

# SAN FRANCISCO PLANNING DEPT.

### BASIC COMMISSION HEARING FEE SCHEDULE

CONDITIONAL USE / PLANNED UNIT DEVELOPMENT /EASTERN NEIGHBORHOODS LARGER PROJECT
AUTHORIZATIONS COMPUTATION WORKSHEET
(Effective August 31, 2012)

Hon (Section 202) / Diagnord Unit Development (Section 204) / Eq.

For Conditional Use (Section 303) / Planned Unit Development (Section 304) / Eastern Neighborhoods Larger Project Authorizations (Section 329) Applications. Planning Code Section 352(a), Article 3.5

The initial fee amount is not to exceed 50% of the project construction cost.

...

. . . . . . . . .

Note: A \$111.00 surcharge is added to any CU or PUD fees to compensate the City for Appeals costs to the Board of Supervisors.

(1) \$1 through \$9,999:	\$1,342 + \$111 (BOS appeal s	surcharge) = \$1,453	
(2) \$10,000 through \$999,999:			
Cost: \$10,000 =			
X 0.608% =+ \$1,342 +	\$111 =		
(3) \$1,000,000 through \$4,999,999:			
Cost:\$1,000,000 =			
X 0.725% = + \$7,482 + \$11	1 =		
(4) \$5,000,000 through \$9,999,999:			
Cost: \$5,000,000=			
X 0.608% = + \$37,082 + \$1	111 =		·
(5) \$10,000 <del>,</del> 000 through \$19, <del>9</del> 99,999:			
Cost: \$10,000,000 =		•	
X 0.316% = + \$68,093 + \$1	111 =		
(6) \$20,000,000 and more =	<b>\$100,412 + \$111 = \$100,523</b>		
(7) No construction cost (excluding ex	xtension of hours):	\$1,878 + \$111 (BOS appeal surchar	ge) = \$1,989
(8) No construction cost (including ex	ctension of hours):	\$1,342 + \$111 (BOS appeal surchar	ge) = \$1,453
(9) Amend conditions of approval of a	previous project:	\$997 + \$111 (BOS appeal surcharge	e) = \$1,108
(10) Wireless Telecommunications Se	ervices (WTS)	\$4,695 + \$111 (BOS appeal surcharg	je) = \$4,806

- 1. Where an applicant requests two or more approvals involving a Conditional Use, Planned Unit Development, Variance, Downtown (C-3) District Section 309 review, Certificate of Appropriateness, Permit to Alter a Significant or Contributory building both within and outside of Conservation Districts, or a Coastal Zone Permit review, the amount of the second and each subsequent initial fees of lesser value shall be reduced to 50% plus time and materials as set forth in Sec.350 (c). Refer to P.C. Section 352 (c) (2)
- 2. The applicant will be billed for time and materials expended beyond the initial fee to recover the Department's costs for providing services. Refer to P.C. Section 352 (c) (4)

# 7. BUILDING PERMIT APPLICATIONS

a. Building Permit Applications for a Change in Use or Alteration of an Existing Building

(Note: Windows, Roofs, Siding & Doors Replacement Applications approved over-the-counter at the Public Information Center shall be charged 1/2 the fee set forth below.)

Construction	Со	<u>st</u>	Fee	Planning	Co	de 355(a)		
\$ 0	-	\$9,999		\$333		, ,		
\$10,000	-	\$49,999		\$341	+	3.490%	over	\$10,000
\$50,000	-	\$99,999		\$2,540	+	2.332%	over	\$50,000
\$100,000	-	\$499,999		\$3,730	+	2.553%	over	\$100,000
\$500,000	٠-	\$999,999		\$14,136	+	0.645%	over	\$500,000
\$1,000,000	-	\$4,999,999		\$17,426	+	0.254%	over	\$1,000,000
\$5,000,000	-	\$99,999,999		\$27,757	+	0.004%	over	\$5,000,000
\$100,000,00	10 0	more		\$31,987				

### **Building Permit Applications for New Construction**

Construction Co	<u>ost</u>	Fee Planning Code 355(b)
\$ 0 -	\$99,999	\$2,317
\$100,000 -	\$499,999	\$2,318 + 2.553% over \$100,000
\$500,000 -	\$999,999	\$12,724 + 0.815% over \$500,000
\$1,000,000 -	\$4,999,999	\$16,878 + 0.313% over \$1,000,000
\$5,000,000 -	\$99,999,999	\$29,655 + 0.005% over \$5,000,000
\$100,000,000 o	r more	\$34,945

The initial fee amount is not to exceed 50% of the construction cost. Applications for permit revisions are excluded from the 50% cap.

Each building permit application collected by Central Permit Bureau will be charged a \$25 Board of Appeal surcharge.

b.	Permit for Solar Panels	\$168 (= \$143 + \$25 Board of Appeal surcharge)  Planning Code 355(a)(7)
C.	Back Check Fee for Permit Revisions	\$238 (= \$213 initial fee + \$25 BoA surcharge)  Planning Code 355(a)(2)
d.	Shadow Impact Fee (Section 295)	\$513 (= \$488 + \$25 BoA surcharge)  Planning Code 355(a)(3)
e.	Public Notification (311 Full Svc. by ReproMail) Public Notification (312 Full Svc. by ReproMail)	\$75 (= \$50 + \$25 BoA) + \$3.26 per envelope \$75 (= \$50 + \$25 BoA) + \$1.13 per envelope Planning Code 355(a)(4) and (a)(5)
f.	Demolition Applications	\$1,529 (= \$1,504 + \$25 BoA surcharge) Planning Code 355(c)
g.	Fire, Police, Entertainment Commission, State Alcohol & Beverages Control, and Health Departments Permit Referral	\$127 as initial fee collected by other department Planning Code 355(d)
h. i.	Signs Permit Applications Over-the-Counter Permit for Solar Equipment Installation	\$158 (= \$133 + \$25) Planning Code 355(e) \$168 (= \$143 + \$25 Board of Appeal surcharge) Planning Code 355(a)(7)

### **NOTES**

T/M means the applicant will be billed for time and materials expended beyond that covered by the initial fee, if any, to recover the Department's costs for providing services per *Planning Code 350(c)* and *Administrative Code 31.22(b)(2)*. The Department shall charge \$1,179.00 as an inspection fee for monitoring code violation abatements. See *Planning Code Sec. 355 (a)(1)*.

Applications with Verified Violations of this Code: The Planning Department shall charge \$213.00 as an initial fee plus time and materials as set forth in *Planning Code Sec. 350(c)*.

Last updated: July 30, 2012

#### 5. SUBDIVISION APPLICATIONS DPW Subdivision Code 1315

	1	(Dase i ces)										
1	Number of Units	2-4	<u>5-9</u>	10-19	20-49	50-99	100+					
a.	Land Subdivision	\$300	<del>\$5</del> 90	\$1,165	\$1,790	\$2,650	\$3,125					
b.	New Condominiums	\$165	\$275	\$440	\$660	\$1,100	\$2,200					
C.	Condominium Conversions	\$825	\$1,375									

# 6. MISCELLANEOUS FEES

- a. Monitoring Conditions of Approval and ZA Mitigation Monitoring
- b. Sale of documents (publications/transcripts)
- **Photocopies**
- Information, Analysis, Report preparation, Research services, Data requests and Presentations
- e. Subscription to Planning Commission Agendas
- Subscription to Historic Preservation Commission Agendas
- g. Project Review Meeting (policy/code/interpretation)
- Department facilitated Pre-Application Meeting
- Block Book Notification for an Individual (BBN)

### Block Book Notification for a Neighborhood Organization

- Zoning Verification Letters Zoning Administrator Written Determinations
- k. Transportation Review or Study
- MTA review of Transportation Impact Study
- m. Temporary Use Permit Review Fee
- Service Station Conversion Determinations
- Reactivating application deemed inactive by ZA
- Refund (due to inactivity or project withdrawn prior to public hearing)
- General Advertising Sign Fee (Sec. 611 and Admin. Code Section 2.21)
- General Advertising Sign Inventory (Sec. 604.2)
- s. Sign Structure In-Lieu Application (Sec. 604.1)
- Tourist Hotel Conversion Tourist Hotel Conversion - Commission Hearing
- u. Installment payment plan Processing Fee
- v. Preliminary Project Assessment

### <u>Fee</u>

(Baco Enoch

\$1,179 as initial fee for projects which the determines require active monitoring P.C. Sec. 351 (e)(1) & Adm. Code 31.22(a)(12) Price varies depending on documents \$0.10 per sheet Admin. Code 8.28 \$256 as initial fee Planning Code 351(d)

\$39 per year Planning Code 351(a) \$39 per year Planning Code 351(b)

\$384 (Planning Dept. only) or \$1,157 (with DBI, DPW, SFFD) for new construction and modifications to 5 or fewer dwelling units, and for affordable housing projects. \$909 (Planning Dept. only) or \$1,682 (with DBI, DPW, SFFD) for all other projects Planning Code 351(f) \$909 Planning Code 351 (f) \$34 per Assessor's Lot + \$13 each additional lot P. C. Sec. 351(g)(1)(A) and (g)(1)(B) \$34 per Assessor's Block + \$13 each additional block P. C. Sec. 351(g)(2)(A) and (g)(2)(B)

\$601 (= \$576 + \$25 Board of Appeals surcharge) Planning Code 351(h) \$22,243 Planning Code 357(a) \$4,278 per study Planning Code 357(b) \$426 as initial fee. Planning Code 352(k) \$2,904 as initial fee. Planning Code 352(m) \$242 as initial fee. Planning Code 351(i)

\$153 (= \$128 + \$25 Board of Appeals surcharge)

\$446 processing fee per application Planning Code 350(d)

\$1,277 per individual relocation agreement application Planning Code 358(a)

Registration & Inventory updates \$715 per sign Planning Code 358(b)

\$231 for Annual Inventory Maintenance

Planning Code 358(d)

\$408 per sign structure Planning Code 358(c)

\$600 Administration Code 41F \$2,400 Administration Code 41F \$54 per agreement Planning Code Sec. 350(b)

\$4,620 as initial fee Planning Code Sec. 351(j)

General Plan Referral

General Plan amendment and related plans

Conditional Use (Section 303), Planned Unit Development (Section 304) and Eastern Neighborhoods Larger Project Authorizations (Section 329)

Section 321 (Annual Limit) Review or Office Development Limitation Projects

Variance (Section 305) Construction Cost

> \$0 to \$9,999 \$10,000 to \$19,999 \$20,000 or more

Conditional Use Appeals to Board of Supervisors

\$3,454 Planning Code 352(g)

Fee based on actual T/M cost Planning Code 352(f)& 352(h) Basic Commission Hearing Fee Schedule depends on construction cost (see page 6) Planning Code 352(a) The initial fee amount is not to exceed 50% of construction cost. \$5,103 (= \$5,078 + \$25 Board of Appeals surcharge) per application as initial fee Planning Code 353(c) Depends on Construction Cost. Planning Code 352(b)

The initial fee amount is not to exceed 50% of construction

\$878 (= \$853+ Board of Appeal Surcharge \$25)

\$1,925 (= \$1,900+ BoA Surcharge \$25)

\$3,894 (= \$3,869 + BoA Surcharge \$25)

\$521 for CU Appellant to the Board of Supervisors. Fee for Neighborhood Organization shall be waived (See restrictions on Planning Code 352 (n)(1))

## 3. DOWNTOWN APPLICATIONS

Downtown (C-3) District Review (Section 309)

Application for 1 or more exceptions under Section 309

Fee

Basic Commission Hearing Fee Schedule (See page 7) P. C. Section 352(c) The initial fee amount is not to exceed 50% of the construction cost. \$1,919 (= \$1,894+ \$25 Board of Appeals surcharge) Planning Code 353(a)

Note: Where an applicant requests two or more approvals involving a Conditional Use, Planned Unit Development, Variance, Downtown (C-3) District Section 309 review, Certificate of Appropriateness, Permit to Alter a Significant or Contributory building both within and outside of Conservation Districts, or a Coastal Zone Permit review, the amount of the second and each subsequent initial fees of lesser value shall be reduced to 50% plus time and materials as set forth in Sec.350 (c) (See Planning Code Section 352(c)(2))

# 4. PRESERVATION APPLICATIONS

Landmarks Designation

b. Historical District Designation, Amendment, Rescission

Certificate of Appropriateness Applications Construction Cost

> \$0 to \$999 \$1,000 to \$19,999 \$20,000 or more

**Determination of Compatibility** 

California Mills Act Historical Properties Contract

Article 11 (Downtown Preservation) review

Designation or change of boundary of a Significant or Contributory Building

Designation or change of boundary of a Conservation District

- Alteration of a Significant or Contributory Building in Designated Conservation Dist. - Alteration of a Contributory Building

outside a Conservation District from which outside a Conservation District from which no TDR has been transferred and no permit issuance per Sections 1111 - 1111.6

Demo. of a Significant or Contributory Building inside or outside of a Conservation District for which TDRs have been transferred.

Statement of Eligibility

Certificate of Transfer, Execution of

\$273 (No T/M will be billed) Planning Code 356(a)

\$1,093 Planning Code 356(b)

Depends on Construction Cost. Planning Code 356(c) The initial fee amount is not to exceed 50% of the construction

cost \$346 (= \$321 + BoA surcharge \$25)

\$1,305 (= \$1,280 + BoA surcharge \$25) \$5,947 (= \$5,922 + BoA surcharge \$25)

same as Conditional Use Fee Schedule. P. C. 356(d)

\$18,718 for Commercial properties and

\$9,363 for Residential properties P. C. Sec. 356(e)

\$6,550 Planning Code 353(d)(1)

\$6,550 Planning Code 353(d)(2)

\$8,673 (= \$8,648 + \$25 BoA surcharge)

Planning Code 353(d)(3)

\$8,673 (= \$8,648 + \$25 BoA surcharge)

Planning Code 353(d)(4)

\$8,673 (= \$8,648 + \$25 BoA surcharge) Planning Code 353(d)(5

\$1,558 (= \$1,533 + \$25 BoA surcharge) Planning Code 353(d)(6) \$443 Planning Code 353(d)(7)

Last updated: July 30, 2012

## 1. ENVIRONMENTAL APPLICATIONS

#### **Exemptions:**

Complete Historical Resource Review Form first

- Categorical Exemption Stamp
- Categorical Exemption Certificate
- Exemptions that require historic resource review only Determination of Historic Resource

Determination of Impact to Historic Resource

- Review Categorical Exemption prepared by another City Agency
- Class 32 Categorical Exemption Certificate

### Studies for Project outside of Adopted Plan Areas:

Complete Environmental Evaluation (EE) Application:

- Initial Study/Environmental Evaluation
- Environmental Impact Report (EIR)
- EIR Addendum
- **EIR Supplement**
- Negative Declaration Addendum/Re-evaluation

#### Fee:

\$297 Admin Code 31.22(a)(7)(a) and (a)(9) \$5,935 (= \$5,824 + \$111 BOS Appeal Surcharge) Admin Code 31.22 (a)(7)(a)

\$2,551 (= \$2,440 + \$111 BOS Appeal Surcharge) Admin Code 31,22(a)(8)

\$3,384 Admin Code 31.22(a)(8)

\$361 (= \$250 +\$111 BOS Appeal Surcharge) Admin

Code 31.22(a)(10)

See worksheet on page 12 Admin Code 31.22 (a)(7)(b)

The Department determines fees based on the level of review required.

See worksheet on page 8. Admin Code 31.22 (a)(1) See worksheet on page 9. Admin Code 31.22 (a)(2)

\$23,353 Admin Code 31.22 (a)(5)

1/2 EIR fee + \$111 BOS Appeal Surcharge

Admin Code 31.22 (a)(6)

\$23,353 Admin Code 31.22 (a)(5)

Studies for Project inside of Adopted Plan Areas - Community Plan Fees:

Note: Projects in Plan Areas shall also pay the proportional share of the cost of the Programmatic Environmental Impact Report. This fee will be calculated separately and assessed prior to entitlements. All use Environmental Evaluation (EE) Application:

a. Environmental Document Determination

Community Plan Exemption/Exclusion

Initial Study/Environmental Evaluation

Environmental Impact Report (EIR)

Focused Environmental Impact Report (EIR)

\$13,004 Admin Code 31.23.1 (a)(2)

The Department determines additional fees based on the level of review required.

\$7,216 (= \$7,105 + \$111 BOS Appeal Surcharge)

Admin Code 31,23,1 (a)(2)(i)

See worksheet on page 10 Admin Code 31.23.1 (b)(1)

See worksheet on page 11 Admin Code 31.23.1 (b)(2)

1/2 EIR fee Admin Code 31.23.1 (b)(3)

#### Transportation Review or Impact Study:

(See page 4, Miscellaneous Fees 6(k) and 6(l); requirement determined through review of EE Application).

#### CEQA Appeals: (Any Fee Waiver requires application)

- a. Appeal of Preliminary Negative Declaration to Planning Commission
- Appeal of Negative Declaration, EIR Certification, Categorical Exemption determination to the Board of Supervisors

#### Refunds and Re-activations: (subject to restriction)

- Refund (project inactive or withdrawn prior to publication of an environmental document)
- Reactivate Withdrawn Application (within 6 months) b.

\$521 for Appellant only. Fee for Neighborhood Organizations shall be waived.

See Admin Code 31.22 (a)(3) for other restrictions.

\$521 for Appellant only. Fee for Neighborhood Organizations shall be waived.

See Admin Code 31.22 (a)(4) for other restrictions.

\$446 processing fee per application Admin Code 31.22 (c)(1)(2) \$242 Admin Code 31.22 (a)(11)

# 2. COMMISSION AND VARIANCE HEARING APPLICATIONS

Discretionary Review request

- Mandatory & Staff Initiated Discretionary Review
- Planning Code Text Amendment
- Zoning Map change (incl. interim zoning controls)
- Setback change (create, modify or delete)
- Institutional Master Plan Full or Substantial Revision - Abbreviated

Fee

\$521 (Fee for Neighborhood Org. shall be waived)

\$3,587 Planning Code 352(d)

\$14,703 Planning Code 352(I)

\$7,359 Planning Code 352(i) \$2.975 Planning Code 352(i)

\$12,792 Planning Code 352(e)(1) \$2,341 Planning Code 352(e)(2)

Last updated: July 30, 2012

# SCHEDULE OF APPLICATION FEES Effective August 31, 2012

Fees shall be imposed in order to compensate the Planning Department for the cost of processing applications and for the development and revision of land use controls. Fees shall be charged and collected as indicated for each class of application, permit, filing request, or activity listed on this Fee Schedule.

The City Controller will annually adjust the fee amounts on this fee schedule by the twoyear average consumer price index (CPI) change for the San Francisco/San Jose Primary Metropolitan Statistical Area (PMSA). A new fee schedule showing these adjusted rates and any other fee changes will be published in late August or early September each year.

<u>Time and Materials</u>: All applications (except Appeals, Discretionary Reviews, and Landmarks Designations) will be subject to time and materials billing if the cost of reviewing the application exceeds the initial fee charged.

All Citywide **Development Impact Fees**<sup>1</sup> are collected by the Department of Building Inspection (DBI) located at 1660 Mission Street. Development Impact Fees will be adjusted annually in January by the Controller's Office and will be based on Annual Infrastructure Construction Cost Inflation Estimates.

Types of Development Impact Fees (DIF)	Contact Person	Âgency	Phone Number	Email Address
Citywide Development Impact Fees – Collection & Deferral Information	Development Fee Collection Unit	Building Inspection	415-558-6131	John.Blackshear@sfgov.org
Job-Housing Linkage Program Affordable Inclusionary Housing Fee	Chandra Egan	Mayor's Office of Housing	415-701-5546	Chandra.Egan@sfgov.org
Downtown Park Fund Child Care Impact Fee Adopted Plan Areas DIF	Yvonne Ko	Planning	415-558-6386	Yvonne.Ko@sfgov.org
Transit Development Impact Fee	Jay De Los Reyes	Municipal Transportation Agency	415-701-5418	Jay.DeLosReyes@sfmta.com
School Development Impact Fee	Staff	Unified School District	415-241-6090	LeeE5@sfusd.edu

For details, you can also refer to San Francisco Planning Code, Section 413 for the Job-Housing Linkage Program impact fees, and Section 415 for Affordable Housing (Inclusionary) Program, Section 412 for Downtown Park fund and Section 414 for Child Care impact fees. <a href="http://planningcode.sfplanning.org">http://planningcode.sfplanning.org</a>

For all other information, including Planning Application Forms, please visit our website at <a href="http://sfplanning.org">http://sfplanning.org</a>

<sup>&</sup>lt;sup>1</sup> You can access DBI's Development Impact Fee website for more information: <a href="http://sfdbi.org/index.aspx?page=617">http://sfdbi.org/index.aspx?page=617</a>
Last updated: July 30, 2012



<u>To</u>:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: New Planning Department Fee Schedule (eff. 8/31/2012)

From: "Yvonne Ko" < Yvonne.Ko@sfgov.org>

Date: August 6, 2012 2:04:03 PM PDT

To: "Rick Caldeira" < Rick. Caldeira@sfgov.org>, "Angela Calvillo" <

Angela.Calvillo@sfgov.org>

Subject: New Planning Department Fee Schedule (eff. 8/31/2012)

Hi All,

Here is our new fee schedule for your reference.

(See attached file: August 31\_2012 FeeSchedule.pdf)

If you have any question, please feel free to contact me or Karen Zhu at 558-6408. Thank you very much for your continuous support.

Yvonne Ko San Francisco Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103 (415) 558-6386 phone (415) 558-6409 fax

e-mail: Yvonne.Ko@sfgov.org

August\_31\_2012\_FeeSchedule.pdf

Department of Public Health Barbara A. Garcia, MPA, Director of Health



Edwin M. Lee Mayor GAO ULMC CPage Laguna Honda Hospital and Rehabilitation Center

Mivic Hirose, RN, CNS, Executive Administrator

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BOARD OF SUPERVISORS
SAN FRANCISCO

2012 JUL 3 1 PM 12: 02

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July 23, 2012

Honorable David Chiu President, Board of Supervisors

Honorable Sean Elsbernd Member, Board of Supervisors

Honorable Mark Farrell Member, Board of Supervisors

Government Audit and Oversight Committee #1 Carlton B. Goodlett Place City Hall, Room 244 San Francisco, CA 94102

Re: Resolution #050396

Dear Supervisors Chiu, Elsbernd and Farrell:

In response to Resolution #050396, I am enclosing a quarterly report to show Laguna Honda Hospital and Rehabilitation Center's compliance with the reversal of the Admission Policy priorities that became effective February 22, 2005.

On February 17, 2005, Mayor Newsom directed DPH to allow Laguna Honda to reverse the Admission Policy priorities back to the pre-March 2004 priorities. Since that time, the annual percentage of patients coming to Laguna Honda (LH) from San Francisco General Hospital (SFGH) has ranged from 59-63%. The annual percentage and current year rates are as follows:

2003: 54%	2007: 58%	2011: 59%
2004: 73%	2008: 57%	Jan-June 2012: 60%
2005: 63%	2009: 60%	
2006: 59%	2010: 59%	-

The age distribution shows an increased trend of residents over 50 years of age. In 2004, 83% of the residents were over 50 years of age, compared to 88% of the residents in this category for the first six months of 2012.

I am available to answer any questions you may have. I can be reached at 759-2363.

Sincerely,

Mivic Hirose

**Executive Administrator** 

### Attachments:

A. Sources of New SNF Admissions to Laguna Honda

A-1	Jan—June 2012
A-2	2011
A-3	2010
A-4	2009
A-5	2008
A-6	2007
A-7	2006
8-A	2005
A-9	2004
A-10	2003

- B. Laguna Honda Distribution of Residents by Race
- B-1 6/30/12 and 6/30/11 Snapshot
- B-2 6/30/10 and 6/30/09 Snapshot
- B-3 6/30/08 and 6/30/07 Snapshot
- B-4 6/30/06 and 6/30/05 Snapshot
- B-5 6/30/04 and 6/30/03 Snapshot
- B-6 6/30/02 Snapshot
  - C. Laguna Honda Gender Distribution
    Deciles of Age by percent from 2001 through 2nd Quarter 2012
  - D. Laguna Honda Age Distribution
     By Calendar Year from 2001 through 2nd Quarter 2012

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# SOURCES OF NEW ADMISSIONS TO LAGUNA HONDA HOSPITAL \* JANUARY 2012 – JUNE 2012

		%		%		%		%		%		%		%		%		%		%		%		%		
Source of Admission	Jan	SFGH	Feb	SFGH	Mar	SFGH	Apr	SFGH	May	SFGH	Jun	SFGH	Jul	SFGH	Aug	SFGH	Sep	SFGH	Oct	SFGH	Nov	SFGH	Dec	SFGH	Total	%
Board and Care					1		2					. 1						-	-						3	1%
Cal Pac Acute	5		2		2		4		2		2														17	8%
Cal Pac SNF																									0	0%
Chinese Hospital Acute		·																							0	0%
Chinese Hospital SNF											_							. "							0	0%
Home	2		2		4_		3		2		_3														16	8%
Home Health																									0	0%
Kaiser Acute	1			·																					1	0%
Kaiser SNF		·																							0	0%
Mt. Zion Acute			1			_	1_		1		3														6	3%
Other Misc							1_		1_																2	1%
Other SNF			1		1_		1.			_															3	1%
Seton Acute		· 																							0	0%
SFGH Acute	14	44%	12	50%	25	60%	23	56%	26	70%	22	69%		0%		0%_		0%		0%		0%_		0%	122	59%
SFGH SNF		0%		0%	2_	5%		0%	1	3%		0%		0%		0%		0%	<u> </u>	0%		0%		0%	3	1%_
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St. Luke's SNF																									0	0%
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St. Mary's SNF	1																					<u> </u>			1	0%
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VA Hospital SNF	ļ		<u> </u>							· · -							<u> </u>		<u> </u>						0	0%
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<sup>\*</sup>Effective 12/8/2010, all Laguna Honda Hospital residents were relocated to the new building and the total licensed bed capacity is 780 (15 for General Acute Care and 765 for SNF).

# SOURCES OF NEW ADMISSIONS TO LAGUNA HONDA HOSPITAL \* JANUARY 2011 – DECEMBER 2011

		%		%		%		%		%		%		%		%		%		%		%		%		
Source of Admission	Jan	SFGH	Feb	SFGH	Mar	SFGH	Apr	SFGH	May	SFGH	June	SFGH	July	SFGH	Aug	SFGH	Sept	SFGH	Oct	SFGH	Nov	SFGH	Dec	SFGH	Total	%
3oard and Care_					2				1		1_				1		2		1						8	2%
Cal Pac Acute	3_										2				1		1			-	2		1_		10	3%
Cal Pac SNF						<u> </u>			1				2												3	1%
Chinese Hospital Acute							1		1			_			1						-				3	1%
Chinese Hospital SNF																									0	0%
Home	8_		3		1_		4				5		3		3		3		3		7		2		42	11%
Home Health																								·	0	0%
Kaiser Acute																			1_						1	0%
Kaiser SNF			<u> </u>				ļ																		Ö	0%
Mt. Zion Acute	1		1.		1		1				3_						_1				1		2		11_	3%
Other Misc	3		1		1		1_		1	,	1				4.		_5		3_		1		1		22	6%
Other SNF	1								1				1_						2				_2		7	2%
Seton Acute	<u> </u>																	· <u>-</u>				-			0_	0%
SFGH Acute	23	49%	12	46%	17	65%	13	57%	_16	53%	15	43%	10	43%	17	61%	21	58%	17	55%	19	49%	23	64%	203	53%
SFGH SNF	2	4%	1_	4%	2	8%	2	9%	4_	13%	4	11%	2	9%		0%		0%	1	3%	2	5%		0%	20	5%
St. Francis Acute	1		2						_1		1		1_		1_		1				3		_1_		12	3%
St. Francis SNF_																									0	0%
St. Luke's Acute	1		1		1				2										1						6	2%
St. Luke's SNF	1		2										1		l										4	1%
St. Mary's Acute	1		3								11						<u> </u>		1_						6	2%
St. Mary's SNF																									0	0%
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Seton SNF																									0	0%
UC Med Acute	2				1_		1		1		2		3				_2		1		4		3		20	5%
UC Med SNF									1_												·				1	0%
VA Hospital Acute																							1		1_	0%
VA Hospital SNF									<u> </u>																0	0%
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<sup>\*</sup>Effective 12/8/2010, all Laguna Honda Hospital residents were relocated to the new building and the total licensed bed capacity is 780 (15 for General Acute Care and 765 for SNF).

ATTACHMENT A-2

### SOURCES OF NEW ADMISSIONS TO LAGUNA HONDA HOSPITAL\* JANUARY 2010 – DECEMBER 2010

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Call Page SNF  Chinese Hospital Acute  Chinese Hospital SNF  A  A  A  A  A  A  A  A  A  A  A  A  A	Board and Care	1		2_		2								1		2				1				1		10	3%
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Name Hospital SNF	Cal Pac SNF											2														2	1%
Home Heath Home Ray	Chinese Hospital Acute					1								1												2	1%
Home Health	Chinese Hospital SNF																									. 0	0%
Kaiser Acute  Kaiser Acute  Kaiser Acute  Kaiser SNF	Home	3		1		1		3		1	_	4		4		2		2		2		6		2		31	10%
Kaiser SNF	Home Health																									0	0%
M. Zirin Acute  1	Kaiser Acute									1										. 1						2	1%
Other Miles  1   Other Miles  1   Other Miles  1   Other SNF  2   Other SNF  3   Other SNF  4   Other SNF  3   Other SNF  4   Other SNF  4   Other SNF  5   Other SNF  6	Kaiser SNF																									0	0%
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SFGH SNF	SFGH Acute	16	52%	15	52%	13	43%	15	45%	12	60%	16	59%	13	43%	14	41%	18	75%	14	56%	8	36%	11	55%	165	51%
St. Francis Acute	SFGH SNF	4	13%	2												_											8%
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<sup>\*</sup>Due to budgetary and construction related issues, LHH is decreasing admissions effective 1/1/2008. General SNF Admissions are being denied while Hospice, Rehab and AIDS/HIV are still being admitted based upon bed availability.

### SOURCES OF NEW ADMISSIONS TO LAGUNA HONDA HOSPITAL\* JANUARY 2009 – DECEMBER 2009

	Π	%		%	T	%		%		%		%		%		%		%	_	%		<b>%</b>			
Source of Admission	Jan	SFGH	Feb	SFGH	Mar	SFGH	Apr	SFGH	May	SFGH	June	SFGH	July	SFGH	Aug	SFGH	Sept	SFGH	Oct	SFGH	Nov	SFGH	Dec	Total	%
Board and Care													2		1									3	1%
Cal Pac Acute	1		2		2		2				2		1		1		. !						√1	12	4%
Cal Pac SNF							1										1		1					3	1%
Chinese Hospital Acute																								0	0%
Chinese Hospital SNF			_																					0	0%
Home	1		1				_3		2		1		3				2		2		2		2	19	7%
Home Health																					<u></u>			0	0%_
Kaiser Acute				-			ļ						1											1	0%
Kaiser SNF	<u> </u>		<u> </u>																					0	0%
Mt. Zion Acute							_1_		1		11				1_		2_							6	2%
Other Misc					1_				1						2_				2		2			8	3%
Other SNF	ļ				1		1_		3_		3		3.		1_				2				1	15	5%
Seton Acute	<u> </u>				Ĺ		11						1_	·										2	1%
SFGH Acute	88	53%	17	74%	11_	55%	12	38%	10	42%	16	47%	15	50%	17	63%	12	67%	5	33%	17	65%	12	152	53%
SFGH SNF	_2	13%	1_	4%		0%	2	6%	4	17%	5	15%		0%		0%	1	6%	1	7%	2	8%	3	21	7%
St. Francis Acute			1				4_		1		1		1		1				1		1			11	4%
St. Francis SNF		 									· 	· ————			ļ 									.0	0%
St. Luke's Acute	1						1				1_	<u> </u>	1		1				1				2	8	3%
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St. Mary's Acute	1		1				1	-														_		3	1%
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Seton Acute																								0	0%
Seton SNF	<u> </u>																							0	0%
UC Med Acute	1				4		3		1		4		2		2_	<u> </u>					2			19_	7%
UC Med SNF	ļ																							0	0%
VA Hospital Acute																								0	0%
VA Hospital SNF	<u> </u>																							0	0%
TOTAL	15	67%	23	78%	20	55%	32	44%	24	58%	34	6,2%	30	50%	27	63%	18_	72%_	15	40%	26	73%	21	285	100%

<sup>\*</sup>Due to budgetary and construction related issues, LHH is decreasing admissions effective 1/1/2008. General SNF Admissions are being denied while Hospice, Rehab and AIDS/HIV are still being admitted based upon bed availability.

\*\* Data re-run March 2011

# SOURCES OF NEW SNF ADMISSIONS TO LAGUNA HONDA HOSPITAL\* JANUARY 2008 – DECEMBER 2008

	T -	%		%		%		%		%		%		%	<u> </u>	%		%		%		%			
Source of Admission	Jan	SFGH	Feb	SFGH	Mar	SFGH	Apr	SFGH	May	SFGH	Jun	SFGH	Jul	SFGH	Aug	SFGH	Sep		Oct	SFGH	Nov	SFGH	Dec	Total	%
Board and Care	July	31 317	1	01011	1	01 011		31 011	- may 1	31 011	1	31 011	Jui	31 011	Aug	51 011	Зер	31 011	OCI	JIGH	1	31 011	Dec	5	2%
Cal Pac Acute	1						3		<u> </u>		<u> </u>	_	1		1	<u> </u>	1		1		1		1	10	4%
Cal Pac SNF	<del>  '</del>						<u> </u>				† <u>-</u>		,		<b> </b>		<u> </u>		<u>'</u> _	<del></del>	'		1	1	0%
Chinese Hospital Acute			1			-	1				<del> </del> -		1				<del> -</del>			· · · · ·				3	1%
Chinese Hospital SNF	<del> </del>						· · · · ·				-						<u> </u>							0	0%
Home	1		3		1		1		1		2		3	<u> </u>	3		1		1		2		1	20	8%
Home Health	1		-	-					-								l							0	0%
Kaiser Acute							1																	1	0%
Kaiser SNF																								0	0%
Mt. Zion Acute																				-				0	0%
Other Misc									2						1						1			4	2%
Other SNF									<del>-</del> -						2	<del>                                     </del>	2		1		1			6	3%
Seton Acute										<del></del>				,	1									0	0%
SFGH Acute	7	58%	12	60%	8	53%	18	60%	18	64%	. 10	45%	8	53%	13	57%	10	53%	13	68%	7	47%	10	134	57%
SFGH SNF		0%		0%		0%		0%		0%		0%		0%		0%		0%		0%		0%		0	0%
St. Francis Acute	2		1		3		. 1		1		1		2		1		1		1					14	6%
St. Francis SNF			1																					0	0%
St. Luke's Acute			1		1		1.								1			-						4	2%
St. Luke's SNF													,				1							1	0%
St. Mary's Acute					1				1		2						1				1		1	7	3%
St. Mary's SNF												·		-										. 0	0%
Seton Acute																								0	0%
Seton SNF																							-	. 0	0%
UC Med Acute	1		1				4	* .	4		6				. 1		2		2		1		3	25	11%
UC Med SNF														_										0	0%
VA Hospital Acute									-												4		. 1	1	0%
VA Hospital SNF																								0	0%
TOTAL	12	58%	20	60%	15	53%	30	60%	28	64%	22	45%	15	53%	23	57%	19	53%	19	68%	15	47%	18	236	100%

<sup>\*</sup>Due to budgetary and construction related issues, LHH is decreasing admissions effective 1/1/2008. General SNF Admissions are being denied while Hospice, Rehab and AIDS/HIV are still being admitted based upon bed availability.

# SOURCES OF NEW SNF ADMISSIONS TO LAGUNA HONDA HOSPITAL\* JANUARY 2007 – DECEMBER 2007

		%		%		%		%		%		%		%		%		%		%		%		%		
Source of					-							· ·							0.1							
Admission	Jan	SFGH	Feb	SFGH	Mar	SFGH	Apr	SFGH	May	SFGH	Jun	SFGH	Jul	SFGH	Aug	SFGH	Sep	SFGH	Oct	SFGH	Nov	SFGH	Dec	SFGH	Total	%
Board and Care	1		2						1		2		3		1_		<u> </u>				2		11_		13	3%_
Cal Pac Acute	1		3						5		2		4		1		3		5		5_		1		30	6%
Cal Pac SNF			1_				<u>.                                    </u>							· ·			<u> </u>		1	·					2	0%
Chinese Hospital Acute	4						1		1				_1		1				2		2				12	3%_
Chinese Hospital SNF																									0	_0%
Home	1		1		4		5_		2		4		3		4		3				3				30	6%
Home Health	L																	<u></u>							0	0%
Kaiser Acute			1_		1				1						1		<u> </u>								4	1%
Kaiser SNF														·					1							
Mt. Zion Acute	ļ																								0	0%
Other	_ 2		1		3_		1		2		1						3		1_		2				_16	3%
R.K. Davies Acute									1								1								2	0%
R.K. Davies SNF																									_ 0	0%
SFGH Acute	22	63%	28	54%	25	56%	20	63%	17	43%	26	57%	27	61%	19	53%	22	63%	30	71%	22	51%	16	80%	274	58%
SFGH SNF	0	0%_	0	0%	0	0%	0	0%_	0	_0%	0	0%	_0	0%	0_	0%	0	0%	0	0%_	0_	0%	0	0%	_0	0%
St. Francis Acute	3		4_		3_	<u> </u>	3		_1		5	ļ 			3_		2		1		4		1		30	6%
St. Francis SNF												· -,													0	0%
St. Luke's Acute	ļ	ļ	2		5				2		1		1		2		ļ				1				14	3%
St. Luke's SNF	ļ																								0	0%
St. Mary's Acute					3		1		3		2										1_				10	2%
St. Mary's SNF			2																		<u> </u>				2	0%
Seton Acute											ļ										L				0	0%_
Seton SNF																					<u> </u>				0	0%
UC Med Acute	1		6_	<u>.</u>	1		1		2		3		5		4		1_		1_		1		1		27	6%
UC Med SNF																									_ 0	0%
VA Hospital Acute			1_						. 2																3	1%
VA Hospital SNF												`													0	0%_
TOTAL	35		52	54%	45	56%	32	63%	40	43%	46_	57%	44	61%	36	53%_	35	63%	42	71%	43	51%	20	80%	469	100%

\*Excluding internal transfers

### SOURCES OF NEW SNF ADMISSIONS TO LAGUNA HONDA HOSPITAL\* JANUARY 2006 – DECEMBER 2006

		%		%		%		%		%		%		%				%		%		%				%
Source of Admission	Jan	SFGH	Feb	SFGH	Mar	SFGH	Apr	SFGH	May	SFGH	Jun	SFGH	Jul	SFGH	Aug	SFGH	Sep	SFGH	Oct	SFGH .	Nov	SFGH	Dec	SFGH	Total	%
Board and Care			2		3				1		2		2				2		1						13	3%
Cal Pac Acute	8		4		3		3		2		1_		2		3		_ 1		2				2		31	6%
Cal Pac SNF	2		1		1.										2								2			2%
Chinese Hospital Acute					1						1.		1	ļ			. 1				, '		. 1		5	1%
Chinese Hospital SNF																							,		0	0%
Home	6		5		9	ļ	_ 2		6		7		1	,			2		2_		5		4		49	10%
Home Health															,						_,				0	0%
Kaiser Acute	2				1		1		2										1		· · · · ·				7	1%
Mt. Zion Acute									1_												1_				2	0%
Other			2_		2		1		1		1_		2						1		1_		1		12	2%
Out of County**																									0	0%
R.K. Davies Acute					<u> </u>												<u> </u>								0	0%
R.K. Davies SNF																									0	0%
SFGH Acute	23	43%	31	58%	33	52%	27	64%	25	57%_	24	53%	19	54%	29	69%	21	62%	15	52%	24_	71%	23	59%	294	57%
SFGH SNF	1	2%	0	0%_	1	2%	0.	0%	0	0%	0	0%	2	6%	0	0%	0_	0%	1	3%_	0_	0%	3	8%	8	2%
St. Francis Acute	3		2		2		2		2		4		2				3_		2				11		23	4%
St. Francis SNF					1_										1										2	0%
St. Luke's Acute	1	<u></u>				ļ	1		2		1		1		1		1		2						10	2%
St. Luke's SNF			-		<u></u>	ļ	1										11_						1		3	1%
St. Mary's Acute			2		<u>2</u>		1						2		4		1				1_				13	3%
St. Mary's SNF			1					·																	1	0%
Seton Acute											1						1							,	2	0%
Seton SNF				<u> </u>			<u> </u>								1		<u> </u>	<u> </u>							1	0%
UC Med Acute	6		3		3		3		2		3_		1					<u> </u>	2		1	<u> </u>			_ 24	5%
UC Med SNF	Ļ																								0	0%
VA Hospital Acute	1				1										1		ļ						1	ļ	4	1%
VA Hospital SNF																					1				1	0%
TOTAL	53	45%	53	58%	63	54%	42	64%	44	57%	45	53%	35	60%	42	69%	34	62%	29	55%_	34	71%	39	67%	513	100%

<sup>\*</sup>Excluding internal transfers

## SOURCES OF NEW SNF ADMISSIONS TO LAGUNA HONDA HOSPITAL\* JANUARY 2005 – DECEMBER 2005

<del></del>		%	<u> </u>	%		%		%		%		%		%		%		%		%		%		%		%
Source of Admission	Jan	SFGH	Feb	SFGH	Mar	SFGH	Apr	SFGH	May	SFGH	Jun	SFGH	Jul	SFGH	Aug	SFGH	Sep	SFGH	Oct	SFGH	Nov	SFGH	Dec	SFGH	Total	%
Board and Care			1						1		1												2		5	1%
Cal Pac Acute	1		1				1				4						2		7		2		6		24	4%
Cal Pac SNF															1				1_				1		3	1%
Chinese Hospital Acute			1		1				1				1		1		3				2				10	2%
Chinese Hospital SNF														ļ											0	0%
Home	3		3_		5		8		_5		7		7		5	19	5		4		7		6		65	11%
Home Health	ļ				ļ						<b> </b>														0	0%
Kaiser Acute	ļ			ļ	ļ <u>.</u>					L	ļ		1								1				2	0%
Mt. Zion Acute	ļ																						1		1	
Other	1_1_		2		2		1		_1		1_		_2						2				2		14	2%
Out of County**									1_		3	*			3		1								8	1%
R.K. Davies Acute				·								L						<u> </u>	_		L				0	0%
R.K. Davies SNF					·		!																		0	0%
SFGH Acute	38_	79%	34	68%	38	68%	27	60%	26	57%	33	60%	24	55%	29	63%	31	62%	27	60%	26	54%	22	47%	355	61%
SFGH SNF	_2	4%	1	2%	2	4%		0%	1	2%	2_	4%	_2	5%		0%	<u> </u>	0%		0%	1	2%			11	2%
St. Francis Acute	ļ		2	ļ	1		4		· 1		4		4		2		3_		1_		4		3		29	5%
St. Francis SNF	ļ				1			-	1	-							·								2	0%
St. Luke's Acute	_1		1_1_		1		1_		1_			·	1		<u>.                                    </u>		!				2				8	1%
St. Luke's SNF			1		 					<u> </u>			_								1				2	0%
St. Mary's Acute	ļ		ļ	<u> </u>			1		_1						1,		2								5	1%
St. Mary's SNF	ļ												· ·		1										1	0%
Seton Acute					_1							·					1								2	0%
Seton SNF	ļ	<del></del>	ļ <u> </u>				1																		1	0%
UC Med Acute	2		3		2		1		5				_2	<u> </u>	2		2		3		2		4	· · ·	28	5%
UC Med SNF									·					· -											0	0%
VA Hospital Acute					2				1					·	1										4	1%
VA Hospital SNF																									0	0%
TOTAL	48	83%	50	70%	56	71%	45	60%	46	59%	55_	64%	_44	59%_	46	63%	50	62%	45	60%	48	56%	47	47%	580	100%

<sup>\*</sup>Excluding internal transfers

### SOURCES OF NEW SNF ADMISSIONS TO LAGUNA HONDA HOSPITAL\* JANUARY 2004 – DECEMBER 2004

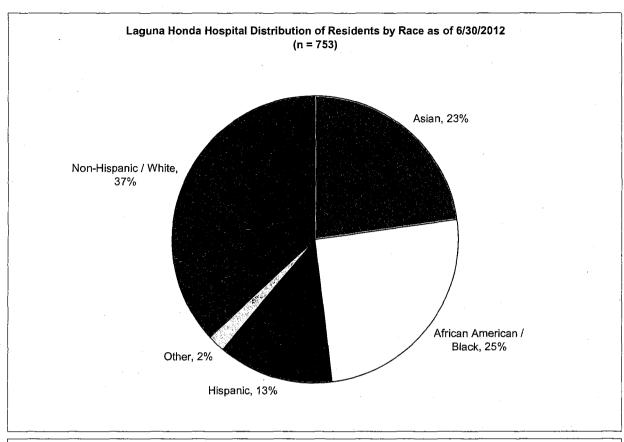
Source of Admission	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	%
Board and Care					1	1	_ 1						3	0%
Cal Pac Acute		4		2	_ 3	3	_ 1		2	_ 2	1	2	20	3%
Cal Pac SNF												1	1	0%
Chinese Hospital Acute				-		1	1	1	2	1			6	1%
Chinese Hospital SNF										_			0	0%
Home	4	7	3	7	8	1	2	6	6	2	5	3	54	9%
Home Health													0	0%
Kaiser Acute	1				_ 1			2		1			5	1%
Other	1	2			_ 1	5	3	3	1				16	3%
Out of County**										1			1	0%
R.K. Davies Acute													0	0%
R.K. Davies SNF					_								0	0%
SFGH Acute	40	36	64	37	24	35	33	34	31	41	39	42	456	73%
SFGH SNF		_					1					1	2	0%
St. Francis Acute		1		5	1	1	2	2	1				13	2%
St. Francis SNF						1		1					2	0%
St. Luke's Acute		1				1	2		1	2			. 7	1%
St. Luke's SNF			1	1									2	0%
St. Mary's Acute	1		3		1	3	5	1	1			2	17	3%
St. Mary's SNF					:								0	0%
Seton Acute						1		1				1	3	0%_
Seton SNF													.0	0%
UC Med Acute		5	1		1	2	1		1	3	1		15	2%
UC Med SNF													0	0%
VA Hospital Acute						2							2	0%
VA Hospital SNF													0	0%
TOTAL	47	56	72	52	41	57	_ 52	51	46	53	46	52	625	100%

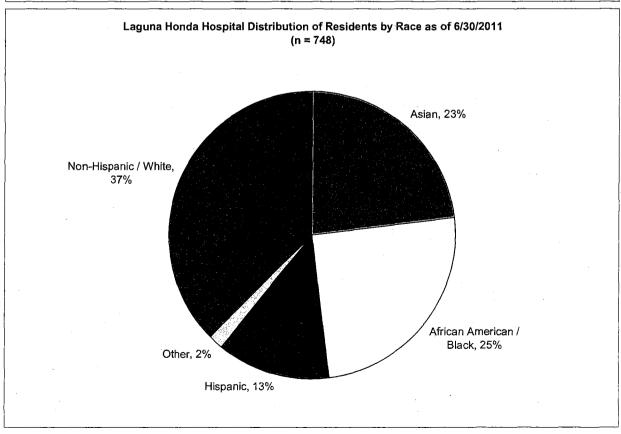
Excluding internal transfersOut-of-county count begins in October 2004

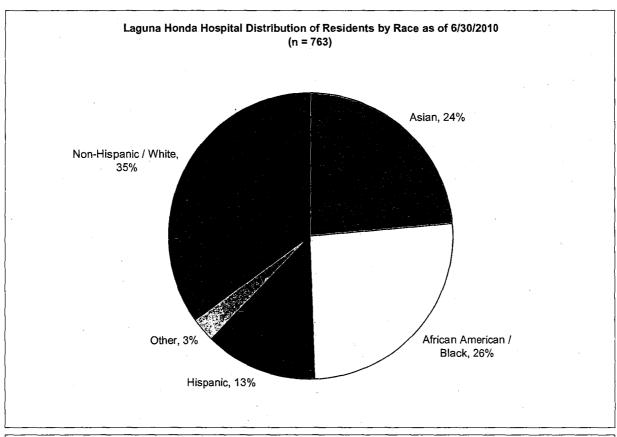
# SOURCES OF NEW SNF ADMISSIONS TO LAGUNA HONDA HOSPITAL\* JANUARY 2003 -- DECEMBER 2003

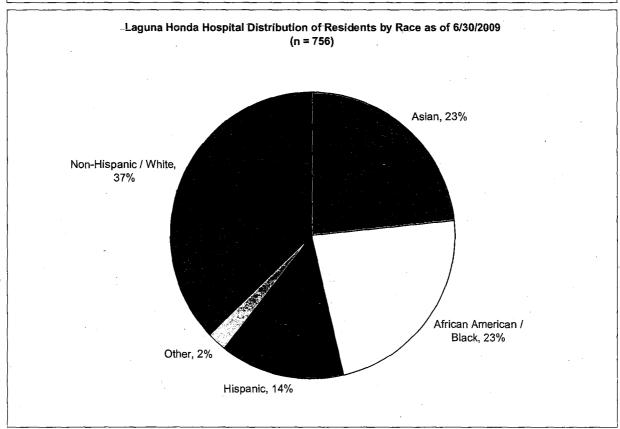
Source of Admission	Jan	Feb	Mar	Apr	Мау	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	%
Board and Care		3	2	1	2	2				1			11	2%
Cal Pac Acute		2	2	1	2	1	2	3	1	1	3	3	21	4%
Cal Pac SNF	5	3	1	3			2	2		1			17	3%
Chinese Hospital Acute	1			3							2		6	1%
Chinese Hospital SNF			1_										1	0%
Home	4	6	6	9	5_	10	1	5	5	6	1	5	63	11%
Home Health			<del> </del>							1			1	0%
Kaiser Acute		1	1				1	1					4	1%
Other		1	2	3	4			4	1	3	1	2	21	4%
R.K. Davies Acute													0	0%
R.K. Davies SNF						<u> </u>							0	0%
SFGH Acute	27	19	29	20	32	20	20	23	24	23	24	29	290	52%
SFGH SNF	3	2	4_	2		1				1			13	2%
St. Francis Acute	1	1	11_			3	4	2			1	2	15	3%
St. Francis SNF	2	2	2			2	3_			3	1	2	17	3%
St. Luke's Acute		. 1	1	2	2	1	1	1		1	3		13	2%
St. Luke's SNF	1		2		1		2			1	1	1	9	2%
St. Mary's Acute		4	4	2	1	1	1	2		2	2		19	3%
St. Mary's SNF		1	1										2	0%
Seton Acute		. }			1		2	1		1			5	1%
Seton SNF	1												1	. 0%
UC Med Acute	1	1	1	1	3	5	2	2	3	3	4	2	28	5%
UC Med SNF													0	0%
VA Hospital Acute							1_						1	0%
VA Hospital SNF					1			1					2	0%
TOTAL	46	47	60	47	54	46	42	47	34	48	43	46	560	100%

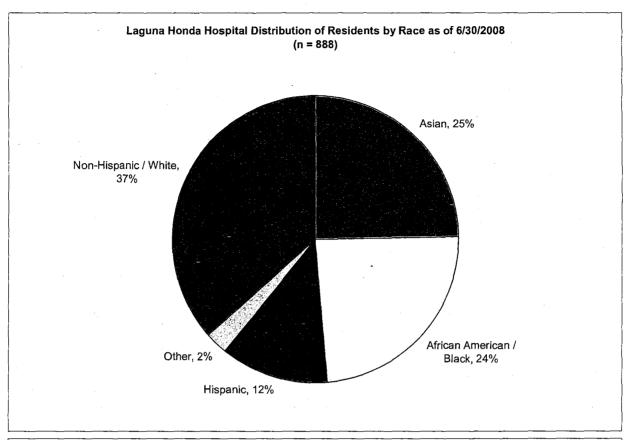
<sup>\*</sup> Excluding admissions from Unit M7

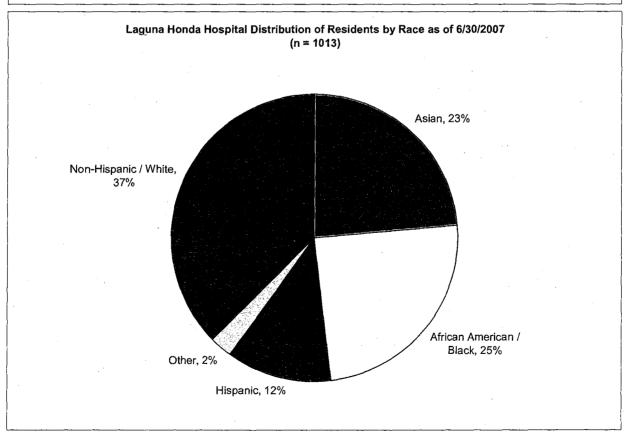


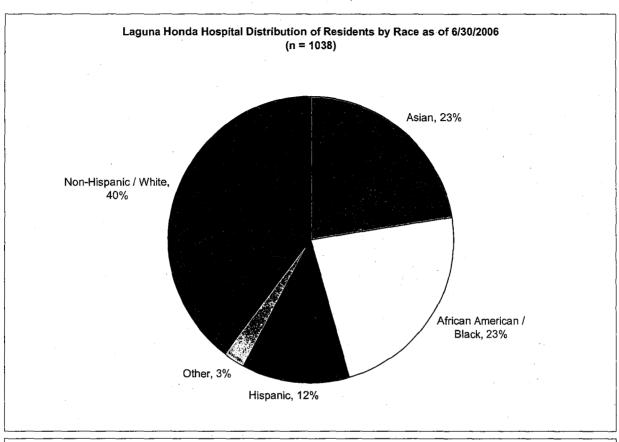


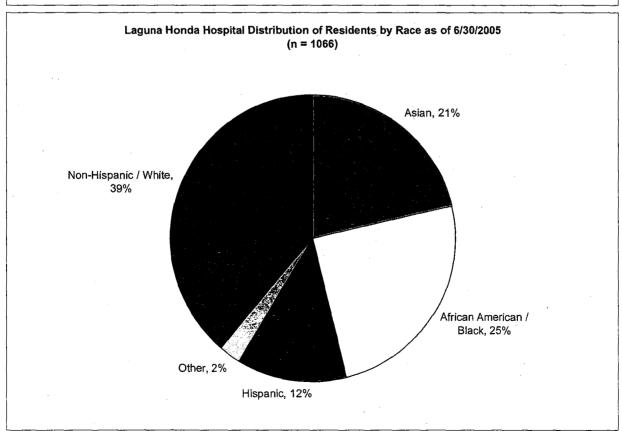


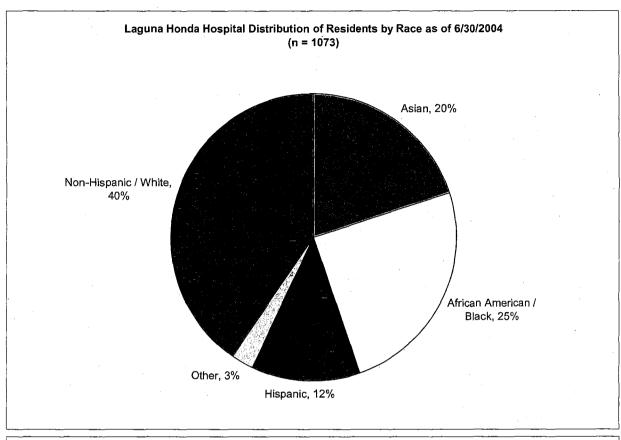


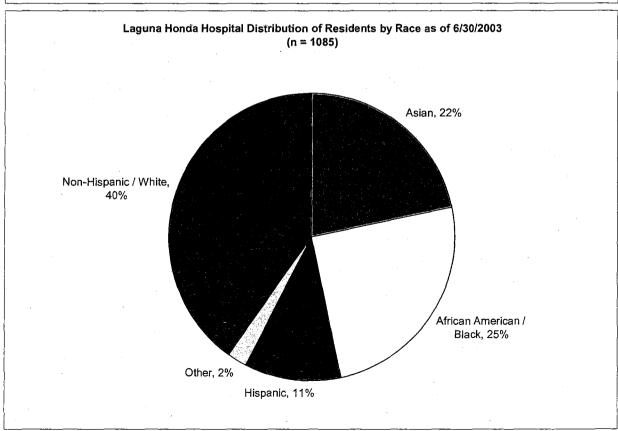


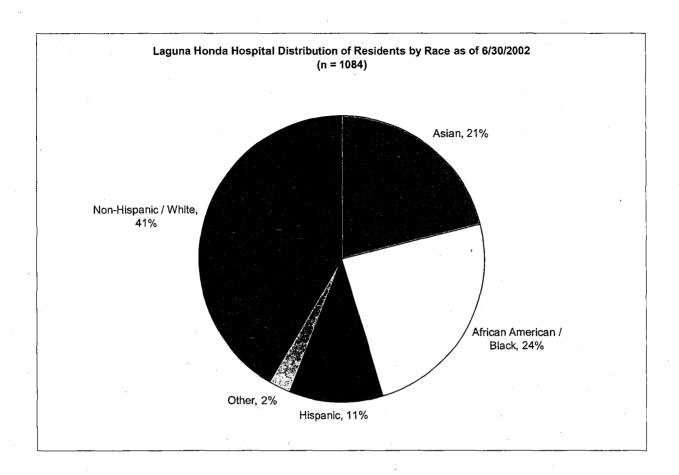




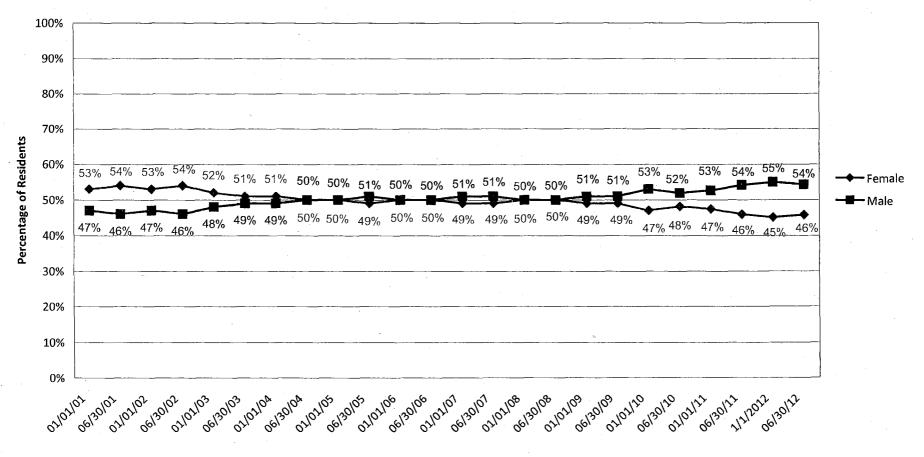


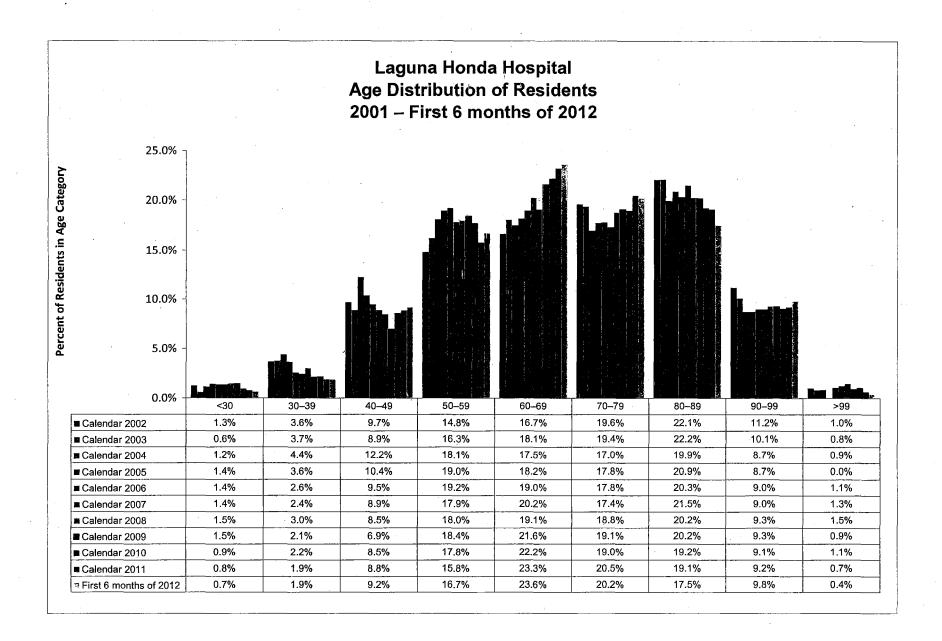






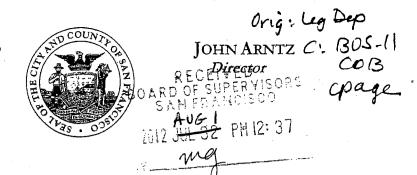
# Laguna Honda Hospital Gender Distribution of Residents 2001 – First 6 Months of 2012





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# DEPARTMENT OF ELECTIONS City and County of San Francisco www.sfelections.org



### HAND DELIVERED

August 1, 2012

### ANGELA CALVILLO, CLERK OF THE BOARD

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

Re: CERTIFICATION FOR THE "REFERENDUM AGAINST ORDINANCE 104-12, 8 WASHINGTON STREET" INITIATIVE PETITION.

The San Francisco Department of Elections has completed its review of a random sampling of 939 signatures of the total 31,927, as prescribed under California Elections Code section 9115(a), that were submitted with the petition entitled Referendum Against Ordinance 104-12, 8 Washington Street Initiative Petition. The Department's review indicates that this petition contains at least the 19,405 valid signatures required to certify the petition. The total number of valid signatures required represents 10 percent of the votes cast for Mayor in the November 2011 Consolidated Municipal Election

Thus, I hereby declare that the number of valid signatures on Referendum Against Ordinance 104-12, 8 Washington Street Initiative Petition is sufficient and I certify that the petition has successfully passed its review by this office.

If you should have any questions or need additional information, please contact Deborah Brown, Manager, Voter Services Division, at (415) 554-5665.

Sincerely,

John Arntz

By:é

Director of Elections

Deborah Brown

Voter Services Manager

Encl.: Copy of Certified letter to Proponent

Honorable Edwin Lee, Mayor Cc:

John Arntz, Director of Elections

Dennis Herrera, City Attorney

# DEPARTMENT OF ELECTIONS City and County of San Francisco www.sfelections.org



# JOHN ARNTZ Director

CERTIFIED MAIL: 7011 2000 0001 6406 5104

August 1, 2012

Geraldine Mary Crowley
7 Fielding Street
San Francisco, California 94133

Re: CERTIFICATION FOR THE "REFERENDUM AGAINST ORDINANCE 104-12, 8 WASHINGTON STREET" INITIATIVE PETITION.

Dear Ms. Crowley:

The San Francisco Department of Elections has completed its review of a random sampling of 939 signatures of the total 31,927, as prescribed under *California Elections Code section 9115(a)*, that were submitted with the petition entitled *Referendum Against Ordinance 104-12*, 8 Washington Street Initiative Petition. The Department's review indicates that this petition contains at least the 19,405 valid signatures required to certify the petition. The total number of valid signatures required represents 10 percent of the votes cast for Mayor in the November 2011 Consolidated Municipal Election

Thus, I hereby declare that the number of valid signatures on *Referendum Against Ordinance 104-12*, 8 Washington Street Initiative Petition is sufficient and I certify that the petition has successfully passed its review by this office.

If you should have any questions, please contact our Voter Services Manager Deborah Brown at (415) 554-5665.

Respectfully,

John Arntz

Director of Elections

Deborah Brown

"Voter Services Manager

cc: Honorable Edwin Lee; Mayor

Dennis Herrera, City Attorney

Angela Calvillo, Clerk of the Board of Supervisors

John Arntz, Director of Elections

# DEPARTMENT OF ELECTIONS City and County of San Francisco sfelections.org



# Memorandum

To: Honorable Members, Board of Supervisors

From: John Arntz, Director of Elections

Date: July 31, 2012

Disclaimer Requirements for Local Ballot Measures: RE:

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 proponent, opponent or rebuttal argument that has been:

- authorized by motion by 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 November 6, 2012, election, the notification deadline is 5:00 p.m. on Thursday, August 16. Please understand that, if a Supervisor has not submitted his or her position(s) 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.

DEPARTMENT OF ELECTIONS
City and County of San Francisco
sfelections.org



John Arntz *Director* 

BOARD OF SUPER VISOR
SAN FRANCISCO
2012 AUG -3 PM 3: 52

# Memorandum

To: Honorable Members, Board of Supervisors

From: John Arntz, Director of Elections

Date: August 3, 2012

RE: <u>Deadline: Thursday, August 16</u> - Disclaimer Requirements for Local Ballot Measures: Endorse, Oppose or Take No Position on a Measure (Municipal Elections

Code Section 500(c)(8))

This is a follow-up reminder that the Department of Elections must print a disclaimer in the Voter Information Pamphlet before any proponent, opponent or rebuttal argument that has been:

- authorized by motion by 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 November 6, 2012, election, the notification deadline is 5:00 p.m. on Thursday, August 16.

Please understand that, if a Supervisor has not submitted his or her position on each such measure by this deadline, the Department of Elections will be required to print that the Supervisor takes no position on each measure for which the Board or an authorized Member will submit a proponent, opponent or rebuttal argument. The Department has no discretion in this matter.

Enclosed please find a form you may use to indicate your position on a local ballot measure. The form is provided for your convenience. If you prefer, you may submit your written position in another format.

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

# DEPARTMENT OF ELECTIONS City and County of San Francisco sfelections.org



# John Arntz Director

# Submission of Disclaimer Requirements for Local Ballot Measures: "Endorse", "Oppose", or "Take No Position"

San Francisco Municipal Elections Code §500 (c) (8)

# Deadline: 5 p.m. on Thursday, August 16, 2012

Please return to: San Francisco Department of Elections - City Hall, Room 48, or via fax to: 415-554-7344. Please call 415-554-4375 to confirm receipt of fax. Original must be filed with the Department of Elections within 48 hours of fax.

For the November 6, 2012, election, my position on each local ballot measure for which the Board or a Member or Members authorized by motion will submit a proponent, opponent or rebuttal argument is as follows:

Working title of proposition (subject to change)	Endorse	Oppose	Take No Position
Bond measure: Clean and Safe Neighborhood Parks B	ond 🔲		
Charter amendment: Affordable Housing			
Charter amendment: Consolidating Odd-Year Municip Elections	al 🔲		
Ordinance: Gross Receipts Tax			
Ordinance: Water and Environment Plan			
Declaration of policy: Policy Opposing Corporate Personhood			
Submitted by: Printed Name			
Signature		Date	

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Contract with Shell Energy for the CleanPowerSF Program: Economic Impact Report

Item #111340

Office of Economic Analysis August 3, 2012









## Introduction

- The proposed legislation would authorize the San Francisco Public Utilities Commission (SFPUC) to contract with Shell Energy to procure 100% renewable electricity, for a set of households in the city, for 4.5 years.
- In 2004, the City established a Community Choice Aggregation (CCA) program. The implementation plan for the program, called CleanPowerSF, was filed with the California PUC in March, 2010.
- Community Choice Aggregation is a State law that allows local governments in California to directly contract for electricity on behalf of residents and businesses.
- If the legislation is adopted, the SFPUC will complete the contract with Shell Energy, and CleanPowerSF will use the purchased energy to initially serve residential electricity customers in San Francisco.

## How CleanPowerSF Would Work

- When a CCA such as CleanPowerSF is established, current customers of the incumbent electricity provider (PG&E, in this case) will be enrolled into the CCA program automatically, unless they opt-out of the program.
- As provided by State law, customers have multiple opportunities to opt-out of a CCA, at no cost. State law requires two opt-out notices to be sent within 60 days prior to enrollment, and two sent within 60 days after enrollment.
- The SFPUC may establish an opt-out fee for customers wishing to opt-out at a later time. Any such fee is not part of this proposed legislation, but will be set as part of normal rate setting in the future, per the City Charter.
- A CCA, such as CleanPowerSF, may only provide electricity generation services.
   PG&E would continue to provide electricity transmission and distribution services to all San Francisco residents and businesses, and would continue to handle billing.
- Rates for electricity transmission and distribution will continue to be established by other regulatory agencies, as at present.

# CleanPowerSF and Long Term Energy Policy

- Community Choice Aggregation (CCA) has been part of the City's energy and environmental policy for several years.
- By establishing a CCA, the City has created a mechanism to control the sources of electricity used by residential customers in San Francisco. CCA is one tool available to the City to meet its climate policy goals.
- In the future, CleanPowerSF could acquire its own renewable generation facilities. This could provide customers with stable, competitive rates at some point in the future.
- Without an operating CCA, it would be impossible for the city to build and operate its own renewable facilities for households and businesses.
- Nevertheless, at program launch, the electricity to be provided to customers by CleanPowerSF will come entirely from Shell Energy, and not from facilities owned by the City.
- For this reason, this report does not consider the economic or environmental implications of any potential future acquisition of renewable generation facilities by the City.

# Renewable Energy to be Provided by CleanPowerSF

- The SFPUC is planning a Phase I roll-out of CleanPowerSF to approximately 50-90,000 households in San Francisco. Commercial and industrial customers will be offered the service, on an opt-in basis, at this stage.
- SFPUC and Shell Energy, not PG&E or the California SFPUC, would decide on the renewable component of the power.
- The proposed legislation and accompanying contract specify that CleanPowerSF's energy will be 100% Renewable. In practice, this means a to-be-determined combination of:
  - Bundled power: renewable power that is used as it is generated.
  - Firmed and Shaped renewable resources: power that comes from renewable assets paired with other resources.
  - Transferrable renewable energy credits alone

### **Consumer Costs**

- While the contract does not commit the SFPUC to specific rates, it does include current price premiums for various types of renewable power. It is anticipated that final rates will closely align with these current prices.
- According to the SFPUC's most recent market research and modeling, a targeted opt-out strategy focused on portions of the city would likely achieve a participation rate of slightly more than 50% to achieve a 30 MW target size associated, with approximately 90,000 households. This model would minimize the SFPUC's risk of purchasing power it cannot sell to customers.
- A 77% premium over PG&E's electricity generation rates would be required for CleanPowerSF to break even in Phase I. This corresponds to approximately a \$18 per month for an average customer, or a 23% increase to a typical combined gas and electricity bill.
- The economic impact assessment in this report is based on the assumption that the SFPUC will adopt rates at this level.
- In addition, consumers that do not opt-out will remain CleanPowerSF customers at the conclusion of the 4.5 year contract with Shell. These consumers face a risk that future rates could be significantly different than those associated with the present contract.
- This report also does not attempt to quantify the risk of rate changes that consumers could face at the conclusion of the contract.

# **Program Commitments**

- The SFPUC proposes a contract and program totaling \$19.5 million, of which \$13.5 million would be used for reserves, and \$6 million for environmental programs.
- The contract calls for the City to set-aside \$13.5 million of reserves for the program:
  - \$7 million for collateral to compensate Shell in the event the City terminates the program, and Shell must sell the power it purchased at a loss.
  - \$4.5 million in a cash account to ensure Shell's monthly expenses are met.
  - \$1.5 million in operating reserves for operating contingencies and customer services collateral.
  - \$0.5 million for start-up costs and potentially fund termination payment for Noble Americas thirdparty customer services contract.
- To fulfill the program's long term commitment to the City's goals of promoting job creation and enhancing the environment, the SFPUC will allocate \$6 million over FYE 13 and FYE 14 towards various programs for the benefit of CleanPowerSF program participants over the first four and a half years of the program. These programs include:
  - \$2 million for energy efficiency programs, available to CleanPowerSF customers only.
  - \$2 million for GoSolarSF incentives set-asides, available to CleanPowerSF customers only.
  - \$2 million for studies to fast-track development of new in-city generation resources for the use of CleanPowerSF.

# Potential Fiscal Impact to the General Fund and the City

- Ordinance # 111371 would appropriate the \$19.5 million from the Hetch Hetchy Power Enterprise fund balance.
- As a condition of approval of the contract, the SFPUC has required that the
  Hetchy Enterprise fund balance be maintained at at least 15% of annual
  revenues or expenditures, or result in debt service coverage of 1.25 times annual
  debt service.
- This is unlikely to be possible without a rate increase to the General Fund departments that use Hetchy power. Currently, General Fund departments pay a rate for electricity that is below the cost of production.
- While the contract amounts are refundable, if not used, these funds are still lost to the City for at least the 4.5 years of the contract. They also involve the City absorbing some financial risk for the success of the program.
- The City's risk could exceed \$13.5 million only if it chose to terminate the program while it was operating smoothly, and energy prices had fallen significantly.

# **Economic Impact Factors**

- The proposed legislation, and associated contract, would affect the San Francisco economy in three primary ways:
- 1. By changing electricity prices for residential customers who remain in the program, the legislation affects how much of the disposable income of residents will be spent within the city.
  - Higher prices will encourage these consumers to reduce their energy consumption.
  - Nevertheless, it is highly unlikely that the price increases will stimulate so much conservation that aggregate electricity payments will fall.
  - Thus, the program will increase the amount consumers, in aggregate, spend on electricity. This will
    necessarily reduce the amount they have to spend on other things, including consumer purchases
    within San Francisco.
  - Because Shell Energy does not produce electricity within San Francisco, increased electricity
    payments flowing to Shell effectively leave the San Francisco economy, reducing the overall local
    economic impact of resident spending.
- 2. The investment in energy efficiency and alternative energy programs will promote green jobs and long term reductions in electricity payments, creating economic benefits.
- 3. Because the program commitments require funds from the Hetchy Enterprise and, indirectly, the General Fund, local government spending will be reduced over the course of the contract.



# Economic Impact Assessment: Reduction in Local Consumer Spending

- Based on the market research the SFPUC has conducted, opt-out rates for neighborhoods targeted in the first phase are expected to range from 45-60%, depending on customer tier. The average opt-out rate, across all tiers, would be slightly less than 50% (see Appendix).
- If the opt-out is significantly less than what the SFPUC has anticipated, CleanPowerSF would have to purchase additional power on the open market, at an unknown price, to make up the deficit.
- At the lower anticipated opt-out rates, and assuming CleanPowerSF is able to meet any additional power requirements by acquiring power on the market at the same price Shell is providing it, customers remaining with CleanPowerSF during Phase I would spend an additional \$13 million per year on electricity.
- As this money would be exiting the city's economy, it would represent a decline
  in consumer spending in San Francisco, with a direct effect on businesses that
  are supported by consumer spending.



# Economic Impact Assessment: Calculation of Consumer Spending Impact

CleanPowerSF Load After Opt-Out (MWh)[1]	269,472
PG&E rate per kwh[2] CleanPowerSF rate per kwh[3] CleanPowerSF rate premium per kwh[4]	\$0.0723 \$0.1281 \$0.0558
Rate Premium as % of Average Electrical Bill[5] Elasticity of Demand[6] % Reduction in Consumption from Higher Rate[7] Load After Opt-Out and Consumption Reduction[8]	37% -0.322 -12% 237,367
Additional Electricity Expenditure by CleanPowerSF Customers[9]	\$13,245,073

- 1. See Appendix.
- 2. PG&E's 2011 generation rate is \$0.06691/kWh. In its financial model, the SFPUC anticipated an 8% escalation in PG&E rates for 2012, leading to \$0.0723/kWh.
- 3. CleanPowerSF's 2012 rate assuming, as the SFPUC's model does, a 77% premium above PG&E's rate.
- 4. CleanPowerSF's rate minus PG&E's 2012 rate.
- 5. The rate premium expressed as a percentage of a typical customer's total electrical bill. This is the price effect that will influence consumption behavior
- 6. The elasticity of demand is based on statistical studies of how electricity consumption responds to price changes in California. See M.A. Bernstein and J. Griffin, "Regional Differences in the Price Elasticity of Demand for Energy", Rand Corporation, 2005.
- 7. The change in consumption given the price increase and the elasticity of demand. It equals the price change times the elasticity.
- 8. The final expected demand for electricity from Phase I CleanPowerSF consumers, after the expected opt-out and reduction in consumption from the higher rate.
- 9. Consumers' additional payment equals CleanPowerSF electricity sales multiplied by its rate premium.



# Economic Impact Assessments: Program Costs

- The \$19.5 million in City security payments on behalf of Shell Energy that are called for in the contract work, and additional program costs, total \$4.3 million a year over 4.5 years.
- As stated earlier, the Hetch Hetchy fund balance is the planned source for these funds. The SFPUC has explicitly tied the adoption of the contract to maintaining the fund balance at at least 15% of annual revenues, expenditures, or result in debt service coverage at 125% annual debt service.
- Given that the Hetchy fund balance is legally required to be maintained, it is reasonable to assume that restoring the \$19.5 million to Hetchy will reduce local government spending in one way or another.
- The \$6 million appropriation for energy efficiency, GoSolarSF, and local build-out studies represent both a reduction in government spending and an equivalent increase in construction and professional services spending.
- In addition, to the extent the GoSolarSF subsidy is utilized by property owners who are CCA customers, it will stimulate further private investment in construction. \$2 million in GoSolarSF funding could lead to an estimated 100 new installations, involving \$3 million in new investment and \$100,000 a year in electricity savings for CCA customers.

# Economic Impact Assessment: REMI Model Results

- The OEA's REMI model of the San Francisco economy was used to simulate:
  - \$13 million annual reduction in local consumer spending (higher CleanPowerSF rates)
  - \$4.3 million reduction in local government spending (security and program costs)
  - \$2 million increase in professional services spending (local build-out study)
  - \$2 million increase in construction and retail spending (energy efficiency)
  - \$2 million provision for GoSolarSF spending, stimulating a \$3 million increase in private construction investment, a decline of \$3 million in offsetting consumer spending, and \$0.1 million annual additional consumer spending from electricity savings. (GoSolarSF)
  - Longer-term (post 4.5 years) benefits of the energy efficiency and GoSolarSF funding were not included in the model.
- The net effect of these impacts is a loss of approximately 95 jobs and a reduction of the size of the city's economy of approximately \$8 million per year.
- The job losses would be spread across sectors of the city's economy that are sensitive to consumer spending, such as retail trade and personal services, as well as in the public sector.
- To put these figures into context, they represent a net loss of 0.01% of the city's economy and total employment.

# Risk Mitigation: Fiscal Risks to the City

- The proposed legislation would impose both fiscal risks and economic costs on the city, as detailed earlier.
- As mentioned earlier, the SFPUC's model assumes a 23% increase over the average PG&E power bill would lead to financial break-even for CleanPowerSF.
- If opt-out rates were significantly lower than the SFPUC has anticipated, the program would need to purchase additional energy products to cover the additional consumption. In this event, rates would require adjustment to bring expenses in line with revenues.
- In the event the program were generating revenue, the City could reduce its fiscal risk by requiring any CleanPowerSF profit to be restored to the General Fund and the Hetchy Enterprise, up to \$19.5 million.
- Alternatively, the City could require CleanPowerSF set its residential rates to cover the required security payments and restore the Hetchy fund balance, without any burden on the General Fund. This would increase the CleanPowerSF rate premium, however, and possibly lead to higher opt-out rates.

# Risk Mitigation: Reducing the Economic Cost

- Opt out systems are imperfect measures of consumer preference; inevitably some consumers who do not wish to be enrolled will find themselves paying higher rates.
- The State law governing CCA does not allow a locality to change the opt-out process into an opt-in process. In addition, the law requires that all residential customers are offered service on an opt-out basis.
- However, localities are not required to offer the program to all residents at the same time.
- The City could reduce the economic problems associated with an opt-out program, and the overall economic costs of the program, by initiating the program with a small group of customers that are likely to favor it, and allow other non-targeted customers to voluntarily opt-in.
- In this way, the program would rely more on voluntarily opting-in during its initial phase.

# Risk Mitigation: Balancing the Economic Burden of Environmental Policy

- One benefit of using CCA to provide 100% renewable power is environmental: it
  will reduce the city's carbon footprint by increasing the use of electricity from
  renewable sources. In addition, the higher rates paid by CleanPowerSF
  customers will encourage conservation, and such customers are eligible for
  energy efficiency grants from the SFPUC.
- However, the opt-out feature of CCA creates a situation in which only some residents bear the cost of reducing the city's carbon footprint.
- San Francisco is the only major city in California that does not have a residential utility user tax (UUT). Such a tax, imposed only on consumers that do not choose a 100% renewable option, could spur conservation among all residents, while reducing the effective price premium associated with renewable energy.
- A residential electricity tax, combined with program structure that relies more on voluntary opting-in, could reduce customer costs, improve consumer choice, better balance the cost burden of climate policies, and still lead to significant reductions in the city's carbon footprint.
- The economic harm of a higher UUT could be mitigated with an offsetting reduction in other taxes or fees paid by city residents.



## Conclusions

- The OEA projects that the proposed legislation would lead to approximately 95 fewer jobs than the city would otherwise experience over the 4.5 year life of the contract.
- These economic costs are small, however, in the context of San Francisco's \$100 billion economy, i.e. 0.01% of the city's employment base and GDP.
- The City could reduce its own risk by either requiring CleanPowerSF to return
  excess fund balances to offset the City's set-aside reserves, or by simply setting
  rates to ensure ratepayers, and not the City, cover the required security
  payments.
- The negative economic impacts associated with the program could be reduced by structuring it in a way relies more on voluntary opting-in.
- Finally, combining a greater reliance on opting-in with a residential UUT, applicable only to consumers who do not opt-in, could reduce the economic cost, better balance the burden of the city's environmental policy, and still offer significant environmental benefits.

# Appendix: Impact of Expected Opt-Out Rates

Tier	Phase   Load[1]	Expected Opt-Out[2]	Load After Opt-Out[3]
Tier 1	109,579	45%	60,784
Tier 2	45,870	43%	25,955
Tier 3	84,109	45%	46,676
Tier 4	62,242	55%	27,951
Tier 5	49,087	62%	18,658
CARE 1	16,805	57%	7,161
CARE 2	6,986	57%	3,020
CARE 3	24,683	60%	9,826
All-Electric customers	125,187	45%	69,441
Total	524,548		269,472

-49% <--Average opt-out rate

- 1. PG&E's current electricity load, or demand for electricity in Megawatt-hours, by customer tier, estimated by the SFPUC for the areas within the city where it expected to roll out CleanPowerSF during Phase I.
- 2. The opt-out rate that is expected for each tier, based on the SFPUC's market research in June 2012. The average opt-out rate is expected to be 49% across all tiers.
- 3. The remaining CleanPowerSF load to be served after the opt-out.

# Staff Contacts

Ted Egan, Chief Economist, ted.egan@sfgov.org (415) 554-5268

City and County of San Francisco



# City and County of San Francisco

BOS-11, B+F Cluk Human Services Agency COR

Department of Human Services

Department of Aging and Adult Services CACGES

Trent Rhorer, Executive Director

Edwin M. Lee, Mayor

RECEIVED BOARD. OF SUPERVISORS SAN FRANCISCO

2017 JUL 30 PM 3: 21

MEMORANDUM

July 27, 2012

TO:

Angela Calvillo, Clerk of the San Francisco Board of Supervisors

Ben Rosenfield, Controller of the City and County of San Francisco

THROUGH: Human Services Commission

FROM:

Trent Rhorer, Executive Director

Phil Arnold, Deputy Director for Administration

SUBJECT:

Human Services Care Fund: FY11-12 4th Quarter Update

This memo is intended to notify the Board of Supervisors and the Office of the Controller that pursuant to Administrative Code Sections 10.100-77(e), the Human Services Commission has approved the Human Services Agency's final FY11-12 savings for the Human Services Care Fund.

The FY11-12 savings in homeless CAAP aid payments resulting from the implementation of Care Not Cash is \$13,687,238, which is approximately two thousand less than previously estimated. The savings are roughly twenty-one thousand dollars less than the budgeted amount for FY11-12.

(memo continued on next page)

The table below shows the detailed monthly projections made last quarter and compares them to the actual figures for FY11-12

Month	Previous Quarterly Update (Q3 FY11-12)	Current Quarterly Update (Q4 FY11-12)	Difference
Jul-11	<b>新疆 \$1</b> ;139,892;	\$1,139,892	\$0
Aug-11	記述 #\$1,138746£	\$454E2\$\$12138;7,46t	\$0
Sep-11	\$\$5.2501£1367741£	######################################	\$0
Oct-11	## E.F.\$1/142/3290	<b>科學教育</b> \$1成 <b>42</b> 329	\$0
Nov-11	法 <b>地位</b> 51,142,6943	\$15.42.694	\$0
Dec-11	\$1,714,1,872	\$15141,872	\$0
Jan-12	====== \$11,1210,526};	<b>≟≟,⊈⊈</b> \$11140.546.	\$0
Feb-12	\$34.53.406L	######\$\$1#1@7£4.062	\$0
Mar-12	S107241-065.	95a 25.\$1-141:065	\$0
Apr-12	\$1,142,558	**E*T#E \$1+142;154	(\$404)
May-12	\$1,142,558	##7# <b>\$1</b> :142.906	\$348
Jun-12	\$1,142,558	\$1,140,887	(\$1,671)
Total FY11-12	\$13,688,965	\$13,687,238	(\$1,727)

NOTE: Shaded figures are actuals (versus projections).

The FY11-12 budgeted amount for the Human Services Care Fund is \$13,708,531. As shown below, the actual savings for FY11-12 equaled \$21,293 less than this budgeted amount.

FY11-12 Human Services Care Fund Budget Comparison

FY11-12 Budget	\$13,708,531
FY11-12 Actual	\$13,687,238
Amount Over-Funded	\$21,293



Issued: Office of the Treasurer and Tax Collector: Quarterly Review of the Schedule of Cash, Investments, and Accrued Interest Receivable as of March 31, 2012 Reports, Controller

to:

Calvillo, Angela, Nevin, Peggy, BOS-Legislative Aides, BOS-Supervisors, Kawa, Steve, Howard, Kate, Falvey, Christine, Elliott, Jason, Campbell, Severin, Newman, Debra, 'sfdocs@sfpl.info', 'gmetcalf@spur.org', CON-Media Contact, 'ggiubbini@sftc.org', CON-EVERYONE, CON-CCSF Dept Heads, CON-Finance Officers, Cisneros, Jose, Marx, Pauline, Durgy, Michelle

07/31/2012 02:33 PM

Sent by:

"Chapin-Rienzo, Shanda" <shanda.chapin-rienzo@sfgov.org>

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From: "Reports, Controller" <controller.reports@sfgov.org> Sort List...

To: "Calvillo, Angela" <angela.calvillo@sfgov.org>, "Nevin, Peggy"

<peggy.nevin@sfgov.org>, BOS-Legislative Aides <bos-</pre>

legislativeaides.bp2ln@sfgov.microsoftonline.com>, BOS-Supervisors <bos-

supervisors.bp2ln@sfgov.microsoftonline.com>, "Kawa, Steve" <steve.kawa@sfgov.org>,

"Howard, Kate" <kate.howard@sfgov.org>, "Falvey, Christine"

<christine.falvey@sfgov.org>, "Elliott, Jason" <jason.elliott@sfgov.org>, "Campbell,
Severin" <severin.campbell@sfgov.org>, "Newman, Debra" <debra.newman@sfgov.org>,

"'sfdocs@sfpl.info'" <sfdocs@sfpl.info>, "'gmetcalf@spur.org'" <gmetcalf@spur.org>,

CON-Media Contact < con-mediacontact.bp2ln@sfgov.microsoftonline.com>,

"'ggiubbini@sftc.org'" <ggiubbini@sftc.org>, CON-EVERYONE <con-

everyone.bp2ln@sfgov.microsoftonline.com>, CON-CCSF Dept Heads <con-

ccsfdeptheads.bp2ln@sfgov.microsoftonline.com>, CON-Finance Officers

<confinanceofficers.bp2ln@sfgov.microsoftonline.com>, "Cisneros, Jose"

<jose.cisneros@sfgov.org>, "Marx, Pauline" <pauline.marx@sfgov.org>, "Durgy, Michelle"
<michelle.durgy@sfgov.org>,

Sent by: "Chapin-Rienzo, Shanda" < shanda.chapin-rienzo@sfgov.org>

The City and County of San Francisco (City), Office of the Treasurer and Tax Collector (Treasurer) coordinates with the Office of the Controller, City Services Auditor Division (CSA), to conduct quarterly reviews and an annual audit of the City's investment pool. CSA has engaged Macias Gini & O'Connell LLP (Macias) to perform these services.

CSA presents the report of the quarterly review of the Schedule of Cash, Investments, and Accrued Interest Receivable as of March 31, 2012.

Based on its review, Macias is not aware of any material modifications that should be made to the Schedule of Cash, Investments, and Accrued Interest Receivable as of March 31, 2012, in order for it to be in conformity with generally accepted accounting principles.

To view the full report, please visit our website at: http://co.sfgov.org/webreports/details.aspx?id=1457

This is a send-only email address.

For questions about this review, please contact Tonia Lediju at <a href="mailto:tonia.lediju@sfgov.org">tonia.lediju@sfgov.org</a> or 415-554-5393, or call CSA at 415-554-7469.



# OFFICE OF THE TREASURER AND TAX COLLECTOR:

Quarterly Review of the Schedule of Cash, Investments, and Accrued Interest Receivable as of March 31, 2012



July 31, 2012

#### OFFICE OF THE CONTROLLER CITY SERVICES AUDITOR

The City Services Auditor Division (CSA) was created in the Office of the Controller through an amendment to the Charter of the City and County of San Francisco (City) that was approved by voters in November 2003. Under charter Appendix F, CSA has broad authority to:

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

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

CSA conducts its audits in accordance with the Government Auditing Standards published by the U.S. Government Accountability Office (GAO). These standards require:

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

For questions regarding the report, please contact Director of City Audits Tonia Lediju at Tonia.lediju@sfgov.org or 415-554-5393, or CSA at 415-554-7469.

Audit Team:

Elisa Sullivan, Audit Manager, CSA

Audit Consultants: Macias Gini & O'Connell LLP



#### CITY AND COUNTY OF SAN FRANCISCO

#### OFFICE OF THE CONTROLLER

Ben Rosenfield Controller

Monique Zmuda Deputy Controller

July 31, 2012

Mr. José Cisneros Treasurer Office of the Treasurer and Tax Collector City Hall, Room 140 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4638

Dear Mr. Cisneros:

The Office of the Controller's City Services Auditor Division (CSA) presents the review report of the Schedule of Cash, Investments, and Accrued Interest Receivable of the Office of the Treasurer and Tax Collector (Treasurer) of the City and County of San Francisco (City) as of March 31, 2012. The schedule presents the total cash, investments, and accrued interest receivable under the control and accountability of the Treasurer.

#### Results:

	March 31, 2012
Cash and Investments	
Cash in Bank	\$472,177,435
Investments and Accrued Interest Receivable	<u>4,830,514,942</u>
Total Cash and Investments	\$5,302,692,377

This review was performed under contract by Macias Gini & O'Connell LLP. For this contract, CSA performs the department liaison duties of project management and contractor invoice approval.

Based on this review, Macias Gini & O'Connell LLP is not aware of any material modifications that should be made to the Schedule of Cash, Investments, and Accrued Interest Receivable as of March 31, 2012, in order for it to be in conformity with generally accepted accounting principles. However, as explained in Note II.B. to the Schedule of Cash, Investments, and Accrued Interest Receivable, investments are recorded as of the settlement date and management has not presented the risk disclosures required under Governmental Accounting Standards Board (GASB) Statement No. 40, Deposit and Investment Risk Disclosures – an amendment of GASB Statement No. 3.

(Respectfully,

Tonia Lediiu

**Director of City Audits** 

cc:

Mayor Board of Supervisors Budget Analyst Civil Grand Jury Public Library

#### CITY AND COUNTY OF SAN FRANCISCO OFFICE OF THE TREASURER AND TAX COLLECTOR

Independent Accountant's Review Report and Schedule of Cash, Investments, and Accrued Interest Receivable

March 31, 2012



**Certified Public Accountants.** 



#### Certified Public Accountants.

Sacramento \* Walnut Creek \* Oakland \* Los Angeles/Century City \* Newport Beach \* San Diego

mgocpa.com

The Honorable Mayor Edwin M. Lee The Honorable Members of the Board of Supervisors San Francisco, California

#### Independent Accountant's Review Report

We have reviewed the accompanying Schedule of Cash, Investments, and Accrued Interest Receivable (Schedule) of the City and County of San Francisco's (City) Office of the Treasurer and Tax Collector (Treasurer) as of March 31, 2012. A review includes primarily applying analytical procedures to management's financial data and making inquiries of the Treasurer's management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the Schedule as a whole. Accordingly, we do not express such an opinion.

The Treasurer's management is responsible for the preparation and fair presentation of the Schedule in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the Schedule.

Our responsibility is to conduct the review in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. Those standards require us to perform procedures to obtain limited assurance that there are no material modifications that should be made to the financial statements. We believe that the results of our procedures provide a reasonable basis for our report.

Based on our review, with the exception of the matter described in the following paragraph, we are not aware of any material modifications that should be made to the Schedule as of March 31, 2012, in order for them to be in conformity with accounting principles generally accepted in the United States of America.

As explained in Note II.B. to the Schedule, investments are recorded as of the settlement date rather than the trade date and management has not presented the risk disclosures required under Governmental Accounting Standards Board Statement No. 40, Deposit and Investment Risk Disclosures—an amendment of GASB Statement No. 3. The amount by which this departure would affect the Schedule has not been determined.

Macias Dini & C Commel LLR

Walnut Creek, California

June 21, 2012

# CITY AND COUNTY OF SAN FRANCISCO OFFICE OF THE TREASURER AND TAX COLLECTOR

# SCHEDULE OF CASH, INVESTMENTS, AND ACCRUED INTEREST RECEIVABLE MARCH 31, 2012

Cash:	
Cash in Bank	\$ 472,177,435
Investments:	
U.S. Treasury Notes	760,467,500
FAMC Notes	107,490,625
FFCB Notes	312,317,063
FFCB Floater Notes	20,025,000
FHLB Notes	779,639,405
FHLMC Bonds	570,857,180
FHLMC Floater Notes	235,267,188
FNMA Notes	766,836,936
FNMA Multi-Step Notes	99,968,750
FNMA Floater Notes	251,801,094
Temporary LGP	352,148,438
Tennessee Valley Authority Bonds	20,685,781
Negotiable Certificates of Deposit	199,212,847
Negotiable Certificates of Deposit Floater	162,207,769
Corporate Medium Term Notes	112,950,598
Corporate Medium Term Notes Floater	28,257,000
State and Local Government Agencies	48,174,850
Public Time Deposits	350,000
Total Investments	4,828,658,024
Accrued Interest Receivable	1,856,918
Total Cash, Investments, and Accrued Interest Receivable	\$ 5,302,692,377

# CITY AND COUNTY OF SAN FRANCISCO OFFICE OF THE TREASURER AND TAX COLLECTOR

NOTES TO THE SCHEDULE OF CASH, INVESTMENTS, AND ACCRUED INTEREST RECEIVABLE MARCH 31, 2012

#### I. General

The Schedule of Cash, Investments, and Accrued Interest Receivable (Schedule) presents only the cash on hand, cash in bank, investments, and related accrued interest receivable under the control and accountability of the Office of the Treasurer and Tax Collector (Treasurer) of the City and County of San Francisco (City). The Schedule is not intended to present fairly the financial position of the Treasurer or of the City.

The Treasurer is responsible for the custody and investment of a majority of the public funds held by the City and funds deposited by external entities that are either required to or voluntarily deposit funds with the Treasurer. The Treasurer is authorized to conduct these functions by the California Government Code Section 53600 et seq. and the San Francisco Administrative Code, Chapter 10, under investment policies established by the Treasurer and filed with the City's Board of Supervisors. The Treasurer also provides a safekeeping service for the City, where City departments may deposit securities and other assets in the Treasurer's vault.

#### II. Summary of Significant Accounting Policies

#### A. Cash and Deposits

The California Government Code requires California banks and savings and loan associations to secure the City's deposits not covered by federal deposit insurance by pledging government securities, letters of credit or first deed mortgage notes as collateral. The fair value of pledged securities will range between 105 and 150 percent of the City's deposits, depending on the type of security pledged. Pledging letters of credit issued by the Federal Home Loan Bank of San Francisco must have a fair value of at least 105 percent of the secured public deposits. Pledging first deed mortgage notes must have a fair value of at least 150 percent of the secured public deposits. Government securities must equal at least 110 percent of the City's deposits. The collateral must be held at the pledging bank's trust department or another bank, acting as the pledging bank's agent, in the City's name. For deposits not covered by federal deposit insurance, all of the banks with funds deposited by the Treasurer secure deposits with sufficient collateral.

#### B. Investments

The Treasurer makes investments in securities for a pooled money investment account and for individual investment accounts that are not invested through the pooled money investment account. The Schedule is prepared using the economic resources measurement focus and the accrual basis of accounting. Investment transactions are recorded on the settlement date. However, generally accepted accounting principles in the United States of America require investments to be recorded on the trade date. Deposits and investments with the Treasurer are exposed to risks such as credit risk, concentration of credit risk, and interest rate risk. Disclosures related to such risks as required under Governmental Accounting Standards Board Statement No. 40, Deposit and Investment Risk Disclosures—an amendment of GASB Statement No. 3, are not presented in this report as the Treasurer does not believe that these disclosures are necessary to meet the objectives of the users of the Schedule.

# CITY AND COUNTY OF SAN FRANCISCO OFFICE OF THE TREASURER AND TAX COLLECTOR

#### NOTES TO THE SCHEDULE OF CASH, INVESTMENTS, AND ACCRUED INTEREST RECEIVABLE MARCH 31, 2012

#### IL Summary of Significant Accounting Policies (continued)

The securities in the accompanying Schedule are reported at fair value in accordance with Governmental Accounting Standards Board Statement No. 31, Accounting and Financial Reporting for Certain Investments and for External Investment Pools. The statement requires external investment pools to report all investments at fair value. The following table summarizes the investments stated at cost and fair value, which is based on current market prices.

Investment Type	·	Cost	Fair Value		
U.S. Treasury Notes	\$	755,566,886	\$	760,467,500	
FAMC Notes		104,801,400		107,490,625	
FFCB Notes		306,453,935		312,317,063	
FFCB Floater Notes		20,002,800		20,025,000	
FHLB Notes		764,146,652		779,639,405	
FHLMC Bonds		567,335,504		570,857,180	
FHLMC Floater Notes		234,954,825		235,267,188	
FNMA Notes		759,412,703		766,836,936	
FNMA Multi-Step Notes		99,975,000	•	99,968,750	
FNMA Floater Notes		251,501,085		251,801,094	
Temporary LGP		355,957,000		352,148,438	
Tennessee Valley Authority Bonds		22,725,275		20,685,781	
Negotiable Certificates of Deposit		200,000,000		199,212,847	
Negotiable Certificates of Deposit Floater		162,208,616		162,207,769	
Corporate Medium Term Notes		115,192,135		112,950,598	
Corporate Medium Term Notes Floater		28,200,000		28,257,000	
State and Local Government Agencies		48,487,246		48,174,850	
Public Time Deposits		350,000		350,000	
TOTAL	\$	4,797,271,062	\$	4,828,658,024	

ong: COB C: cpage



# GENERAL SERVICES AGENCY CONTRACT MONITORING DIVISION



Edwin M. Lee, Mayor Naomi M. Kelly, City Administrator

Alaric Degrafinried, Acting Manager Veronica Ng, Acting Manager

July 27, 2012

Dear Department Heads,

As you may know, Mayor Edwin M. Lee has transferred some duties and functions of the Human Rights Commission to the General Services Agency (see attached Transfer of Function letter). Effective July 28, 2012, the Local Business Enterprise Program (14B) and 12B ordinance administration will be transferred to a group called the Contract Monitoring Division (CMD).

As we transition, please work with CMD the same way you have interacted with HRC. From your perspective, almost everything will be the same.

There are no plans for currently out-stationed staff to move offices. If there are Contract Compliance Officers co-located in your department, they will remain there. Later this year, CMD staff currently stationed at 25 Van Ness will be moving to 30 Van Ness. When the move date is near, we will communicate with you again.

During this transition, Alaric Degrafinried will manage the 12B staff and Veronica Ng will manage the LBE certification. Both of them will be working with Deputy City Administrator Linda Yeung until we hire a new manager to oversee the Contract Monitoring Division. Their contact information is below.

Linda Yeung (415) 554-7124 Linda Yeung@sfgov.org Alaric Degrafinried (415) 551-4788 ADegrafinried@sfwater.org Veronica Ng (415) 554-3100 vng@sfwater.org

For questions related to the budget, please contact Boris Delepine at (415) 252-2504 or Boris.Delepine@sfgov.org.

Sincerely.

City Administrator



OFFICE OF THE CON

Ben Rosenfield Controller

Monique Zmuda Deputy Controller

#### MEMORANDUM

TO:

Recreation & Park Department

FROM:

Leo Levenson, Director of Budget & Analysis

Controller's Office

CC:

The Honorable Board of Supervisors

Clerk of the Board

DATE:

July 31, 2012

SUBJECT:

Recreation & Park Fees – Municipal Code Authorized Fee Increases

The San Francisco Park Code Article 12, Section 12.20 authorizes the Controller to adjust the Recreation & Park Fees set in Article 12 to reflect changes in the relevant Consumer Price Index. The CPI adjustment factor for fee increases effective July 1, 2012 is 2.93%, and 3.00% for fee increases effective July 1, 2013 based upon the CPI-All Urban Consumers for the San Francisco-Oakland-San Jose, CA. Administratively, the Controller grants Departments the authority to round new fees to the nearest dollar, half dollar, or quarter, as appropriate. Applicable Code Sections may be found online here:

http://www.amlegal.com/nxt/gateway.dll/California/park/article12fees?f=templates\$fn=default. htm\$3.0\$vid=amlegal:sanfrancisco\_ca\$anc=JD\_12.20.

In addition to the June 27, 2012 fee certification, we have reviewed the berthing license fees for West Harbor and East Harbor. Based on data submitted by the Recreation and Parks to the Controller, we have noted on the attached schedule projected fee cost recoveries. No fees appear to recover significantly more than the costs of providing the services. Please notify us of any changes to estimated cost recovery levels for FY 2012-13 and FY 2013-14.

Attachments: Fee Schedule

cc: Budget Analyst

Mayor's Budget Office

Recreation & Park, Chief Fiscal Officer

# Recreation and Park Department

		FY 2011-12		FY 2012-13 Fee	FY 2012-13	FY 2012-13		FY 2013-14 Fee	FY 2013-14 Fee with CPI	FY 2013-14 Estimated
		Fee	FY 2012-	with CPI	Adjustment	Estimated Cost	FY 2013-	with CPI	Adjustment	Cost
Code Sections	Fee Description	(Rounded)	13 CPI	Adjustment	(Rounded)	Recovery	14 CPI	Adjustment	(Rounded)	Recovery
Marina Fees					71.94°F (\$1.24°F)			,	1997	
	West Harbor Monthly Berthing License Fee				1146					i
	Berth Length: 25' and below							•	2.5	í
Park Code Article 12 Sec 12.11	(per foot)	\$8.32	2.93%	\$8.56	\$8.56	_<100%	3.00%	\$8.82	\$8.82	<100%
	West Harbor Monthly Berthing License Fee		, -		100					
Park Code Article 12 Sec 12.11	Berth Length: 30' (per foot)	\$8.44	2.93%	\$8.69	\$8.69	<100%	3.00%	\$8.95	\$8.95	<100%
	West Harbor Monthly Berthing License Fee	٠.			1000 1000					1
Park Code Article 12 Sec 12.11	Berth Length: 35' (per foot)	\$8.44	2.93%	\$8.69	\$8.69	<100%	3.00%	\$8.95	\$8.95	<100%
	West Harbor Monthly Berthing License Fee				111111111111111111111111111111111111111				100	
Park Code Article 12 Sec 12.11	Berth Length: 40' (per foot)	\$10.24	2.93%	\$10.54	\$10.54	<100%	3.00%	\$10.86	\$10.86	<100%
	West Harbor Monthly Berthing License Fee								48	
Park Code Article 12 Sec 12.11	Berth Length: 45' (per foot)	\$10.24	2.93%	\$10.54	\$10.54	<100%	3.00%	\$10.86	\$10.86	<100%
	West Harbor Monthly Berthing License Fee				(10.5)			<del></del>		
Park Code Article 12 Sec 12.11	Berth Length: 50' (per foot)	\$10.47	2.93%	\$10.78	\$10.78	<100%	3.00%	\$11 <u>.1</u> 0	\$11.10	<100%
	West Harbor Monthly Berthing License Fee				100000000000000000000000000000000000000				30.00	
Park Code Article 12 Sec 12.11	Berth Length: 60' (per foot)	\$10.47	2.93%	\$10.78	\$10.78	<100%	3.00%	\$11.10	<b>*****</b> \$11.10	<100%
	West Harbor Monthly Berthing License Fee		ļ		1.40					
Park Code Article 12 Sec 12.11	Berth Length: 70' (per foot)	\$10.68	2.93%	\$10.99	\$10.99	<100%	3.00%	\$11.32	\$11.32	<100%
	West Harbor Monthly Berthing License Fee									
Park Code Article 12 Sec 12.11	Berth Length: 80' (per foot)	\$10.68	2.93%	\$10.99	\$10.99	<100%	3.00%	\$11.32	\$11.32	<100%_
	West Harbor Monthly Berthing License Fee				10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				200	-
Park Code Article 12 Sec 12.11	Berth Length: 90' (per foot)	\$10.68	2.93%	\$10.99	\$10.99	<100%	3.00%	\$11.32	\$11.32	<100%
	East Harbor Monthly Berthing License Fee -				100	]				
Park Code Article 12 Sec 12.11	Berth Length: 20' (per foot)	\$8.45	2.93%	. \$8.70		<100%	3.00%	\$8.96	\$8.96	<100%
	East Harbor Monthly Berthing License Fee -				in a particular				(1) Sales (1)	
Park Code Article 12 Sec 12.11	Berth Length: 25' (per foot)	\$8.75	2.93%	\$9.01	\$9.01	<100%	3.00%	\$9.28	\$9.28	<100%
	East Harbor Monthly Berthing License Fee -		1	2 /					0.00	
Park Code Article 12 Sec 12.11	Berth Length: 30' (per foot)	\$8.88	2.93%	\$9.14	*** <b>\$9.14</b>	<100%	3.00%	\$9.41	\$9.41	<100%
	East Harbor Monthly Berthing License Fee -			,	100	'	1		$ M_{\rm t}  \approx 100$	
Park Code Article 12 Sec 12.11	Berth Length: 35' (per foot)	\$8.88	2.93%	\$9.14	\$9.14	<100%	3.00%	\$9.41	\$9.41	<100%

# OFFICE OF THE ASSESSOR-RECORDER SAN FRANCISCO



# PHIL TING ASSESSOR-RECORDER

August 20, 2012

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

Subject: 2011 Assessor-Recorder Annual Report to Board of Supervisors regarding clean energy technology exclusion.

Dear Ms. Calvillo,

The Assessor-Recorder pursuant to Section 906.2 of the San Francisco Business and Tax Regulations Code, herewith submit the annual report of increases in property taxes resulting from clean energy technology businesses location, relocation or expansion to or within the City and County of San Francisco.

The Office of the Assessor-Recorder has no record of secured property ownership for any of the businesses which have received the clean energy technology exclusion. Under Proposition 13 tenancy changes are not reassessable events.

Schedule A of this report summarizes the business personal property that was subject to taxation under Section 201 of California's Revenue and Taxation Code for the businesses that received the clean energy technology payroll expense tax exclusion in 2011. The businesses that received the clean energy technology payroll expense tax exclusion in 2011 paid a total of \$60,760.89 in business personal property taxes.

If you have any questions regarding this report, please contact me at (415) 554-5575.

Sincerely,

Zoon Nguyen

Deputy Assessor-Recorder

# OFFICE OF THE ASSESSOR-RECORDER SAN FRANCISCO



#### PHIL TING ASSESSOR-RECORDER

#### Schedule A

Year	Number of Businesses Claiming Clean Energy Technology Payroll Expense Tax Exclusion	Total Business Personal Property Reported	Resulting Personal Property Taxes Paid
2011	22	\$5,185,261	\$60,760.89



## Cleantech Annual Reporting Angela D'Anna to: Angela Calvillo

Cc: Zoon Nguyen

08/22/2012 09:17 AM

History:

This message has been replied to.

Angela,

Attached is the Assessor-Recorder's annual clean tech exclusion report. Thank you and have a wonderful day!



Cleantech 2011.pdf

Take Care,

Angela D'Anna
Policy Director
Office of Assessor-Recorder Phil Ting
City & County of San Francisco

Office: 415-554-7434 Fax: 415-554-5553

Email: Angela.DAnna@sfgov.org



To:

BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,

Cc:

Bcc:

Sutter Pacific Medical Foundation CMPC Davies Medical Center/University of California, San Francisco is practicing aggressive debt collection practices/privacy & confidentiality

breaches) with all patients and their spouses (LGBT included)

---- Forwarded by Board of Supervisors/BOS/SFGOV on 08/22/2012 10:33 AM -----

From:

<elnino@rcn.com>

To: Date:

08/21/2012 03:17 PM

Subject:

Sutter Pacific Medical Foundation CMPC Davies Medical Center/University of California, San

Francisco is practicing aggressive debt collection practices/privacy & confidentiality breaches) with

all patients and their spouses (LGBT Included)

The Honorable Members Of San Francisco Board of Supervisors

Sutter Pacific Medical Foundation CMPC Davies Medical Center/University of California, San Francisco is practicing aggressive debt collection practices/privacy & confidentiality breaches) with all patients and their spouses (LGBT Included)

Sutter Pacific Medical Foundation CMPC Davies Medical Center/University of California, San Francisco are practicing aggressive debt collection practices with all patients and their spouses [LGBT Community included, despite LGBT have no right to marry in the U.S. Federally nor in California (See attached copies obtained from patients, and we are waiting to obtain specific paperwork with regards to patients and their spouses - LGBT included)].

Sutter Pacific Medical Foundation CMPC Davies Medical Center/University of California, San Francisco are also practicing aggressive HIV/AIDS privacy/confidentiality breaches with HIV/AIDS (see clip obtained from patients blood work paperwork as well as UCSF AIDS/HIV privacy/confidentiality breach.

Doctors who wish to remain anonymous state "Sutter Pacific Medical Foundation is the worst thing that could have happened to San Francisco, and they have to

We'll put the patient in touch with the SF Board of Supervisors or media who are interested in meeting with the patient as soon as they are comfortable, but they wish to maintain their anonymity with regards to this matter.

The patient states, "All people with HIV/AIDS should steer clear of UCSF and Sutter Pacific Medical Foundation immediately."



Sutter Pacific Medical Foundation Privacy Breach Practice copy.jpg



Sutter Pacific Medical Foundation HIV file breach copy b.jpg



Sutter Pacific Medical Foundation Aggressive Billing Practice copy a.jpg





Sutter Pacific Medical Foundation Aggressive Billing Practice copy b.jpgucsf HIV Diagnosis file breach copy.jpg

# SUPERIOR COURT OF CALIFORNIA 6400 COUNTY OF SAN FRANCISCO CIVIL GRAND JURY

Orig: Joy BOS-11
C:-COB: Lop Dep CS47

DRNIAGAO
CLUB SCOUNT OF CHIP

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

July 23, 2012

Angela Calvillo Clerk of the Board City Hall, Room 244 San Francisco, CA 94102

Dear Ms. Calvillo,

The 2011 – 2012 San Francisco Civil Grand Jury will release its report entitled, Where There's Smoke...The Need to Strengthen the Art Commission's Stewardship of San Francisco's Cultural Legacy, "to the public on July 26, 2012. Enclosed is an advance copy of this report. Please note that by order of the Presiding Judge of the Superior Court, Hon. Katherine Feinstein, this report is to be kept confidential until the date of release.

California Penal Code section 933.5 requires the responding party or entity identified in the report to respond to the Presiding Judge of the Superior Court within a specified number of days. You are required by code to respond to this report no later than October 24, 2012. For each finding of the Civil Grand Jury, the response must either:

- 1) Agree with the finding; or
- 2) Disagree with it, wholly or partially, and explain why.

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

- 1) That the recommendation has been implemented, with a summary explanation of how it was implemented;
- 2) That the recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation;
- 3) That the recommendation requires further analysis, with an explanation of the scope of that analysis and a timeframe for the officer or agency head to be prepared to discuss it (less than six months from the release of the report); or
- 4) That the recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code sections 933, 933.05)

RECEIVED BOARD OF SUPERVISOR SAN FRANCISCO

400 McAllister Street, Room 008 San Francisco, CA 94102-4512 Phone: 415-551-3605



<u>To</u>:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: Save the Metro Theatre

From:

"Collin Woo" <collin995@msn.com>

To:

<mayoredwinlee@sfgov.org>,

Cc:

<board.of.Supervisors@sfgov.org>, "Alfonso Felder" <afelder@sfntf.org>

Date:

08/21/2012 09:03 PM

Subject: Save the Metro Theatre

The Metro on Union street requires your intervention in order to be saved-visiting that historic

site will show that it must be kept for theatre use. The plan to build retail shops there isn't feasible, only leading

to more failed businesses in this uncertain economic climate. The only way to return business to the neighborhood -benefitting the

city's welfare- is to reopen it and your administration receives immediate praise. A neighborhood theatre is the alternative for

seniors and families to avoid multiplexes. Your help is needed urgently to save this theatre!

Thank you,

Collin Woo

City resident

# Office of the Mayor san francisco



orig: leg Cark, COB,
Bos-II, leg Dep
algathy, Rulis cluk Effe
EDWIN M. LEE
MAYOR CPage

#### Notice of Appointment

August 21, 2012

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

Honorable Board of Supervisors:

Pursuant to Section 4.112 of the Charter of the City and County of San Francisco, I hereby make the following reappointments:

Ann Moller Caen to the Public Utilities Commission, Seat 3, for a term ending August 1, 2016

Francesca Vietor to the Public Utilities Commission, Seat, 1, for a term ending August 1, 2016

Vince Courtney to the Public Utilities Commission, Seat 5, for a term ending August 1, 2016

I am confident Ms. Caen, Ms. Vietor, and Mr. Courtney, all CCSF electors, will continue to serve the City and County well. Attached are their qualifications to serve, which will demonstrate how these appointments represent the communities of interest, neighborhoods, and diverse populations of San Francisco.

Should you have any questions related to these appointments, please contact my Director of Appointments, Nicole Wheaton, at (415) 554-7940.

I encourage your support and am pleased to advise you of these appointments.

Sincerely,

Edwin M. I Mayor

#### EDWIN M. LEE Mayor

# Office of the Mayor san francisco



August 21, 2012

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

Dear Ms. Calvillo,

Pursuant to Section 4.112 of the Charter of the City and County of San Francisco, I hereby make the following reappointments:

Ann Moller Caen to the Public Utilities Commission, Seat 3, for a term ending August 1, 2016

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I am confident Ms. Caen, Ms. Vietor, and Mr. Courtney, all CCSF electors, will continue to serve the City and County well. Attached are their qualifications to serve, which will demonstrate how these appointments represent the communities of interest, neighborhoods, and diverse populations of San Francisco.

Should you have any questions related to these appointments, please contact my Director of Appointments, Nicole Wheaton, at (415) 554-7940.

Sincerely,

Edwin N Mayor Ann Moller Caen is the President of her own company, Moller & Associates, a consulting firm. She also serves on the Board of Governors of the San Francisco Symphony, the Board of Trustees of the San Francisco Museum of Modern Art, the Board of Trustees of Golden Gate University, as well as the UCSF Foundation. She has served on Boards of the San Francisco Convention and Visitors Bureau and the Fisherman's Wharf Merchant's Association. Caen was also a Director of Pier 39, Siwel, Inc, and Sico Inc. Additionally, she was President of the Nob Hill Capital and Publisher of the San Francisco Visitor News. She is also involved with the Audubon Canyon Ranch, the International Hospitality Center, KQED, the California Pacific Medical Center, the San Francisco Junior League, and the Northern California Cancer Center.

Commissioner Caen holds a BS in Biology and Education and an MBA in Finance. She is the widow of Pulitzer Prize-winning columnist, Herb Caen. She was first appointed by Mayor Willie L. Brown, Jr. in March 1997, and reappointed for a second term in November 2001. Mayor Gavin Newsom reappointed her to a third term in January 2005. She served as President of the Commission from July 1998 to January 2000; September 2001 until January 2003; and January 2008 until September 2009. Her term will expire in August 2012.

Francesca Vietor has more than twenty years of experience working for environmental and social change in the United States and internationally. Previous positions include serving as President of the Urban Forest Council (2003-2005), Chair of the Mayor's Environmental Transition Team (2003), President of the S.F. Commission on the Environment (1997-1999) and Director of the S.F. Department of the Environment (1999-2001). Francesca was appointed to the San Francisco Public Utilities Commission (SFPUC) in September of 2008.

Additionally Vietor has worked for many non-profit organizations, including most recently as the Executive Director of the Chez Panisse Foundation. She has served on both the staff and board of the Rainforest Action Network and worked for Greenpeace, Island Press, Commonweal and CARE Madagascar. She is the co-founder and co- director of 1000 Flowers, a national woman's voter registration and mobilization effort, which registered and activated over 20,000 women in 47 states. She currently serves as the principal of Ecoworks.

Francesca has also contributed to her community through many board appointments including Bioneers, Bluewater Network, Center for Environmental Health, Commonweal, Friends of San Francisco Public Library, Georgetown University, the Goldman Fund, International Rivers Network,

Neighborhood Parks Council, Pesticide Action Network, Presidio Alliance, Save the Bay and Slide Ranch.

A graduate of Georgetown University and BFA candidate at California College for the Arts, Francesca won the Alumni of the Year award for Public Service from her alma mater Choate Rosemary Hall in 2009. She lives in San Francisco with her five-year-old daughter Chiara.

Vince Courtney, a San Francisco native, has been the Labor Representative/Political Director for Laborers' International Union (LiUNA!) Local 261 since 2004. He was appointed to the Northern California District Council of Laborers (NCDCL) as Special Assistant to LiUNA! Vice-President and NCDCL Business Manager Oscar De La Torre in 2009, and is involved in labor relations/collective bargaining throughout the region. In 2010, he was elected to the Executive Committee of the San Francisco Labor Council and was appointed to the Executive Board of the California Alliance for Jobs.

Courtney serves as the Executive Director and Board Member of the Laborers' Community & Training Foundation (LCTF) Board of Directors, developing unique "pre-apprenticeship" career path opportunities for community youth in the construction trades.

He has also been a member of the San Francisco Department of Public Works Apprenticeship Board since 2005 and was instrumental in the development of the first State-Certified Horticultural Worker Apprenticeship Program. This work resulted in the establishment and accreditation of the San Francisco Recreation and Park Department Gardener Apprenticeship Program on October 20, 2010.

A graduate of the University of California, Santa Cruz, Courtney earned his law degree from San Francisco Law School in 1999. Under Mayor Willie L. Brown, Jr. he served the City as Delinquency Prevention Commissioner and later as member of the Sunshine Ordinance Task Force. He currently resides in the Fillmore District.

#### **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. 554-5227

#### **MEMORANDUM**

Date:

August 21, 2012

To:

Honorable Members, Board of Supervisors

From:

Angela Calvillo, Clerk of the Board

Subject:

APPOINTMENT BY THE MAYOR

The Mayor has submitted an appointment to the following body:

Joshua Arce, Commission on the Environment, term ending March 25, 2015

Under the Board's Rules of Order Section 2.24, a Supervisor can request a hearing on an appointment by notifying the Clerk in writing.

Upon receipt of such notice, the Clerk shall refer the appointment to the Rules Committee so that the Board may consider the appointment and act within 30 days of the appointment as provided in Charter Section 3.100(18).

Please notify me in writing by <u>5:00 p.m. Monday, August 27, 2012,</u> if you would like to request a hearing on the above appointment.

Attachments

# OFFICE OF THE MAYOR SAN FRANCISCO



Rulis Clerk OB EF Gage EDWIN M. LEE MAYOR

August 20, 2012

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

Dear Ms. Calvillo,

Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Joshua Arce to the Commission on the Environment, assuming the seat formerly held by Rahul Prakash, for a term ending March 25, 2015.

I am confident Mr. Arce, a CCSF elector, will serve the City and County well. Attached are his qualifications to serve, which demonstrates how this appointment represents the communities of interest, neighborhoods, and diverse populations of San Francisco.

Should you have any questions related to these appointments, please contact my Director of Appointments, Nicole Wheaton, at (415) 554-7940.

Sincerely,

Édwin M. Lee

Mayor

# Office of the Mayor san francisco



EDWIN M. LEE Mayor

#### Notice of Appointment

August 20, 2012

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

Honorable Board of Supervisors:

Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Joshua Arce to the Commission on the Environment, assuming the seat formerly held by Rahul Prakash, for a term ending March 25, 2015.

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Should you have any questions related to these appointments, please contact my Director of Appointments, Nicole Wheaton, at (415) 554-7940.

Sincerely,

Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 AUG 20 PM 4: 38

#### JOSHUA ARCE

1028A Howard Street San Francisco, California 94103 (415) 252-9700 • josh@brightlinedefense.org

#### **EDUCATION**

UNIVERSITY OF CALIFORNIA, HASTINGS COLLEGE OF THE LAW

San Francisco, CA Juris Doctor, May 2000 Member, La Raza Law Students Association

#### UNIVERSITY OF CALIFORNIA, LOS ANGELES

Los Angeles, CA Bachelor of Arts in Political Science, June 1997

#### **EXPERIENCE**

## BRIGHTLINE DEFENSE PROJECT, San Francisco, CA

Executive Director

November 2005 to Present

- Founded 501(c)(3) non-profit public policy advocacy organization to protect and empower communities, particularly low-income communities of color and of limited English-speakers.
- Led a broad coalition of community advocates to craft and win the strongest local hiring policy in the country, which guarantees San Francisco residents access to blue-collar union jobs on billions of dollars of taxpayer-funded construction.
- Established an expertise in environmental justice and green workforce development through efforts such as a two-year campaign to shut down San Francisco's Potrero Power Plant without building new dirty power plants to replace it and the drive to secure a local hiring agreement that no less than 30% of the workforce on the Sunset Reservoir Solar Project will consist of qualified economically disadvantaged residents of San Francisco's most underserved communities.
- Helped develop and establish low-income and job incentives for landmark GoSolarSF program, which has assisted nearly 2,000 local homeowners and businesses to install solar panels since 2008.

## JOSHUA ARCE, ATTORNEY AT LAW, San Francisco, CA

Attorney

November 2002 to November 2005

- Maintained own law practice as a solo practitioner, focusing on civil rights issues in employment and housing, civil liberties grievances, landlord-tenant matters, and family law.
- Brought cases against Fortune 500 employers on behalf of wrongfully terminated employees, particularly low-income workers, people of color, and limited English speakers.
- Provided estate planning consultations to over 200 low- and moderate-income families throughout the San Francisco Bay area.

#### WILSON & RUSH LLP, San Francisco, CA

Associate

May 2001 to November 2002

- Worked on transactional matters including small business contracts, taxation, real property matters and estate planning.
- Negotiated settlements on behalf of clients and participated in mediations and alternative dispute resolution programs.



### CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B WAIVER REQUEST FORM FOR HRC USE ONLY (HRC Form 201) Request Number: Section 1. Department Information Department Head Signature: Name of Department: Department of Public Health Department Address: 1390 Market St. #410, San Francisco, CA 94102 Contact Person: Karen Cohn Phone Number: 252-3898 Fax Number: 252-3889 ➤ Section 2. Contractor Information Contractor Name: Mitchell Instrument Co., Inc. Contact Person: Mike Macvie Contractor Address: 1570 Cherokee St., San Marcos, CA 92078 Contact Phone No.:888-270-2690 Vendor Number (if known): ➤ Section 3. Transaction Information Date Waiver Request Submitted: 7-18-12 Type of Contract: purchase order for M&S Contract Start Date: 7-25-12 End Date: 7-25-12 **Dollar Amount of Contract:** \$787.10 Section 4. Administrative Code Chapter to be Waived (please check all that apply) X Chapter 12B П Chapter 14B Note: Employment and LBE subcontracting requirements may still be in force even when a 14B waiver (type A or B) is granted. Section 5. Waiver Type (Letter of Justification must be attached, see Check List on back of page.) A. Sole Source B. Emergency (pursuant to Administrative Code §6.60 or 21.15) C. Public Entity k l D. No Potential Contractors Comply - Copy of waiver request sent to Board of Supervisors on: E. Government Bulk Purchasing Arrangement - Copy of waiver request sent to Board of Supervisors on: F. Sham/Shell Entity - Copy of waiver request sent to Board of Supervisors on: G. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.I.3) H. Subcontracting Goals HRC ACTION 12B Waiver Granted: 14B Waiver Granted: 12B Waiver Denied: 14B Waiver Denied: Reason for Action: HRC Staff: HRC Staff: Date: HRC Director: DEPARTMENT ACTION - This section must be completed and returned to HRC for waiver types D, E & F.

Contract Dollar Amount:

Date Waiver Granted:

To: Human Rights Commission 25 Van Ness, Suite 800 San Francisco, CA 94102

From:
Karen Cohn
San Francisco Department of Public Health, Environmental Health
1390 Market St. #410
San Francisco, CA 94102

Re: Letter of justification for Sole Source Waiver of Chapter 12B requirements

This letter of justification serves to explain:

- 1. Purpose of the purchase requisition with Mitchell Instrument Co., Inc. is to provide instrumentation (two Delmhorst BD-2100 Moisture Meters) that can measure moisture infiltration during environmental health inspections, which also serves to promote asthma-safe housing conditions. As "mold" is a defined hazard in Health Code Article 11 Section 581(b), it is the job of Environmental Health inspectors to identify moisture sources that can cause mold infestation. This purchase will allow Environmental Health investigators serving residents citywide to quantify moisture intrusion on a variety of building substrates, as is standard for the building trades industry. We will no longer need to rely solely on visual evidence of mold.
- 2. My department's efforts to get the contractor to comply with Administrative Code Chapter 12B requirements are in progress. The vendor infrequently sells such equipment to the City and County of San Francisco, but wishes to be compliant.
- 3. Why the contract fits the type of waiver being requested (why it is a sole source) is based on SF Asthma Task Force research, with assistance from SFDPH Environmental Health. Mitchell Instruments was identified as offering the most cost-effective instrumentation to measure moisture infiltration on a variety of building substrates. In addition, no other instrument vendors with similar equipment were identified as City and County of San Francisco compliant. This purchase is considered time urgent, in that we are also advising the City of Oakland housing inspectors on how to implement a new mold and moisture code enforcement program, and wish to have state of the art instrumentation for that project. The total cost of the two instruments is \$787.



# HRC Waiver request copy submittal Karen Cohn to: Board.of.Supervisors

07/25/2012 01:12 PM



BOS copy of waiver request.pdf

Karen Cohn, MS, CIH, Program Manager Children's Environmental Health Promotion Program SFDPH Environmental Health 1390 Market St. #410, San Francisco, CA 94102 (415) 252-3898 (desk) (415) 252-3889 (fax) karen.cohn@sfdph.org (email)



## CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B

WAIVER REQUEST FORM	FOR HRC USE ONLY
Section 1. Department Information	Request Number: 6532
Department Head Signature:	Reed 7-3-12
Name of Department: HRD	-76
Department Address: 1 South Van Ness Avenue, San Francisco, CA 94103	
Contact Person: Joni Kuroyama, Senior Personnel Analyst	
Phone Number: (415) 557-4833 Fax Number: (415) 551-8934	
Section 2. Contractor Information	
Contractor Name: South San Francisco Conference Center Contact Martinez	Person: Teresa
Contractor Address: 255 South Airport Blvd., South San Francisco, CA, 94080	
Vendor Number (if known): 구しつう Contact Phone No.:650-877-878	7
Section 3. Transaction Information	
Date Waiver Request Submitted: 07/05/12 Type of Contract: Purchase Orde	r ·
Contract Start Date: 09/25/12 End Date: 09/25/12 Dollar Amo	unt of Contract: \$4,278
Section 4. Administrative Code Chapter to be Waived (please check all that apply)	· 
Chapter 14B Note: Employment and LBE subcontracting requirements may still 14B waiver (type A or B) is granted.	l-be-in-force-even-when-a-
Section 5. Waiver Type (Letter of Justification must be attached, see Check List of	on back of page.)
A. Sole Source	
B. Emergency (pursuant to Administrative Code §6.60 or 21.15)	
C. Public Entity	
□ D. No Potential Contractors Comply – Copy of waiver request sent to Board of	Supervisors on: 06/07/12
☐ E. Government Bulk Purchasing Arrangement – Copy of waiver request sent to	Board of Supervisors on:
F. Sham/Shell Entity – Copy of waiver request sent to Board of Supervisors on	:
G. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see A	dmin. Code §14B.7.I.3)
H. Subcontracting Goals	
, HRC ACTION	
12B Waiver Granted: 14B Waiver Granted: 12B Waiver Denied: 14B Waiver Denied:	
Reason for Action: The compliant source is available that	ments space
requirements for Q-50 Police sergeast examination	Λ
HRC Staff: Toute Wirchester	Date:
HRC Staff:	Date:
HRC Director:	Date:
DEPARTMENT ACTION – This section must be completed and returned to HRC f	or waiver types D, E & F.



Approved HRC Waiver for Sergeant's Exam Kuroyama, Joni

Nevin, Peggy

07/26/2012 04:25 PM

Cc:

"Johnson, Dave", "Coleman, Joron", "Marshall, Richard"

Hide Details

From: "Kuroyama, Joni" <joni.kuroyama@sfgov.org>

To: "Nevin, Peggy" <peggy.nevin@sfgov.org>,

Cc: "Johnson, Dave" <dave.johnson@sfgov.org>, "Coleman, Joron"

<joron.coleman@sfgov.org>, "Marshall, Richard" <richard.marshall@sfgov.org>

#### 1 Attachment



Signed Q50 HRC Waiver.pdf

Hi Peggy,

Attached is the approved Human Rights Commission waiver to use the South San Francisco Conference Center to administer the SFPD's Police Sergeant's written exam on September 25, 2012.

If you have any questions, please contact Joron Coleman at 551-8941.

Thank you very much,

Joni Kuroyama, Senior Personnel Analyst 415-557-4833 **Public Safety Team Department of Human Resources** City and County of San Francisco



## CITY AND COUNTY OF SAN FRANCISCO **HUMAN RIGHTS COMMISSION**

	S.F. ADMINISTR W	ATIVE CODE CHAPTERS 125 and 141 AIVER REQUEST FORM	FOR HRC USE ONLY
► Sectio	n 1. Department Information	(HRC Form 201)	Request Number:
	rtment Head Signature:	= Darus	
Name	e of Department: San Francisco Police A	cademy	
Depa	rtment Address: 350 Amber Drive, San I	Francisco, Ca 94131	
Conta	act Person: Sergeant Nate Steger		
Phon	e Number: 4154014721	Fax Number: 4154014747	
► Sectio	n 2. Contractor Information		
Contr	actor Name: Embassy Suites Hotel	Contact Person: Tarah F	Ravelo
Contr	actor Address: 250 Gateway Boulevard,	South San Francisco, Ca 94080	
Vend	or Number (if known): 76972	Contact Phone No.:6502463195	ARD SA
► Sectio	n 3. Transaction Information		AUG
Date	Waiver Request Submitted: 007162012	Type of Contract:	3 SUR
	act Start Date: 07162012 80.00	End Date: 09282012 Dollar Amo	ount of Contract: A CONTROL OF CO
Section	n 4. Administrative Code Chapter to b	e Waived (please check all that apply	) <del>L</del> 50
$\boxtimes$	Chapter 12B		(O)
	Chapter 14B <i>Note</i> : Employment and L 14B waiver (type A or B) is granted.	BE subcontracting requirements may sti	Il be in force even when a
Sectio	n 5. Waiver Type (Letter of Justificati	on <i>must</i> be attached, see Check List	on back of page.)
	A. Sole Source		
	B. Emergency (pursuant to Administra	tive Code §6.60 or 21.15)	
	C. Public Entity  D. No Potential Contractors Comply –	Copy of waiver request sent to Board of	Supervisors on: 08072012
		ngement – Copy of waiver request sent t	
	· · · · · · · · · · · · · · · · · · ·	request sent to Board of Supervisors or	•
	G. Local Business Enterprise (LBE) (fo	or contracts in excess of \$5 million; see	Admin. Code §14B.7.I.3)
	H. Subcontracting Goals		
		HRC ACTION	
	12B Waiver Granted: 12B Waiver Denied:	14B Waiver Grante 14B Waiver Denied	
Reason	for Action:		
		· · · · · · · · · · · · · · · · · · ·	
HRC St	aff:		· ·
HRC St	aff:	· · · · · · · · · · · · · · · · · · ·	
HRC D	rector:		Date:
DEP/	ARTMENT ACTION - This section mus	st be completed and returned to HRC	for waiver types D, E & F.

Contract Dollar Amount:

Date Waiver Granted:

#### CHECK LIST

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

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

#### ADDITIONAL INFORMATION

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

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

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

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

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

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

- ✓ Additional copies of this form may be downloaded at the Forms Center on the City's intranet at:
  http://intranet/.
- ✓ Read the <u>Quick Reference Guide to HRC Waivers</u> for more information; copies are available at the Forms Center on the City's intranet at: <a href="http://intranet/">http://intranet/</a>.
- → Send completed waiver requests to: HRC, 25 Van Ness Ave., Suite 800, San Francisco, CA 94102-6033.
- For further assistance, contact the HRC at 415-252-2500.



# **@COPY**

Date Waiver Granted:

## CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

RECEIVED

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B1 FR A MINISTRA

WAIVER REQUEST FORM (HRC Form 201) 2012	FOR HRC USE ONLY
Section 1. Department Information	Requestivinible
Department Head Signature:	- 194
Name of Department: San Francisco Police Academy	
Department Address: 350 Amber Drive, San Francisco, Ca 94131	
Contact Person: Sergeant Nate Steger	
Phone Number: 4154014721 Fax Number: 4154014747	
Section 2. Contractor Information	
Contractor Name: Embassy Suites Hotel Contact Person: Tarah	Ravelo
Contractor Address: 250 Gateway Boulevard, South San Francisco, Ca 94080	
Vendor Number (if known): 76972 Contact Phone No.:6502463195	5
Section 3. Transaction Information	
Date Waiver Request Submitted: 08092012 Type of Contract:	
Contract Start Date: 12032012	ount of Contract:
Section 4. Administrative Code Chapter to be Waived (please check all that apply	y <u>).</u>
Chapter 14B <i>Note</i> : Employment and LBE subcontracting requirements may standard type A or B) is granted.	till be in force even when a
Section 5. Waiver Type (Letter of Justification <i>must</i> be attached, see Check List	on back of page.)
A. Sole Source	
B. Emergency (pursuant to Administrative Code §6.60 or 21.15)	
<ul><li>C. Public Entity</li><li>D. No Potential Contractors Comply - Copy of waiver request sent to Board o</li></ul>	f Supervisors on: 08092012
E. Government Bulk Purchasing Arrangement – Copy of waiver request sent	
F. Sham/Shell Entity – Copy of waiver request sent to Board of Supervisors o	·
G. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see	Admin. Code §14B.7.I.3)
H. Subcontracting Goals	
HRC ACTION  12B Waiver Granted: 14B Waiver Granted: 14B Waiver Denied: 14B Waiver Denied	d:
Reason for Action:	
HRC Staff:	Date:
HRC Staff:	Date:
HRC Director:	Date:
DEPARTMENT ACTION – This section must be completed and returned to HRC	

Contract Dollar Amount:





## CITY AND COUNTY OF SAN FRANCISCO **HUMAN RIGHTS COMMISSION**

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B  WAIVER REQUEST FORM  (HRC Form 201)  Popartment Information  Department Head Signature:  Name of Department: San Francisco Police Academy  Department Address: 350 Amber Drive, San Francisco, Ca 94131  Contact Person: Sergeant Nate Steger  Phone Number: 4154014721  Fax Number: 4154014747  Section 2. Contractor Information  Contractor Name: Embassy Suites Hotel  Contractor Address: 250 Gateway Boulevard, South San Francisco, Ca 94080  Vendor Number (if known): 76972  Contact Phone No.:6502463195	LUCOP Y	BOARD OF CLIVED
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Department Head Signature:  Name of Department: San Francisco Police Academy  Department Address: 350 Amber Drive, San Francisco, Ca 94131  Contact Person: Sergeant Nate Steger Phone Number: 4154014721 Fax Number: 4154014747  Section 2. Contractor Information  Contractor Name: Embassy Suites Hotel Contact Person: Tarah Ravelo Contractor Address: 250 Gateway Boulevard, South San Francisco, Ca 94080  Vendor Number (if known): 76972 Contact Phone No.:6502463195  Section 3. Transaction Information Date Waiver Request Submitted: 08092012 Type of Contract: Contract Start Date: 03182013 End Date: 03292013 Dollar Amount of Contract: \$12,820.00  Section 4. Administrative Code Chapter to be Waived (please check all that apply)  Chapter 12B Waiver (pee A or B) is granted.  Section 5. Waiver Type (Letter of Justification must be attached, see Check List on back of page.)  A. Sole Source B. Emergency (pursuant to Administrative Code §6.60 or 21.15)  C. Public Entity  D. No Potential Contractors Comply – Copy of waiver request sent to Board of Supervisors on: 08092012  E. Government Bulk Purchasing Arrangement – Copy of waiver request sent to Board of Supervisors on: F. Sham/Sheil Entity – Copy of waiver request sent to Board of Supervisors on: F. Sham/Sheil Entity – Copy of waiver request sent to Board of Supervisors on: F. Sham/Sheil Entity – Copy of waiver request sent to Board of Supervisors on: F. Sham/Sheil Entity – Copy of waiver request sent to Board of Supervisors on: F. Sham/Sheil Entity – Copy of waiver request sent to Board of Supervisors on: F. Sham/Sheil Entity – Copy of waiver request sent to Board of Supervisors on: F. Sham/Sheil Entity – Copy of waiver request sent to Board of Supervisors on: F. Sham/Sheil Entity – Copy of waiver request sent to Board of Supervisors on: F. Sham/Sheil Entity – Copy of waiver request sent to Board of Supervisors on: F. Sham/Sheil Entity – Copy of waiver request sent to Board of Supervisors on: F. Sham/Sheil Entity – Copy of waiver request sent to Board of Supervisors on: F. Sh		FOR HRC USE ONLY
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	HRC Director:	Date:

<u>DEPARTMENT ACTION</u> – This section must be completed and returned to HRC for waiver types D, E & F.

Contract Dollar Amount:

Date Waiver Granted:





Date Waiver Granted:

#### CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

RECEIVED

S.F. ADMINISTRATIVE CODE CHAPTERS 128 and 148 ERVISORS WAIVER REQUEST FORM FOR HRC USE ONLY (HRC Form 201) 2012 AUG | 4 | Preguesta umber: Section 1. Department Information Department Head Signature: Name of Department: San Francisco Police Academy Department Address: 350 Amber Drive, San Francisco, Ca 94131 Contact Person: Sergeant Nate Steger Phone Number: 4154014721 Fax Number: 4154014747 ➤ Section 2. Contractor Information Contractor Name: Embassy Suites Hotel Contact Person: Tarah Ravelo Contractor Address: 250 Gateway Boulevard, South San Francisco, Ca 94080 Vendor Number (if known): 76972 Contact Phone No.:6502463195 ➤ Section 3. Transaction Information Date Waiver Request Submitted: 08092012 Type of Contract: Contract Start Date: 06172013 End Date: 06292013 Dollar Amount of Contract: \$12,820.00 Section 4. Administrative Code Chapter to be Waived (please check all that apply)  $\square$ Chapter 12B П Chapter 14B Note: Employment and LBE subcontracting requirements may still be in force even when a 14B waiver (type A or B) is granted. ➤ Section 5. Waiver Type (Letter of Justification must be attached, see Check List on back of page.) A. Sole Source B. Emergency (pursuant to Administrative Code §6.60 or 21.15) C. Public Entity  $\boxtimes$ D. No Potential Contractors Comply - Copy of waiver request sent to Board of Supervisors on: 08092012 E. Government Bulk Purchasing Arrangement – Copy of waiver request sent to Board of Supervisors on: F. Sham/Shell Entity - Copy of waiver request sent to Board of Supervisors on: G. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.I.3) П H. Subcontracting Goals HRC ACTION 12B Waiver Granted: 14B Waiver Granted: 12B Waiver Denied: 14B Waiver Denied: Reason for Action: HRC Staff: Date: HRC Staff: Date: HRC Director: Date: DEPARTMENT ACTION - This section must be completed and returned to HRC for waiver types D, E & F.

Contract Dollar Amount:



# CIVIL SERVICE COMMISSION Bos-11 CITY AND COUNTY OF SAN FRANCISCO Cpage

EDWIN M. LEE MAYOR

Chron

August 8, 2012

SAN FRANCIS

KATE FAVETTI PRESIDENT

SCOTT R. HELDFOND VICE PRESIDENT

MARY Y. JUNG COMMISSIONER

E. DENNIS NORMANDY COMMISSIONER

SANDRA ENG ACTING EXECUTIVE OFFICER NOTICE OF CIVIL SERVICE COMMISSION ACTION

SUBJECT: SURVEY OF MONTHLY RATES PAID TO POLICE OFFICERS
AND FIREFIGHTERS IN ALL CITIES OF 350,000 OR MÖRE IN

THE STATE OF CALIFORNIA.

At its meeting of <u>August 6, 2012</u> the Civil Service Commission had for its consideration the above matter.

The Commission adopted the report; Transmitted rates to the Retirement System in Accordance with Charter Section A8.590.1-A8.590.7; Provided report to the Board of Supervisors.

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

CIVIL SERVICE COMMISSION

SANDRA ENG
Acting Executive Officer

Angela Calvillo, Clerk, Board of Supervisors w/attachment
Rich David, Department of Human Resources
Gary Delagnes, President, SFPOA, 510 – 7<sup>th</sup> Street, San Francisco, CA 94103
Martin Gran, Department of Human Resources
Chief Joanne Hayes-White, San Francisco Fire Department
Jay Huish, Executive Director, Employee Retirement System w/attachment
Dave Johnson, Department of Human Resources
Donna Kotake, Department of Human Resources
John Kraus, Department of Human Resources
Tom O'Connor, President, Firefighters Local 798, 1139 Mission St., S.F., CA 94103
Steve Ponder, Department of Human Resources
Rebecca Rhine, Executive Director, MEA, 870 Market St., Room 450, S.F., CA 94147-4146
Chief Gregory Suhr, San Francisco Police Department
Commission File

#### City and County of San Francisco

#### Edwin M. Lee Mayor



#### **Department of Human Resources**

#### Micki Callahan Human Resources Director

DATE:

August 06, 2012

TO:

The Honorable Civil Service Commission

FROM:

Micki Callahan, Human Resources Director

SUBJECT:

SURVEY OF MONTHLY RATES PAID TO POLICE OFFICERS AND FIREFIGHTERS IN ALL CITIES OF 350,000 OR MORE IN THE STATE OF CALIFORNIA.

RECOMMENDATION:

ADOPT REPORT; TRANSMIT RATES TO THE RETIRE-MENT SYSTEM IN ACCORDANCE WITH CHARTER SECTION A8.590-1 THROUGH A8.590-7. PROVIDE REPORT TO THE BOARD OF SUPERVISORS.

#### **BACKGROUND AND ISSUES**

In November 1990, the electorate passed Proposition D, which allows for collective bargaining to set wages and working conditions of the uniformed force of the Police and Fire Departments. Charter Sections A8.590-1 through A8.590-7 require that the rates of pay for retired Police Officers and Firefighters shall be based on rates that are not lower than the rates that would be established if Charter Section A8.405 were still in effect.

Per Section A8.405 of the Charter, the staff has surveyed rates of compensation paid Police Officers and Firefighters in all cities of 350,000 population or more in the State of California, based on the 2010 federal decennial census. The cities used in the survey are Fresno, Long Beach, Los Angeles, Oakland, Sacramento, San Diego, and San Jose. Staff also surveyed compensation paid for police two-wheeled motorcycle duty in these same cities. The results of our survey are attached. Please note this survey reflects the Charter mandated jurisdictions. The City uses different, regional comparator jurisdictions for salary negotiations.

#### THE FINDINGS

As of July 1, 2012, the average maximum monthly wage for Police Officers in our survey is \$6,972 per month. This is \$2,375 less than the maximum monthly wage currently paid to San Francisco Police Officers. This average maximum monthly rate of \$6,972 is 34.07% below the \$9,347 maximum monthly rate for San Francisco Police Officers. The rates of pay for Police Department classes, if A8.405 were in effect, are shown in the tables following the survey results.

For Firefighters, the average maximum monthly rate in our survey, as of July 1, 2012, is \$6,472, or \$2,877 less than the maximum monthly rate paid to San Francisco Firefighters. Since the maximum monthly rate paid to San Francisco Firefighters has long been above the average of the surveyed cities, the A8.405 rates for Firefighters are based on the increase provided to the Police classes, according to A8.405(d). The

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- 1

Date: August 06, 2012

A8.405 rates of pay for Firefighter classes are shown in the tables following the survey results.

Since the Bureau of Labor Statistics changed the reporting period for the San Francisco metropolitan area Consumer Price Index from monthly to bimonthly, we can no longer report the March to March change as provided in the Charter. Therefore, the February CPI rates for San Francisco and the other surveyed cities are indicated in this report. The cost of living for San Francisco increased by 3.53% and the average increase in cost of living for cities surveyed was 2.91%. There is a 0.62% difference between the cost of living increase for San Francisco and the cost of living for the cities surveyed.

Section 4 E of the 2007-2015 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association provides that "members assigned to the Motorcycle and Honda units shall continue to receive a premium in an amount in accord with current practice pursuant to Charter Section A8.405(b)." The survey results show the average monthly Motorcycle Pay for two-wheel motorcycle traffic duty is \$410 per month. The current rate being paid to San Francisco Police Officers is \$405 per month.

In conclusion, the collectively bargained monthly rates for the Police Officers and Firefighters exceed the average maximum monthly rates as defined by Charter Section A8.405.

#### RECOMMENDATION

It is recommended that the Civil Service Commission approve and transmit to the Retirement System and to the Board of Supervisors this survey of rates certified in the attached report in accordance with Charter Sections A8.405 and A8.590-1 through A8.590-7.

Respectfully Submitted,

Steven Ponder Classification and

Compensation Manager

## CIVIL SERVICE COMMISSION

1.	CIVIL SERVICE	E COMMISSION REC	GISTER N	UMBER:	
2.	FOR CIVIL SER	VICE COMMISSION	N MEETIN	IG OF:	August 6, 2012
3.	CHECK ONE:	CONSENT AGEND	A [	$\boxtimes$	
		REGULAR AGEND	PA [		
4.	SUBJECT:		RS IN ALI	CITIES OF	O POLICE OFFICERS 5 350,000 OR MORE
5.	RETIREMENT S	DATION: ADOPT F SYSTEM IN ACCOR 0-7; PROVIDE REPO	DANCE V	WITH CHAF	RTER SECTION
6.	REPORT PREPA	ARED BY: Rich Davi	id TELE	PHONE NU	MBER: 557-4965
7.	NOTIFICATION	IS: SEE ATTAC	HED		
8.	REVIEWED AN	D APPROVED FOR	CIVIL SE	RVICE AGI	ENDA:
	HUMA	N RESOURCES DIR	ECTOR.	lelege.	Codh
:		•	DATE:	7/20	1/2
9.	PERSONS TO B	RIGINAL TIME-STA E NOTIFIED (SEE IT PIES OF THE REPOR	ΓEM 7 AE		
		EXECUTIVE ( CIVIL SERVIC 25 VAN NESS SAN FRANCIS	OFFICER CE COMM , ROOM 7	/20	CSC RECEIPT STAMP
10.		IP THIS FORM IN TO O THE RIGHT USIN CSC OFFICE.			

ATTACHMENT

#### City and County of San Francisco POLICE OFFICER SALARY SURVEY

#### Rates of Pay Effective July 1, 2012

			Number of	Monthly	/ Salary	
City	Class Title	Title MC Pay* Positions Minimum		Maximum		
San Francisco	Police Officer	\$405	1,600	\$7,404	\$9,347	
Fresno	Police Officer	\$275	632	\$4,973	\$6,348	
Long Beach	Police Officer	\$350	673	\$5,845	\$7,237	
Los Angeles	Police Officer	\$800	4,175	\$4,237	\$6,943	
Oakland	Police Officer	\$409	545	\$5,837	\$8,175	
Sacramento	Police Officer		539	\$4,648	\$5,650	
San Diego	Police Officer	\$222	1,274	\$5,254	\$6,350	
San Jose <sup>1</sup>	Police Officer	\$405	858	\$6,048	\$8,100	
Average of Othe	er Cities	\$410		\$5,263	\$6,972	
* Two-Wheeled Motorcycle Pay						
<u></u>		<u> </u>			<u> </u>	
San Francisco maximum rate exceeds the Average of Other Cities by: 34.07%						

<sup>&</sup>lt;sup>1</sup>Reflects San Jose's POA 6/26/11 negotiated 10% decrease

# City and County of San Francisco FIREFIGHTER SALARY SURVEY

## Rates of Pay Effective July 1, 2012

		Number of	Monthly	/ Salary		
City	Class Title	Positions	Minimum	Maximum		
San Francisco	Firefighter	724	\$6,678	\$9,349		
Fresno	Firefighter	110	\$4,796	\$6,124		
Long Beach	Firefighter	180	\$5,384	\$6,612		
Los Angeles	Firefighter	1,938	\$5,469	\$6,809		
Oakland	Firefighter	188	\$5,830	\$7,670		
Sacramento	Firefighter	63	\$4,461	\$5,423		
San Diego	Firefighter	354	\$4,392	\$5,300		
San Jose	Firefighter	242	\$5,496	\$7,368		
Average of Other (	\$6,472					
San Francisco ma						
Cities by:	44.45%					

# CONSUMER PRICE INDEX Urban Wage Earners and Clerical Workers

			Percent	
City	February 2011*	February 2012*	Increase	
San Francisco	226.6	234.6	3.53%	
Long Beach	222.8	227.6	2.10%	
Los Angeles	222.8	227.6	2.10%	
Oakland	226.6	234.6	3.53%	
**San Diego	231.6	239.2	3.30%	
San Jose	226.6	234.6	3.53%	
				~.
The average cost		2.91%		
The cost of living i	n San Francisco incr	eased by:	·	3.53%

#### Note:

The Bureau of Labor Statistics does not compile cost-of-living indexes for Sacramento and Fresno.

<sup>\*</sup> The reporting period for the San Francisco-Oakland-San Jose metropolitan area changed several years ago from monthly to bi-monthly. The rates shown reflect the CPI in February of each year. To maintain consistency, the February CPI rates are indicated for Los Angeles and Long Beach.

<sup>\*\*</sup> The Bureau of Labor Statistics publishes only a semi-annual rate for San Diego. As such, the CPI data listed for San Diego is the 2nd half of 2010 and the 2nd half of 2011, using Urban Wage Earners and Clerical Workers

# A8.405 Rates of Pay for Police Classes

	ive Date			July 1	
Percen	t increase			1.6 Biweekly	8% Monthly
0390	Chief of Police			\$8,618	\$18,744
0395	Assistant Chief			\$7,651	\$16,641
0380	Inspector			\$3,718	\$8,086
0381	Inspector II			\$3,864	\$8,405
0382	Inspector III		•	\$3,941	\$8,572
0400	Deputy Chief			\$7,254	\$15,777
0401	Deputy Chief II			\$7,543	\$16,407
0402	Deputy Chief III		•	\$7,690	\$16,726
0488	Commander			\$5,896	\$12,824
0489	Commander II			\$6,131	\$13,336
0490	Commander III	-		\$6,250	\$13,594
Q 35	Assistant Inspector			\$3,435	\$7,471
Q 35	Assistant Inspector		rs svc)	\$3,718	\$8,086
Q 36	Assistant Inspector			\$3,572	\$7,770
Q 36			ears svc)	\$3,864	\$8,405
Q 37	Assistant Inspector			\$3,643	\$7,923
Q 37	Assistant Inspector	III (with 2 y	ears svc)	\$3,941	\$8,572
Q 50	Sergeant			\$3,718	\$8,086
Q 51	Sergeant II			\$3,864	\$8,405
Q 52	Sergeant III			\$3,941	\$8,572
Q 60	Lieutenant			\$4,245	\$9,232
-Q-61	Lieutenant II			\$4,416	\$9,605
Q 62	Lieutenant III			\$4,500	\$9,788
-Q 63	Criminologist			\$4,986	\$10,845
Q 80	Captain .			\$4,986	\$10,845
Q 81	Captain II	. •	-	\$5,184	\$11,276
Q 82	Captain III			\$5,286	\$11,498
Q 90	Dir, Police Psych		714100.4-	\$5,211	\$11,334
0.0	Police Officer	Pre-	7/1/96 to		
Q 2	Police Unicei	<u>7/1/1996</u>	<u>present</u> 1st year	\$2,441	\$5,310
		1st year	2nd year	\$2,771	\$6,027
		2nd year	3rd year	\$2,907	\$6,322
		3rd year	4th year	\$3,051	\$6,635
		4th year	5th year	\$3,206	\$6,972
Q 3	Police Officer II	Pre-	7/1/96 to		
		<u>7/1/1996</u>	present		
		'	1st year	\$2,539	\$5,522
		1st year	2nd year	\$2,880	\$6,263
*		2nd year	3rd year	\$3,023	\$6,575
		3rd year	4th year	\$3,172	\$6,900
		4th year	5th year	\$3,333	\$7,249
Q 4	Police Officer III	Pre-	7/1/96 to		
		<u>7/1/1996</u>	present 1et veer	\$2,588	\$5,628
			1st year	\$2,500 \$2,934	\$6,382
		1st year 2nd year	2nd year 3rd year	\$3,082	\$6,704
		3rd year	4th year	\$3,233	\$7,031
		4th year	5th year	\$3,398	\$7,390
•		,	J,	. ,	

# A8.405 Rates of Pay for Fire Classes

Effec	tive Date	July 1	, 2012
Percer	nt increase	1.6	8%
		Biweekly	Monthly
0140	Chief of Department	\$8,618	\$18,744
0150	Deputy Chief of Department	\$7,254	\$15,777
H 51	Assistant Deputy Chief II	\$5,897	\$12,827
H 53	Emergency Medical Services Chief	\$5,897	\$12,827
H 4	Inspector, Bureau of Fire Prevention and Public Safety	\$3,833	\$8,337
H 6	Investigator, Bureau of Fire Investigation	\$3,833	\$8,337
H 10	Chief's Operator	\$3,489	\$7,588
H 16	Technical Training Specialist	\$3,714	\$8,079
H 18	Coordinator of Community Service	\$3,714	\$8,079
H 19	Operations-Training Supervisor, Airport	\$3,714	\$8,079
H 20	Lieutenant	\$3,719	\$8,088
H 22	Lieutenant, Bureau of Fire Prevention and Public Safety	\$4,200	\$9,135
H 24	Lieutenant, Bureau of Fire Investigation	\$4,200	\$9,135
H 28	Lieutenant, Division of Training	\$4,245	\$9,232
H 30	Captain	\$4,246	\$9,234
H 32	Captain, Bureau of Fire Prevention and Public Safety	\$4,801	\$10,443
H 33	EMS Captain	\$4,246	\$9,234
H 39	Captain, Division of Training	\$5,098	\$11,089
H 40	Battalion Chief	\$5,100	\$11,093
H 43	EMS Section Chief	\$5,100	\$11,093
H 50	Assistant Chief of Department	\$5,896	\$12,824
H110	Marine Engineer of Fire Boats	\$4,245	\$9,232
H120	Pilot of Fire Boats	\$4,245	\$9,232
H 2	Firefighter Pre- 7/1/96 to		
	<u>7/1/1996</u> present		
	1st year	\$2,441	\$5,310
	1st year 2nd year	\$2,771	\$6,027
	2nd year 3rd year	\$2,907	\$6,322
	3rd year 4th year	\$3,051	\$6,635
	4th year 5th year	\$3,206	\$6,972
Н 3	Firefighter/Paramedic	\$3,703	\$8,054
	· · · · · · · · · · · · · · · · · · ·	1	*

## A8.405 Rates of Pay for Abolished Police and Fire Classes

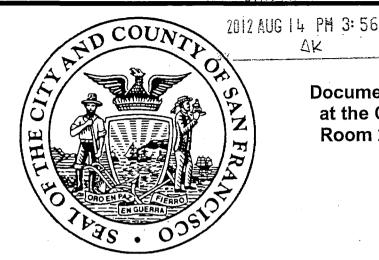
Effec	Effective Date			July 1	, 2012
Percei	nt increase			1.6	8%
				Biweekly	Monthly.
Polic	e Department				
0360 0420 0460 0470 0480 0485	Chief of Inspectors Department Secreta Secretary, Police C Supervising Captain Director of Traffic Supervising Captain	ommission n		\$7,254 \$5,896 \$4,245 \$5,896 \$7,254 \$5,896	\$15,777 \$12,824 \$9,232 \$12,824 \$15,777 \$12,824
0490 0520	Captain of Traffic Police Surgeon	•		\$5,357 \$3,206	\$11,652 \$6,972
Q20	Police Woman	Pre-	7/1/96 to		<b>+</b> -, - · · ·
		7/1/1996	present		
			1st year	\$2,441	\$5,310
		1st year	2nd year	\$2,771	\$6,027
	,	2nd year	3rd year	\$2,907	\$6,322
		3rd year	4th year	\$3,051	\$6,635
		4th year	5th year	\$3,206	\$6,972
Fire D	epartment (			•	
0145 0155 H 17	Assistant Deputy Ch Secretary to the Chi Medical Coordinator	ief of Depar r	rtment	\$7,253 \$5,707 \$3,714	\$15,775 \$12,413 \$8,079
H 29	Special Svcs. Office	er		\$4,245	\$9,232

DRJJL NRV

BOS-11 (Electronical

BOARD OF SUPERVISORS

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

## THE OFFICE OF CITIZEN **COMPLAINTS**

### **QUARTERLY REPORTS**

Second Quarter 2012

Included In This Document Comprehensive Statistical Report Comparative Overview of Caseload How Complaints Were Received Complaints and Allegations by Unit Findings In Allegations Closed Sustained Allegations Policy Recommendations Days to Close - All Cases Closed Days to Close - Sustained Cases Investigative Hearings and Mediations Status of OCC Cases - Year 2011 Status of OCC Cases - Year 2012 Caseloads by Investigator Case Closures by Investigator Weighted Closures by Investigator Presented by: Joyce M. Hicks, Executive Director Compiled by: Joyce M. Hicks, Chris Wisniewski, Charles Gallman, Samara Marion, Linda Taylor, Donna Salazar, and Pamela Thompson



#### San Francisco Apartment Association

August 22, 2012

Dear Supervisors:

Thank you for your careful consideration of the recently proposed CleanPowerSF community choice aggregation program. As we recognize the sacrifices of business, labor and community organizations and celebrate the signing of the first ever two-year balanced budget, we are concerned that members of the City family are proposing another misleading and fiscally calamitous program that undermines the financial prudence that reflects a true commitment to San Francisco.

This new \$13-\$20 million dollar proposal for public power now being considered would effectively double electric rates for the average San Franciscan, while stifling job growth and failing to create a single kilowatt of new renewable energy.

The CleanPowerSF program proposed by the San Francisco Public Utilities Commission includes a City contract with Shell Energy to provide power that would cost, on average, \$200 more per household, per year. Additionally, according to a recent analysis by the City Controller, this program would result in more than \$13 million flowing out of the San Francisco economy and an annual loss of nearly 100 jobs.

Most alarming, this program is based on automatically enrolling customers into the program and forcing them to 'opt out' or potentially face exit fees or other penalties. As the organization representing more than 2,800 property owners who rent to tens of thousands of San Franciscans, we call for the City to abandon this misguided plan and focus on providing the core services that all San Franciscans want and deserve.

Sincerely,

Janari New

**Executive Director** 



CCSF Investment Report for the month of July 2012 Starr, Brian

to:

Starr, Brian 08/15/2012 12:40 PM

Cc:

"Rosenfield, Ben", Board of Supervisors, "cynthia.fong@sfcta.org", "graziolij@sfusd.edu", Rick Wilson, "Bullen, Jessica", "Cisneros, Jose", "Durgy, Michelle", "ras94124@aol.com", "sfdocs@sfpl.info", "Lediju, Tonia", "Rydstrom, Todd", "Marx, Pauline", Peter Goldstein Hide Details

From: "Starr, Brian" <bri> sfgov.org> Sort List...

To: "Starr, Brian" <bri> sfgov.org>,

Cc: "Rosenfield, Ben" <ben.rosenfield@sfgov.org>, Board of Supervisors

<board.of.supervisors@sfgov.org>, "cynthia.fong@sfcta.org" <cynthia.fong@sfcta.org>,
"graziolij@sfusd.edu" <graziolij@sfusd.edu>, Rick Wilson <rick.wilson@sfgov.org>,

"Bullen, Jessica" <jessica.bullen@sfgov.org>, "Cisneros, Jose" <jose.cisneros@sfgov.org>,

"Durgy, Michelle" <michelle.durgy@sfgov.org>, "ras94124@aol.com"

<ras94124@aol.com>, "sfdocs@sfpl.info" <sfdocs@sfpl.info>, "Lediju, Tonia"

<tonia.lediju@sfgov.org>, "Rydstrom, Todd" <trydstrom@sfwater.org>, "Marx, Pauline"

<pauline.marx@sfgov.org>, Peter Goldstein <pgoldste@ccsf.edu>

#### 1 Attachment



CCSF Monthly Investment Report for 2012-Jul.pdf

All,

Attached please find the CCSF Investment Report for the month of July 2012.

Thank you,

Brian Starr
Investment Analyst
Office of the Treasurer and Tax Collector
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall - Room 140
San Francisco, CA 94102
415-554-4487 (phone)
415-554-5660 (fax)

## 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 July 2012

August 15, 2012

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 Franicsco 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 July 31, 2012. 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 July 2012 for the portfolios under the Treasurer's management. All pricing and valuation data is obtained from Interactive Data Corporation.

CCSF Pooled Fund Investment Earnings Statistics \*

a i ana mirocanone Eamin	gootationo				
		Current Month		Prior Month	
(in \$ million)	Fiscal YTD	July 2012	Fiscal YTD	June 2012	
Average Daily Balance	\$ 4,985	\$ 4,985	\$ 4,530	\$ 5,211	
Net Earnings	5.37	5.37	59.81	4.91	
Earned Income Yield	1.27%	1.27%	1.32%	1.15%	

**CCSF Pooled Fund Statistics \*** 

(in \$ million)	% of	Book⁻	Market	Wtd. Avg.	Wtd. Avg.	
Investment Type	Portfolio	Value	Value	Coupon	YTM	WAM
U.S. Treasuries	13.4%	\$ 655	\$ 669	1.35%	1.07%	1,276
Federal Agencies	73.2%	3,604	3,646	1.29%	1.13%	1,055
TLGP	2.5%	127	125	2.03%	1.50%	76
State & Local Government						
Agency Obligations	1.7%	87	87	2.32%	0.50%	501
Public Time Deposits	0.02%	. 1	1	0.50%	0.50%	188
Negotiable CDs	5.5%	275	275	0.53%	0.53%	163
Commercial Paper	0.6%	30	30	0.00%	0.60%	171
Medium Term Notes	3.0%	151	148	3.63%	0.62%	. 87
Totals	100.0%	\$ 4,930	\$ 4,981	1.36%	1.06%	967

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: Peter Goldstein, Joe Grazioli, 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 Jessica Bullen, Fiscal and Policy Analyst

San Francisco Public Library

Please see last page of this report for non-pooled funds holdings and statistics.

## Portfolio Summary Pooled Fund

As of July 31, 2012

(in \$ million)				Book	Market	Market/Book	Current %	Max. Policy	
Security Type	Pa	ar Value		Value	Value	Price	Allocation	Allocation	Compliant?
U.S. Treasuries	\$	650	-\$	655	\$ 669	102,19	13.43%	100%	Yes
Federal Agencies		3,589		3,604	3,646	101.15	73.20%	70%	Yes
TLGP		125		127	125	99.08	2.52%	30%	Yes
State & Local Government					 				
Agency Obligations		84		87	87	99.56	1.74%	20%	Yes
Public Time Deposits		1 .	_	1	1	100.00	0.02%	100%	Yes
Negotiable CDs		275		275	275	99.85	5.51%	30%	Yes
Bankers Acceptances		_		_	-	-	0.00%	40%	Yes
Commercial Paper		30		30	30	100.20	0.60%	25%	Yes
Medium Term Notes		147		151	148	98.02	2.98%	15%	Yes
Repurchase Agreements				- ,	-		0.00%	100%	Yes
Reverse Repurchase/			-						
Securities Lending Agreements		-		-	· -	-	0.00%	\$75mm	Yes
Money Market Funds				-	-	-	0.00%	100%	Yes
LAIF					 	-	0.00%	\$50mm	Yes
TOTAL	\$	4,901	\$	4,930	\$ 4,981	101.04	100.00%		Yes

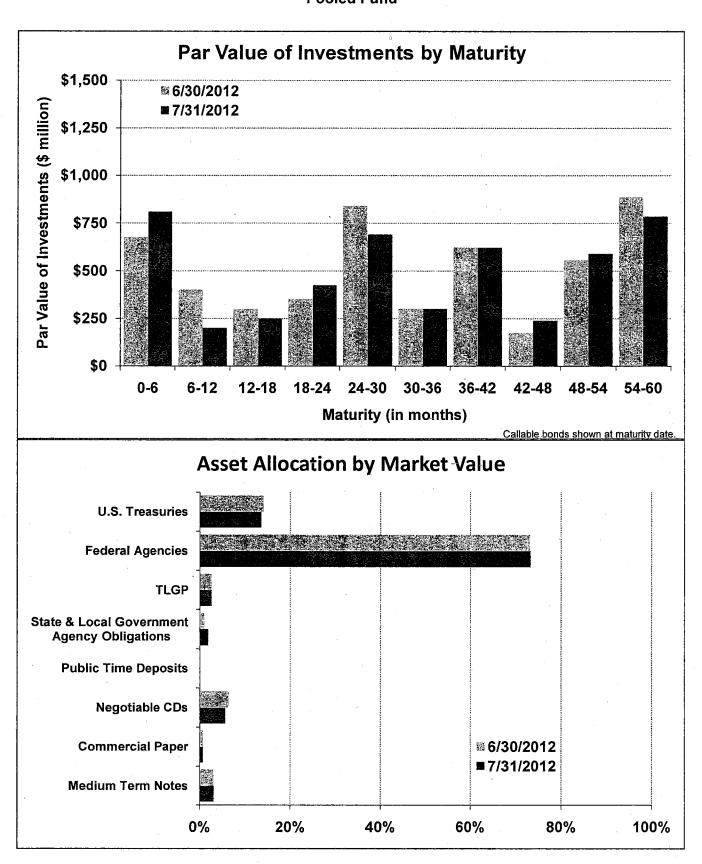
The City and County of San Francisco uses the following methodology to determine compliance: Compliance is pre-trade and calculated on both a par and market value basis, using the result with the lowest percentage of the overall portfolio value. Cash balances are included in the City's compliance calculations.

Please note the information in this report does not include cash balances. Due to fluctuations in the market value of the securities held in the Pooled Fund and changes in the City's cash position, the allocation limits may be exceeded on a post-trade compliance basis. In these instances, no compliance violation has occurred, as the policy limits were not exceeded prior to trade execution.

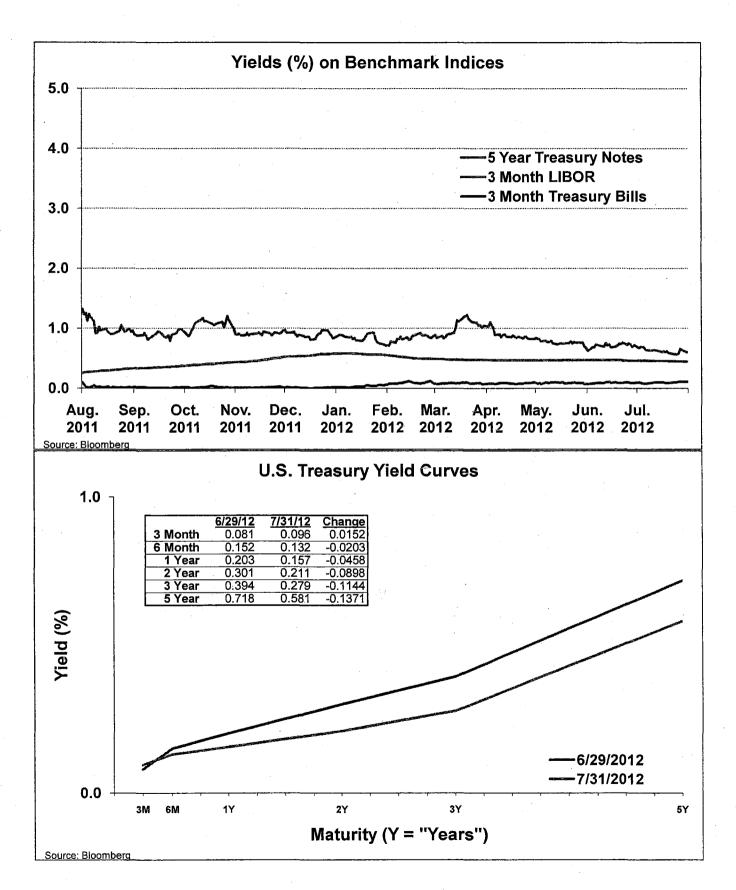
The full Investment Policy can be found at http://www.sftreasurer.org/, in the Reports & Plans section of the About menu.

Totals may not add due to rounding.

## Portfolio Analysis Pooled Fund



#### **Yield Curves**



As of July 31, 2012

As of July 31, 2012										
	a di j		<u>Settle</u>	<b>Maturity</b>					<u>Amortized</u>	
Type of Investment	<u>CUSIP</u>	Issue Name	<u>Date</u>	<u>Date</u>	Duration		Par Value	Book Value	Book Value	Market Value
U.S. Treasuries	912828QE3	US TSY NT	6/1/11	4/30/13	0.75	0.63 \$		\$ 25,095,703	\$ 25,037,241	
U.S. Treasuries	912828JT8	US TSY NT	6/1/11	11/30/13	1.32	2.00	25,000,000	25,851,563	25,453,296	25,595,000
U.S. Treasuries	912828PQ7	US TSY NT	6/1/11	1/15/14	1.45	1.00	25,000,000	25,226,563	25,125,684	25,285,000
U.S. Treasuries	912828LC2	US TSY NT	6/1/11	7/31/14	1.96	2.63	25,000,000	26,382,813	25,872,033	26,192,500
U.S. Treasuries	912828MW7	US TSY NT	2/24/12	3/31/15	2.58	2.50	50,000,000	53,105,469	52,668,891	52,975,000
U.S. Treasuries	912828PE4	US TSY NT	12/23/11	10/31/15	3.19	1.25	25,000,000	25,609,375	25,513,295	25,742,500
U.S. Treasuries	912828PJ3	US TSY NT	12/16/10	11/30/15	3.26	1.38	50,000,000	49,519,531	49,677,210	51,720,000
U.S. Treasuries	912828PJ3	US TSY NT	12/16/10	11/30/15	3.26	1.38	50,000,000	49,519,531	49,677,210	51,720,000
U.S. Treasuries	912828PJ3	US TSY NT	12/23/10	11/30/15	3.26	1.38	50,000,000	48,539,063	49,014,698	51,720,000
U.S. Treasuries	912828QF0	US TSY NT	3/15/12	4/30/16	3.62	2,00	50,000,000	52,199,219	51,996,371	52,975,000
U.S. Treasuries	912828RJ1	US TSY NT	10/11/11	9/30/16	4.08	1.00	75,000,000	74,830,078	74,857,681	76,635,000
U.S. Treasuries	912828SJ0	US TSY NT	3/14/12	2/28/17	4.49	88.0	100,000,000	99,728,601	99,752,142	101,560,000
U.S. Treasuries	912828SJ0	US TSY NT	3/21/12	2/28/17	4.49	0.88	25,000,000	24,612,092	24,641,595	25,390,000
U.S. Treasuries	912828SJ0	US TSY NT	3/21/12	2/28/17	4.49	0.88	25,000,000	24,612,092	24,641,595	25,390,000
U.S. Treasuries	912828SM3	US TSY NT	4/4/12	3/31/17	4.56	1.00	50,000,000	49,841,402	49,852,117	51,020,000
		<b>工厂对应信息与企业的中部的信息的</b>	PULLIFICATION STATES	<b>阿尔里 的数型</b>	**************************************	1.35	<b>650,000,000</b>		#\$#£653,781,058&	
		•						-		
Federal Agencies	313376CU7		12/22/11	10/9/12	0.19	0.16 \$	1,400,000		\$ 1,400,030	
Federal Agencies	31398A6V9	FNMA FRN QTR FF+20	12/21/10	12/3/12	0.34	0.36	50,000,000	50,000,000	50,000,000	50,031,250
Federal Agencies	31398A6V9	FNMA FRN QTR FF+20	12/23/10	12/3/12	0.34	0.36	50,000,000	50,000,000	50,000,000	50,031,250
Federal Agencies	31331G2R9	FFCB	3/26/10	12/7/12	0.35	1.88	37,000,000	37,333,370	37,043,233	37,219,688
Federal Agencies	31331JAB9	FFCB BULLET	4/16/10	12/24/12	0.40	1.63	50,000,000	50,048,500	50,007,154	50,296,875
Federal Agencies	3134G1U69	FHLMC FRN QTR FF+19	1/11/11	1/10/13	0.44	0.34	50,000,000	50,000,000	50,000,000	50,046,875
Federal Agencies	3134G1U69	FHLMC FRN QTR FF+19	1/12/11	1/10/13	0.44	0.34	50,000,000	49,989,900	49,997,756	50,046,875
Federal Agencies	3134G1U69	FHLMC FRN QTR FF+19	3/22/11	1/10/13	0.44	0.34	35,000,000	35,015,925	. 35,003,909	35,032,813
Federal Agencies	31331KM31	FFCB FLT T-BILL+22	12/12/11	5/1/13	1.00	0.32	20,000,000	20,002,800	20,001,511	20,018,750
Federal Agencies	3137EABM0	FHLMC BONDS	5/13/11	6/28/13	0.90	3.75	25,000,000	26,608,250	25,685,110	25,820,313
Federal Agencies	3134G2B50	FHLMC FRN FF+23	9/1/11	9/3/13	1.09	0.39	50,000,000	49,979,500	49,988,869	50,093,750
Federal Agencies	3134G2K43	FHLMC FLT NT FF+21	9/13/11	9/12/13	1.11	0.37	50,000,000	49,969,500	49,982,995	50,078,125
Federal Agencies	31315PLT4	FARMER MAC	12/6/10	12/6/13	1.34	1.25	35,000,000	34,951,700	34,978,318	35,426,563
Federal Agencies	31331J6A6	FFCB	12/23/10	12/23/13	1.39	1.30	22,000,000	21,993,125	21,996,807	22,316,250
Federal Agencies	313371UC8	FHLB	11/18/10	12/27/13	1.40	88.0	40,000,000	39,928,000	39,967,457	40,337,500
Federal Agencies	3135G0AZ6	FNMA FRN QTR T-BILL+21	3/4/11	3/4/14	1.59	0.31	25,000,000	24,985,000	24,992,062	25,007,813
Federal Agencies	3135G0AZ6	FNMA FRN QTR T-BILL+21	3/4/11	3/4/14	1.59	0.31	25,000,000	24,992,500	24,996,031	25,007,813
Federal Agencies	313379RV3	FHLB FLT NT FF+12	6/11/12	3/11/14	1.61	0.28	50,000,000	49,986,700	49,987,763	50,000,000
Federal Agencies	31398A3R1	FNMA AMORT TO CALL	11/10/10	3/21/14	1.62	1.35	24,500,000	24,564,827	24,500,000	24,852,188
Federal Agencies	31315PHX0	FARMER MAC MTN	4/10/12	6/5/14	1.80	3.15	14,080,000	14,878,195	14,763,442	14,762,000
Federal Agencies	3133XWE70	FHLB TAP	5/15/12	6/13/14	1.83	2.50	48,000,000	50,088,480	49,873,854	49,950,000
Federal Agencies	3133XWE70	FHLB TAP	6/11/12	6/13/14	1.83	2.50	50,000,000	52,094,500	51.948.572	52,031,250
Federal Agencies	3133724E1		12/31/10	6/30/14	1.90	1.21	50,000,000	50,000,000	50,000,000	50,859,375
Federal Agencies		FHLMC BONDS	6/2/11	7/30/14	1.98	1.00	75,000,000	74,946,000	74,965,934	76,031,250
Federal Agencies	3134G2UA8		12/1/11	8/20/14	2.03	1.00	53,000,000	53,468,944	53,353,715	53,712,188
Federal Agencies	3134G2UA8		12/14/11	8/20/14	2.03	1.00	25,000,000	25,232,315	25,177,555	25,335,938
Federal Agencies		FNMA EX-CALL NT	4/4/12	9/8/14	2.07	1.50	13,200,000	13,529,516	13,487,227	13,484,625
Federal Agencies	313370JS8		12/8/10	9/12/14	2.08	1.38	26,095,000	26,129,068	26,114,142	26,665,828
Federal Agencies	3128X3L76		12/23/10	11/13/14	2.17	5.00	21,910,000	24,606,902	23,492,840	24,142,081
Federal Agencies	3128X3L76	FHLMC BONDS	12/23/10	11/13/14	2.17	5.00	1,000,000	1,123,090	1,072,243	1,101,875
Federal Agencies	3136FTRF8		12/12/11	11/21/14	2.29	0.55	26,500,000	26,523,585	26,518,473	26,624,219
Federal Agencies	31331J4S9	-	12/16/10	12/8/14	2.32	1.40	24,000,000	23,988,000	23,992,906	24,585,000
. Canal Agoliolog	2.00.0.00			, ,, , ,			,,		,,	,,

T <u>.</u>			Settle	Maturity		11.45			Amortized	
Type of Investment	CUSIP	Issue Name	Date	Date	Duration	Coupon	Par Value	Book Value	Book Value	Market Value
Federal Agencies	31331J4S9		12/8/10	12/8/14	2.32	1.40	19,000,000	18,956,680	18,974,530	19,463,125
Federal Agencies	313371W51	FHLB	12/6/10	12/12/14	2.33	1.25	50,000,000	49,725,000	49,838,224	50,921,875
Federal Agencies	313371W51	FHLB	12/8/10	12/12/14	2.33	1.25	75,000,000	74,391,000	74,641,251	76,382,813
Federal Agencies	3133XVNU1	FHLB	11/23/10	12/12/14	2.30	2.75	25,400,000	26,848,308	26,244,520	26,725,563
Federal Agencies	3133XVNU1		11/23/10	12/12/14	2.30	2.75	2,915,000	3,079,668	3,011,019	3,067,127
Federal Agencies	3133XVNU1		12/8/10	12/12/14	2.30	2.75	50,000,000	52,674,000	51,575,196	52,609,375
Federal Agencies	313371W93		12/15/10	12/15/14	2.34	1.34	75,000,000	75,000,000	75,000,000	76,710,938
Federal Agencies		FNMA FLT QTR FF+35	12/15/11	12/15/14	2.36	0.51	75,000,000	75,000,000	75,000,000	75,281,250
Federal Agencies		FNMA CALL NT	12/23/11	12/23/14	2.37	0.83	25,000,000	25,040,000	25,027,852	25,117,188
Federal Agencies	31331J6Q1	FFCB	12/29/10	12/29/14	2.37	1.72	27,175,000	27,157,065	27,164,197	28,032,711
Federal Agencies	31331J6Q1	FFCB	12/29/10	12/29/14	2.37	1.72	65,000,000	64,989,600	64,993,736	67,051,563
Federal Agencies	3133XWX95		6/8/12	3/13/15	2.52	2.75	50,000,000	53,373,153	53,209,840	53,046,875
Federal Agencies		FFCB FLT NT 1ML+1.5	4/30/12	4/27/15	2.73	0.26	50,000,000	49,992,600	49,993,230	49,984,375
Federal Agencies		FARMER MAC FLT NT FF+26	5/3/12	5/1/15	2.98	0.40	50,000,000	50,000,000	50,000,000	50,062,500
Federal Agencies	3133EANJ3		5/1/12	5/1/15	2.73	0.50	50,000,000	49,944,000	49,948,705	50,125,000
Federal Agencies		FFCB FLT NT 1ML+1	6/8/12	5/14/15	2.78	0.25	50,000,000	49.985.500	49,986,232	49,984,375
Federal Agencies		FHLMC BONDS	12/15/10	9/10/15	3.02	1.75	50,000,000	49,050,000	49,376,734	52,046,875
Federal Agencies			12/15/10	9/11/15	3.02	1.75	75,000,000	73,587,000	74,072,693	77,718,750
Federal Agencies			9/15/10	9/15/15	3.01	2.13	45,000,000	44,914,950	44,946,902	46,912,500
Federal Agencies			10/14/11	9/21/15	3.04	2.00	25,000,000	25,881,000	25,702,104	26,218,750
Federal Agencies		FNMA NT CALL	2/6/12	9/21/15	3.08	1.07	50,000,000	50,237,500	50,053,125	50,046,875
Federal Agencies	31398A4M1		12/15/10	10/26/15	3.15	1.63	25,000,000	24,317,500	24,546,153	26,007,813
Federal Agencies	31398A4M1		12/23/10	10/26/15	3.15	1.63	42,000,000	40,924,380	41,281,500	43,693,125
Federal Agencies		FARMER MAC CALL MTN	5/2/12	11/2/15	3.21	0.74	34,000,000	34,000,000	34,000,000	34,042,500
Federal Agencies	31331J2S1		12/15/10	11/16/15	3.21	1.50	25,000,000	24,186,981	24,456,178	25,851,563
Federal Agencies	313371ZY5		12/3/10	12/11/15	3.27	1.88	25,000,000	24,982,000	24,987,957	26,210,938
Federal Agencies	313371Z15		12/14/10	12/11/15	3.27	1.88	50,000,000	49,871,500	49,913,511	52,421,875
Federal Agencies			4/13/12	3/11/16	3.54	1.00	22,200,000	22,377,353	22,365,212	22,463,625
Federal Agencies			4/12/12	3/28/16	3.59	1.05	25,000,000	25,230,958	25,214,013	25,460,938
Federal Agencies	3133792Z1		4/18/12	4/18/16	3.66	0.81	20,000,000	19,992,200	19,992,761	20,175,000
Federal Agencies	3133792Z1		6/6/11	6/6/16	3.71	2.03	35,000,000	35,000,000	35,000,000	36,914,063
		FAMCA CALL MTN	6/6/12	6/6/16	3.78	0.95	10,000,000	10,000,000	10,000,000	10,015,625
Federal Agencies Federal Agencies			2/9/12	6/9/16	3.79	0.90	10,000,000	10,000,000	10,000,000	10,140,625
			7/27/11	7/27/16	3.85	2.00	15,000,000	14,934,750	14,948,000	15,717,188
Federal Agencies		FHLMC CALL	7/28/11	7/28/16	3.86	2.00	50,000,000	50,022,500	50.007.364	50,375,000
Federal Agencies Federal Agencies			8/15/11	8/15/16	3.86	2.01	100.000,000	100,000,000	100,000,000	100,062,500
J		FFCB CALL	8/15/11	8/15/16	3.89	1.75	29,775,000	29,802,914	29,776,068	29,793,609
Federal Agencies Federal Agencies		FHLMC CALL	8/24/11	8/24/16	3.94	1.42	100,000,000	100,000,000	100,000,000	100,062,500
		FHLMC CALL NT	8/24/11	8/24/16	3.91	1.80	25,000,000	25,000,000	25,000,000	25,023,438
Federal Agencies	313370TW8		10/11/11	9/9/16	3.93	2.00	25,000,000	25,727,400	25,607,855	26,328,125
Federal Agencies	3135G0CM3		10/11/11	9/28/16	4.05	1.25	25,000,000	24,856,450	24.879.795	25,562,500
Federal Agencies			12/27/11	11/2/16	4.11	1.60	25,000,000	25,082,500	25,024,670	25,078,125
Federal Agencies		FHLMC CALL NT		11/15/16	4.17	1.38	50,000,000	50,309,092	50,269,381	51,468,750
Federal Agencies	3135G0ES8		12/14/11 2/23/12	12/5/16	4.17	1.63	34,695,000	34,950,008	34,807,346	34,835,948
Federal Agencies		FHLMC NT CALL			4.20 4.29			49,975,000	49,977,942	50,593,750
Federal Agencies		FNMA CALL NT	12/30/11	12/30/16		1.40	50,000,000	49,475,250	49,476,531	50,993,750
Federal Agencies		FARMER MAC MTN	5/4/12	1/17/17	4.38	1.01	49,500,000			
Federal Agencies		FNMA STEP BD CALL	4/30/12	2/7/17	4.43	0.75	30,765,000	30,925,875	30,910,422	30,947,667
Federal Agencies	3137EADC0		3/12/12	3/8/17	4.49	1.00	50,000,000	49,703,056	49,726,631	50,484,375
Federal Agencies	3133782N0		3/12/12	3/10/17	4.49	0.88	14,845,000	14,711,024	14,722,465	14,840,361
Federal Agencies	3133782N0	LHTR MI	3/12/12	3/10/17	4.49	0.88	55,660,000	55,205,790	55,244,942	55,642,606

			<u>Settle</u>	<u>Maturity</u>							<u>Amortized</u>		
Type of Investment		<u>Issue Name</u>	<u>Date</u>	<u>Date</u>	<u>Duration</u> C		Par Value		Book Value		Book Value		Market Value
Federal Agencies		FNMA STR NT	3/13/12	3/13/17	4.51	1.00	50,000,000		50,000,000		50,000,000		50,265,625
Federal Agencies		FNMA NT STEP	3/28/12	3/28/17	4.55	1.00	50,000,000		49,975,000		49,976,725		50,062,500
Federal Agencies	31315PTQ2	FARMER MAC MTN	4/10/12	4/10/17	4.55	1.26	12,500,000		12,439,250		12,443,009		12,671,875
Federal Agencies	3134G3TR1	FHLMC MTN CALL	4/12/12	4/12/17	4.54	1.45	30,000,000		30,000,000		30,000,000		30,234,375
Federal Agencies	3136G0CC3	FNMA STRNT	4/18/12	4/18/17	4.62	0.85	30,000,000		30,000,000		30,000,000		30,215,625
Federal Agencies	31315PUQ0	FARMER MAC MTN	4/26/12	4/26/17	4.61	1.13	10,500,000		10,500,000		10,500,000		10,605,000
Federal Agencies	3133EAPB8	FFCB CALL NT	5/2/12	5/2/17	4,62	1.23	25,000,000		25,000,000		25,000,000		25,109,375
Federal Agencies	3135G0KP7	FNMA CALL NT	5/3/12	5/3/17	4.57	1,75	75,000,000		75,858,000		75,646,438		75,773,438
Federal Agencies	3133794Y2	FHLB FIX-TO-FLOAT CALL NT	5/9/12	5/9/17	4.71	0.50	25,000,000		25,000,000		25,000,000		25,062,500
Federal Agencies	3137EADF3	FHLMC NT	5/14/12	5/12/17	4.64	1.25	25,000,000		25,134,736		25,128,976		25,507,813
Federal Agencies	3136G0GW5	FNMA STEP NT CALL	6/11/12	5/23/17	4.72	0.85	50,000,000		50,311,750		50,290,912		50,187,500
Federal Agencies		FFCB FLT NT FF+22	6/19/12	6/19/17	4.84	0.38	50,000,000		50,000,000		50,000,000		49,812,500
		字: 37.6分数数据字: "老人在了我们会们上的"本产"(2.5分类)								<b>8</b> 3		\$ 3	
And the second s			Mark versions and the	STATE OF STREET ASSESSMENT OF STREET				W. T		ACT CLASS		See See	
TLGP	36967HBB2	GENERAL ELECTRIC TLGP BULLET	3/22/10	9/28/12	0.16	2.00 \$	25,000,000	\$	25,366,000	\$	25,023,049	\$	25,070,313
TLGP	36967HBB2	GENERAL ELECTRIC TLGP BULLET	4/20/10	9/28/12	0.16	2.00	75,000,000		76,010,250		75,065,689		75,210,938
TLGP	36967HAV9	GENERAL ELECTRIC TLGP	11/6/09	12/21/12	0.39	2.13	25,000,000		25,253,750		25,031,580		25,179,688
Subtotals ********	<b>建筑建筑</b> 地位	识的研究标识的特别和国际的现在分词 2-44.17 经由的政府	APP TO THE PARTY		· · · × 0.21√×	<b>2.03</b> /\$	125,000,000	\$ 1	26,630,000	# <b>\$</b> %	125,120,318	\$60	125,460,938
State/Local Agencies	130583ER4	CALIFORNIA SCHOOL CASH PROG	7/2/12	3/1/13	0.58	2.00 \$	6,435,000	\$	6,510,032	\$	6,500,731	\$	6,500,701
State/Local Agencies	130583ET0	CALIFORNIA SCHOOL CASH PROG	7/2/12	6/3/13	0.84	2.00	6,200,000		6,298,952		6,290,117		6,290,272
State/Local Agencies	107889RL3	TOWNSHIP OF BRICK NJ BAN	7/26/12	7/26/13	0.99	1.00	23,915,000		24,033,858		24,031,904		24,059,925
State/Local Agencies	022168KZ0	ALUM ROCK ESD SAN JOSE CA	7/13/12	9/1/13	1.08	0.80	1,665,000		1,665,111		1,665,111		1,662,686
State/Local Agencies	463655GW4	IRVINE RANCH CA WTR PRE-RE	3/29/12	3/15/14	1.59	2.61	15,000,000		15,621,496		15,515,647		15,527,550
State/Local Agencies	463655GW4	IRVINE RANCH CA WTR PRE-RE	6/8/12	3/15/14	1.59	2.61	11,115,000		11,609,350		11,573,552		11,505,915
State/Local Agencies	463655GW4	IRVINE RANCH CA WTR PRE-RE	6/8/12	3/15/14	1.59	2.61	8,150,000		8,512,479		8,486,230		8,436,636
State/Local Agencies	13063A5B6	CALIFORNIA ST GO BD	5/2/12	4/1/14	1.60	5.25	2,820,000		3,057,108		3,027,900		3 019 346
State/Local Agencies	62451FFC9	WHISMAN SCHOOL DIST MTN VIEW	7/24/12	8/1/14	2.48	0.75	1,125,000		1,125,000		1,125,000		1,131,716
State/Local Agencies	64966DPC7	NEW YORK CITY GO	6/7/12	11/1/14	2.14	4.75	8,000,000		8,812,720		8,764,134		8,729,600
Subtotals ************************************	TANK MENERAL PROPERTY OF THE PERSON OF THE P	· 元二的联系和国际服务和1000年的国际企业,1000年100年100年	<b>建加州第</b> 5分	"大海州"和"大	1.35	2.32 \$	84,425,000	\$44	87,246,106 <sub>8</sub>	# <b>\$</b>	86,980,326%	\$14	86,864,346
Public Time Deposits		FIRST NAT. BANK NOR. CAL. PTD	8/4/11	8/3/12	0.01	0.40 \$	250,000	\$	250,000	\$	250,000	\$	250,000
Public Time Deposits		BANK OF THE WEST PTD	4/9/12	4/9/13	0.69	0.53	240,000		240,000		240,000		240,000
Public Time Deposits		SAN FRANCISCO FCU PTD	4/9/12	4/9/13	0.69	0.53	240,000		240,000		240,000		240,000
Public Time Deposits		BANK OF SAN FRANCISCO PTD	5/18/12	4/9/13	0.69	0.53	240,000		240,000		240,000		240,000
Subtotals******	<b>电子型 的现在时</b>	(A)		AL PERSON	MARKET 0.5149	<b>% 0.50 ₹\$</b>	4970,000 ×	\$4	970,000	<b>4\$</b> 40	970,000	\$ 94	970,000
									-	-			
Negotiable CDs		RBC YCD FLT 1ML+22	11/2/11	11/2/12	0.25	0.47 \$	50,000,000		50,000,000	\$	50,000,000	\$	50,018,952
Negotiable CDs	78009NBU9	RBC YCD	11/16/11	11/16/12	0.30	0.67	50,000,000		50,000,000		50,000,000		49,952,444
Negotiable CDs	78009NCS3	RBC YCD	12/16/11	12/17/12	0.38	0.72	50,000,000		50,000,000		50,000,000		49,938,667
Negotiable CDs	89112XLC7	TD YCD	1/12/12	1/14/13	0.46	0.35	50,000,000	;	50,000,000		50,000,000		49,926,222
Negotiable CDs	06417ER96	BANK OF NOVA SCOTIA YCD	4/26/12	3/21/13	0.64	0.46	50,000,000		50,000,000		50,000,000		49,806,667
Negotiable CDs	06417E2P7	BANK OF NOVA SCOTIA FF+38	6/7/12	6/7/13	0.85	0.54	25,000,000	;	25,000,000		25,000,000		24,954,122
		<b>公共</b>		<b>网络外科研究</b> 外的	0.45	第 0.53 \$	275,000,000			#\$ W	275,000,000	\$字	
													<b>_</b>
Commercial Paper		TOYOTA CP	4/24/12	1/18/13	0.47	0.00 \$	30,000,000		29,865,500		29,865,500		29,926,333
Subtotals Substitute 1	<b>"国际政务的"的</b>	<b>可以的</b>	<b>第四个条件。</b>	CONSTANT OF STREET	<b>学</b> 《 <b>本》0.47</b> 《	<b>₹ 0.00 \$</b>	× 30,000,000*	\$ 200	29,865,500	2 <b>\$</b>	¥29,865,500	<b>\$</b>	<b>#29,926,333</b>
84	0700000	IDA4 SATSI	0/0/4 1	0/40/46	0.00	0.05	0.047.000	•	0.055.400	•	0.004.005	Φ.	0.000.040
Medium Term Notes	073928X73	JPM MTN	9/6/11	8/10/12	0.03	6.95 \$	9,317,000		9,855,429	\$	9,331,295	\$	9,328,646
Medium Term Notes	36962G4E1	GE MIN	8/24/11	8/13/12	0.04	3.50	55,750,000	. :	57,282,568		55,801,805		55,802,266

			<u>Settle</u>	Maturity					<u>Amortized</u>	
Type of Investment	CUSIP	Issue Name	<u>Date</u>	Date	Duration	Coupon	Par Value	Book Value	Book Value	Market Value
Medium Term Notes 3	6962G4E1	GE MTN	9/7/11	8/13/12	0.04	3.50	8,370,000	8,590,047	8,377,744	8,377,847
Medium Term Notes 3	6962G4E1	GE MTN	9/14/11	8/13/12	0.04	3.50	4,700,000	4,819,239	4,704,284	4,704,406
Medium Term Notes 6	4952WAJ2	NEW YORK LIFE MTN	1/19/12	10/16/12	0.21	5.25	13,215,000	13,686,379	13,347,195	13,349,215
Medium Term Notes 8	9233P5P7	TOYOTA FLT QTR 3ML+20	12/14/11	12/17/12	0.38	0.67	18,200,000	18,200,000	18,200,000	18,222,750
Medium Term Notes 8	9233P5Q5	TOYOTA FLT QTR 3ML+20	12/15/11	1/11/13	0.44	0.66	10,000,000	10,000,000	10,000,000	10,014,063
Medium Term Notes 3	6962GZY3	GE MTN	3/23/12	1/15/13	0.46	5.45	10,000,000	10,399,100	10,223,657	10,228,125
Medium Term Notes 3	86962G3T9	GE MTN	6/12/12	5/1/13	0.74	4.80	17,648,000	18,397,275	18,296,223	18,213,288
Subtotals Value of the Control	115/19/2019	THE REPORT OF THE PARTY OF THE PARTY.	Contraction in the Contraction of the Contraction o	NUMBER OF STREET	10.24	3.63	\$ <b>**147,200,000 **</b> \$	%151;230,038; <b>3</b> \$	第148,282,202 案	\$2#148;240;605®

For month ended July 31, 2012

7 of month ended July	01, 2012	Annual Company of the	-35			ta. Willey .		and the second section				
						3 3 3 7 M	<u>Settle</u>	Maturity	<u>Earned</u>	Amort.	Realized	Earned Income
Type of Investment	<u>CUSIP</u>	Issue Name	4. 1	Par Value		YTM <sup>1</sup>	<u>Date</u>	<u>Date</u>	<u>Interest</u>		Gain/(Loss)	/Net Earnings
U.S. Treasuries		US TSY NT	\$	-	1.50	1.11	3/23/10	7/15/12			\$ -	
U.S. Treasuries		US TSY NT		25,000,000	0.63	0.42	6/1/11	4/30/13	13,162	(4,244)	~	8,918
U.S. Treasuries	912828JT8	US TSY NT		25,000,000	2.00	0.62	6/1/11	11/30/13	42,350	(28,914)	-	13,436
U.S. Treasuries	912828PQ7	US TSY NT		25.000.000	1.00	0.65	6/1/11	1/15/14	21.164	(7,324)	-	13,841
U.S. Treasuries	912828LC2	US TSY NT		25,000,000	2.63	0.85	6/1/11	7/31/14	55,870	(37,082)	-	18,787
	912828MW7			50,000,000	2.50	0.48	2/24/12	3/31/15	105,874	(85,119)	-	20,755
U.S. Treasuries		US TSY NT		25,000,000	1.25	0.61	12/23/11	10/31/15	26,325	(13,417)		12,908
U.S. Treasuries		US TSY NT		50,000,000	1.38	1.58	12/16/10	11/30/15	58,231	8,229	_	66,460
U.S. Treasuries		US TSY NT		50,000,000	1.38	1.58	12/16/10	11/30/15	58,231	8,229	_	66,460
U.S. Treasuries		US TSY NT		50,000,000	1.38	2.00	12/23/10	11/30/15	58,231	25,119	_	83,350
U.S. Treasuries		US TSY NT		50,000,000	2.00	0.91	3/15/12	4/30/16	84,239	(45,239)	_	39,000
U.S. Treasuries		US TSY NT		75.000,000	1.00	1.05	10/11/11	9/30/16	63,525	2,901	-	66,425
U.S. Treasuries	912828SJ0			000,000,000	0.88	0.94	3/14/12	2/28/17	73,709	5,213	-	78,922
U.S. Treasuries				, ,	0.88	1.21	3/21/12	2/28/17			_	
		US TSY NT US TSY NT		25,000,000				2/28/17	18,427 18,427	6,877	-	25,304
U.S. Treasuries				25,000,000	0.88 1.00	1.21	3/21/12 4/4/12	3/31/17	42,350	6,877 2,791	-	25,304
U.S. Treasuries		US TSY NT		50,000,000		1.07					PRESCRIPTION AND ADDRESS.	45,141
Subtotals with the same			- P	30,000,000®		Links Are	<b>高度的产生企业</b>		37 7 00,30 1			**************************************
Fadaual Amamaiaa	0400700117		•	4 400 000	0.40	0.45	40/00/44	40/0/40	e 407	e (40)	œ.	<b>f</b> 470
Federal Agencies	313376CU7	,	\$	1,400,000	0.16	0.15	12/22/11	10/9/12		\$ (13)	\$ -	
Federal Agencies		FNMA FRN QTR FF+20		50,000,000	0.36	0.36	12/21/10	12/3/12	15,347	-	-	15,347
Federal Agencies		FNMA FRN QTR FF+20		50,000,000	0.36	0.36	12/23/10	12/3/12	15,347	(40.474)	-	15,347
Federal Agencies	31331G2R9			37,000,000	1.88	1.53	3/26/10	12/7/12	57,813	(10,471)	· -	47,342
Federal Agencies		FFCB BULLET		50,000,000	1.63	1.59	4/16/10	12/24/12	67,708	(1,530)	-	66,179
Federal Agencies		FHLMC FRN QTR FF+19		50,000,000	0.34	0.34	1/11/11	1/10/13	14,778	-	-	14,778
Federal Agencies		FHLMC FRN QTR FF+19		50,000,000	0.34	0.38	1/12/11	1/10/13	14,778	430	-	15,207
Federal Agencies		FHLMC FRN QTR FF+19		35,000,000	0.34	0.25	3/22/11	1/10/13	10,344	(748)	-	9,596
Federal Agencies		FFCB FLT T-BILL+22		20,000,000	0.32	0.31	12/12/11	5/1/13	5,494	(172)		5,322
		FHLMC BONDS		25,000,000	3.75	0.69	5/13/11	6/28/13	78,125	(64,164)	-	13,961
Federal Agencies	31398AV90	FNMA CALL		-	1.30	1.32	7/16/10	7/16/13	13,542	(8,166)	12,500	17,876
Federal Agencies	31398AV90	FNMA CALL		<u>.</u>	1.30	1.32	7/16/10	7/16/13	27,083	(16,332)	25,000	35,751
Federal Agencies	3134G2B50	FHLMC FRN FF+23		50,000,000	0.39	0.42	9/1/11	9/3/13	16,639	867	-	17,506
Federal Agencies	3134G2K43	FHLMC FLT NT FF+21		50,000,000	0.37	0.42	9/13/11	9/12/13	15,778	1,295	-	17,073
Federal Agencies		FARMER MAC		35,000,000	1.25	1.30	12/6/10	12/6/13	36,458	1,366	-	37,824
Federal Agencies	31331J6A6	FFCB		22,000,000	1,30	1.31	12/23/10	12/23/13	23,833	194	-	24,028
Federal Agencies	313371UC8	FHLB		40,000,000	0.88	0.93	11/18/10	12/27/13	29,167	1,967	_	31,133
Federal Agencies		FNMA FRN QTR T-BILL+21		25,000,000	0.31	0.34	3/4/11	3/4/14	6,476	424	_	6,900
Federal Agencies		FNMA FRN QTR T-BILL+21		25,000,000	0.31	0.32	3/4/11	3/4/14	6,476	212	_	6,688
Federal Agencies		FHLB FLT NT FF+12		50,000,000	0.28	0.29	6/11/12	3/11/14	11,903	646	-	12,549
Federal Agencies	31398A3R1			24,500,000	1.35	1.27	11/10/10	3/21/14	27,563	-	· <u>-</u>	27,563
Federal Agencies		FARMER MAC MTN		14,080,000	3.15	0.50	4/10/12	6/5/14	36,960	(31,481)	_	5,479
	3133XWE70			48,000,000	2.50	0.40	5/15/12	6/13/14	100,000	(85,300)		14,700
	3133XWE70			50,000,000	2.50	0.40	6/11/12	6/13/14	104,167	(88,702)	-	15,465
	3133724E1				1.21	1.21	12/31/10	6/30/14	50,417	(00,702)	-	50,417
Federal Agencies				50,000,000					•	1 /61	-	63,951
· ·		FHLMC BONDS		75,000,000	1.00	1.02	6/2/11	7/30/14	62,500	1,451	-	
	3134G2UA8			53,000,000	1.00	0.67	12/1/11	8/20/14	44,167	(14,640)	-	29,527
Federal Agencies	3134G2UA8			25,000,000	1.00	0.65	12/14/11	8/20/14	20,833	(7,349)	-	13,485
Federal Agencies	31398A3G5			13,200,000	1.50	0.51	4/4/12	9/8/14	16,500	(11,017)	-	5,483
Federal Agencies	313370JS8	FHLB		26,095,000	1.38	1.34	12/8/10	9/12/14	29,901	(769)	-	29,132
Federal Agencies	3128X3L/6	FHLMC BONDS		21,910,000	5.00	1.71	12/23/10	11/13/14	91,292	(58,835)	÷	32,457

						<u>Settle</u>	<u>Maturity</u>	<u>Earned</u>	Amort.	Realized	Earned Income
Type of Investment	CUSIP	Issue Name	<u>Par Value</u>	Coupon	YTM <sup>1</sup>	<u>Date</u>	<u>Date</u>	Interest	<u>Expense</u>	Gain/(Loss)	/Net Earnings
Federal Agencies	3128X3L76	FHLMC BONDS	1,000,000	5.00	1.71	12/23/10	11/13/14	4,167	(2,685)	_	1,481
Federal Agencies	3136FTRF8	FNMA FLT QTR FF+39	26,500,000	0.55	0.51	12/12/11	11/21/14	12,494	(680)	-	11,814
Federal Agencies	31331J4S9	FFCB	24,000,000	1.40	1.41	12/16/10	12/8/14	28,000	256	-	28,256
Federal Agencies	31331J4S9	FFCB	19,000,000	1.40	1.46	12/8/10	12/8/14	22,167	919	_	23,086
Federal Agencies	313371PC4	FHLB	•	0.88	1.26	11/22/10	12/12/14	6,076	(151,605)	650,000	504,471
Federal Agencies	313371W51	FHLB	50,000,000	1.25	1.39	12/6/10	12/12/14	52,083	5,811	-	57,895
Federal Agencies	313371W51	FHLB	75,000,000	1.25	1.46	12/8/10	12/12/14	78,125	12,887	-	91,012
Federal Agencies	3133XVNU1	FHLB	25,400,000	2.75	1.30	11/23/10	12/12/14	58,208	(30,336)	-	27,872
Federal Agencies	3133XVNU1	FHLB	2,915,000	2.75	1.31	11/23/10	12/12/14	6,680	(3,449)	-	3,231
Federal Agencies	3133XVNU1	FHLB	-	2.75	1.38	12/8/10	12/12/14	19,097	519,162	62,530	600,789
Federal Agencies	3133XVNU1	FHLB	50,000,000	2.75	1.37	12/8/10	12/12/14	114,583	(56,583)	, <u> </u>	58,000
Federal Agencies	313371W93		75,000,000	1.34	1,34	12/15/10	12/15/14	83,750	-	_	83,750
Federal Agencies	3136FTVN6		75,000,000	0.51	0.51	12/15/11	12/15/14	31,653	-	_	31,653
Federal Agencies	3135G0GM9		25,000,000	0.83	0.77	12/23/11	12/23/14	17,188	(1,696)	_	15,491
Federal Agencies	31331J6Q1	FFCB	27,175,000	1.72	1.74	12/29/10	12/29/14	38,951	381	_	39,331
Federal Agencies	31331J6Q1	FFCB	65,000,000	1.72	1.72	12/29/10	12/29/14	93,167	221	_	93,387
Federal Agencies	3133XWX95		50,000,000	2.75	0.52	6/8/12	3/13/15	114,583	(93,753)	_	20,830
Federal Agencies		FFCB FLT NT 1ML+1.5	50,000,000	0.26	0.26	4/30/12	4/27/15	11,198	210	٠ _	11,408
Federal Agencies		FARMER MAC FLT NT FF+26	50,000,000	0.40	0.40	5/3/12	5/1/15	16.667		_	16.667
Federal Agencies	3133EANJ3		50,000,000	0.50	0.54	5/1/12	5/1/15	20,833	1,585	_	22,419
Federal Agencies		FFCB FLT NT 1ML+1	50,000,000	0.25	0.26	6/8/12	5/14/15	10,796	420	_	11,216
Federal Agencies		FHLMC BONDS	50,000,000	1.75	2.17	12/15/10	9/10/15	72,917	17,023	_	89,940
Federal Agencies	313370JB5	FHLB	75,000,000	1,75	2.31	12/15/10	9/11/15	109,375	25,305	_	134,680
Federal Agencies	31315PGT0		45,000,000	2.13	2,17	9/15/10	9/15/15	79,688	1,444	_	81,131
Federal Agencies	31398A3T7		25,000,000	2.00	1.08	10/14/11	9/21/15	41,667	(18,992)	<u>-</u>	22,674
Federal Agencies		FNMA NT CALL	50,000,000	1.07	0.94	2/6/12	9/21/15	44,583	(32,292)	_	12,292
Federal Agencies	31398A4M1	FNMA	25,000,000	1.63	2.22	12/15/10	10/26/15	33,854	11,913	_	45,767
Federal Agencies	31398A4M1	FNMA	42,000,000	1.63	2.19	12/23/10	10/26/15	56,875	18,860	_	75,735
Federal Agencies	31315PVW6		34,000,000	0.74	0.74	5/2/12	11/2/15	20,967	10,000	_	20,967
Federal Agencies	31331J2S1		25,000,000	1.50	2.20	12/15/10	11/16/15	31,250	14,025	_	45,275
Federal Agencies			25,000,000	1.88	1.89	12/3/10	12/11/15	39,063	304	_	39,367
Federal Agencies	313371ZY5	FHLB	50,000,000	1.88	1.93	12/14/10	12/11/15	78,125	2,185	_	80,310
Federal Agencies	313375RN9		22,200,000	1.00	0.82	4/13/12	3/11/16	18,500	(3,422)		15,078
Federal Agencies	3133EAJU3		25,000,000	1.05	0.82	4/12/12	3/11/16	21,875	(4,733)		17,142
Federal Agencies	3133792Z1	FHLB NT	20,000,000	0.81	0.82	4/18/12	4/18/16	13,500	166	-	13,666
•	313373ZN5	FHLB	35,000,000	2.03	2.03	6/6/11	6/6/16	59,208	100	-	•
Federal Agencies	31315PYC7		10,000,000	2.03 0.95	0.95	6/6/12	6/6/16	7,917	-	-	59,208
Federal Agencies		FAMICA CALL MTN			0.90	2/9/12	6/9/16		. <del>-</del>	-	7,917
Federal Agencies	31315PB73	FAMCA NT	10,000,000	0.90	2.09		7/27/16	7,500	4:107	-	7,500
Federal Agencies	31315PA25		15,000,000	2.00		7/27/11		25,000	1,107	-	26,107
Federal Agencies		FHLMC CALL	50,000,000	2.00	1.99	7/28/11	7/28/16	83,333	(1,268)	-	82,065
Federal Agencies		FNMA CALL	100,000,000	2.01	2.01	8/15/11	8/15/16	167,500	(0.004)	-	167,500
Federal Agencies	31331KUB4		29,775,000	1.75	1.73	8/15/11	8/15/16	43,422	(2,364)	-	41,058
Federal Agencies		FHLMC CALL	100,000,000	1.42	1.42	8/24/11	8/24/16	118,333	-	-	118,333
Federal Agencies		FHLMC CALL NT	25,000,000	1.80	1.80	8/24/11	8/24/16	37,500		-	37,500
Federal Agencies	313370TW8		25,000,000	2.00	1.39	10/11/11	9/9/16	41,667	(12,562)	-	29,104
Federal Agencies	3135G0CM3		25,000,000	1.25	1.37	10/11/11	9/28/16	26,042	2,453	-	28,495
Federal Agencies	3134G22E1	FHLMC CALL NT	25,000,000	1.60	1.53	12/27/11	11/2/16	33,333	(8,223)	-	25,110
Federal Agencies	3135G0ES8		50,000,000	1.38	1.25	12/14/11	11/15/16	57,292	(5,329)	-	51,963
Federal Agencies	3134G3CB4		34,695,000	1.63	1.47	2/23/12	12/5/16	46,983	(27,641)	-	19,342
Federal Agencies	3136FTUZ0	FNMA CALL NT	50,000,000	1.40	1.41	12/30/11	12/30/16	58,333	424	-	58,758
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		Magazina Alicher (Gargae, A.A.) i vili eine ei 2004 agus alta eile 1904		S. 18 March 1981		Settle	Maturity	Earned	Amor	t. Realized	Earned Inco
Type of Investment	CUSIP	Issue Name	Par Value	Coupon	YTM <sup>1</sup>	<u>Seme</u> Date	Date	Interest			
Federal Agencies :		FARMER MAC MTN	49,500,000	1.01	1.02	5/4/12	1/17/17	41,663	446		42,1
Federal Agencies	3136FTL31	FNMA STEP BD CALL	30,765,000	0.75	0.68	4/30/12	2/7/17	19,228	(5,151	) -	14,0
Federal Agencies	3137EADC0	FHLMC NT	50,000,000	1.00	1,13	3/12/12	3/8/17	41,667	5,147	í <u>-</u>	46.8
Federal Agencies	3133782N0	FHLB NT	14,845,000	0.88	1.08	3/12/12	3/10/17	10.824	2,498		13,3
Federal Agencies	3133782N0	FHLB NT	55,660,000	0.88	1.06	3/12/12	3/10/17	40,585	8,547	· _	49,1
Federal Agencies	3136FTZ77	FNMA STR NT	50,000,000	1.00	1.00	3/13/12	3/13/17	41,667			41,6
Federal Agencies	3136FT5B1	FNMA NT STEP	50.000.000	1.00	1.01	3/28/12	3/28/17	41,667	424	. <u>-</u>	42,0
		FARMER MAC MTN	12,500,000	1.26	1.36	4/10/12	4/10/17	13,125	1,031		14,1
		FHLMC MTN CALL	30,000,000	1.45	1.45	4/12/12	4/12/17	36,250	.,	. <u>-</u>	36,2
		FNMA STRNT	30,000,000	0.85	0.85	4/18/12	4/18/17	21,250			21,2
•		FARMER MAC MTN	10,500,000	1.13	1,13	4/26/12	4/26/17	9,844			9.8
		FFCB CALL NT	25,000,000	1,23	1.23	5/2/12	5/2/17	25,625	_	_	25.6
		FNMA CALL NT	75.000.000	1.75	1.51	5/3/12	5/3/17	109,375	(72,871	` -	36,5
Federal Agencies		FHLB FIX-TO-FLOAT CALL NT	25,000,000	0.50	0.50	5/9/12	5/9/17	10,417	(12,011	<u>'</u>	10,4
	3137EADF3		25,000,000	1.25	1.14	5/14/12	5/12/17	26.042	(2,260	۰ -	23.7
		FNMA STEP NT CALL	50.000,000	0.85	0.73	6/11/12	5/23/17	35,417	(12,666	,	22,7
		FFCB FLT NT FF+22	50,000,000	0.38	0.78	6/19/12	6/19/17	16,505	(12,000	, .	16,5
		**************************************							MC22/100C 2/40	)**\$****750;030	
E DUDIOMIS THE SECTION OF THE SECTIO	<b>是我们的人们也不是一个人的人的人们</b>	5000000000000000000000000000000000000	,300,013,000£	<b>学院的人员的</b>	<b>经产品的</b>		(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	13/300;1309	(30-15(200)245	M W 30 M 7 3 U 3 U 3 U 3 U 3 U 3 U 3 U 3 U 3 U 3	14 13 12 13 12 15
TLGP	2606741002	GENERAL ELECTRIC TLGP BULLET \$	25,000,000	2.00	1.41	3/22/10	0/00/40 @	44 667	\$ (12,319	N # :	\$ 29.3
		GENERAL ELECTRIC TLGP BULLET			1.44	4/20/10	9/28/12 \$				,-
			75,000,000	2.00	1.79	11/6/09	9/28/12	125,000	(35,110		89,8
		GENERAL ELECTRIC TLGP	25,000,000	2.13			12/21/12	44,271	(6,894		37,3
Subtotals		"是全国的企会"。2019年,大学是东西市市村州市场市村上2019年,1987年11月19日	-125,000,000	NUMBER OF STREET			A STATE OF THE STA	MEZ IU JOON	in a la l		73 PRO 130 0
State/Local Agencies	130583ER4	CALIFORNIA SCHOOL CASH PROG \$	6,435,000	2.00	0.24	7/2/12	3/1/13 \$	10,368	\$ (9,302	) \$ -	\$ 1.0
State/Local Agencies	130583ET0	CALIFORNIA SCHOOL CASH PROG	6,200,000	2.00	0.26	7/2/12	6/3/13	9.989	(8,835		1.1
State/Local Agencies	107889RL3	TOWNSHIP OF BRICK NJ BAN	23,915,000	1.00	0.50	7/26/12	7/26/13	3,322	(1,954		1,3
State/Local Agencies		ALUM ROCK ESD SAN JOSE CA	1,665,000	0.80	0.80	7/13/12	9/1/13	666	(.,	. <u>-</u>	
		IRVINE RANCH CA WTR PRE-RE	15,000,000	2.61	0.53	3/29/12	3/15/14	32,563	(26,250		6.3
		IRVINE RANCH CA WTR PRE-RE	11,115,000	2.61	0.42	6/8/12	3/15/14	24,129	(20,551	,	3,5
		IRVINE RANCH CA WTR PRE-RE	8,150,000	2.61	0.42	6/8/12	3/15/14	17,692	(15,069	,	2,6
		CALIFORNIA ST GO BD	2,820,000	5.25	1.04	5/2/12	4/1/14	12,338	(9,950		2,3
		WHISMAN SCHOOL DIST MTN VIEW	1,125,000	0.75	0.75	7/24/12	8/1/14	164	(0,000	<u>'</u>	1
		NEW YORK CITY GO	8,000,000	4.75	0.73	6/7/12	11/1/14	31,667	(27,385	)	4.2
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Public Time Deposits		FIRST NAT. BANK NOR. CAL. PTD \$	250,000	0.40	0.40	8/4/11	8/3/12 \$	86	\$ -	- \$ -	\$
Public Time Deposits		BANK OF THE WEST PTD	240,000	0.53	0,53	4/9/12	4/9/13	110			1
Public Time Deposits		SAN FRANCISCO FCU PTD	240,000	0.53	0.53	4/9/12	4/9/13	108	_		1
Public Time Deposits		BANK OF SAN FRANCISCO PTD	240.000	0.53	0.53	5/18/12	4/9/13	110	-	<u>-</u>	1
Subtotals	never postovace p	STATE OF THE STATE							TS TO THE REPORT	- Sint a stable s	
				ere armentaria en esta	ran iningan	and the state of t	THE PROPERTY OF THE PROPERTY OF THE PARTY OF			MISS. 2010 12 O HOLDES IN ESCAPERA	
Negotiable CDs	89112XJQ9	TD YCD \$	-	0.31	0.31	1/4/12	7/2/12 \$	431	\$ -	- \$ -	\$ 4
	78009NBL9	RBC YCD FLT 1ML+22	50,000,000	0.47	0.47	11/2/11	11/2/12	20,023	-		20,0
Negotiable CDs	78009NBU9	RBC YCD	50,000,000	0.67	0.67	11/16/11	11/16/12	28,847		. · · · · · · · · · · · · · · · · · · ·	28,8
Negotiable CDs	78009NCS3	RBC YCD	50,000,000	0,72	0.72	12/16/11	12/17/12	31,000	-	. <u>-</u>	31,0
Negotiable CDs		TD YCD	50,000,000	0.35	0.35	1/12/12	1/14/13	15,069	-		15,0
	89112XLC7	ID ICD									
Negotiable CDs		BANK OF NOVA SCOTIA YCD	50,000,000	0.46	0.46	4/26/12	3/21/13	19,806	_	. =	19,8
Negotiable CDs Negotiable CDs		·- ·							- -	<del>.</del> .	

Type of Investment	<u>CUSIP</u>	<u>Issue Name</u>			Par Value	<u>Coupon</u>	YTM <sup>1</sup>	<u>Settle</u> <u>Date</u>	<u>Maturity</u> <u>Date</u>		Earned Interest		Amort. Expense	_	ealized ((Loss)		et Earnings
Commercial Paper	89233GNJ1	ТОУОТА СР		\$	30,000,000	0.00	0.60	4/24/12	1/18/13	\$	15,500	\$	<u> </u>	\$	-	\$	15,500
Subtotals "		的語為中華地	神學學學學學學學學學	\$ :	30,000,000	Plant Print	No.	HAMILTON TO	<b>新疆特别</b> 的	\$-	**15,500*	<b>\$</b> \$	情心理學的	"\$ % A	学の	<b>\$</b> 報問題	15,500
Medium Term Notes	073928X73	JPM MTN		\$	9,317,000	6.95	0.69	9/6/11	8/10/12	\$	53,961	\$	(49,237)	\$	_	\$	4,724
Medium Term Notes	36962G4E1	GE MTN		•	55,750,000	3.50	0.65	8/24/11	8/13/12		162,604		(133,830)	•	-	•	28,774
Medium Term Notes	36962G4E1	GE MTN			8,370,000	3.50	0.67	9/7/11	8/13/12	•	24,413		(20,004)		-		4,408
Medium Term Notes	36962G4E1	GE MTN			4,700,000	3.50	0.71	9/14/11	8/13/12		13,708		(11,067)		-		2,641
Medium Term Notes	64952WAJ2	NEW YORK L	IFE MTN		13,215,000	5.25	0.42	1/19/12	10/16/12	. **	57,816		(53,922)		-		3,894
Medium Term Notes	89233P5P7	TOYOTA FLT	QTR 3ML+20		18,200,000	0.67	0.67	12/14/11	12/17/12		10,467		_		-		10,467
Medium Term Notes	89233P5Q5	TOYOTA FLT	QTR 3ML+20		10,000,000	0₊66	0.66	12/15/11	1/11/13		5,695		-		-		5,695
Medium Term Notes	36962GZY3	GE MTN			10,000,000	5.45	0.51	3/23/12	1/15/13		45,417		(41,517)		-		3,900
Medium Term Notes	36962G3T9	GE MTN			17,648,000	4.80	0.61	6/12/12	5/1/13		70,592		(62,653)		-		7,939
Subtotals ## #################################	<b>以</b> 可使用的表现	是字件方法的	MENTS THAT CONTRA	<b>***</b> \$ **	147,200,000	<b>计选择的</b>		影響等的影響	調は合うの	\$ 22	444,672	2 <b>5</b> FM	(372,229)	用\$平和中	MATERIAL STATE	\$ PP 12	##72 442 F
Grand Totals			Parka di Tombili	\$4	901,210,000		4 4 2			\$ 5	,618,901	\$	(994,509)	\$ 75	0,030	\$	5,374,421

Yield to maturity is calculated at purchase

# **Investment Transactions**

6,298,952 6,510,032 1,665,111 1,125,000 24,033,858 101.60 101.17 100.00 100.00 100.50 YTM 0.26 0.24 0.80 0.75 0.50 2.00 2.00 0.80 0.75 1.00 6,298,952 6,510,032 1,665,111 1,125,000 24,033,858 Par Value 130583ET0 130583ER4 022168KZ0 62451FFC9 107889RL3 CUSIP ESUGENATE
CALIFORNIA SCHOOL CASH P
CALIFORNIA SCHOOL CASH P
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WHISMAN SCHOOL DIST MIN
TOWNSHIP OF BRICK NJ BAN 6/3/2013 State/Local Agencies (3/1/2013 State/Local Agencies (9/1/2013 State/Local Agencies / 8/1/2014 State/Local Agencies / 7/26/2013 State/Local Agencies 7 For month ended July 31, 2012 Purchase 7/26/2012 7/2/2012 7/2/2012 7/13/2012 7/24/2012 Transaction Type Purchase Purchase Purchase Purchase

1.26 \$ 98.47 \$ 17,622 \$ 25,285,122 1.38 105.33 55,382 26,449,912 ###132_\$\$\text{minimum}\$m	- \$ 25,000,000 - 50,000,000	0 \$ 50,077,500 0 50,375,000 0 \$271,500	6 4 10,300 4 3,4 5 43,625 5 30,538	- 0 <del>-</del> 0 ;	99 101,379 00 150,000 44 10,844 00 500,000 00 375,000
\$ 17,622 55,382 \$\$\\\$\\\\\$\\\\\\$\\\\\$\\\\\$\\\\\$\\\\$\\\	1.32 \$ 99.95 \$ - \$ 1.32 99.95 \$ - \$	\$ 77,500 375,000 \$\$##452,500	43,625 43,625 43,625 30,538	10,919 10,448 125,000 169,556 162,500 325,000	101,379 150,000 10,844 500,000 375,000 328,125
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0.88 2.75	1.30 1.30	0.31 1.50 報題報答 <b>0.9</b> 4開		0.25 1.00 1.30 1.30	
25,285,122 26,449,912 ************************************	25,000,000 50,000,000	\$ 50,077,500 50,375,000 \$ 100,452,500		10,919 10,448 125,000 272,500 162,500 325,000	101,379 150,000 10,844 500,000 375,000
313371PC4 \$ 3133XVNU1	31398AV90 \$ 25,000,000 31398AV90 50,000,000	89112XJQ9 \$ 912828LB4	78009NBE9 \$ 3134G1U69 3134G1U69 3134G1U69	89235P0U3 3133EAQC5 912828PQ7 36962GZY3 31398AV90 31398AV90	31315PWW5 31315PA25 3133EAJP4 3137EGSP8 3137EGU1 9128281 C2
FHLB FHLB	FNMA CALL FNMA CALL	TD YCD US TSY NT	RBC YCD FLI 1ML+22 CITI SWEEP FHLMC FRN QTR FF+19 FHLMC FRN QTR FF+19	FIOND IN THE WITH SML+20 FIOND IN THE	FARMER MAC MTN FAMCA NT FFCB FLT NT 1ML+1.5 FHLMC CALL FHLMC BONDS
Sale 7/11/2012 12/12/2014 Federal Agencies FHLB Sale 7/11/2012 12/12/2014 Federal Agencies FHLB Subtotals	Call 7/16/2012 7/16/2013 Federal Agencies Call 7/16/2012 7/16/2013 Federal Agencies Subtotals	7/2/2012 Negotiable CDs 7/15/2012 U.S. Treasuries	11/2/2012 Negotiable CDs 7/1/2013 Money Market Funds 11/10/2013 Federal Agencies 11/10/2013 Federal Agencies	1/11/2013 Medium 1erm Notes 5/14/2015 Federal Agencies 1/15/2014 U.S. Treasuries 1/15/2013 Medium Term Notes 7/16/2013 Federal Agencies 7/16/2013 Federal Agencies	11/17/2017 Federal Agencies 7/27/2016 Federal Agencies 4/27/2015 Federal Agencies 7/28/2016 Federal Agencies 7/30/2014 Federal Agencies
7/11/2012 · 7/11/2012 · 7/11/2012 ·	7/16/2012 7/16/2012	7/2/2012 7/15/2012	7/2/2012 7/3/2012 7/10/2012 7/10/2012	7/14/2012 7/15/2012 7/15/2012 7/16/2012 7/16/2012	7/17/2012 7/27/2012 7/28/2012 7/30/2012
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#### **Non-Pooled Investments**

As of July 31, 2012

				<u>Settle</u>	Maturity								Amortized		
Type of Investment	CUSIP	Issue Name		<u>Date</u>	Date	Duration	Coupon		Par Value		<b>Book Value</b>		<b>Book Value</b>		Market Value
State/Local Agencies	797712AD8	SFRDA SOUT	H BEACH HARBOR	1/20/12	12/1/16	4.14	3,50	\$	5,690,000	\$	5,690,000	\$	5,690,000	\$	5,690,000
* Subtotals	中的特别的特色	HAXIII all 自然	<b>的工作中心</b> 可能的。例如	<b>建筑和附加</b> 超过5	<b>地名美国</b> 索尔利	1045-514-144	3:50	\$編8	<b>≇5,690,000</b>	<b>班\$</b> 論	% 5;690;000 <b>%</b>	原\$證	學第5,690,000學	第5號	<b>≠</b> ₹5;690;000€
Money Market Funds		CITI SWEEP		7/31/12	8/1/12	0.00	0.02	\$	85,693,071	\$	85,693,071	\$	85,693,071	\$	85,693,071
ுSubtotals → 中心で生き	<b>"这个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一</b>		時事時間是自身的時代	的最初的特別的時代,不	非性相關的	0.00	<b>第5章 0.02</b> 章	\$65	85,693,071	<b>*\$</b>	85,693,07,1	<b>7</b> \$4	第85,693,074篇	# <b>\$</b>	#485,693,071 <u>k</u>
					_										
Grand Totals						0.26	0.24	\$	91.383.071	\$	91.383.071	\$ .	91.383.071	\$	91.383.071

NON-POOLED FUNDS PORTFOLIO STATISTICS

MONT COLLE TONDO I CINI CEIC CINNICITICO								
	Cur	rent Month						
(in \$ million)		Fiscal YTD		July 2012		Fiscal YTD		June 2012
Average Daily Balance	\$	91,382,979	\$	91,382,979	\$	91,287,013	\$	91,246,210
Net Earnings	\$	18,071	\$	18,071	\$	95,590	\$	18,022
Earned Income Yield		0.23%		0.23%		0.25%		0.24%

Note:

All non-pooled securities were inherited by the City and County of San Francisco as successor agency to the San Francisco Redevelopment Agency. Book value and amortized book value are derived from limited information received from the SFRDA and are subject to verification.



GAO CLERKS
File 120792 COB, Log Dep

CALIFORNIA CPage

ACADEMY OF

SCIENCES

August 8, 2012

The Honorable Katherine Feinstein Presiding Judge of the Superior Court County of San Francisco 400 McAllister Street, Dept. 206 San Francisco, California 94102-4514

Re: Response to 2011-2012 San Francisco Civil Grand Jury Report "Where There's Smoke..." Dated June 2012

#### Dear Judge Feinstein:

In the City and County of San Francisco's Civil Grand Jury Report dated June 2012, and entitled "Where There's Smoke..." (the "Report"), the California Academy of Sciences ("Academy") was requested to respond to Finding No. 5 which reads as follows:

F5 SFAC has not created a high-profile community identity for itself as an important contributor to San Francisco's cultural heritage.

#### Academy Response

The Academy values its relationship with the City and other cultural institutions in San Francisco and the surrounding Bay Area. As a member of the City's cultural community, the Academy is very aware of the importance of the work of the San Francisco Art Commission ("SFAC") and believes that the SFAC is, in fact, an important contributor to the City's cultural heritage. The Academy coordinated successfully with the SFAC over a five-year period commencing in 2005 on the implementation and design approval of two works of art for the California Academy of Sciences' Public Art Project, including the commission of renowned artist Maya Lin for the artworks. Appropriate signage is displayed with each piece of artwork referencing the collaboration between the Academy and the SFAC on the Academy's Public Art Project which was also well marketed within the City.

As noted in the Report, the SFAC is not generally responsible for art located at the Academy. As the Academy is located in Golden Gate Park, the Academy's primary City interface is with the San Francisco Recreation and Parks Department and Commission. Our work with the SFAC has been limited to coordinating the design of the Academy building and the exterior public art at the Academy. As noted above, that interaction has been very positive.

The Honorable Katherine Feinstein Presiding Judge of the Superior Court County of San Francisco August 8, 2012 Page 2

The Academy agrees that a high profile community identity for the SFAC, and for the City's cultural institutions that it supports, is a worthy goal. The Academy would be pleased to cooperate with the SFAC and other institutions on efforts to reinforce the SFAC's community identity.

Please feel free to contact me should you have any questions or need additional information.

Sincerely,

Alison Brown

Chief of Staff and CFO

cc: City and County of San Francisco, Civil Grand Jury
Jill Manton, San Francisco Arts Commission, Director of Legislation and Initiatives



<u>To:</u> Cc:

Bcc:

Subject: File 120792: Response to SF Civil Grand Jury Report Entitled "Where There's Smoke..."

From: Andrews, Barbara

Sent: Thursday, August 16, 2012 5:52 PM

To: 'Angela Calvillo'

Cc: 'Andrea Ausberry'; Wolfrum, Amy; Brown, Alison

Subject: Response to SF Civil Grand Jury Report Entitled "Where There's Smoke..."

Dear Ms. Calvillo:

Per your office's request, attached is a copy of the California Academy of Sciences' Response to the June 2012 San Francisco Civil Grand Jury Report. As our instructions outlined, the response was mailed to The Honorable Katherine Feinstein and a cc to the Civil Grand Jury. We also cc'd Jill Manton, Director of Legislation and Initiatives of the San Francisco Arts Commission.

You also requested the name of our presenter for the Government Audit and Oversight Committee meeting on October 11. This will be Amy Wolfrum, our Associate Director of Foundation and Government Relations. I've cc'd her here so you have her contact email.

Please do not hesitate to contact me should you require any additional information.

Sincerely, **Barb Andrews** 

#### Barbara D. Andrews

Legal Manager California Academy of Sciences p. 415.379.5206 f. 415.379.5746 bandrews@calacademy.org www.calacademy.org

55 Music Concourse Drive Golden Gate Park San Francisco, CA 94118 To explore, explain and protect the natural world.



CAS Response to SF Civil Grand Jury Rpt \_20120808112021.pdf



To: Cc: Bcc:

Subject: pensions

For records

#### Begin forwarded message:

From: "Herbert Weiner" < h.weiner@sbcglobal.net>

Date: August 14, 2012 1:43:23 AM PDT

**To:** Eric.L.Mar@sfgov.org,Mark.Farrell@sfgov.org,David.Chiu@sfgov.org,Carmen.Chu@sfgov.org,David.Campos@sfgov.org,John.Avalos@sfgov.org,Malia.Cohen@sfgov.org,Christina.Olague@sfgov.org,Scott.Wiener@sfgov.org,Jane.Kim@sfgov.org,Sean.Elsbernd@sfgov.org

Subject: pensions

Members of the Board:

Attached is my document on city pensions.

In 2011, the Board voted unanimously for Proposition B which will adversely affect the pensions of city employees.

This document shows the negative effects of such a measure.

Because you all are now part of the Retirement System, the benefits also have impact on you. Please read this document in the hope that you may change your perceptions of retirement benefits.

Herbert J. Weiner

Retired Social Worker of the City and County of San Francisco



Are Pensions Bankrupting San Francisco.docx

#### **Are Pensions Bankrupting San Francisco?**

Aren't a bunch of freeloaders receiving city pensions?

Definetely not! City workers have consistently paid into their pensions, even when the city has not, as in the boom years of 1996-2002. Shouldn't we rein in entitlements?

They shouldn't be called entitlements. *Pensions are investments*. City workers pay into the pension fund which in turn is invested in the economy. Returns on the investments are paid in pensions. As a businessman expects a return on an investment, so should retirees who sacrificed their income for this return. But aren't they bankrupting the city and the economy?

Are you forgetting the speculators and real estate industry that caused this economic crisis in the first place? If pensions are the cause, why wasn't this brought to attention before? Never in previous recessions have pensions been stated as a blame. The same people who caused this mess are casting the blame on those who work for a living. Maybe, they don't believe in pensions at all!

It must also be remembered that pensions, like other expenses as rent and food grow as the economy grows. The present city budget is not the same as 40 years ago.

In fact, pensions keep the economy afloat by purchasing goods and services, especially in a recession as this. If this did not happen, many small businesses would close down. We might even face a depression!

Won't there be less city services, because of pension cuts?

The same crowd that attacks pensions want less city services. Cuts in city services have been made, irrespective of pensions.

Don't pensions bankrupt the city?

The Retirement Fund is supported by active city employees with retirees as its beneficiaries. The Fund itself is one of the best managed in the country and is a model for other municipalities. It has never gone broke, has consistently made responsible investments and has always been solvent.

Well! I don't have a pension and neither should you!

Frankly, you should have one too! There has been a movement to attack pensions which has hurt people in their golden years. Active employees should have something to look forward to. If executives get retirement benefits, so should we.

But attacking those receiving pensions won't help those not receiving them. Quite the contrary!

We have worked our lives in providing goods and services. We deserve a decent return and standard of living in later years. We've earned it!

Let's work together to guarantee this for everyone, future generations, ourselves and you!

Gee, I like that!

It isn't that pensions are making the city bankrupt. It's the arguments against them that are bankrupt!





City and County of San Francisco :: Edwin M. Lee, Mayor Economic and Workforce Development :: Jennifer Matz, Director

July 23, 2012

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

Subject: Annual Report on Gifts Received up to \$10,000

BOARD OF SUPERVISORS
SAN FRANCISCO

2012 JUL 27 PM 1: 23

Dear Angela,

In accordance with Administrative Code 10.100-305, this memo serves to provide the Board of Supervisors with a report on gifts up to \$10,000 received by the Office of Economic and Workforce Development during the past fiscal year:

- 1. \$1,200 check from the International Longshore and Warehouse Union for the San Francisco Film Collective Kick-Off Party, held on December 1, 2011
- 2. \$75 check from Eventbrite from various donors for the San Francisco Film Collective Kick-Off Party, held on December 1, 2011

Sincerely,

Jennifer Matz, Director of Economic and Workforce Development







**MAYOR** 

#### CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF CHILD SUPPORT SERVICES

617 Mission Street, San Francisco, CA 94105-3503 Tel. (415) 356-2700 Child Support Automated Information System 1-866-901-3212



KAREN M. ROYE DIRECTOR

August 2, 2012

To:

Clerk of the Board of Supervisors

From: Karen M. Roye, Director

Department of Child Support Services

Subject: Annual Report on Gifts Received up to \$10,000 in Fiscal Year of 2011-2012

In accordance with Administrative Code Section 10.100-305, this memo serves to provide the Board of Supervisors with a report on gifts up to \$10,000 received by the Department during the fiscal year of 2011-2012:

Gift Description	Source	Value	Disposition
1. Food Donation	Noah's Bagels	\$100.00	Bagels were donated to the clients attending Child Support Services'
	·		events.
2. Drink Donation	Starbucks Coffee	\$180.00	Coffees were donated to the clients attending Child Support Services'
			events.

Total gifts received and spent by the Department of Child Support Services in fiscal year of 2011-2012 were \$280.00.



<u>To:</u> Cc: Bcc:

Subject: FY 11-12 Gift Donation Notification to Board

From: "Chin, Faye" < faye.chin@sfgov.org> Date: August 9, 2012 8:57:56 AM PDT

To: "Calvillo, Angela" <a href="mailto:angela.calvillo@sfgov.org">angela.calvillo@sfgov.org</a>

Subject: FW: FY 11-12 Gift Donation Notification to Board

Hi Angela:

Enclosed is the CSS' gift donation notification to the Board. If you need the original copy, please let me know where I should send.

Thanks!

Faye Chin

Department of Child Support Services

Tel: 415-356-2850



#### 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. 554-5227

#### **MEMORANDUM**

Date:

August 8, 2012

To:

Honorable Members, Board of Supervisors

From:

Angela Calvillo, Clerk of the Board

Subject:

APPOINTMENTS BY THE MAYOR

The Mayor has submitted appointments to the following bodies:

- Thomas R. Harrison, Recreation and Park Commission, term ending June 27, 2016
- Gloria Bonilla, Recreation and Park Commission, term ending June 27, 2016
- Meagan Levitan, Recreation and Park Commission, term ending June 27, 2016

Under the Board's Rules of Order Section 2.24, a Supervisor can request a hearing on an appointment by notifying the Clerk in writing.

Upon receipt of such notice, the Clerk shall refer the appointment to the Rules Committee so that the Board may consider the appointment and act within 30 days of the appointment as provided in Charter Section 3.100(18).

Please be advised that due to the legislative recess, the Board would have to consider the appointment(s), with the Board sitting as Committee of the Whole, on September 4, 2012, if a hearing is requested.

Please notify me in writing by <u>5:00 p.m. Monday, August 13, 2012,</u> if you would like to request a hearing on any of the above appointments.

Attachments

## Office of the Mayor san francisco



Orig: Rules Clark
C: 00B Bafile, cpaye
EDWIN M. LEE
MAYOR

August 7, 2012

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

Dear Ms. Calvillo,

Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointments:

Thomas R. Harrison to the Recreation and Park Commission, for a term ending June 27, 2016

Gloria Bonilla to the Recreation and Park Commission, for a term ending June 27, 2016

Meagan Levitan to the Recreation and Park Commission, for a term ending June 27, 2016

I am confident Mr. Harrison, Ms. Bonilla, and Ms. Levitan, all CCSF electors, will continue to serve the City and County well. Attached are their qualifications to serve, which will demonstrate how these appointments represent the communities of interest, neighborhoods, and diverse populations of San Francisco.

Should you have any questions related to these appointments, please contact my Director of Appointments, Nicole Wheaton, at (415) 554-7940.

Sincerely

Edwin M. Lee

Mayor

## Office of the Mayor san francisco



EDWIN M. LEE MAYOR

#### Notice of Appointment

August 7, 2012

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

Honorable Board of Supervisors:

Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointments:

Thomas R. Harrison to the Recreation and Park Commission, for a term ending June 27, 2016

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Meagan Levitan to the Recreation and Park Commission, for a term ending June 27, 2016

I am confident Mr. Harrison, Ms. Bonilla, and Ms. Levitan, all CCSF electors, will continue to serve the City and County well. Attached are their qualifications to serve, which will demonstrate how these appointments represent the communities of interest, neighborhoods, and diverse populations of San Francisco.

Should you have any questions related to these appointments, please contact my Director of Appointments, Nicole Wheaton, at (415) 554-7940.

Sincerely,

Edwin M. Lee

Mayor

#### Thomas R. Harrison 2440 Greenwich Street San Francisco, CA 94123 (415) 567-5887

#### Work Experience

1964 - Hired as an Assistant Gardener for the Recreation and Park Department of San Francisco.

1967- joined the Gardeners Union Local #311. After Local #311 merged with Local #261 I was appointed as Shop Steward for the Park Department Gardeners and became increasingly active with Local #261 participating in many of the negotiations with the city for our M.O.U.

1972- Promoted to Gardener for the Recreation and Park Department of San Francisco. During my tenure with Park and Recreation I served in a variety of department facilities including Japanese Tea Garden, Conservatory of Flowers, Big Rec Baseball Field, and at all five City owned Golf Courses.

1984- Promoted to Insecticide Spray Operator. In that position, I trained personnel in safe handling of pesticides, as well as, supervised its application in all five City owned and operated Golf Courses. I-was also a trouble-shooter for the irrigation system at Harding Golf Course. I requisitioned needed supplies, kept records, and made reports to the State of California and the Department on the chemicals used and of the spray control operations.

1988- Appointed as a Union Representative where my primary responsibilities were to attend to needs of the members in both construction and city divisions of Local #261.

1998- I was appointed as the Representative of city employee members of Local #261. I chaired the negotiating committee for the M.O.U. of 2001-2003 and 2003-2005 for Laborers and Gardeners working for the city.

2002- Promoted to Assistant Business Manager of Local #261. During this time I have appeared before many boards and commissions of San Francisco. I have also met and talked to many elected officials in Sacramento and Washington, D.C. in my capacity as the Assistant Business Manager for Local #261.

2004 - Appointed to the Park Commission to the City & County of San Francisco.

2005- Retired as a Union Representative, Assistant Manager from Laborers' Local #261.

2008 - Reappointed as a Special Assistant Manager to the Laborers' Local #261.

#### Education

Fall 1991- Attended the George Meany Center in Silver Springs, Maryland for a Union leadership course

April 1987- Attended University of California Cooperative at Davis for a short course in Occupation Health Effects of Pesticides

Fall 1984- Attended San Francisco City College evening course: Introduction to Supervision

Spring 1984- Attended San Francisco City College evening courses in Labor Studies: American Labor Movement

November 1983- Attended San Francisco City College evening courses in Labor Studies: Parliamentary Procedure

October 1983- Attended San Francisco City College evening courses in Labor Studies: Steward Training

Fall 1983- Attended San Francisco City College evening courses in Labor Studies: Public Sector Labor Relations

1961- Graduated George Washington High School

#### Special Achievements

- 2002- Elected as Chairperson of the Public Employee Committee of the San Francisco Labor Council
- 2002- Appointed Assistant Business Manager of Local #261
- 2002- Elected as Recording Secretary of Local #261
  2001- Elected as President of L.I.U.N.A. Public Employee District Council of the Pacific Southwest Region
- 1999- Elected Recording Secretary of Local #261
- 1998- Appointed Union Representative of Local #261
- 1996- Elected Delegate to Northern California District Council of Laborers
- 1994- Acquired a California State Agricultural Pest Control Advisors License
- 1993- Elected Delegate to Northern California District Council of Laborers
- 1991- Elected Delegate to L.I.U.N.A. International Convention
- 1990- Elected President of Laborers Local #261
- 1988- Appointed Union Representative of Local #261
- 1987- Elected Recording Secretary of Laborers Union Local #261
- 1986- Elected as Delegate to the Laborers International Convention
- 1986- President of St. Vincent de Paul Parish Men's Club-2 years
- 1985- Member of Recreation and Park Department's Safety Committee-Golf Division
- 1984- Appointed Delegate to the San Francisco Labor Council
- 1984- 86 Recording Secretary of St. Vincent de Paul Parish Men's Club-2 terms
- 1984- Elected Vice-President of the Laborers Union Local #261
- 1983- Appointed Chief Shop Steward for City Gardeners
- 1982- Certified from the State of California for a Commercial Applicator Spray License

- 1981- Elected to the Public Employees Service Council of the Laborers Union
- 1981- 82- Member of Recreation and Park Department Morale Committee
- 1978- Elected to the Public Employees Service Council of the Laborers Union
- 1968- Appointed as a Shop Steward for the City Gardeners
- 1966- Participated in Job Training and Development Program
- 1965- Attended basic in-service training program

#### Personal Evaluation

I am a native San Franciscan and am very proud to have been in public service to the citizens of San Francisco during my years as gardener. I am equally proud to be a Union Representative and to have served the members of the Laborers Union in many capacities.

If appointed to a board or commission of the City and County of San Francisco I would tirelessly dedicate myself to the job at hand. I would work to educate myself in the rules, policies, and practices of the task at hand, and to faithfully work for the improvement of the department to which I may be appointed.

I believe I have the necessary communication skills, commitment, and dedication needed for such an important appointment. I would be greatly honored to be asked to serve the people of San Francisco.

Additionally, after having four years on the Recreation and Park Department Commission, I have learned about the many needs of the department and the desires of the people of San Francisco to have clean, safe, and usable open space. I believe I have had a positive influence to that end

#### GLORIA BONILLA - RESUME

#### Work Experience

1985 - Present, Executive Director of Centro Latino de San Francisco Inc.

A multipurpose non-profit community center that addresses the essential needs of low-income at-risk seniors, seniors, youth and families. Initiated and administered the agency's ESL/Citizenship programs since 1992.

1978 - 1985, Director at Urban Development CYO

Responsible for the development and implementation of youth and seniors divisions. Types of programs administered during my tenure include, but are not limited, to the following: Year round and summer employment training for youth, 14-21 years of age; Daycare program for elementary school age children; An after school recreation and sports program for teens; and a comprehensive nutrition, education, transportation, and social daycare program for seniors.

1981 – 1985, Community School Director at Mount Diablo Unified School District

Responsible for the development and implementation of in-school and after-school education, recreation, and cultural programs for parents and their children.

1977 – 1981, Co-Director at the Community of Outer Mission Organization

Administrative responsibilities to aide community persons in organizing for city services and being actively involved in the decision-making process of government.

1976 – 1977, Teacher/Counselor at La Familia Center, San Rafael, CA

Teacher of English as a second language to 10 women in a low-cost housing area and counselor regarding referral services.

#### Civic Activities

- Board member California Minority Aging Coalition
- Vice-President of Mission Armory Foundation
- Director, San Francisco Giants Fund
- UCSF Long Range Development Plan Advisory Board Member

#### Awards & Recognition

- Certificate of Appreciation, CA-NV Youth Speakers program "Today's Youth Why the Violence?" 1993-1994
- Certificate of Honor, City and County of San Francisco, in public recognition of work of distinction and merit
- Certificate of Honor, BART, for outstanding contribution to the Hispanic Community, 1984
- Certificate of Appreciation, UCSF member of community outreach program

#### Education

- University of San Francisco, B.A., Government, May 1977
- Diablo Valley College, Pleasant Hill, CA, Certificate in Government, 1973-1974
- Novato Human Needs Center, Novato, CA, Child Abuse Counseling course 6 weeks, 1976

#### Meagan Levitan 8 Seventh Avenue San Francisco, CA 94118 415.221.0356 meaganlevitan@yahoo.com

#### Professional:

Hill & Co. Real Estate (2004-present)

• Residential real estate agent.

Meagan Levitan Public Relations/Public Affairs (2001-2004)

- Consultant for Bay Area organizations that want to improve and increase their standing in the community through local media and community outreach. Clients include:
  - California Academy of Sciences: Created first Community
    Advisory Group consisting of a diverse group of 22 San Francisco
    community leaders (representing education, business,
    environment, transportation and planning interests), with whose
    help the Academy secured unanimous approval of its
    retrofit/remodel-project in Golden Gate Park; assist the Academy
    with issues related to the Concourse Authority and
    implementation of Proposition J.
  - Carmel Partners/The Villas Parkmerced: Currently assisting Parkmerced with its commitment to build a new school for the Montessori Children's Center following an attempt to evict the program from the Parkmerced property and ensuring favorable publicity follows the school's construction; assisting Parkmerced with its first-ever community giving program, which resulted in Parkmerced receiving a Philanthropy in Business Award from the San Francisco Business Times for the past two years; initiated Parkmerced's first community garden with the help of SLUG (San Francisco League of Urban Gardeners) and Parkmerced residents; write and edit quarterly newsletter.
  - Plan C: Conceived, designed and raised funds for slate mailer for the 2003 November election.

California Academy of Sciences: Manager, Public Relations and Community Affairs (1997-2000)

- Managed all publicity and media outreach with a staff of two for Academy's public exhibitions as well as ongoing Academy environmental research projects.
- Served as institution spokesperson
- Managed all internal and external communications

- Created the Academy's first Cultural Diversity committee to increase outreach to the City and Bay Area's ethnic communities.
- Created the Academy's Cultural Diversity Celebration program.
- Served as liaison between the Academy and local elected and civic officials.

Solem and Associates: Account Executive (1996-1997)

 Secured unanimous approval by the San Francisco Planning Commission for the opening of a Charles Schwab branch office on West Portal Avenue.

Office of Mayor Frank Jordan: Community Liaison, Office of Business and Community Services (1993-1996)

- Served as liaison to the Marina and Mission Districts.
- Worked with constituents on quality of life issues and specialized in public safety, parking and traffic, small business, public works and recreation and parks.

Office of Mayor Art Agnos: Officer, Office of Protocol (1989-1991)

Worked under then-Chief of Protocol Charlotte Mailliard Swig to assist
the City's Consular Corps and international community, including
greeting of foreign dignitaries and heads of state; coordinated major civic
celebrations including Fleet Week, 49er's Super Bowl Victory parades
and the reopening of the Bay Bridge following the 1989 Loma Prieta
earthquake.

#### Political Activity:

Elected Member, San Francisco Democratic County Central Committee

- Elected in 1998 and 2000 from the 13th Assembly District
- Elected in 2002 and 2004 from the 12<sup>th</sup> Assembly District

Candidate, San Francisco Board of Supervisors, 2000 (District 3)

• Placed third in a field of eight candidates.

Candidate, San Francisco Board of Education, 1996

• Ran citywide in a field of 12 candidates, garnering nearly 40,000 votes.

#### Community:

Union Street Association: Board member (2001-present)

Columnist, Marina Times (2003-present)

Neighborhood Parks Council: Board member (2001-2004)

Neighborhood Theater Foundation: Board member (2002-present)

Golden Gate Valley Neighborhood Association: Board member (1994-2004)

North Beach Neighbors: Board member (2001-2004)

North Beach Citizens Homeless Program: Board member (2001-2004)

Jewish Vocational Services: Board member (1999-2004)

Robert F. Kennedy Democratic Club: President (1997-2004)

World Affairs Council: board member (2000-2003)

Friends of Fay Park (Russian Hill), Steering Committee (2000-2003)

St. Vincent de Paul Society: Member, Development Council (2001-2003)

Stanford Women's Club of San Francisco: board member (1997-2001)

Presidio Historical Association: board member (1994 to 1998)

Legal Assistance for the Elderly: board member (1994-1996)

Co-Chair, 2003 San Francisco Beautiful annual dinner

Luncheon Committee Member for San Francisco Organizing Project (SFOP) 20<sup>th</sup> Anniversary celebration (2003)

Co-Chair, Little Sisters of the Poor Red Tie Gala (2001)

Dinner Chair, 2000/2001 Chinese American Voter Education Committee (CAVEC)

Dinner Co-Chair, 2000 American Ireland Fund dinner

University of California at Berkeley/Osher Family Incentive Awards Committee: Member, selection committee 1994-1999.

Active fundraiser for Stanford University, Convent of the Sacred Heart High School and the American Ireland Fund

#### Personal:

B.A., Art History, Stanford University (1987)

• Languages spoken: French, Italian, Spanish and (some) German.

Married to Dale Carlson; one child (Jacqueline).

President, Board of Supervisors District 3 第三區 市參事會主席



City and County of San Francisco 三藩市市及縣政府 Bos-II COB 3 Dej Rulas CA C Dega

DAVID CHIU 邱信福

RECEIVED
SOARD OF SUPERVISORS
SAN FRANCISCO
2012 AUG -8 PM 4: 34

Jay Huish San Francisco Employee Retirement System 30 Van Ness Avenue, Suite 3000 San Francisco, CA 94102

August 8, 2012

Dear Jay,

This letter supersedes my letter of August 7, 2012. I rescind my appointment of myself to the Retirement Board. I look forward to appointing one of my colleagues to the Retirement Board soon to fill the remainder of Supervisor Elsbernd's term.

Please do not hesitate to contact me with any questions.

Sincerely,

Varid Chris

David Chiu

cc: Angela Calvillo, Clerk, San Francisco Board of Supervisors

President, Board of Supervisors
District 3
第三區
市參事會主席



**DAVID CHIU** 邱信福 BOS-11 COB, 3 Deputies Rules Clark, aty attry cpage City and County of San Francisco 三藩市市及縣政府



Jay Huish San Francisco Employee Retirement System 30 Van Ness Avenue, Suite 3000 San Francisco, CA 94102

August 7, 2012

Dear Jay,

As you know, Supervisor Sean Elsbernd recently resigned from the San Francisco Retirement Board. Pursuant to San Francisco Charter Section 12.100, I will appoint myself to the Retirement Board for the remainder of his term.

Please do not hesitate to contact me with any questions.

Sincerely,

David Chiu

Daviel Chin

cc: Angela Calvillo, Clerk, San Francisco Board of Supervisors

# OFFICE OF THE MAYOR SAN FRANCISCO



buig: Cpage c: BOS-M, 10B 3 Deputies, CA, Mayor Directive File EDWIN M. LEE MAYOR

August 2, 2012

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

Dear Ms. Calvillo,

Pursuant to Charter Section 3.100, I hereby designate Supervisor Jane Kim as Acting-Mayor from the time I leave the State of California on Friday, August 3 at 9:28 pm, until I return on Sunday, August 5 at 4:13pm.

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

Sincerely.

Mayor

cc: Mr. Dennis Herrera, City Attorney



Issued: Department of Public Works: Webcor Generally Complies With Progress Payment Requirements, but Should Improve Internal Guidelines to Ensure Accuracy and Completeness. Reports, Controller

to:

Calvillo, Angela, Nevin, Peggy, BOS-Supervisors, BOS-Legislative Aides, Kawa, Steve, Howard, Kate, Falvey, Christine, Elliott, Jason, Campbell, Severin, Newman, Debra, 'sfdocs@sfpl.info', 'gmetcalf@spur.org', CON-Media Contact, 'ggiubbini@sftc.org', CON-EVERYONE, CON-CCSF Dept Heads, CON-Finance Officers, Nuru, Mohammed, Alameida, Ronald, Lopez, Edgar, Carlson, Robert

07/30/2012 01:47 PM

Sent by:

"Chapin-Rienzo, Shanda" <shanda.chapin-rienzo@sfgov.org>

Cc

"ttaylor@webcor.com", "tolga@webcor.com"

Hide Details

From: "Reports, Controller" <controller.reports@sfgov.org> Sort List...

To: "Calvillo, Angela" <angela.calvillo@sfgov.org>, "Nevin, Peggy" <peggy.nevin@sfgov.org>, BOS-Supervisors <bos-supervisors.bp2ln@sfgov.microsoftonline.com>, BOS-Legislative Aides <bos-legislativeaides.bp2ln@sfgov.microsoftonline.com>, "Kawa, Steve" <steve.kawa@sfgov.org>, "Howard, Kate" <kate.howard@sfgov.org>, "Falvey, Christine" <christine.falvey@sfgov.org>, "Elliott, Jason" <jason.elliott@sfgov.org>, "Campbell, Severin" <severin.campbell@sfgov.org>, "Newman, Debra" <debra.newman@sfgov.org>, "Isfdocs@sfpl.info" <sfdocs@sfpl.info>, "Igmetcalf@spur.org" <gmetcalf@spur.org" <gmetcalf@spur.org>, CON-Media Contact <conmediacontact.bp2ln@sfgov.microsoftonline.com>, "Iggiubbini@sftc.org" <ggiubbini@sftc.org>, CON-EVERYONE <con-everyone.bp2ln@sfgov.microsoftonline.com>, CON-CCSF Dept Heads <con-ccsfdeptheads.bp2ln@sfgov.microsoftonline.com>, CON-Finance Officers <confinanceofficers.bp2ln@sfgov.microsoftonline.com>, "Nuru, Mohammed" <mohammed.nuru@sfdpw.org>, "Alameida, Ronald" <ronald.alameida@sfdpw.org>, "Lopez, Edgar" <edgar.lopez@sfdpw.org>, "Carlson, Robert" <robert.carlson@sfdpw.org>, Cc: "ttaylor@webcor.com" <ttaylor@webcor.com> <to>tolga@webcor.com' <tolga@webcor.com> Sent by: "Chapin-Rienzo, Shanda" <shanda.chapin-rienzo@sfgov.org>

The Office of the Controller's City Services Auditor Division (CSA) today issued a report on the Department of Public Works contract with Webcor Construction, LP dba Webcor Builders (Webcor), the construction manager/general contractor for the rebuilding of San Francisco General Hospital & Trauma Center's Main Hospital building. The audit found that:

- Webcor generally complies with monthly progress payment application requirements but submits the applications one week later than specified in the contract.
- Webcor's progress payment guidelines do not ensure accurate and complete subcontractor billing submittals.
- Webcor's written payment application procedures are incomplete.

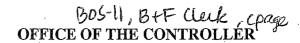
To view the full report, please visit our website at: <a href="http://co.sfgov.org/webreports/details.aspx?id=1456">http://co.sfgov.org/webreports/details.aspx?id=1456</a>

This is a send-only email address.

For questions about the report, please contact Director of City Audits Tonia Lediju at <u>Tonia, Lediju@sfgov.org</u> or 415-554-5393, or the CSA Audits unit at 415-554-7469.

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







# MEMORANDUM

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2012 JUL 30 AH 9: 36

TO:

Angela Calvillo, Clerk

Board of Supervisors

FROM:

Monique Zmuda, Deputy Controller

DATE:

July 26, 2012

**SUBJECT:** 

Adjustment to Correct a Clerical Error in the Annual Appropriation

Ordinance for Fiscal Year Ending June 30, 2013 and Fiscal Year

Ending June 30, 2014

Pursuant to Section 22 of the Administrative Provisions of the Annual Appropriation Ordinance for the Fiscal Year ending June 30, 2013 and Fiscal Year ending June 30, 2014, this memorandum informs you of an adjustment the Controller has made to correct a clerical error in the Annual Budget as adopted by the Board of Supervisors:

Department: General City Responsibility

**Subfund:** 1G-AGF-AAA-GF-Non-Project-Controlled **Expenditure Character:** 021 Non Personnel Services

	FY 2012-13	FY 2013-14
<b>Prior Approved Amount</b>	\$ 11,956,278	\$ 10,742,278
Adjusted Amount	\$ 11,910,074	\$ 10,694,679
Change	\$ (46,204)	\$ (47,599)

The purpose of this change was to offset minor impacts of other technical adjustments to ensure that sources and uses for the 1G-AGF-AAA subfund are balanced. This does not change the overall size of the FY 2012-13 and FY 2013-14 budgets as approved by the Board of Supervisors.





<u>To:</u> Cc:

Bcc:

Subject: Fw: BLA Report: Formula Retail

Angela Calvillo

--- Forwarded by Angela Calvillo/BOS/SFGOV...

07/27/2012 01:13:28 PM

From:

Fred Brousseau/BudgetAnalyst/SFGOV

To:

Eric L Mar/BOS/SFGOV@SFGOV, Mark Farrell/BOS/SFGOV@SFGOV, David Chiu/BOS/SFGOV@SFGOV, Carmen Chu/BOS/SFGOV@SFGOV, Christina Olague/BOS/SFGOV@SFGOV, Jane Kim/BOS/SFGOV@SFGOV, Sean Elsbernd/BOS/SFGOV@SFGOV, David Campos/BOS/SFGOV@SFGOV, Scott Wiener/BOS/SFGOV@SFGOV, Malia Cohen/BOS/SFGOV@SFGOV, John

Avalos/BOS/SFGOV@SFGOV

Cc:

Nickolas Pagoulatos/BOS/SFGOV@SFGOV, "nick pagoulatos"

<nickpagoulatossfgov@gmail.com>, Victor Lim/BOS/SFGOV@SFGOV, Angela Calvillo/BOS/SFGOV@SFGOV, Victor Young/BOS/SFGOV@SFGOV, Cheryl Adams/CTYATT@CTYATT, Rick Caldeira/BOS/SFGOV@SFGOV, Kate

Howard/MAYOR/SFGOV@SFGOV, Ben.Rosenfield@sfgov.microsoftonline.com, Monique.Zmuda@sfgov.microsoftonline.com, Debbie.Toy@sfgov.microsoftonline.com, Maura.Lane@sfgov.microsoftonline.com, Jonathan.Lyens@sfgov.microsoftonline.com, Jason

Elliott/MAYOR/SFGOV@SFGOV, Ted.Egan@sfgov.microsoftonline.com, Harvey Rose/BudgetAnalyst/SFGOV@SFGOV, Marisa Rimland Flower/BudgetAnalyst/SFGOV@SFGOV, Catherine Stefani/BOS/SFGOV@SFGOV, Margaux Kelly/BOS/SFGOV@SFGOV, Judson

True/BOS/SFGOV@SFGOV, Catherine Rauschuber/BOS/SFGOV@SFGOV, Amy

Chan/BOS/SFGOV@SFGOV, Katy Tang/BOS/SFGOV@SFGOV, Cammy

Blackstone/BOS/SFGOV@SFGOV, Matthias Mormino/BOS/SFGOV@SFGOV, April Veneracion/BOS/SFGOV@SFGOV, Alexander Volberding/BOS/SFGOV@SFGOV, Olivia

Scanlon/BOS/SFGOV@SFGOV, Adam Taylor/BOS/SFGOV@SFGOV, Andres Power/BOS/SFGOV@SFGOV, Sheila Chung Hagen/BOS/SFGOV@SFGOV, Hillary Ronen/BOS/SFGOV@SFGOV, Megan Hamilton/BOS/SFGOV@SFGOV, Andrea Bruss/BOS/SFGOV@SFGOV, Raquel Redondiez/BOS/SFGOV@SFGOV, Frances

Hsieh/BOS/SFGOV@SFGOV, Judy B/BOS/SFGOV@SFGOV, Chris

Durazo/BOS/SFGOV@SFGOV, Dominica Henderson/BOS/SFGOV@SFGOV

Date:

07/27/2012 10:20 AM

Subject:

**BLA Report: Formula Retail** 

The Budget and Legislative Analyst's report, the Possible Impacts of Formula Retail on Fresh Food Businesses, prepared at the request of Supervisor Mar, is attached.

Fred Brousseau Budget and Legislative Analyst's Office 1390 Market Street, Suite 1150 San Francisco, CA 94102

Direct: (415) 553-4627 Office: (415) 552-9292

Fax: (415) 252-0461[attachment "BLA.FormulaRetail.072512.pdf" deleted by Rick Caldeira/BOS/SFGOV]



BLA.FormulaRetail.072512.pdf

## CITY AND COUNTY OF SAN FRANCISCO BOARD OF SUPERVISORS

#### BUDGET AND LEGISLATIVE ANALYST

1390 Market Street, Suite 1150, San Francisco, CA 94102 (415) 552-9292 FAX (415) 252-0461

#### LEGISLATIVE ANALYST REPORT

To:

Supervisor Mar

From:

**Budget and Legislative Analyst** 

Date:

July 25, 2012

Re:

Possible Impacts of Formula Retail on Fresh Food Businesses (Project 110150.1)

#### SUMMARY OF REQUESTED ACTION

Pursuant to your request, the Budget and Legislative Analyst has analyzed the possible impact on local businesses of a large formula retail store<sup>1</sup> selling fresh food opening in the City. Specifically, you requested that this analysis address: 1) labor standards and prices among different segments of the retail grocery industry; and, 2) the impact of a fresh food formula retail business that controls 20 percent or more of market share on: a) small businesses and jobs; b) total square footage of fresh food retail space; c) supportive industries; d) cost of fresh produce available; and, e) health impacts on consumers and workers. You requested that similar studies conducted in other cities be reviewed and applied to this analysis, as appropriate, and that the results be presented by Supervisorial District, if possible.

### EXECUTIVE SUMMARY

- Regarding variations in labor standards among the different segments of the fresh food industry, San Francisco has three labor laws with which all employers within San Francisco must comply: (a) the Health Care Security Ordinance, (b) the Paid Sick Leave Ordinance, and (c) the Minimum Wage Ordinance. These three laws would apply to any formula retail stores which are presently open or any new formula retail stores which may open.
- According to data provided by the San Francisco Department of Public Health (DPH), there are currently a total of 1,144 retail establishments that sell fresh food in the City. Retail food establishments comprise several different types of enterprises, including grocery stores, formula retail drug stores, small convenience stores and food specialty stores. The majority of establishments are small businesses, with 5,000 square feet or less and 1-4 employees each. A review of the retail food establishments by Supervisorial

<sup>&</sup>lt;sup>1</sup> According to Planning Code Section 703.3(b), formula retail is defined as a type of retail sales activity or retail sales establishment, operating eleven or more retail sales establishments located in the United states, and which maintains two or more of the following characteristics: (a) a standardized array of merchandise in which 50 percent or more of in-stock merchandise is from a single distributor bearing uniform markings; (b) a standardized face or front of a building; (c) a standardized décor and color scheme; (d) a standardized uniform; (e) a standardized business sign; (f) a trademark which distinguishes the source of goods from one party from those of others; or, (g) a servicemark which distinguishes the source of a service from those of others.

District shows that Districts 3 and 6 have the largest number of small retail fresh food establishments in the City.

- In San Francisco, the approximately 8,298 employees who work in retail food establishments likely to carry fresh food have average annual wages varying between \$16,476 at convenience stores to \$29,178 at supermarkets and other grocery stores.
- Of the 1,144 reported retail food establishments currently operating in San Francisco, 952 are classified by the Budget and Legislative Analyst, using Planning Code definitions, as non-formula retail establishments with the other 192 classified as formula retail establishments. The 952 non-formula retail food establishments are primarily small operations, with an average of 3,007 square feet each. Larger retail food establishments, which have in excess of 10,000 square feet, are largely formula retail businesses.
- The Budget and Legislative Analyst's report and conclusions on the potential impact of the opening of a large formula retail store of at least 80,000 square feet in the City on the City's current retail food establishment infrastructure relies on methods initially employed by two previous studies. The first study, completed in December, 2009, assessed a new Walmart's impact on local businesses after its opening in the City of Chicago<sup>2</sup>. The second study<sup>3</sup>, published in November 2011, assessed the impact on smaller non-formula retailers selling fresh food within a one-mile radius of a proposed Walmart site in New York City's Harlem district, using methodologies developed by the 2009 Chicago study.
- The Budget and Legislative Analyst cautions that the methods employed in this analysis replicate two previous studies that analyzed the impact of Walmart stores only. However, our report is not analyzing Walmart exclusively but is instead considering the impact of any large formula retail fresh food store opening within San Francisco. Given the varying marketing and pricing structures of different formula retail entities, the economic impact of a formula retail store other than Walmart may vary from the conclusions drawn in this report.
- The available data has limitations, including a lack of specificity on inventory at the existing retail food establishments (whether fresh food is sold). In addition, given the absence of a specific store site for this analysis, the resulting estimated reductions in square footage of existing small retail food establishments could not be geographically pinpointed and price and health impacts on consumers and employees could not be determined with available data. The estimated reduction in existing small retail food establishment square footage was determined for the City in aggregate. However, given the City's relatively small size (approximately seven miles by seven miles), the Budget

<sup>&</sup>lt;sup>2</sup> "The Impact of an Urban Wal-Mart Store on Area Businesses: An Evaluation of One Chicago Neighborhood's Experience" by Julie Davis, David Merriman, Lucia Samayoa, Brian Flanagan, Ron Baiman, and Joe Persky, December 2009.

<sup>&</sup>lt;sup>3</sup> "Food For Thought: A Case Study of Walmart's Impact on Harlem's Healthy Food Retail Landscape", Office of the Manhattan Borough President, Scott M. Stringer, November, 2011.

and Legislative Analyst concludes, based on the results of previous studies on this topic in Chicago and New York, that some impact would be felt in most areas of the City should a large formula retail store open anywhere within the City's geographic boundaries.

- Using the calculation of square footage reduction employed in the Chicago and New York studies, if a large formula retail store opened in a central location in San Francisco, an estimated 195 small non-formula retail food establishments, averaging 2,500 square feet each, would be closed after one year of the opening of a new large formula retail food establishment. The closing of an estimated 195 small non-formula retail food establishments would result in the estimated reduction of between 195 and 780 jobs in the first year after the new large formula retail food establishment's opening. Two years after the opening of a large formula retail food establishment, the cumulative impact would be the closure of an estimated 321 small non-formula retail food establishments of 2,500 square feet each, representing an estimated reduction of between 321 and 1,284 jobs. The Budget and Legislative Analyst did not estimate the number of new jobs that would be created if a large formula retail food establishment opened in the City or how many of those jobs would likely be filled by employees of the current smaller establishments.
- As a policy option for consideration, the Board of Supervisors could amend the City's Planning Code to require an assessment by the Planning Department or the Controller's Office of Economic Analysis of the economic impact of large formula retail establishments locating in the City, as part of the criteria by which retail formula uses are considered in the discretionary review process. Currently, the review criteria specified in the Planning Code requires consideration of the following factors for proposed formula retail uses in Neighborhood Commercial Districts: existing concentration of formula retail uses; availability of other similar retail uses; compatibility with existing architectural and aesthetic character; retail vacancy rates; and, the existing mix of Citywide-serving retail uses and neighborhood-serving uses.

#### SAN FRANCISCO LABOR AND EMPLOYEE HEALTH STANDARDS

Pursuant to your request regarding data on labor standards among different segments of the grocery industry, below is a summary of San Francisco labor and employee health standards. The labor standards which currently exist in the City would likely help shield employees from potential wage and health care impacts if a new formula retailer with relatively lower wage and health care coverage were to locate in San Francisco. San Francisco has three labor laws which apply to all employers performing work within San Francisco: (a) the Health Care Security Ordinance, (b) the Paid Sick Leave Ordinance, and (c) the Minimum Wage Ordinance. These three laws also apply to any formula retail store in business within the City or any new establishments that may open.

The Health Care Security Ordinance<sup>4</sup> mandates that all for-profit employers<sup>5,6</sup> which average 20 or more employees during a quarter must spend a minimum amount of money each quarter on their employees' health care by whatever avenue the employer chooses, including by providing private health insurance or through participation in the City's Healthy San Francisco program. These mandated expenditures vary by the size of the employer, with small employers of less than 20 employees exempt from the ordinance. As shown in Table 1 below, large employers (100 or more employees) are required to contribute \$2.20 for every hour of work per employee and medium employers (20-99 employers) are required to contribute \$1.46 for every hour of work per employee.

Table 1: Health Care Security Ordinance Expenditure Rates from 2010-2012

Business Size	2010	2011	2012		
Large (100+ employees)	\$1.96 per hour	\$2.06 per hour	\$2.20 per hour		
Medium (20-99 employees)	\$1.17 per hour	\$1.37 per hour	\$1.46 per hour		
Small (1-19 employees)	Employers with less that	n 20 employees are exem	pt from the Health Care		
	Security Ordinance.				

Source: Office of Labor Standards Enforcement

The Minimum Wage Ordinance<sup>7</sup> requires that all employees who work in San Francisco more than two hours per week, including part-time and temporary employees, are entitled to receive the San Francisco minimum wage. The City adjusts the minimum wage annually based on increases in the regional Consumer Price Index (CPI). As shown in Table 2, below, the current minimum wage in San Francisco is \$10.24 per hour.

Table 2: San Francisco Minimum Wage Hourly Rates From 2010-2012

Year	Minimum Wage Hourly Rate
2010	\$9.79 per hour
2011	\$9.92 per hour
2012	\$10.24 per hour

Source: Office of Labor Standards Enforcement

The Paid Sick Leave Ordinance<sup>8</sup> requires that all employees who work in the City are entitled to paid time off from work when they are sick or in need of medical care, and to take care of family members or significant others when sick or in need of medical care. For every 30 hours worked, an employee accrues one hour of paid sick leave. Paid sick leave began to accrue on February 5,

<sup>&</sup>lt;sup>4</sup> San Francisco Administrative Code, Chapter 14.

<sup>&</sup>lt;sup>5</sup> Employers located in federal enclaves such as the Presidio, Fort Mason and the entire Golden Gate National Recreation Area are exempt from the Health Care Security Ordinance.

<sup>&</sup>lt;sup>6</sup> Non-profit organizations with fewer than fifty employees are exempt from the Health Care Security Ordinance.

<sup>&</sup>lt;sup>7</sup> San Francisco Administrative Code Chapter 12R.

<sup>&</sup>lt;sup>8</sup> San Francisco Administrative Code Chapter 12W.

2007 for employees working for an employer on or before that date. For employees hired after February 5, 2007, paid sick leave begins to accrue 90 calendar days after commencement of employment. Accrued paid sick leave carries over from year to year. As shown in Table 3 below, the maximum number of hours of paid sick leave an employee may accrue varies by size of the business which employs them.

Table 3: San Francisco Paid Sick Leave Accrual Limits

Business Size	Maximum Number of Hours of Accrued Paid Sick Leave Allowed
Employers with 10 or more employees	72
Employers with less than 10 employees	40

Source: Office of Labor Standards Enforcement

### SAN FRANCISCO RETAIL FOOD ESTABLISHMENTS

According to data provided by the San Francisco Department of Public Health (DPH)<sup>9</sup>, there are currently a total of 1,144 retail establishments that sell fresh food in the City. This excludes establishments that prepare food for consumption on premises such as restaurants and cafes but includes formula retail<sup>10</sup> and independent grocery stores and drug stores, small convenience stores (both chain stores and single establishment businesses) and food specialty stores such as meat and fish markets. Grocery stores and liquor stores that sell prepared food are included in this count.

These retail food establishments are categorized by DPH according to the individual establishment's square footage and whether or not food is prepared on site. For this analysis, the Budget and Legislative Analyst retained DPH's stratification by square footage but did not distinguish establishments based on whether or not food was prepared on site.

While this report is focused on retail establishments that carry fresh food (e.g., fruits and vegetables), given the data limitations and lack of available data on each establishment's specific inventory, there may be some establishments included within this data source that don't actually carry fresh food or some establishments excluded that do sell fresh food. Table 4 below summarizes these retail establishments by square footage using data obtained from the Department of Elections to simultaneously categorize retail food establishments' locations by Supervisorial District.

<sup>&</sup>lt;sup>9</sup> The data provided by DPH was extracted from DPH's Environmental Health database which tracks and manages activities related to environmental health. Activities tracked in the Environmental Health database include housing, tattoo parlors, and food establishment reporting and violations. DPH's Retail Food Safety Program monitors compliance of local and state food safety regulations in restaurants, food markets, and other retail food operations.

<sup>&</sup>lt;sup>10</sup> According to Planning Code Section 703.3(b), formula retail is defined as a type of retail sales activity or retail sales establishment with eleven or more retail sales establishments located in the United states, which maintains two or more of the following characteristics: (a) a standardized array of merchandise in which 50 percent or more of instock merchandise is from a single distributor bearing uniform markings; (b) a standardized face or front of a building; (c) a standardized décor and color scheme; (d) a standardized uniform; (e) a standardized business sign; (f) a trademark which distinguishes the source of goods from one party from those of others; or, (g) a servicemark which distinguishes the source of a service from those of others.

Though there are some variations between Supervisorial Districts, Table 4 shows a fairly similar mix of retail fresh food establishments in each District. The majority of establishments are small businesses, with 5,000 or fewer square feet. Districts 3 and 6 have the largest number of small retail fresh food establishments of that size. All Supervisorial Districts have a mix of establishments greater than 5,000 square feet, including at least one large establishment of 20,000 square feet or more in each District. The greatest concentration of these larger establishments is in District 6. Only 31 retail food establishments in the City are larger than 20,000 square feet.

Table 4: San Francisco Retail Fresh Food Establishments by Size and Supervisorial District, 2012

Supervisorial District	Less than 5,000 square feet	5,001 to 10,000 square feet	10,001 to 20,000 square feet	Greater than 20,000 square feet	Total
1	78	2	. 3	2	85
2	-53	4	2	3	62
3	291	7	12	4	314
4	43	4	1	1	49
5	77	8	5:	. 3	93
6	175	9.	13	9	206
7	39	4	. 5	4	52
8	47	7	1	2	57
9	84	8	5	1	98
10	61	4	4	1	70
11	50	3	4	1	58
	998	.60	55	31	1,144

Source: Department of Public Health and Department of Elections

### SAN FRANCISCO FORMULA RETAIL FRESH FOOD ESTABLISHMENTS

Table 5 below summarizes just formula retail fresh food establishments located within the City, a subset of the retail fresh food establishments summarized above in Table 4. Similar to the larger retail fresh food establishment data described above in aggregate, there is a mix of all sized establishments in most Supervisorial Districts. Mirroring the pattern for all retail food establishments in the City, the majority of formula retail establishments are 5,000 square feet or less, and the greatest number of establishments are found in Supervisorial Districts 3 and 6.

The data in Table 5 also shows that formula retail establishments comprise only 16.8 percent of all retail food establishments in the City. However, the distribution of formula retail establishments by size shows that the majority of the larger establishments (those greater than

10,000 square feet) are formula retail whereas most of the smaller establishments (those up to 10,000 square feet) are not formula retail.

Table 5: San Francisco Formula Retail Fresh Food Establishments by Size and Supervisorial District, 2012

Supervisorial District	Less than 5,000 square feet	5,001 to 10,000 square feet	10,001 to 20,000 square feet	Greater than 20,000 square feet	Total
1	7	2	2 .	2	13
2	12	4	2	2	20
3	18	1	12	4	35
4	4	2	0	1	7
5	5	4	1	.3	13
6	27	6	10	5	48
7	12	2	4	3	21
8	3	4	1	2	10
9	4	3	2	1 .	10
10	5	0	4	1	10
11	2	0	2	1	5
Total Formula	99	28	40	25	192
Total All	998	60	55	31	1,144
% Formula	9.9%	46.7%	72.7%	80.7%	16.8%

Source: Department of Public Health and Department of Elections

### SAN FRANCISCO RETAIL FOOD ESTABLISHMENT EMPLOYMENT

The City's retail food establishments can be broken up into several categories. Since employment data for just San Francisco was not available through a City department source or federal statistics<sup>11</sup>, data was obtained from the California Employment Development Department (EDD) to provide an overall profile of the labor market for retail food establishments which carry fresh food within the City. In order to best approximate employment in retail establishments that carry fresh food, the Budget and Legislative Analyst chose the following industry categories available through EDD that are assumed to be most likely to carry fresh food:

<sup>&</sup>lt;sup>11</sup> The Federal Bureau of Labor Statistics does report number of jobs by classification and industry but for the San Francisco region only and not just for the City and County of San Francisco. On that basis, the Budget and Legislative Analyst chose to use California Employment Development Department (EDD) data, which does report jobs by industry for the City and County of San Francisco. EDD wages are aggregated by industry segment and do not distinguish between individual job classifications within the segment.

1) Supermarkets and grocery stores; 2) Convenience stores; 3) Specialty food stores; and, 4) Fruit and vegetable markets.

According to the California Employment Development Department, there were 39,969 employees in 2010 (the most recent year for which this data is available) who worked in retail establishments in the City. Of those 39,969 employees, as shown in Table 6 below, 8,298 employees, or 20.8 percent of all retail establishment employees in the City, worked in retail establishments likely to carry fresh food. The average annual wages for those employees ranged from \$16,476 at convenience stores to \$29,178 at supermarkets and other grocery stores. While number of hours worked and average hourly wage by industry was not available by type of establishment from EDD, the State agency reports that the median hourly rate of salespersons in all types of retail businesses in the City was \$11.71 per hour in 2011 and the median hourly rate of cashiers in all types of retail businesses in 2011 was \$11.30 per hour. Both hourly rates are over \$1 per hour above the current minimum wage of \$10.24 per hour.

Table 6: Average Number of Employees and Average Annual Wages, San Francisco Retail Food Establishments, 2010

Industry Segment	Average Employment	Total Wages	Average Annual Wages
Supermarkets and Other			
Grocery (except Convenience) Stores	6,484	\$189,189,241	\$29,178
Convenience Stores	217	3,575,192	16,476
Specialty Food Stores	1,347	34,354,290	25,171
	- 1		
Fruit and Vegetable Markets	250	5,843,688	\$23,375
Total	8,298	\$232,962,411	

Source: State of California Employment Development Department

#### RETAIL FOOD ESTABLISHMENTS' PAYROLL TAX PAYMENTS

To gauge the size of San Francisco's retail food industry, and since sales tax data for these establishments is not readily available, the Budget and Legislative Analyst requested payroll tax payment data from the Treasurer and Tax Collector for the retail food establishment businesses identified in the DPH database. Table 7 below summarizes the Treasurer and Tax Collector's Office's payroll tax data collected from retail food establishments identified in the data set obtained from DPH. While there are a number of limitations to the Treasurer and Tax Collector's Office's data, as discussed below, the available information shows that the majority of retail food establishments in San Francisco for which data were available from the Treasurer and Tax

Collector's Office have annual payrolls of between \$67 and \$666,666<sup>12</sup>, or can be classified as small businesses.

It should be noted that the Treasurer and Tax Collector's Office data does not provide a full picture of the retail food industry in San Francisco as the Treasurer and Tax Collector's Office was not able to obtain data for 570, or nearly half, of the retail food establishments identified in the DPH database because the Treasurer and Tax Collector's Office was not able to find matching business license names in their database. The Treasurer and Tax Collector's Office has indicated that, based on their review, it is likely that these 570 retail food establishments have less than \$666,666 in annual payroll expenses and therefore have a payroll tax liability which ranges from \$1 to \$10,000. However, since that represents an undocumented assumption by the Treasurer and Tax Collector's Office, the Budget and Legislative Analyst did not include those 570 businesses in the summary statistics presented in Table 7. The Budget and Legislative Analyst also notes that only 986 out of the 1,144 retail food establishments identified in the DPH database are included in Table 7 because 149 of those locations are chain stores and therefore are only registered once with the Treasurer and Tax Collector's Office. In addition, nine retail food establishments were excluded by the Treasurer and Tax Collector's Office in order to preserve taxpayer confidentiality.

Table 7: 2012 Payroll Tax Expenses for Retail Food Establishments in San Francisco

Annual Payroll Expense 1	Annual Payroll Expense Tax Liability	Less than 5,000 square feet	5,001 to 10,000 square feet	10,001 to - 20,000 square feet	Greater than 20,001 square feet	Total
Less than \$67	Greater than \$1	95	7	3	*	105
\$67 to \$666,666	\$1 to \$10,000	231	14	3	2	250
\$666,667 to \$3,333,333	\$10,000 to \$50,000	25	7	2	3	37
\$3,333,334 and up	\$50,000 and up	10	2	2	5	19
None	None	5				5
Not Found <sup>2</sup>		570				570
Total	0.11 (2-0	936	30	10	10	986

Source: Treasurer and Tax Collector's Office using Department of Public Health retail food establishment database.

<sup>&</sup>lt;sup>1</sup> Payroll tax liability is determined by where a company's annual payroll expense falls within ranges shown in Table 7, established by the Treasurer and Tax Collector.

<sup>&</sup>lt;sup>2</sup> No match was found for these establishments using business names in the DPH database.

 $<sup>^{12}</sup>$  Payroll tax liability is determined by where a company's annual payroll expense falls within ranges established by the Treasurer-Tax Collector; \$67 – 666,666 is one of four such ranges.

### EFFECT OF A NEW FORMULA RETAIL STORE ON EXISTING FRESH FOOD RETAIL ESTABLISHMENTS

The Budget and Legislative Analyst's conclusions on the potential impact of large formula retail stores on the current retail food establishment infrastructure rely on methods employed by a previous study<sup>13</sup>, completed in December, 2009, which assessed the impact on local businesses of a new Walmart Supercenter<sup>14</sup> opening in the city of Chicago in 2006. The Chicago study results were based on a series of three surveys of local retail businesses within a four-mile radius of the Walmart store in 2006 (prior to the Walmart store opening), 2007, and 2008 to assess the impacts of the Walmart on those local businesses. As seen in Table 8 below, the authors found that 25 percent of local retail businesses in the immediate vicinity of the Walmart store closed in the first year that the Walmart was open, with that percent decreasing by four percent for every one-mile increment from the store location. In the second year, local businesses had a 40 percent chance of closing, with that chance decreasing by six percent for every one-mile increment from the store.

Table 8: Percentage of Local Businesses that Closed in Chicago after a Walmart Store Opening as Reported in a 2009 Study

Distance From Walmart	One Year after Walmart Opening	Two Years Cumulative after Walmart Opening
< 1 mile	25%	40%
1 mile	21%	34%
2 miles	17%	28%
3 miles	13%	. 22%
4 miles	9%	16%

Source: "The Impact of an Urban Wal-Mart Store on Area Businesses: An Evaluation of One Chicago Neighborhood's Experience" by Julie Davis, David Merriman, Lucia Samayoa, Brian Flanagan, Ron Baiman, and Joe Persky, December 2009.

This Budget and Legislative Analyst's report also relies on a second study, <sup>15</sup> completed in November, 2011, that assessed the potential impact on only smaller, non-formula food retail businesses within a one-mile radius of one of Walmart's larger stores <sup>16</sup> opening at a specific site in the Harlem neighborhood of New York City. That study used the methodologies developed by the 2009 Chicago study and applied the less than one mile distance closures to the area surrounding the potential Walmart store site to calculate the potential square footage loss of only non-formula retail fresh food businesses if a Walmart opened at that specific Harlem site.

<sup>&</sup>lt;sup>13</sup> "The Impact of an Urban Wal-Mart Store on Area Businesses: An Evaluation of One Chicago Neighborhood's Experience" by Julie Davis, David Merriman, Lucia Samayoa, Brian Flanagan, Ron Baiman, and Joe Persky, December 2009.

<sup>&</sup>lt;sup>14</sup> According to Walmart's website, a Walmart Supercenter averages 185,000 square feet in size. See: http://www.walmartstores.com/AboutUs/7606.aspx

<sup>&</sup>lt;sup>15</sup> "Food For Thought: A Case Study of Walmart's Impact on Harlem's Healthy Food Retail Landscape", Office of the Manhattan Borough President, Scott M. Stringer, November, 2011.

<sup>&</sup>lt;sup>16</sup> The Harlem study assumed that the Walmart store would be similar to other Walmart stores opening in other urban areas, or between 80,000 and 120,000 square feet.

Your request of the Budget and Legislative Analyst for this analysis included an assessment of the impact on small, locally owned business retailers of the opening of a large fresh food formula retail business in San Francisco that controls 20 percent or more of the market share. To address this request, the Budget and Legislative Analyst replicated elements of the two studies cited above, using the Chicago study's midpoint probabilities, shown in Table 8 above, of business establishment reductions and applying those to non-formula retail food establishment square footage in San Francisco, assuming a large formula retail food establishment opened at a central location in San Francisco. The New York City study's probability for square foot reductions of non-formula retail food establishments was used to determine the impact on each Supervisorial District of a large formula retail food establishment opening in that District<sup>17</sup>. The data being utilized to determine the square footage loss is the DPH data previously described, with all formula retail businesses removed, assuming they are not locally owned.

Chief limitations of this approach are that the DPH data lacks specificity on inventory at some establishments (whether fresh food is definitely sold) and the analysis was conducted without a specific site for the hypothetical new formula retail establishment so the square footage loss could not be geographically pinpointed. However, to estimate the aggregate Citywide impact, a centralized City location was assumed for this analysis, which allowed for estimating all impacts within the boundaries of San Francisco. If a new formula retail store were located near the San Mateo County border, some of the impacts assumed for San Francisco would instead be experienced in San Mateo County. Given the City's relatively small size (approximately seven miles by seven miles), the Budget and Legislative Analyst concludes that some impact would be felt in most areas of the City should a large formula retail store open within its geographic boundaries. However, no substantiated probabilities beyond a four-mile radius have been established by other studies previously done and therefore no conclusions have been made beyond that distance in this report.

The Budget and Legislative Analyst also notes that formula retail stores selling fresh food can vary in size. While the largest formatted stores can average from 174,000<sup>18</sup> square feet to 185,000 square feet or more<sup>19</sup>, there is a current trend emerging among formula retailers to construct significantly smaller new formula retail stores in urban centers. For example, Walmart's smallest store, which is currently being tested in Northwest Arkansas, averages 15,000 square feet and its second smallest store, with approximately 199 stores of this size nationwide, averages 80,000 square feet. A 33,000 Walmart store is also currently under construction in the Chinatown neighborhood of Los Angeles. For the purposes of this report, the Budget and Legislative Analyst assumed a large formatted store of at least 80,000 square feet, equivalent to the size of the formula retail stores which were the basis of the previous two studies conducted.

<sup>&</sup>lt;sup>17</sup> The Budget and Legislative Analyst notes that this analysis is not being done to determine the impact of Walmart specifically but of large formula retail stores generally. However, the methods employed were Walmart-specific because Walmart is one of the largest formula retail stores in the United States and has been studied extensively.

According to Target's website, its largest size SuperTarget store averages 174,000 square feet. See: http://pressroom.target.com/pr/news/fastfacts.aspx

A Walmart Supercenter, Walmart's largest store, averages 185,000 square feet in size. See: http://www.walmartstores.com/AboutUs/7606.aspx

The Budget and Legislative Analyst cautions that the methods employed in this analysis were previously used to analyze the impact of Walmart stores only in two other cities. However, this report is not analyzing Walmart exclusively but is instead looking at the impact of one or more large formula retail stores opening within San Francisco. Given the varying marketing, pricing structures and labor standards and practices of different formula retail entities, the economic impact of a formula retail store other than Walmart may vary from the conclusions drawn in this report. Further, gross job losses were estimated but offsetting new jobs that would be created by the large formula retailer were not prepared as part of this analysis.

#### **RESULTS OF ANALYSIS**

All formula retail food establishments currently located within the City were removed from the DPH database in order to isolate the impacts of a large formula fresh food retailer locating in San Francisco on locally owned, non-formula retail food establishments. As shown in Table 9 below, 952 retail food establishments are estimated to exist within the City after removing the 192 formula retail establishments from the DPH database, leaving only six retail food markets in the City over 20,000 square feet.

Table 9: Non-Formula Retail Food Establishments in San Francisco

Supervisorial District	Less than 5,000 square feet	5,001 to 10,000 square feet	19,001 to 20,000 square feet	Greater than 20,000 square feet	Total
1	71	0	1	0	72
2	41	0	0	1	42
3	273	6	0	0	279
4	39	2	1	0	42
5	72	4	4	0	80
6	148	3	3	4	158
7	27	2	1	1	31
8	44	3	0	0	47
9	80	5	3	0	88
10	56	4	0	0	60
11	48	3	2	0	53
Total	899	32	15	6	952

Source: Department of Public Health

The total square footage estimated from the 952 non-formula retail food markets included in the analysis is 2,862,500 square feet. Given the lack of precise data for square footage for individual establishments in the DPH and other available databases, the total square footage for each establishment was calculated by taking the mid-point for each range of square feet, as categorized by the data from DPH, and applying that midpoint to each retail food market located within that range. The square footage estimates were then summed, resulting in the total of

2,862,500 square feet. Due to the necessity of estimating the square footage, the Budget and Legislative Analyst cautions that the following calculation of potential square footage reduction due to the introduction of a large formula retail store into the retail food market and the other calculations made based on that result are imprecise and may not reflect the actual potential reduction in square footage. In addition, the lack of a specific site for the new store makes applying the square foot reduction to the available data an approximation which would require more detailed analysis after a specific site is selected to determine more precise potential impacts.

The Chicago study identified reductions in retail establishments within a four mile radius of a new Walmart, with a lower percentage of reduction identified for each one mile increment. Since data on the distances between retail food establishments and the hypothetical new large formula retail food establishment(s) assumed for this analysis are not readily available, the Budget and Legislative Analyst applied the midpoint percentage reduction in retail square footage found in the Chicago study to determine estimated aggregate reductions in non-formula retail food establishments in San Francisco. As shown in Table 8 above, the midpoint reductions in the Chicago study are 17 percent within one year after Walmart's opening and an additional 11 percent the second year, for a cumulative two year reduction of 28 percent of existing retail establishments that were more than 1 mile but less than two miles from the new store.

The estimated impact in District 6 the first year after the opening of a large formula retailer would be a 17 percent reduction of 91,375 square feet of fresh food retail space, equivalent to 37 retail establishments of 2,500 square feet each, and representing between 37 and 148 jobs<sup>20</sup>. The aggregate 17 percent first year impact in all other Supervisorial Districts would be a reduction of 395,250 square feet of fresh food retail space, equivalent to 158 retail food establishments of 2,500 square feet each, and a potential loss of between 158 – 632 jobs.<sup>21</sup> Altogether, this would represent a reduction of 195 2,500 square feet establishments and a gross loss of between 195 – 780 jobs. Consistent with the approach in the Chicago and New York studies, the second year impact would be an 11 percent reduction, or 6 percent less than the first year impact. Table 10 summarizes the impact for both years.

<sup>&</sup>lt;sup>20</sup> According to EDD, the majority of retail establishments in the data provided by DPH have between 1-4 employees. Therefore, the closing of 301 retail food establishments could potentially result in the loss of between 301 and 1,204 jobs.

<sup>&</sup>lt;sup>21</sup> The total square footage of retail food establishments in the rest of the City, after subtracting District 6's square footage, is 2,325,000 square feet. The square footage loss was calculated by using the midpoint percentage loss documented in the Chicago study to arrive at an approximate City-wide loss of 17 percent in the first year and 9 percent in the second year, for a cumulative loss of 28 percent in retail food establishment square footage.

Table 10: Estimated Citywide Impact of a Formula Retail Store Opening in a Central Location in District 6 in San Francisco<sup>18</sup>

	Establishments Closed	Gross Job Loss
First Year		
Impact within district of new store	37	37-148
Impact; rest of City	158	158-632
Total: First Year	195	195-780
Second Year		
Impact within district of new store	24	24-96
Impact; rest of City	102	102-408
Total: Second Year	126	126-504
Total: First and Second Year	321	321-1,284

# IMPACTS OF NEW LARGE FORMULA RETAIL STORE ON INDIVIDUAL SUPERVISORIAL DISTRICTS

Table 11 below details the potential retail food establishment closures and job losses, by Supervisorial District, resulting from a new large formula retail store selling fresh food locating in each District one year after the new store's opening. It was assumed for this analysis that the location of the new store in each District would be such that it would have the maximum impact on existing businesses (a 25 percent reduction in the first year after the new store opens).

As shown in Table 11 below, District 3, which currently houses the greatest number of retail food establishments, would be likely to suffer the greatest retail food establishment and job loss should a large formula retail store open within its boundaries, with the potential closing of 73 2,500 square foot retail food markets and 73 - 292 potential gross job losses. Although there are likely few retail spaces within District 3 sufficiently large to accommodate the opening of a large formula retail store, such a store could be located in an adjacent district and still affect many of the District 3 retail establishments. These potential losses are therefore hypothetical and unlikely to result in the exact job loss predicted above. The second largest potential job loss would be in District 6,<sup>22</sup> which is more likely to be able to accommodate a large formula retail store within its borders. The third large potential job loss would be felt in District 9.

<sup>&</sup>lt;sup>22</sup> A central location for the hypothetical new formula retail store was assumed for District 6, which comprises part of the Union Square, the Tenderloin, Civic Center, Mid-Market, Cathedral Hill, South of Market, South Beach, Mission Bay, North Mission, Treasure Island, Yerba Buena Island, Alcatraz, and part of Hayes Valley neighborhoods.

Table 11: Estimated First Year Impacts on Non-formula Retail Food Establishments in each Supervisorial District of a Large Formula Retail Store Locating in that District

Supervisorial District Location of New Store	Current Non- formula Retail Food Establishment Square Footage	Estimated Square Footage Reduction within One Year after Opening	Current Number of Non-formula Retail Food Establishments	Estimated Number of Non- formula Retail Food Establishments that would Close within One Year after Opening	Potential Number of Jobs Lost within One Year of New Store Opening
1	192,500	48,125	72	19	19-76
2	127,500	31,875	42	13	13-52
3	727,500	181,875	279	73	73-292
4	127,500	31,875	42	13	13-52
5	270,000	67,500	80	27	27-108
6	537,500	134,375	158	54	54-216
7	122,500	30,625	31	12	12-48
8	132,500	33,125	4.7	13	13-52
9	282,500	70,625	88	28	28-112
10	170,000	42,500	60	17	17-68
11	172,500	43,125	53	17	17-68

Source: Budget and Legislative Analyst

Note: The estimates for each Supervisorial District should be viewed independent of the estimated impacts on other Districts and not aggregated since each District estimate assumes the location of a large formula retailer in that District. The impact on other Districts could be less than the amounts in Table 12 above depending on the distance the new large formula retail establishment is located from other Districts. For the estimated aggregate Citywide impact of a hypothetical large formula retail food establishment assumed to be located centrally in Supervisorial District 6, see the results in Table 10.

Table 12 below details the total potential cumulative retail food market closures and gross job losses two years after one or more large formula retail stores open in any given Supervisorial District within the City.

If a large formula retailer were to locate in the City, the impacts would vary depending on the specific location but would continue to be greater than the amounts shown in Tables 11 and 12, assuming the impact methods used in the Chicago and Harlem studies cited above.

The retail food establishment closures and resulting job losses predicted in the scenarios presented in Tables 10-12 are clearly significant. However, the Budget and Legislative Analyst notes that the job losses would likely be at least partially offset by the formula retail store's hiring employees in the new store(s) being opened in the City. These new hires may or may not be the same individuals as those currently employed in retail food establishments. Differences in wages and benefits between current retail food establishments and a large formula retail store were not available or analyzed for this report and would vary depending on which specific large formula retail establishment actually located in San Francisco.

Table 12: Estimated Cumulative Second Year Impacts on Non-formula Retail Food
Establishments in each Supervisorial District of a
Large Formula Retail Store Locating in that District

Supervisorial District	Current Retail Food Establishment Square Footage	Estimated Square Footage Reduction Two Years after Opening	Current Number of Non-formula Retail Food Establishments	Estimated Number of Retail Food Establishments that would Close Two Years after Opening	Potential Number of Jobs Lost After Two Years of New Store Opening
1	192,500	77,000	72	31	31-124
2	127,500	51,000	42	20	20-80
3	727,500	291,000	279	116	116-464
4	127,500	51,000	42	20	20-80
5	270,000	108,000	80	43	43-172
6	537,500	215,000	158	86	86-344
7	122,500	49,000	31	20	20-80
8	132,500	53,000	47	21	21-84
9	282,500	113,000	88	45	45-180
10	170,000	68,000	60	27	27-108
11	172,500	69,000	53	28	28-112

Source: Budget and Legislative Analyst

Note: The estimates for each Supervisorial District should be viewed independent of the estimated impacts on other Districts and not aggregated since each District estimate assumes the location of a large formula retailer in that District. The impact on other Districts could be less than the amounts in Table 12 above depending on the distance the new large formula retail establishment is located from other Districts. For the estimated aggregate Citywide impact of a hypothetical large formula retail food establishment assumed to be located centrally in Supervisorial District 6, see the results in Table 10.

Many small retail food establishments in the City are owner operated and therefore the store closure would be highly impactful for those owners because the store closure would have broader implications than merely the need to seek a job elsewhere. The Budget and Legislative Analyst also cautions that the data used to calculate the potential job loss has limitations and a more detailed and thorough analysis of the potential jobs impact is necessary to determine a more precise estimate.

The fresh produce distributors<sup>23</sup> for retail food establishments in the City would also likely experience a drop in sales if the scenario in Table 11 and 12 were to take place. It's not clear exactly where the formula retail store would be sourcing its produce or, if it were to open its own distribution center, where its distribution center would be located but large formula retail centers,

<sup>&</sup>lt;sup>23</sup> The major fresh produce distribution hub in the City is San Francisco Wholesale Produce Market. San Francisco Wholesale Produce Market houses several fresh produce distributors of different sizes and inventories. No data on the amount of sales which are made through San Francisco Wholesale Produce Market was available at the time of the writing of this report.

such as Walmart, typically utilize their own sourcing chains. Therefore, any large increase of formula retail stores that carry fresh food replacing the existing web of retail food establishments currently located in the City would likely result in decreased reliance on existing distribution infrastructure and therefore could result in distribution closures and/or job loss within that infrastructure.

#### **POLICY OPTION**

The definition and location of formula retail establishments in San Francisco is governed largely by the City's Planning Code. The Planning Code controls formula retail business locations in one of three ways: 1) prohibiting them entirely in certain commercial areas; 2) requiring conditional use authorization in all other commercial areas; and, 3) subjecting all building permits for formula retail uses in neighborhood commercial districts to notification and design review procedures specified in the Planning Code. The Planning Code also requires that the Planning Commission adopt guidelines to use in considering discretionary review requests pertaining to formula retail uses. The guidelines are to include:

- 1. Existing concentrations of formula retail uses within the subject Neighborhood Commercial District.
- 2. Availability of other similar retail uses within the Neighborhood Commercial District.
- 3. Compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the Neighborhood Commercial District.
- 4. Existing retail vacancy rates within the Neighborhood Commercial District.
- 5. Existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the Neighborhood Commercial District.

As can be seen, the guidelines, or project review criteria, do not presently include economic impacts of the proposed formula retail use such as those discussed in this report. Since this analysis was not based on an actual proposal to locate a large formula retail food establishment at a specific site in the City, but rather on the hypothetical location of such an establishment in a central location in Supervisorial District 6, the estimated impacts could vary if an establishment proposed locating elsewhere in the City. However, what is certain is that economic impacts would be felt.

A study<sup>24</sup>, completed in March, 2012, conducted a detailed economic impact analysis of a Walmart store opening in South Seattle. An economic model was employed to determine shifts in consumption patterns, shifts in payroll value, and both direct and indirect effects of the Walmart opening in the South Seattle neighborhood. Such a study would be replicable within San Francisco if there were a specific potential store site and sufficient time to gather the necessary data to conduct the analysis. Therefore, a legislative option for the Board of Supervisors to consider is inclusion of economic analysis among the project review criteria used in considering new formula retail uses. Such analyses could be required if and when a formula retail store development is proposed in order to determine (a) the economic and fiscal impact of the formula retail development and (b) that a standard be developed to ensure that any proposed development not have an undue adverse impact, economic or otherwise, on the surrounding

<sup>&</sup>lt;sup>24</sup> "The Economic Impact of a Walmart Store in the Skyway Neighborhood of South Seattle" by Christopher S. Fowler PhD of C.S. Fowler Consulting LLC, March 8, 2012.

community. Such analyses could potentially be conducted by, or on behalf of, the Planning Department, or possibly by the independent Office of Economic Analysis within the Controller's Office.

### City and County of San Francisco

San Francisco Department of Public Works

Office of the Director
1 Dr. Carlton B. Goodlett Place, City Hall, Room 348
San Francisco, CA 94102
(415) 554-6920 www.sfdpw.org

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Edwin M. Lee, Mayor Mohammed Nuru, Director



July 23, 2012

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

Subject: Chapter 14B Micro-LBE Set-Aside Program Annual Report

#### Dear Ms. Calvillo:

Pursuant to Administrative Code SEC. 14B.7.(K)(3), I am writing to report on the Micro-LBE Set-Aside Program for contracts awarded by the Department of Public Works (DPW) during Fiscal Year 2011-12.

The Code requires disclosure of the following: (1) Each Eligible Public Works/Construction Contract and, each Eligible Services/Commodities Contract awarded under the Micro-LBE Set-Aside Program, and its dollar amount; and (2) Each Eligible Public Works/Construction Contract and Each Eligible Services/Commodities Contract not awarded under the Micro-LBE Set-Aside Program, accompanied by an explanation as to why each such Contract either was not set aside, or, if set aside, was not awarded under the Micro-LBE Set-Aside Program.

The table below provides details for Eligible Public Works/Construction Contracts and Eligible Services contracts awarded by DPW during the year. DPW advertised one services contract and two construction contracts, and all three were awarded under the Micro-LBE Set-Aside Program.

Contract Title	Contract No.	Award Amount	Explanation of Award
Eligible Services Contracts:			
Furniture, Fixtures, and Equipment Asset     Management Consultant Services San Francisco     Public Safety Building	IPA12031	\$94,800	Awarded as Micro Set Aside
Eligible Construction Contracts:			
Athens and Avalon Site Improvements	ICE12028	\$194,800	Awarded as Micro Set Aside
Job Order Contract No. J19 General Construction Services	JCA12027	\$1,000,000	Awarded as Micro Set Aside



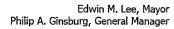


In terms of procurement, 16.47% (675) of DPW's commodities purchases for under \$100,000 were from Micro-LBEs, which accounted for 8.78% (\$593,239.44) of the total dollar amount of said purchases. Please let me know if you would like any additional information with respect to these contracts or anything else related to DPW contract awards.

Sincerely,

Mohammed Nuru, Director







August 8, 2012

Ms. Angela Calvillo Clerk of the Board City Hall, Room 244 1 Dr. Carlton B. Goodlett Place San Francisco, California 94102-4689 BOARD OF SUPER VISORS
SAN FRANCISCO
2012 AUG -9 PM 3: 30

Dear Ms. Calvillo:

Please find attached the Recreation and Park Department's report for the 4<sup>th</sup> quarter of FY11-12 in response to the requirements of Resolution 157-99 Lead Poisoning Prevention. To date, the department has completed assessment and clean-up at **178** sites since program inception in 1999.

The sites at which work is currently in progress are Stow Lake Boathouse and Pioneer Park/Coit Tower. The next site up on the list is the Exploratorium.

I hope that you and interested members of the public find that the Department's performance demonstrates our commitment to the health and well being of the children we serve.

Thank you for your support of this important program. Please do not hesitate to contact me with any questions, comments or suggestions you have.

Sincerely,

Kathare E Patricale

Don

Philip A. Ginsburg General Manager

Attachments:

1. FY11-12 Implementation Plan, 4th Quarter Status Report

2. Status Report for All Sites

Copy: J. Walseth, DPH, Children's Environmental Health Promotion

McLaren Lodge, Golden Gate Park | 501 Stanyan Street | San Francisco, CA 94117 | PH: 415.831.2700 | FAX: 415.831.2096 | www.parks.sfgov.org

Attachment 1. Implementation Plan Status Report

# 4th Quarter Status Report

#### Plan Item

#### Status

#### I. Hazard Identification and Control

a) Site Prioritization

Prioritization is based on verified hazard reports (e.g. periodic inspections), documented program use (departmental and day care), estimated participant age, and presence of playgrounds or schoolyards.

Prioritization lists by fiscal year are no longer generated. Sites are now done on a rolling basis; as one site is completed, the next site on the list becomes active.

b) Survey

No surveys are currently active or scheduled, as there are several sites pending clean-up.

c) Clean-up

Clean-up is complete at Stow Lake Boathouse and we are working with DPW to close the project. The next planned clean-up project is Pioneer Park and Coit Tower. This project has been turned over to the Capital and Planning division as they are managing a large-scale project at Coit Tower. Clean up will be incorporated into this project.

d) Site Posting and Notification

Each site has been or will be posted advance of any clean-up work so that staff and the public may be notified of the work to be performed.

e) Next site

Priority 170, Exploratorium (and Theater).

#### II. Facilities Operations and Maintenance

a) Periodic Inspection

Annual periodic facility inspections are completed by staff. For FY10-11, the completion rate was 80%; FY11-12 is not yet available. Classes on how to complete these inspections continue to be offered throughout the year. We hope to continue skill development of facility inspectors through this class and expect this will improve the completion quality and rate.

### City and County of San Francisco Recreation and Park Department

# Childhood Lead Poisoning Prevention Program FY2011-2012 Implementation Plan

b) Housekeeping

Housekeeping as it relates to lead is addressed in the training course for periodic inspections. In addition, administrative and custodial employees are reminded of this hazard and the steps to control it through our Safety Awareness Meeting program (discussed in Staff Training below).

c) Staff Training

Under the Department's Injury and Illness Prevention Program, basic lead awareness training is required every two years for all staff.

Lead training among Structural Maintenance staff, which would allow them to perform lead-related work, was completed in 2010 for a select group so that some lead work can be conducted in house. Once a written Operations and Maintenance program has been developed, reviewed and approved, maintenance staff will be authorized to perform this type of work.

Attachment 2. Status Report for RPD Sites

Sites are listed in order in which they were prioritized for survey. Prioritization is done using an algorithm which takes into account attributes of a site that would likely mean the presence of children from 0-12 years old (e.g. programming serving children, or the presence of a playground).

"Rolling" means that when one site finishes, the next site on the list will begin. Current sites are listed at the top.

#### **ALL SITES**

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
139	Stow Lake Boathouse	Golden Gate Park	06-07, 11-12	Clean-up completed; coordinating with DPW to complete payment.		
150	Telegraph Hill/Pioneer Park	Telegraph Hill	09-10	Clean-up pending. Clean-up responsibility transferred to Capital and Planning for incorporation into larger project at site.		
170	Exploratorium (and Theater)	3602 Lyon Street		Leased site. Part of Palace of Fine Arts. Abatement pending.		,
147	Kezar Pavilion	Golden Gate Park	08-09	Abatement pending.		· ·
171	Candlestick Park	Jamestown Avenue	10-11	Report to be completed		
138	Pine Lake Park	Crestlake/Vale/Wa	07-08	Retest; survey to be completed.		
172	Broadway Tunnel West-Mini Park	Leavenworth/Broad way				
173	Broadway Tunnel East-Mini Park	Broadway/Himmelm				
174	Lake Merced Park	Skyline/Lake Merced		Includes Harding Park and Flemming Golf, Boat House and other sites. Note that the Sandy Tatum clubhouse and maintenance facilities		
				were built in 2004 and should be excluded from the survey.		
175	Ina Coolbrith Mini Park	Vallejo/Taylor				
176	Justin Herman/Embarcadero Plaza	Clay/Embarcadero				
177	Billy Goat Hill	Laidley/30th				
178	Coso/Precita-Mini Park	Coso/Precita				
179	Dorothy Erskine Park	Martha/Baden				
180	Duncan Castro Open Space	Diamond Heights	•			
181	Edgehill Mountain	Edgehill/Kensington Way				
182	Everson/Digby Lots	61 Everson				
183	Fairmount Plaza	Fairmont/Miguel	·			
184	15th Avenue Steps	Kirkham/15th Avenue				
185	Geneva Avenue Strip	Geneva/Delano				
186	Grand View Park	Moraga/14th Avenue			. *	
187	Hawk Hill	14th Avenue/Rivera				
188	Interior Green Belt	Sutro Forest				
189	Japantown Peace Plaza	Post/Buchanan/Gea ry	:			
190	Jefferson Square	Eddy/Gough			ļ	
191 192	Joseph Conrad Mini Park Kite Hill	Columbus/Beach Yukon/19th	,			
193	Lakeview/Ashton Mini Park	Lakeview/Ashton				
	Maritime Plaza	Battery/Clay				
195	McLaren Park-Golf Course	2100 Sunnydale Avenue				
196	Mt. Davidson Park	Myra Way				

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
197	Mt.Olympus	Upper Terrace				
198	Mullen/Peralta-Mini Park	Mullen/Peralta Mini Park				
199	O'Shaughnessey Hollow	O'Shaughnessy Blvd.		·		
200	Park Presidio Blvd.	Park Presidio Blvd.				
201	Rock Outcropping	Ortega/14th Avenue		Lots 11, 12, 21, 22, 6		
202	South End Rowing/Dolphin Club	Aquatic Park		Land is leased		
203	Russian Hill Open Space	Hyde/Larkin/Chestn ut		Hyde Street Reservoir		
204	Saturn Street Steps	Saturn/Ord				
205	Seward Mini Park	Seward/Acme Alley				
206	Twin Peaks	Twin Peaks Blvd.				
207	Fillmore/Turk Mini Park	Fillmore/Turk				
208	Esprit Park	Minnesota Street				
209	Brotherhood/Chester Mini Park	Chester St. near Brotherhood Way				
210	Sue Bierman Park	Market/Steuart			• •	
211	29th/Diamond Open Space	1701 Diamond/29th		Is not on current list of RPD sites (6/2/10).		
212	Berkeley Way Open Space	200 Berkeley Way		Is not on current list of RPD sites (6/2/10).		
213	Diamond/Farnum Open Space	Diamond/Farnum		Is not on current list of RPD sites (6/2/10).		,
214	Joost/Baden Mini Park	Joost/N of Baden				
215	Grand View Open Space	Moraga/15th Avenue		Included in Grand View Park		
216	Balboa Natural Area	Great Highway/Balboa		Is not on current list of RPD sites (6/2/10).		
217	Fay Park	Chestnut and Leavenworth				·
218 219	Guy Place Mini Park Portola Open Space	Guy Place	·			-
220	Roosevelt/Henry Steps				-	<del> </del>
221	Sunnyside Conservatory	Monterey & Baden				
222	Topaz Open Space	Monterey & Baden				
1	Upper Noe Recreation Center	Day/Sanchez	99-00			
2	Jackson Playground	17th/Carolina	. 99-00	Abatement completed in FY05-06.	04-05	
3	Mission Rec Center	745 Treat Street	99-00, 02-03	Includes both the Harrison and Treat St. sides.	06-07	Х
4	Palega Recreation Center	Felton/Holyoke	99-00			Х
<del>.</del> 5	Eureka Valley Rec Center	Collingwood/18th	99-00			
	Glen Park	Chenery/Elk		Includes Silver Tree Day Camp		
7	Joe DiMaggio Playground	Lombard/Mason	99-00			
8	Crocker Amazon Playground	Geneva/Moscow	99-00			
9	George Christopher Playground	Diamond Hts/Duncan	99-00			
10	Alice Chalmers Playground	Brunswick/Whittier	99-00			
11	Cayuga Playground	Cayuga/Naglee	99-00			
12	Cabrillo Playground	38th/Cabrillo	99-00			
13	Herz Playground (and Pool)	1		Includes Coffmann Pool		Х

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
14	Mission Playground	19th & Linda	99-00		1	
15	Minnie & Lovie Ward Rec Center		99-00			
16	Sunset Playground	28th Avenue/Lawton	99-00			х
. 17	West Sunset Playground	39th Avenue/Ortega	99-00			
18	Excelsior Playground	Russia/Madrid	99-00		· ·	
19	Helen Wills Playground	Broadway/Larkin	99-00			
20	J. P. Murphy Playground	1960 9th Avenue	99-00			Х
21	Argonne Playground	18th/Geary	99-00			
22	Duboce Park	Duboce/Scott	99-00, 01-02	Includes Harvey Milk Center		
23	Golden Gate Park	Panhandle	99-00			
24	Junipero Serra Playground	300 Stonecrest Drive	99-00			
25	Merced Heights Playground	Byxbee/Shields	99-00			
26	Miraloma Playground	Omar/Sequoia	99-00			
		Ways		· .		
27	Silver Terrace Playground	Silver Avenue/Bayshore	99-00			
28	Gene Friend Rec. Center	Folsom/Harriet/6th	99-00			
29	South Sunset Playground	40th Avenue/Vicente	99-00			
30	Potrero Hill Recreation Center	22nd/Arkansas	99-00		<del> </del>	<del> </del>
31	Rochambeau Playground	24th Avenue/Lake Street		No abatement needed.	1	-
33	Cow Hollow Playground	Baker/Greenwich	00-01; 09-10		<del> </del>	
34	West Portal Playground	Ulloa/Lenex Way	00-01, 03-10	No abatement needed		
35	Moscone Recreation Center	Chestnut/Buchanan	00-01	INO abatement needed	ļ .	
36	Midtown Terrace Playground	Clarendon/Olympia	00-01	No abatement needed		
37	Presidio Heights Playground	Clay/Laurel	00-01	THO ABBLOTTOTIC HOOGOG	<del></del>	
38	Tenderloin Children's Rec. Ctr.	560/570 Ellis Street	00-01		<del>}</del>	
39	Hamilton Rec Center	Geary/Steiner	00-01	Note that the Rec. Center part of the facility is new (2010)		
41	Margaret S. Hayward Playground	Laguna, Turk	00-01			
43	Saint Mary's Recreation Center	Murray St./JustinDr.	00-01			
44	Fulton Playground	27th Avenue/Fulton	00-01			
45	Bernal Heights Recreation Center	Moultrie/Jarboe	00-01	No abatement needed		
46	Douglass Playground	Upper/26th Douglass	00-01			
47	Garfield Square	25th/Harrison	00-01		1	
48	Woh Hei Yuen	1213 Powell	00-01		T	
49	Father Alfred E. Boeddeker Park	Ellis/Taylor/Eddy/Jo nes	00-01			
50	Gilman Playground	Gilman/Griffiths	00-01		1	X
51	Grattan Playground	Stanyan/Alma	00-01	No abatement needed	T	
52	Hayes Valley Playground	Hayes/Buchanan	00-01		1	<u> </u>
53	Youngblood Coleman	Galvez/Mendell	00-01		<del>                                     </del>	
55	Playground	Arguelio Bivd./Anza	00-01			X
	Pool)					
56	Carl Larsen Park (and Pool)	19th/Wawona	00-01	No obstance of a said	-	-
57	Sunnyside Playground	Melrose/Edna	00-01	No abatement needed		

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
58	Balboa Park (and Pool)	Ocean/San Jose	00-01	Includes Matthew Boxer stadium		Х
59	James Rolph Jr. Playground	Potrero Ave./Army Street	00-01, 02-03	This was originally supposed to be Rolph-Nicol (Eucalyptus) Park in 02-03, but the consultant surveyed the wrong site.		х
60	Louis Sutter Playground	University/Wayland	00-01			
61	Richmond Playground	18th Avenue/Lake Street	00-01			
62	Joseph Lee Recreation Center	Oakdale/Mendell	00-01			
63	Chinese Recreation Center	Washington/Mason	00-01			
64	McLaren Park	Visitacion Valley	06-07		05-06	
65	Mission Dolores Park	18th/Dolores	06-07	No abatement needed	05-06	
66	Bernal Heights Park	Bernal Heights Blvd.	01-02	No abatement needed		
67	Cayuga/Lamartine-Mini Park	Cayuga/Lamartine	01-02, 09-10	No abatement needed		
68	Willie Woo Woo Wong PG	Sacramento/Waverl	01-02, 09-10	No abatement needed.		
70	Jospeh L. Alioto Performing Arts Piazza	Grove/Larkin	01-02	No abatement needed		
71	Collis P. Huntington Park	California/Taylor	01-02			
72	South Park	64 South Park Avenue	01-02			
73	Alta Plaza Park	Jackson/Steiner	01-02			
74	Bay View Playground (and Pool)	3rd/Armstrong	01-02	No abatement needed		
75	Chestnut/Kearny Open Space	NW Chestnut/Kearny	01-02	No survey done; structures no longer exist.		
76	Raymond Kimbell Playground	Pierce/Ellis	01-02			
77	Michelangelo Playground	Greenwich/Jones	01-02			
78	Peixotto Playground	Beaver/15th Street	01-02	No abatement needed		
80	States St. Playground	States St./Museum Way	01-02			
	Adam Rogers Park	Jennings/Oakdale	01-02	No abatement needed		
	Alamo Square	Hayes/Steiner	01-02			ļ
	Alioto Mini Park	20th/Capp		No abatement needed		· .
84	Beideman/O'Farrell Mini Park	O'Farrell/Beideman	01-02	No abatement needed	<del>                                     </del>	
85 86	Brooks Park Buchanan St. Mall	373 Ramsell Buchanan betw. Grove & Turk	01-02 01-02	No abatement needed  No abatement needed	1	
87	Buena Vista Park	Buena Vista/Haight	01-02	• .		
88	Bush/Broderick Mini Park	Bush/Broderick	01-02		-	
89	Cottage Row Mini Park	Sutter/E. Fillmore	01-02		1	
90	Franklin Square	16th/Bryant	01-02			
91	Golden Gate Heights Park	12th Ave./Rockridge Dr.	01-02			
92	Hilltop Park	La Salle/Whitney Yg. Circle	01-02	No abatement needed		
93	Lafayette Park	Washington/Laguna	01-02			
94	Julius Kahn Playground	Jackson/Spruce	01-02			
95	Jose Coronado Playground	21st/Folsom	02-03	As of 10/10/02 as per Capital Program Director, G. Hoy, there are no current plans for renovation		

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
96	Golden Gate Park (playgrounds)	Fell/Stanyan	05-06			
97	Washington Square	Filbert/Stockton	02-03	No abatement needed. Children's play area and bathrooms to be renovated in 3/04.		
98	McCoppin Square	24th Avenue/Taraval	02-03	As of 10/10/02 as per Gary Hoy, no current plans for renovation		
99	Mountain Lake Park	12th Avenue/Lake Sreet	02-03	As of 10/10/02 as per Gary Hoy, no current plans for renovation		
100	Randolph/Bright Mini Park	Randolph/Bright	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
101	Visitacion Valley Greenway	Campbell Ave./E.Rutland	02-03	No abatement needed. Renovation scheduled 3/04.		
102	Utah/18th Mini Park	Utah/18th Street	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
103	Palou/Phelps Park	Palou at Phelps	02-03	No abatement needed. Renovation occurred Summer 2003. Marvin Yee was project mgr. No lead survey/abatement rpt in RPD files.		
104	Coleridge Mini Park	Coleridge/Esmerald a	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
105	Lincoln Park (includes Golf Course)	34th Avenue/Clement	02-03	Renovation scheduled 9/04		
106	Little Hollywood Park	Lathrop-Tocoloma	02-03	No abatement needed. Renovation scheduled 9/04		
107	McKinley Square	20th/Vermont	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
109	Noe Valley Courts	24th/Douglass	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
110	Parkside Square	26th Avenue/Vicente	02-03	Children's play area and bathrooms to be renovated in 9/03.		
111	Portsmouth Square	Kearny/Washington	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
112	Potrero del Sol	Potrero/Army	02-03	No abatement needed, renovation scheduled 9/04		
113	Potrero Hill Mini Park	Connecticut/22nd Street	02-03	Renovation scheduled 9/04		
114	Precita Park	Precita/Folsom	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
115	Sgt. John Macaulay Park	Larkin/O'Farrell	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation	-	

## **Status Report for RPD Sites**

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
116	Sigmund Stern Recreation Grove	Blvd.	04-05	As of 10/10/02 Capital Program Director indicates no current plans for renovation. Funding expired; will complete in FY04-05		
117	24th/York Mini Park	24th/York/Bryant	02-03	Completed as part of current renovation in December 2002, Renovation scheduled 3/04.		
118	Camp Mather	Mather, Tuolomne County	04-05			х
119	Hyde/Vallejo Mini Park	Hyde/Vallejo	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
120	Juri Commons	San Jose/Guerrero/25th	05-06			
121	Kelloch Velasco Mini Park	Kelloch/Velasco	02-03	No abatement needed. Children's play area scheduled for renovation on 9/04		
122	Koshland Park	Page/Buchanan	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
123	Head/Brotherhood Mini Park	Head/Brotherwood Way	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
124	Walter Haas Playground	Addison/Farnum/Be acon	02-03	Capital Projects to renovate in Spring 2003. Mauer is PM		
125	Holly Park	Holly Circle	02-03	Renovation planned to begin 4/03; Judi Mosqueda from DPW is PM		
126	Page-Laguna-Mini Park	Page/Laguna	04-05	No abatement needed		
127	Golden Gate/Steiner Mini Park	Golden Gate/Steiner	·	No Facility, benches only		
128	Tank Hill	Clarendon/Twin Peaks	04-05	No abatement needed		
129	Rolph Nicol Playground	Eucalyptus Dr./25th Avenue	04-05	No abatement needed		
130	Golden Gate Park	Carrousel	05-06			
131	Golden Gate Park	Tennis Court	05-06			
132	Washington/Hyde Mini Park	Washington/Hyde	04-05	No abatement needed		_
133	Ridgetop Plaza	Whitney Young Circle	05-06	No abatement needed		
134	Golden Gate Park	Beach Chalet	06-07	No abatement needed		
135	Golden Gate Park	Polo Field	06-07			
136	Sharp Park (includes Golf Course)	Pacifica, San Mateo Co.	06-07			
137	Golden Gate Park	Senior Center	06-07			х
140	Golden Gate Park	County Fair Building	06-07	No abatement needed		
141	Golden Gate Park	Sharon Bldg.	07-08		-	

## **Status Report for RPD Sites**

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
143	Allyne Park	Gough/Green	06-07	No abatement needed		1 109.00
143	Allytic Park	Gough/Green	00-07			
144	DuPont Courts	30th Ave./Clement	07-08			
145	Golden Gate Park	Big Rec	07-08			·
146	Lower Great Highway	Sloat to Pt. Lobos	07-08			
148	Yacht Harbor and Marina Green	Marina	06-07, 07-08	Includes Yacht Harbor, Gas House Cover, 2 Yacht Clubs and Marina Green		
149	Palace of Fine Arts	3601 Lyon Street	09-10	No abatement needed.		
151	Saint Mary's Square	California Street/Grant	09-10	No abatement needed.		
152	Union Square	Post/Stockton	09-10	No abatement needed.		
153	Golden Gate Park	Angler's Lodge	07-08			
154	Golden Gate Park	Bandstand	07-08	No abatement needed		
155	Golden Gate Park	Bowling Green	07-08	Retested 4/09; 16 ppb first draw, still in program		X
156	Golden Gate Park	Conservatory	08-09	No abatement needed.		
157	Golden Gate Park	Golf Course	09-10			
158	Golden Gate Park	Kezar Stadium	07-08			Х
159	Golden Gate Park	Nursery	09-10	No abatement needed		X
160	Golden Gate Park	Stables	na	Being demolished. Hazard assessment already completed by Capital.		
161	Golden Gate Park	McLaren Lodge	01-02, 02-03	Done out of order. Was in response to release/spill. See File 565.		
162	Corona Heights (and Randall Museum)	16th/Roosevelt	00-01	Randall Museum used to be separate, but in TMA, Randall is part of Corona Heights, so the two were combined 6/10.		
163	Laurel Hill Playground	Euclid & Collins	10-11			
164	Selby/Palou Mini Park	Selby & Palou	10-11	No abatement needed		
165	Prentiss Mini Park	Prentiss/Eugenia	10-11	No abatement needed		
166	Lessing/Sears Mini Park	Lessing/Sears	10-11	No abatement needed		
167	Muriel Leff Mini Park	7th Avenue/Anza	10-11	No abatement needed		
168	10th Avenue/Clement Mini Park	Richmond Library	10-11	No abatement needed		
169	Turk/Hyde Mini Park	Turk & Hyde	10-11	No abatement needed		
lew Fac	Lilities: These facilties not to be	included in CLPP so	urvey as they	were built after 1978.		ļ
	Alice Marble Tennis Courts	Greenwich/Hyde		Not owned by RPD. PUC demolished in 2003 and all will be rebuilt.		
	Richmond Rec Center	18th Ave./Lake St./Calif.		New facility		
· •	Visitacion Valley Playground	Cora/Leland/Raymo nd		Original building clubhouse and PG demolished in 2001. Facility is new.		
	King Pool	3rd/Armstrong		New facility		
	Patricia's Green in Hayes Valley	Hayes & Octavia		Built in 2005		
	İ			Built in 2003		
	India Basin Shoreline Park	E. Hunters Pt. Blvd.		Built III 2003		ļ
	India Basin Shoreline Park Parque Ninos Unidos	E. Hunters Pt. Blvd.  23rd and Folsom	,	Built in 2004		

## **Status Report for RPD Sites**

Priority	Facility Name	Location	Completed	Notes	Entered in FLOW Program
	Aptos Playground	Aptos/Ocean Avenue		Site demolished and rebuilt in 2006	-



Issued: Citywide Cash Transactions: Combined Assessment Fiscal Year 2011-12 Reports, Controller

Calvillo, Angela, Nevin, Peggy, BOS-Supervisors, BOS-Legislative Aides, Howard, Kate, Kawa, Steve, Falvey, Christine, Elliott, Jason, Campbell, Severin, Newman, Debra, 'sfdocs@sfpl.info', 'gmetcalf@spur.org', CON-Media Contact, Rosenfield, Ben, Zmuda, Monique, Lane, Maura, CON-EVERYONE, CON-CCSF Dept Heads, CON-Finance Officers, Rahaim, John, Martin, John (SFO), Matz, Jennifer, Suhr, Greg, Hart, Amy, Nuru, Mohammed, Ting, Phil, Rodriguez, Margarita, mgutierrez@famsf.org, DiSanto, Thomas, DeMartini, Keith, Fermin, Leo, Tang, Wallace, Azam, Abubaker, Van Hoy, Kevin, Liedl, Fred, Goldberg, John, Wu, Li, Yeung, Linda, Keller, Susan, Quintos, Jocelyn, Carlson, Robert, Sanguinetti, Jerry, Thoppil, Joseph, Pisharath, Sreed, Nguyen, Zoon, Lee, Joe, Ahern, William, Pavkovic, Alan, Kuzmina, Oksana, Tolenada, Janet, LeFranc, Carmen, Fitzpatrick, Mary, Marx, Pauline, Chan, Pearl, merrick.pscual@sfgov.org, bmarston@famsf.org, neda@famsf.org

07/23/2012 12:01 PM

Sent by:

"Chapin-Rienzo, Shanda" < shanda.chapin-rienzo@sfgov.org>

Hide Details

From: "Reports, Controller" <controller.reports@sfgov.org> Sort List... To: "Calvillo, Angela" <angela.calvillo@sfgov.org>, "Nevin, Peggy" <peggy.nevin@sfgov.org>, BOS-Supervisors <bos-</pre> supervisors.bp2ln@sfgov.microsoftonline.com>, BOS-Legislative Aides <boslegislativeaides.bp2ln@sfgov.microsoftonline.com>, "Howard, Kate" <kate.howard@sfgov.org>, "Kawa, Steve" <steve.kawa@sfgov.org>, "Falvey, Christine" <christine.falvey@sfgov.org>, "Elliott, Jason" <jason.elliott@sfgov.org>, "Campbell, Severin" <severin-campbell@sfgov.org>, "Newman, Debra" <debra.newman@sfgov.org>, "'sfdocs@sfpl.info'" <sfdocs@sfpl.info>, "'gmetcalf@spur.org'" <gmetcalf@spur.org>, CON-Media Contact <con-mediacontact.bp2ln@sfgov.microsoftonline.com>, "Rosenfield, Ben" <ben.rosenfield@sfgov.org>, "Zmuda, Monique" <monique.zmuda@sfgov.org>, "Lane, Maura" <maura.lane@sfgov.org>, CON-EVERYONE <coneveryone.bp2ln@sfgov.microsoftonline.com>, CON-CCSF Dept Heads <conccsfdeptheads.bp2ln@sfgov.microsoftonline.com>, CON-Finance Officers <confinanceofficers.bp2ln@sfgov.microsoftonline.com>, "Rahaim, John" <john.rahaim@sfgov.org>, "Martin, John (SFO)" <john.martin@flysfo.com>, "Matz, Jennifer" < jennifer.matz@sfgov.org>, "Suhr, Greg" < greg.suhr@sfgov.org>, "Hart, Amy" <amy.hart@sfgov.org>, "Nuru, Mohammed" <mohammed.nuru@sfdpw.org>, "Ting, Phil" <phil.ting@sfgov.org>, "Rodriguez, Margarita" <margarita.rodriguez@sfgov.org>, "mgutierrez@famsf.org" <mgutierrez@famsf.org>, "DiSanto, Thomas" <thomas.disanto@sfgov.org>, "DeMartini, Keith" <keith.demartini@sfgov.org>, "Fermin, Leo" <leo.fermin@flysfo.com>, "Tang, Wallace" <wallace.tang@flysfo.com>, "Azam, Abubaker" <abubaker.azam@flysfo.com>, "Van Hoy, Kevin" <kevin.vanhoy@flysfo.com>, "Liedl, Fred" <fred.liedl@sfgov.org>, "Goldberg, John" <john.goldberg@sfgov.org>, "Wu, Li" <li,y.wu@sfgov.org>, "Yeung, Linda" linda.yeung@sfgov.org>, "Keller, Susan" <susan.keller@sfgov.org>, "Quintos, Jocelyn" <jocelyn.quintos@sfdpw.org>, "Carlson, Robert" <robert.carlson@sfdpw.org>, "Sanguinetti, Jerry" <jerry.sanguinetti@sfdpw.org>, "Thoppil, Joseph" <joseph.thoppil@sfdpw.org>, "Pisharath, Sreed" <sreed.pisharath@sfdpw.org>, "Nguyen, Zoon" <zoon.nguyen@sfgov.org>, "Lee, Joe" <joe.lee@sfgov.org>, "Ahern, William" <william.ahern@sfgov.org>, "Pavkovic, Alan" <alan.pavkovic@sfgov.org>, "Kuzmina, Oksana" <oksana.kuzmina@sfgov.org>, "Tolenada, Janet" < janet.tolenada@sfgov.org>, "LeFranc, Carmen"



Issued: Results of the Audit of the \$2.2 Million KCI USA, Inc., Sole Source Contract Reports, Controller

to:

Calvillo, Angela, Nevin, Peggy, BOS-Legislative Aides, BOS-Supervisors, Kawa, Steve, Howard, Kate, Falvey, Christine, Elliott, Jason, Campbell, Severin, Newman, Debra, 'sfdocs@sfpl.info', 'gmetcalf@spur.org', CON-Media Contact, 'ggiubbini@sftc.org', CON-EVERYONE, CON-CCSF Dept Heads, CON-Finance Officers, Garcia, Barbara, Morewitz, Mark, Wagner, Greg, Kennedy, Reid, Lim, Wilfredo, Nakai, Russell, Ma, ChiaYu 07/25/2012 02:43 PM

Sent by:

"Chapin-Rienzo, Shanda" <shanda.chapin-rienzo@sfgov.org>

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From: "Reports, Controller" <controller.reports@sfgov.org> Sort List...

To: "Calvillo, Angela" <angela.calvillo@sfgov.org>, "Nevin, Peggy"

<peggy.nevin@sfgov.org>, BOS-Legislative Aides <bos-</pre>

legislativeaides.bp2ln@sfgov.microsoftonline.com>, BOS-Supervisors <bos-

supervisors.bp2ln@sfgov.microsoftonline.com>, "Kawa, Steve" < steve.kawa@sfgov.org>,

"Howard, Kate" <kate.howard@sfgov.org>, "Falvey, Christine"

<christine.falvey@sfgov.org>, "Elliott, Jason" <jason.elliott@sfgov.org>, "Campbell, Severin"

<severin.campbell@sfgov.org>, "Newman, Debra" <debra.newman@sfgov.org>,

"'sfdocs@sfpl.info'" <sfdocs@sfpl.info>, "'gmetcalf@spur.org'" <gmetcalf@spur.org>, CON-Media Contact <con-mediacontact.bp2ln@sfgov.microsoftonline.com>, "'ggiubbini@sftc.org'"

<ggiubbini@sftc.org>, CON-EVERYONE <con-

everyone.bp2ln@sfgov.microsoftonline.com>, CON-CCSF Dept Heads <con-

ccsfdeptheads.bp2ln@sfgov.microsoftonline.com>, CON-Finance Officers

<confinanceofficers.bp2ln@sfgov.microsoftonline.com>, "Garcia, Barbara"

<barbara.garcia@sfgov.microsoftonline.com>, "Morewitz, Mark"

<mark.morewitz@sfgov.microsoftonline.com>, "Wagner, Greg"

<greg.wagner@sfgov.microsoftonline.com>, "Kennedy, Reid"

<reid.kennedy@sfgov.microsoftonline.com>, "Lim, Wilfredo"

<wilfredo.lim@sfgov.microsoftonline.com>, "Nakai, Russell"

<russell.nakai@sfgov.microsoftonline.com>, "Ma, ChiaYu"

<chiayu.ma@sfgov.microsoftonline.com>,

Sent by: "Chapin-Rienzo, Shanda" <shanda.chapin-rienzo@sfgov.org>

The Office of the Controller's City Services Auditor Division (CSA) today issued a memorandum on the audit of the \$2.2 Million KCI USA, Inc., (KCI) sole source contract. The audit found that the Department of Public Health (DPH) submitted the proper sole source documents to justify the validity of the sole source determination. However, DPH has not fully documented its current contract monitoring system. Moreover, the Materials Management unit of San Francisco General Hospital and Trauma Center did not review invoices before approving payments, lacked sufficient documentation to justify rental days for four of the five invoices reviewed, ordered items that were not listed in the contract, and does not have written procedures on invoice processing. Last, the written procedures on invoice processing of the Materials Management unit at Laguna Honda Hospital and Rehabilitation Center need to be revised to include more detailed instructions.

To view the full memorandum, please visit our website at: <a href="http://co.sfgov.org/webreports/details.aspx?id=1455">http://co.sfgov.org/webreports/details.aspx?id=1455</a>

This is a send-only email address.

For questions about the memorandum, please contact Director of City Audits Tonia Lediju at Tonia Lediju@sfgov.org or 415-554-5393, or the CSA Audits unit at 415-554-7469.



Ben Rosenfield Controller

Monique Zmuda Deputy Controller

## **MEMORANDUM**

TO:

Barbara A. Garcia, Director of Health

Department of Public Health

FROM:

Tonia Lediju, Director of City Audits

City Services Auditor Division

DATE:

July 25, 2012

SUBJECT:

Audit of the \$2.2 Million KCI USA, Inc., Sole Source Contract

## **EXECUTIVE SUMMARY**

The Department of Public Health (DPH) needs to improve its procedures to ensure that it effectively administers and monitors its five-year, \$2.2 million sole source contract with KCI USA, Inc. (KCI) for the lease, support, and maintenance of KCI Vacuum Assisted Closure System (VAC) units. DPH submitted the proper forms and all supporting documentation to justify the validity of the sole source determination. However, DPH should improve its overall contract monitoring procedures, and has not fully documented its current contract monitoring system. Moreover, the Materials Management unit of San Francisco General Hospital and Trauma Center (SFGH) did not review invoices before approving payments, lacked sufficient documentation to justify rental days for four out of the five invoices reviewed, ordered items that were not listed in the contract, and does not have written procedures on invoice processing. Last, the written procedures on invoice processing of the Materials Management unit at Laguna Honda Hospital and Rehabilitation Center (Laguna Honda) need to be revised to include more detailed instruction. DPH agrees with four findings and partially agrees with one finding. DPH also agrees to implement the eight recommendations.

## **BACKGROUND, OBJECTIVE & METHODOLOGY**

## Background

The City and County of San Francisco (City) spends more than \$2 billion annually on the procurement of goods and services from vendors, much of it through contracts. To identify vulnerabilities in existing contracts, the Office of the Controller's City Services Auditor Division (CSA) implemented a contract compliance monitoring program to track contract adherence and accuracy. Under its audit plan for fiscal year 2011-12, CSA systematically audits city contracts. The program consists of an ongoing

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comprehensive audit process that allows CSA to select and audit up to eight contracts each year using a risk-based approach. CSA selected the KCI sole source contract to include in this year's process.

DPH established a five-year agreement with KCI for the lease, support, and maintenance of KCI VAC units, with a cost not to exceed \$2,184,000. The contract term is July 1, 2010, through June 30, 2015. According to KCI, the VAC unit is a unique medical device which uses negative pressure to mechanically expedite the healing process of wounds. Not only is the VAC unique, but KCI is its sole distributor. As a result, the KCI contract is a sole source contract for which the Office of Contract Administration (OCA) requires city departments to submit a sole source waiver request form and all supporting documentation to justify the validity of the sole source determination. OCA then may approve or deny the request. DPH submitted a sole source waiver request form to OCA and a San Francisco Administrative Code Chapters 12B and 14B waiver request form to the Human Rights Commission, both of which were approved.

Both SFGH and Laguna Honda, which are divisions of DPH, use VAC units to treat their patients. KCl submits monthly invoices to SFGH and Laguna Honda based on the number of days the units are used by each patient multiplied by a daily rate. Each division's materials management unit receives the invoices, approves them for payment, and submits the approved invoices to its accounts payable unit for entry into the City's accounting system. Each monthly invoice includes the dates the patient started and stopped using the device, how many days the patient used the device, the daily rental rate, and the total amount of the invoice. The exhibit below shows total-expenditures under the KCl contract for the fiscal year audited.

EXHIBIT	KCI Contract Payments July 1, 2010, Through June 30, 2011	
Departmen	it of Public Health Division	Amount
San Franci	sco General Hospital and Trauma Center	\$258,405
Laguna Ho	nda Hospital and Rehabilitation Center	148,743*
Total		\$407,148
Note: *KCl lat	ter issued a \$59,130 credit for overcharges.	
Sources: City's	Advanced Purchasing and Inventory Control System; Department of F	Public Health.

### **Objectives**

The purpose of the audit was to determine whether DPH:

- Correctly paid KCl for goods and services allowed by the contract.
- Effectively administered and monitored the KCI contract.
- Submitted the sole source waiver request form, the San Francisco Administrative Code Chapters 12B and 14B waiver request form, and all supporting documentation to justify the validity of the sole source determination.

Page 3 of 6 Audit of the \$2.2 Million KCI USA, Inc., Sole Source Contract July 25, 2012

## Methodology

The audit period was July 1, 2010, through June 30, 2011. To conduct this assessment, the CSA audit team:

- Reviewed and gained an understanding of the contract terms and conditions.
- Interviewed SFGH and Laguna Honda personnel to understand the billing, payment, and contract monitoring procedures.
- Extracted payment information from the City's Advanced Purchasing Inventory Control System (ADPICS), a component of the City's Financial Accounting and Management Information System (FAMIS) to identify a sample for testing.
- Purposefully selected eight invoices for Laguna Honda and five invoices for SFGH billed in fiscal year 2010-11 for testing.
- Traced the billing data on the sample invoices to approved contract rates, recalculated the invoices, and ensured that the correct amount was paid.

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

## **RESULTS**

DPH submitted the sole source waiver request form, the San Francisco Administrative Code Chapters 12B and 14B waiver request form, and all supporting documentation to justify the validity of the sole source determination. However, DPH needs to improve its procedures to ensure that it effectively administers and monitors its KCI contract.

# Finding 1 – DPH lacks overall contract monitoring procedures and has not formally documented its contract monitoring system.

DPH does not monitor contracts by tracking all transactions through the KCI contract from its divisions and units to ensure that contract usage is occurring as planned. In addition, DPH does not periodically monitor payment trends or analyze payments for reasonableness. Further, division efforts to monitor contracts are inconsistent. While Laguna Honda tracks and maintains its contracts and payments using a master database, SFGH does not. It would be beneficial for DPH to fully document its contract monitoring system and distribute this documentation to its divisions to ensure consistency in overall monitoring.

A contract monitoring system is the structure, policies, and procedures used to ensure that the objectives of a contract are accomplished, payment is made only for goods and services allowed by the contract, and vendors meet their responsibilities. An effective contract monitoring

Page 4 of 6 Audit of the \$2.2 Million KCI USA, Inc., Sole Source Contract July 25, 2012

system mitigates risk. Inadequate contract monitoring can cause financial and programmatic consequences. For example, a vendor may be overpaid for work performed or paid for work not performed. A well-written contract may have limited value if the City does not adequately monitor to ensure that the contract requirements are fulfilled.

Although there are numerous components of an effective contract monitoring system, such as training, contingency plans, communication of clear expectations, and a contract administration plan, when deciding what components are necessary, DPH must assess the complexity of the contracted service, the contract amount, and the risk to the City if the work is not performed adequately.

### Recommendations

The Department of Public Health should:

- 1. Implement an overall contract monitoring process, including quarterly and annual trend analyses.
- 2. Fully document its contract monitoring system(s).

## Finding 2 – SFGH lacked documentation to verify the number of rental days charged in four of five KCI invoices.

For four (80 percent, totaling \$8,788) of the five invoices tested, SFGH could not provide the records of start and end dates of the VAC rentals, which could be used to verify the rental days billed. According to the Office of the Controller's Payment Processing Guidelines, Departmental Guidelines No. 008-11, (City's payment process guidelines), invoice and supporting documents should be filed systematically for later audits. According to an assistant storekeeper, SFGH does not keep hard copies of documents for the start and end dates of the VAC rentals. The assistant stores and equipment supervisor believes that SFGH started using a manual log book in September 2010 to log in the start and end dates of patient VAC rentals. However, the log book is incomplete as it does not list all of the start and end dates of the VAC rentals. Without these records, SFGH cannot be sure that KCI is charging correctly.

## Recommendation

 The Department of Public Health should require San Francisco General Hospital and Trauma Center to record on a spreadsheet the start and end dates of all rentals of Vacuum Assisted Closure System units.

<sup>&</sup>lt;sup>1</sup> In this context, risk is defined as the probability of an event or action adversely affecting the department or City.

## Finding 3 – SFGH did not verify charges on KCI invoices.

SFGH did not thoroughly review its invoices from KCI to ensure that the billed rental days agreed to the patients' usage of the devices and that the billed rate was the contract rate before approving payments. According to the assistant materials manager, when he receives invoices from the accounting unit, he signs them to indicate his approval for payment, but he does not verify whether the amount billed was accurate. According to the City's payment process guidelines, invoices should be reviewed for completeness and accuracy. The assistant materials manager stated that SFGH lacks the resources to have an additional employee review KCI's invoices. However, if invoices are not reviewed for accuracy before payments are made, DPH cannot be assured that it is paying the correct amounts.

### Recommendation

4. The Department of Public Health should require San Francisco General Hospital and Trauma Center's Materials Management unit to review invoices from KCI USA, Inc., by verifying that they reflect the patients' actual usage for the period and the contract's daily rate before approving invoices for payment.

## Finding 4 – SFGH paid for unauthorized bed rentals through the KCI contract.

SFGH paid KCI \$46,795 for therapy bed rentals, which are not authorized to be rented through the KCI agreement. The contract states that KCI only will lease to DPH VAC units and support and maintain the leased equipment. The contract does not list therapy beds as a leased item.

Contracts are established to purchase or lease specific goods or services and should not be used for unauthorized items. The SFGH materials manager stated that he did not know why SFGH used this contract to rent therapy beds. By renting therapy beds through the VAC contract, SFGH violated city policy.

#### Recommendations

The Department of Public Health should:

- 5. Require San Francisco General Hospital and Trauma Center to create a separate purchase order for therapy bed rentals.
- Not approve rentals or purchases of items not covered by its contracts with vendors.

Finding 5 – SFGH lacks written invoice processing procedures and Laguna Honda's written invoice processing procedures need revision.

According to an SFGH materials management employee, she is unaware of any written policy or procedure on how to review and approve invoices for payment. Moreover, Laguna Honda's Materials Management unit's written procedures on invoice processing are not detailed. For example, they do not state that staff should review invoices against proper supporting documentation, verify that the invoice rates are consistent with the contract rates, and date stamp invoices upon receipt.

The City's payment process guidelines require that departmental procedures must follow city policies and incorporate internal controls that are appropriate to the department's operations, organizational structure, and risks. Formal written policies and procedures enhance both accountability and consistency. Without proper guidance, employees may approve invoices without accurately verifying the charges, which could result in erroneous payments.

#### Recommendations

The Department of Public Health should require:

- San Francisco General Hospital and Trauma Center's Materials Management unit to develop written policies and procedures on reviewing and approving invoices for payment.
- Laguna Honda Hospital and Rehabilitation Center's Materials Management unit to addits written procedures on invoice processing detailed instructions on reviewing invoices against supporting documentation, verifying invoice rates against contract rates, and date stamping invoices upon receipt.

CSA extends its appreciation to you and your staff who assisted with this audit. For questions about this memorandum, please contact me at (415) 554-5393 or tonia.lediju@sfgov.org, or CSA at (415) 554-7469.

cc: DPH

Greg Wagner
Reid Kennedy
Wilfredo Lim
Russell Nakai
Chia Yu Ma
Controller
Ben Rosenfield
Irella Blackwood
Elisa Sullivan
Vivian Chu

## **ATTACHMENT: DEPARTMENT RESPONSE**



San Francisco Department of Public Health Barbara A. Garcia, MPA Director of Health

July 17, 2012

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

Dear Ms. Lediju:

Attached is the Department of Public Health's (DPH) response to your office's compliance audit of the KCI contract. Thank you for your work on this audit and for the recommendations. DPH largely agrees with your assessment and recommendations and will begin work to implement the recommendations as indicated on the attached response forms. Please do not hesitate to contact me if you have any questions or would like to discuss this audit-further.

Sincerely,

Greg Wagner ( ) Chief Financial Officer

Cc: Elisa Sullivan, Audit Manager

## **AUDIT RECOMMENDATIONS AND RESPONSES**

	Recommendation	Responsible Agency	Response
Th	e Department of Public Health should:		
1.	Implement an overall contract monitoring process, including quarterly and annual trend analyses.	Department of Public Health	DPH partially concurs. DPH agrees that better and more consistent monitoring across divisions is warranted, However, contract monitoring is currently primarily handled at the division level, and DPH is concerned that adding a centralized office to monitor the large number of commodity vendors that are used by the hospitals, clinics and many public health programs could be duplicative. DPH will work to standardize processes across divisions and evaluate alternatives for department-wide monitoring of contracts.
2.	Fully document its contract monitoring system(s).	Department of Public Health	DPH concurs. DPH will work within its divisions to establish and document contract monitoring system which can be implemented locally.
3.	Require San Francisco General Hospital and Trauma Center to record on a spreadsheet the start and end dates of all rentals of Vacuum Assisted Closure System units.	Department of Public Health	DPH concurs. SFGH will immediately implement the use of a spreadsheet to monitor the start and end dates of all rental of Vacuum Assisted Closure Systems, (NPWT).

Page A-3 Audit of the \$2.2 Million KCI USA, Inc., Sole Source Contract July 25, 2012

	Recommendation	Responsible Agency	Response
4.	Require San Francisco General Hospital and Trauma Center's Materials Management unit to review invoices from KCI USA, Inc., by verifying that they reflect the patients' actual usage for the period and the contract's daily rate before approving invoices for payment.	Department of Public Health	DPH concurs. SFGH will implement a KCl invoice reconciliation process that will include the review of each invoice; confirming dates of use and contracted daily rental rates. As utilization will sometimes covers periods in excess of 30 days (KCl invoice period), comments will be attached to spreadsheet line items to account possible for multiple invoice periods.
5.	Require San Francisco General Hospital and Trauma Center to create a separate purchase order for therapy bed rentals.	Department of Public Health	DPH concurs. SFGH will create a separate Departmental Blanket Purchase Order for both the contracted rentals & supplies purchase of NPWT, (Vacuum Assisted Closure Systems), and a separate Departmental Blanket Purchase Order for the as needed rental of bariatric, specialty sleep surfaces, and supporting equipment.
6.	Not approve rentals or purchases of items not covered by its contracts with vendors.	Department of Public Health	DPH concurs. SFGH will review each invoice, and confirm that items invoiced are covered by an approved purchasing authority.
7.	Require San Francisco General Hospital and Trauma Center's Materials Management unit to develop written policies and procedures on reviewing and approving invoices for payment.	Department of Public Health	DPH concurs. SFGH is in the process of a complete review, and updating of all Materials Management Department Policies & Procedures. The procedure on reviewing and approving invoices for payment and processing to Accounts Payable will be part of that review and updating.

Page A-4 Audit of the \$2.2 Million KCI USA, Inc., Sole Source Contract July 25, 2012

Recommendation	Responsible Agency	Response
8. Require Laguna Honda Hospital and Rehabilitation Center' Materials Management unit to add to its written procedures on invoice processing detailed instructions on reviewing invoices against supporting documentation, verifying invoice rates against contract rates, and date stamping invoices upon receipt.	Department of Public Health	DPH concurs. LHH Materials Management and Accounting divisions will collaborate to implement this recommendation.

Originey Clerk. Leg Dep COB City attny MOISSORS CPage. 1 JAMES P. BENNETT (BAR NO. 65179) JBennett@mofo.com 2 SHAYE DIVELEY (BAR NO. 215602) SDiveley@mofo.com MORRISON & FOERSTER LLP 3 425 Market Street 4 San Francisco, California 94105-2482 Telephone: 415.268.7000 5 Facsimile: 415.268.7522 6 Attorneys for Petitioners FERRY BUILDING INVESTORS, LLC and 7 FERRY BUILDING ASSOCIATES, LLC 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA 9 CITY AND COUNTY OF SAN FRANCISCO 10 FERRY BUILDING INVESTORS, LLC and Case No. FERRY BUILDING ASSOCIATES, LLC, 11 Petitioners, UNLIMITED JURISDICTION 12 NOTICE OF INTENT TO FILE ٧. 13 **CEOA PETITION** SAN FRANCISCO PORT COMMISSION; CITY 14 AND COUNTY OF SAN FRANCISCO: BOARD **CAL. PUB. RES. CODE § 21167.5** OF SUPERVISORS OF THE CITY AND 15 COUNTY OF SAN FRANCISCO; and DOES 1 -50, inclusive, 16 Respondents. 17 18 PACIFIC WATERFRONT PARTNERS, LLC, and SAN FRANCISCO WATERFRONT 19 PARTNERS II LLC, 20 Real Parties in Interest. 21 22 PLEASE TAKE NOTICE, under California Public Resources Code section 21167.5, that 23 Petitioners FERRY BUILDING INVESTORS, LLC and FERRY BUILDING ASSOCIATES, 24 LLC (collectively, "EOP" or "Petitioners") intend to file a petition under the provisions of the 25 California Environmental Quality Act against Respondents SAN FRANCISCO PORT 26 COMMISSION, CITY AND COUNTY OF SAN FRANCISCO; and BOARD OF 27 SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO ("Respondents"), to set 28 sf-3146961 Case No.

1	aside the City's a	approvals of the 8 Washington/Seawall Lot 351 Project ("Project") and						
2	certification of the	certification of the Environmental Impact Report ("EIR") for the Project.						
3	The petit	The petition will seek the following relief:						
4	1. Fo	or alternative and peremptory writs of mandate directing the City to vacate and						
5	se	et aside its certification of the EIR and the Project Approvals;						
6	2. Fo	or alternative and peremptory writs of mandate directing the City to comply with						
7	C	EQA;						
8	3. Fo	or a stay and/or injunctive relief restraining the City and its agents, servants, and						
9	er	nployees, and all others acting in concert with the City or on its behalf, including						
10	R	eal-Parties-in-Interest, from issuing any grading, building, or other permits or						
11	aŗ	oprovals, permitting or undertaking any construction, or taking any other action						
12	to	implement the Project in any way pending full compliance with the						
13	re	quirements of CEQA;						
14	4. Fo	or costs of the suit herein and reasonable attorneys' fees as allowed by law; and						
15	5. Fo	or such other and further relief as the Court deems just and reasonable.						
16								
17	Dated: July 19, 2	MORRISON & FOERSTER LLP						
18	Dated. July 19, 2	WORKIDON & TOLKDILK LLI						
19		By: De Benent						
20		JAMES P. BENNETT						
21		Attorneys for Petitioners FERRY BUILDING INVESTORS, LLC						
22		and FERRY BUILDING ASSOCIATES, LLC						
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sf-3146961

Case No.

### 1 PROOF OF SERVICE 2 I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause, 3 and I am over the age of eighteen years. 4 I further declare that on July 20, 2012, I served a copy of: 5 NOTICE OF INTENT TO FILE CEQA PETITION 6 BY U.S. MAIL [Code Civ. Proc sec. 1013(a)] by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's 7 ordinary business practices. I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service, and know that in the ordinary 8 course of Morrison & Foerster LLP's business practice the document(s) described above will be deposited with the United States Postal Service on the same date that it (they) is (are) placed at Morrison & Foerster LLP with 9 postage thereon fully prepaid for collection and mailing. 10 ☐ BY FACSIMILE [Code Civ. Proc sec. 1013(e)] by sending a true copy from Morrison & Foerster LLP's facsimile transmission telephone number 415.268.7522 to the fax number(s) set forth below, or as stated on the attached service list. The transmission was reported as complete and without error. The transmission report was 11 properly issued by the transmitting facsimile machine. I am readily familiar with Morrison & Foerster LLP's practice for sending facsimile transmissions, and know that in the ordinary course of Morrison & Foerster LLP's 12 business practice the document(s) described above will be transmitted by facsimile on the same date that it (they) is (are) placed at Morrison & Foerster LLP for transmission. 13 ☐ BY OVERNIGHT DELIVERY [Code Civ. Proc sec. 1013(c)] by placing a true\_copy thereof enclosed in a 14 sealed envelope with delivery fees provided for, addressed as follows, for collection by UPS, at 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business 15 practices. I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be deposited in a box or other facility regularly 16 maintained by UPS or delivered to an authorized courier or driver authorized by UPS to receive documents on the same date that it (they) is are placed at Morrison & Foerster LLP for collection. 17 ☐ BY ELECTRONIC SERVICE [Code Civ. Proc sec. 1010.6; CRC 2.251] by electronically mailing a true and 18 correct copy through Morrison & Foerster LLP's electronic mail system from cherte@mofo.com to the email address(es) set forth below, or as stated on the attached service list per agreement in accordance with Code of 19 Civil Procedure section 1010.6 and CRC Rule 2.251. 20 Please see attached service list. 21 I declare under penalty of perjury under the laws of the State of California that the 22 foregoing is true and correct. Executed on July 20, 2012, at San Francisco, California. 23 24

sf-3146961

Catherine L. Berté

(typed)

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Case No.

## Service List

1	Service List
2	Equity Office Properties v. City and County of San Francisco, et al.  San Francisco County Superior Court
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4	San Francisco Port Commission ☑ U.S. Mail City Hall, Room 200 □ Fax
5	1 Dr. Carlton B Goodlett Place ☐ Overnight San Francisco, CA 94102 ☐ Electronic
6	City and County of San Francisco 図 U.S. Mail
7	City Hall, Room 200
8	San Francisco, CA 94102    Electronic
9	City and County of San Francisco Board of U.S. Mail
11	Supervisors   City Hall, Room 200   Overnight
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Case No.







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JAMES P. BENNETT (BAR NO. 65179) JBennett@mofo.com 2 SHAYE DIVELEY (BAR NO. 215602) SDiveley@mofo.com MORRISON & FOERSTER LLP 425 Market Street 4 San Francisco, California 94105-2482 Telephone: 415.268.7000 Facsimile: 415.268.7522 5 6 Attorneys for Petitioners FERRY BUILDING INVESTORS, LLC and 7 FERRY BUILDING ASSOCIATES, LLC 8

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO

FERRY BUILDING INVESTORS, LLC and FERRY BUILDING ASSOCIATES, LLC,

Petitioners.

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SAN FRANCISCO PORT COMMISSION; CITY AND COUNTY OF SAN FRANCISCO; BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO; and DOES 1-50, inclusive,

Respondents.

PACIFIC WATERFRONT PARTNERS, LLC, and SAN FRANCISCO WATERFRONT PARTNERS II LLC,

Real Parties in Interest.

CPF Case No. 12-512355

UNLIMITED JURISDICTION

VERIFIED PETITION FOR WRIT OF MANDATE AND ADMINISTRATIVE MANDATE

[CALIFORNIA ENVIRONMENTAL QUALITY ACT – <u>CEQA CASE</u>]

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Petitioners FERRY BUILDING INVESTORS, LLC and FERRY BUILDING

ASSOCIATES, LLC (collectively, "EOP" or "Petitioners") hereby petition for a peremptory writ of mandate pursuant to California Code of Civil Procedure sections 1085 and/or 1094.5, and California Public Resources Code sections 21168 and 21268.5, directing Respondents SAN FRANCISCO PORT COMMISSION, CITY AND COUNTY OF SAN FRANCISCO; and

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BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

# (collectively "City") to set aside the City's approvals of the 8 Washington/Seawall Lot 351 Project ("Project") and certification of the Environmental Impact Report ("EIR") for the Project. By this verified petition, Petitioners allege as follows:

## I. INTRODUCTION

- 1. This action challenges violations of the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§ 21000 et seq., and its implementing guidelines ("CEQA Guidelines"), Cal. Code Regs. tit. 14, §§ 15000 et seq., and the City's Administrative Code's CEQA procedures committed by Respondent CITY AND COUNTY OF SAN FRANCISCO, through actions, determinations and decisions of SAN FRANCISCO PORT COMMISSION and BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO in certifying an Environmental Impact Report ("EIR") and issuing related project approvals for the 8 Washington/Seawall Lot 351 Project ("Project"). The City's violations of CEQA's most basic requirements constitute a prejudicial abuse of discretion that requires this Court to rescind the City's approvals of the Project.
- 2. As explained in greater detail below, the EIR was prepared in a manner contrary to CEQA and the City's Administrative Code and fails to satisfy the requirements of those laws in content. Among other deficiencies, the EIR failed to describe essential facts necessary to establish accurately the setting of the Project; lacked a stable and consistent project description; failed to provide adequate facts to support critical conclusions contained in the EIR; relied on inaccurate and outdated data; omitted consideration of legitimate alternatives to the Project that would reduce substantially or eliminate potentially significant environmental effects; understated substantially the potential impacts of the Project; and failed to identify and recommend adoption of mitigation measures that are feasible and, if adopted, would reduce substantially or eliminate potentially significant environmental effects of the Project. Moreover, the Final EIR also should have been recirculated because it contained substantial new information that was not included in the Draft EIR for the Project. For these reasons, among others, the EIR failed to adequately provide the City and the public with the necessary information for understanding the environmental consequences in deciding whether to approve this Project. As a result, the

required analysis for the Project was defective under CEQA and the EIR could not serve as a lawful basis for any approval or action by the City on the Project.

## II. PARTIES

- ASSOCIATES, LLC (collectively, "EOP") each are, and were at all times relevant hereto, limited liability companies doing business in the State of California. EOP has been and will be directly and adversely affected by the City's actions in approving the Project and certifying the EIR, and is a beneficially interested party as the holder of a long-term lease from the City on the San Francisco Ferry Building and the licensee from the City of Seawall Lot 351, the site of the Project. EOP has a strong interest in ensuring that development of the area surrounding the Ferry Building occurs in a manner that accounts for existing and reasonably foreseeable uses. As a result of its proximity to the Project, EOP has an interest in ensuring that the Project's environmental impacts are fully considered and actually mitigated to the extent feasible. This proximity also gives EOP an interest in ensuring that the impacts of the Project are minimized so that the Project can be developed in a manner that actually works within the context of the City's waterfront and infrastructure. EOP presented written comments on the Draft EIR, Final EIR and Project approvals to the City, copies of which are attached hereto at Exhibit A.
- 4. Respondents SAN FRANCISCO PORT COMMISSION, CITY AND COUNTY OF SAN FRANCISCO, and BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO (collectively "City") are, and were at all times relevant hereto, public agencies that, under the City's Administrative Code section 31.04(a), acted as a single "local agency," "public agency" and "lead agency" that certified the EIR and approved the Project.
- 5. Real Parties in Interest PACIFIC WATERFRONT PARTNERS LLC and SAN FRANCISCO WATERFRONT PARTNERS II LLC (collectively "PWP") are, and were at all times relevant hereto, limited liability companies organized under the laws of Delaware and doing business in the State of California. PWP is the applicant for the 8 Washington Project.
- 6. Petitioners do not know the true names and capacities of the persons or entities sued as Respondent DOES 1 through 50, inclusive, and therefore sue these respondents by their

fictitious names. Petitioners will amend the Petition to set forth the names and capacities of the Doe respondents along with appropriate charging allegations when such information has been ascertained.

## III. JURISDICTION AND VENUE

- 7. This Court has jurisdiction to issue a peremptory writ of mandate under either California Code of Civil Procedure section 1094.5 and California Public Resources Code section 21168; or California Code of Civil Procedure section 1085 and California Public Resources Code section 21168.5.
- 8. Venue is proper in this Court under California Code of Civil Procedure sections 393, 394 and 395 because the real property affected by Respondents' actions is located in San Francisco County.

## IV. LEGAL BACKGROUND

- 9. CEQA encourages environmental protection by disclosing to decision-makers and the public the potential environmental effects of proposed projects and alternatives for reducing such impacts. Cal. Pub. Res. Code §§ 21100-21002; Cal. Code. Regs. tit. 14, §§ 15002(a)(1), 15002(a)(4). As such, courts have repeatedly stated that informed decision-making and public participation are fundamental purposes of the CEQA process. See Citizens of Goleta Valley v. Bd. of Supervisors, 52 Cal. 3d 553 (1990); Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal., 47 Cal. 3d 376 (1988); No Oil, Inc. v. City of Los Angeles, 13 Cal. 3d 68 (1974).
- 10. The Environmental Impact Report, or EIR, is the "heart" of CEQA. County of Inyo v. Yorty, 32 Cal. App. 3d 795, 810 (1973); Keep Berkeley Jets Over the Bay Comm. v. Port Comm'rs of Oakland, 91 Cal. App. 4th 1344, 1355 (2001). The EIR's purpose is "to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR protects not only the environment but also informed self-government." Citizens of Goleta Valley v. Bd. of Supervisors, 52 Cal. 3d 553, 564 (1990); Keep Berkeley Jets, 91 Cal. App. 4th at 1354; Cal. Code. Regs. tit. 14, § 15002(a)(2).
- 11. CEQA places the burden of environmental investigation and the development of "substantial evidence" on the public agency rather than on the public. Courts will set aside an

agency's findings that a project will not cause significant environmental impacts if there is not substantial evidence in the record to support such a finding. See Sundstrom v. County of Mendocino, 202 Cal. App. 3d 296, 311 (1988). Accordingly, the "agency should not be allowed to hide behind its own failure to gather relevant data." Id; see also City of Redlands v. County of San Bernardino, 96 Cal. App. 4th 398 (2002).

## V. GENERAL ALLEGATIONS

- 12. From the start, the City and PWP have ignored the most basic procedural and substantive requirements of CEQA and the City's administrative laws, and refused to involve essential stakeholders in the planning and development process. In doing so, the City and PWP have prepared a fatally flawed EIR that does not comply with CEQA or the City's procedural mandates nor adequately identify and address the environmental impacts of the Project and, thus, cannot support the City's approvals for the Project.
- 13. The 8 Washington/Seawall Lot 351 Project is a luxury condominium development proposed to be built on Seawall Lot 351. As previously stated, EOP holds a long-term lease from the City of the San Francisco on the Ferry Building located across The Embarcadero from the Project site. As an integral part of the privately funded redevelopment of the Ferry Building, the City granted exclusive control over Seawall Lot 351 to EOP for dedicated parking to serve the Ferry Building for the term of that Ferry Building lease, a public trust use.
  - 14. On or about March 11, 2011, PWP submitted an Application for the Project.
- 15. On June 15, 2011, the City published the Draft EIR for the Project. The Final EIR was published on December 22, 2011. EOP and other stakeholders submitted extensive comments on both documents, identifying numerous procedural and substantive flaws, including, but not limited to:
  - The Project Description Described a Different Project. The Project had been substantially reconfigured from that described in the Notice of Preparation and even in Draft EIR in a number of significant ways, including expansion of some uses and changes in design and layout. The EIR was required to be revised to

identify the actual Project (and its impacts) before the City could certify the EIR and approve the Project.

- The Project Description Failed to Identify the Necessary Steps for the City's Use of Seawall Lot 351 for the Project. The Project Description also failed to adequately describe the actions that will be required for the City to shift the use of Seawall Lot 351 from EOP for dedicated parking to serve the Ferry Building to the Project. The EIR was required to state these requirements, and the City's manner of satisfying them, in the Project Description and approvals required for the Project.
  - Inadequate. The EIR relied on stale and incomplete data that misrepresented the conditions in the area today, and, indeed what it has been for the last several years. The northeastern waterfront had been transformed in recent years with the introduction of new businesses and the exploding popularity of the Ferry Building Farmers Market. The EIR based its traffic and parking assumptions on data from 2007, before these changes occurred. Moreover, the chosen evaluation window—a single Wednesday evening—did not capture the true peak periods for this area during the Tuesday, Thursday and Saturday daytime Farmers Markets. EOP submitted a 2011 parking study to the City that demonstrated that parking was constrained during those times, yet the EIR failed to correct the deficiencies. As a result, the traffic and parking impacts were vastly understated.
- The Public Trust Impacts of the Project Should Have Been Properly Identified and Addressed in the Final EIR. An integral and necessary element of the Project is a land exchange, the first step of which was the extinguishment by the State Lands Commission of the public trust designation for Seawall Lot 351. This is a significant action requiring the approval of both the City and the State Lands Commission based on several required findings, including the finding that Seawall Lot 351 was "relatively useless" for public trust purposes and the removal of the

public trust designation would not interfere with any other public trust resources. These findings were not possible for either the City or the State Lands

Commission because Seawall Lot 351 was currently being used (as it had been for almost ten years) for an important public trust purpose—parking specifically to serve the Ferry Building. The EIR failed to accurately identify these required actions or to analyze their environmental, public trust and related social and historical impacts.

- The EIR Ignored Cumulative Impacts from Other Existing and Proposed Projects.

  The EIR failed to adequately account for the cumulative effects of several major projects (including, but not limited to, the America's Cup program, the opening of the Exploratorium and Teatro ZinZanni, and construction at 75 Howard) that will transform the area in the near future, dramatically increasing the number of vehicle, bicycle, and pedestrian trips in the area and compounding the traffic and parking impacts from the Project. Moreover, the EIR did not address how these projects' construction periods will overlap with the Project, clogging local streets with an excess of construction vehicles and exacerbating air quality, noise, safety, and aesthetics impacts.
- The Hydro-Geologic Analysis was Conspicuously Deficient. The EIR failed to adequately address the obvious potential impacts (such as dewatering and seismic issues) from building a massive parking garage 31 feet below grade, entirely in Bay fill. The Draft EIR was completely silent on this topic, and the Final EIR unsuccessfully attempted to "paper over" the gap by referencing three 1-2 page memoranda from the developer's contractors. The memoranda were conclusory and failed to provide meaningful information about dewatering, seismic and sea level rise issues—all critical oversights for a waterfront location.
- The EIR Failed to Include Meaningful Alternatives to the Project. Under CEQA, the City was required to analyze a reasonable range of alternatives that meet a specified criterion—these alternatives must avoid or substantially lessen the

significant environmental effects of the Project. The EIR failed to comply with this mandate. Other than the No Project Alternative, the EIR did not identify a single alternative that is intended to, or would, avoid or lessen the any of the potentially significant impacts that the EIR already identified—much less the other effects the EIR failed to disclose. As a result, the EIR failed to present to the public and decision-makers, as CEQA requires, a "reasonable range" of alternatives that would have served generally the same Project objectives but have fewer impacts, as CEQA requires.

Significant Adverse Impacts Identified in the EIR Were Left Unmitigated—Even Though Mitigation Is Feasible. CEQA requires that an EIR identify, and that the government entity impose, all feasible measures to mitigate significant impacts. The EIR failed to incorporate all feasible mitigation for three of the Project's significant impacts. For example, to mitigate the significant traffic impact at the intersection of the Embarcadero and Washington Street, the EIR proposed "a basic Travel Demand Management Plan" that repeated many of the features that are already part of the Project anyway. To mitigate the significant air quality impact from exposure to toxic air contaminants, the EIR proposed a ventilation system that would only operate when the building's heat is on. Other feasible measures were rejected because they would reduce the marketability of the Project. This was not only an improper consideration under CEQA, for which "feasibility" is the standard (not a preference against a possible longer selling period for condominiums or a smaller profit to the developer), but also was unsubstantiated by any credible evidence. Finally, to mitigate the significant sea level rise impact from exposure to flooding, the EIR proposed an ineffectual Emergency Plan to be administered by the building manager, rather than consider widely published strategies to change the Project's design and improve its resiliency.

Because of the Numerous Changes to the Project and Analyses of its Impacts since the Draft EIR, the Final EIR Should Have Been Corrected and Recirculated. The

Final EIR (*i.e.*, the Comments and Responses on the Draft EIR) contained a substantial amount of significant new information—in fact, it was nearly the same page length as the Draft EIR—and materially altered the information and issues addressed in the Draft EIR. That alone was sufficient to require recirculation. Moreover, the data and information submitted by EOP and other stakeholders identified deficiencies in the Final EIR—including overlooked significant environmental impacts—that should have been correctly identified and recirculated to the public before any decision on the Project by the City.

- 16. Despite these and other written and oral objections from EOP and other stakeholders, on March 22, 2012, the City's Planning Commission certified the EIR for the Project.
- 17. On March 26, 2012, EOP filed a timely administrative appeal of the Planning Commission's EIR certification to the City's Board of Supervisors, pursuant to CEQA Guideline section 15090(b) and City Administrative Code section 31.16. EOP's appeal was consolidated by the City with the timely appeals of the certification of the EIR and the approval of the Conditional Use Permit filed by Friends of Golden Gateway.
- 18. On May 15, 2012, the Board of Supervisors heard and denied the appeals of the Planning Commission's certification of the EIR and approval of the Conditional Use Permit.
- 19. On May 31, 2012, the San Francisco Port Commission adopted motions and resolutions to (1) adopt findings, a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program under CEQA; (2) approve the execution of the following documents with San Francisco Waterfront Partners: (i) Disposition and Development Agreement, (ii) Lease No. L-15110, (iii) Purchase and Sale Agreement, (iv) Trust Exchange Agreement, and (v) Maintenance Agreement; and (3) approve schematic drawings for the development for the Project, over the written and oral objections of EOP and other stakeholders.
- 20. On June 4, 2012, the Land Use Committee of the Board of Supervisors held a hearing on the Project and passed out, without recommendation, certain ordinances necessary for

the development of the Project, over the written and oral objections of EOP and other stakeholders.

- 21. On June 6, 2012, the Budget and Finance Subcommittee of the Board of Supervisors held a hearing on the Project and passed out, without recommendation, certain agreements necessary for the development of the Project, over the written and oral objections of EOP and other stakeholders.
- 22. On June 12, 2012, the Board of Supervisors adopted motions and resolutions to approve and authorize (1) a Purchase and Sale Agreement, (2) a Trust Exchange Agreement, (3) Lease No. L-15110; (4) a Maintenance Agreement; (5) an ordinance to amend Sheet HT01 of the Zoning Map of the City and County of San Francisco; and (6) an ordinance to amend the San Francisco General Plan Map 2 of the Northeastern Waterfront Area Plan, as well as the adoption of certain related findings and authorizations, over the written objections of EOP.
- 23. On June 22, 2012, the San Francisco City Clerk posted the City's CEQA Notice of Determination ("NOD") for the Project, a copy of which is attached as **Exhibit B** to this Petition.

## VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES

- 24. Petitioners have performed all conditions precedent to the filing of this petition by raising its objections before the City and by exhausting all of its available administrative remedies. Petitioners, interested groups and individuals made oral and written comments on the EIR and the Conditional Use Permit, and related Project approvals, and raised each of the legal deficiencies asserted in this Petition. Copies of Petitioners' comment letters on the EIR provided to the City are attached as **Exhibit A**.
- 25. Petitioners have no plain, speedy and adequate remedy in the ordinary course of law, other than the relief sought in this petition.
- 26. Petitioners have requested that the City provide a true and correct copy of the administrative record to Petitioners. A copy of this request is attached as **Exhibit C**. Accordingly, a true and correct copy of the record will be lodged with the court before the hearing date on the peremptory writ of mandate.

## VII. NOTICE OF COMMENCEMENT OF CEQA PROCEEDING

- 27. Petitioners have performed all conditions precedent to filing this action by complying with the requirements of California Public Resources Code section 21167.5 by serving prior notice of the petition in this action. A copy of the written notice and proof of service is attached as **Exhibit D** to the Petition in this action.
- 28. Petitioners will provide notice of this action to the Attorney General of the State of California, by serving a copy of this Petition along with a notice of filing, as required by California Public Resources Code section 21167.7 and California Code of Civil Procedure section 338.

## PETITION FOR WRIT OF MANDATE

Writ of Mandate for Violation of State and Local CEQA Requirements

(Cal. Pub. Res. Code §§ 21000 et seq., Cal. Code Regs. tit. 14, §§ 15000 et seq., City Administrative Code Chapter 31)

- 29. Petitioners incorporate by reference the allegations set forth in paragraphs 1 through 28, above.
- 30. Petitioners state this claim under California Code of Civil Procedure section 1085 and California Public Resources Code section 21168.5, or, in the alternative, under California Code of Civil Procedure section 1094.5 and California Public Resources Code section 21168; and the City's Administrative Code.
- 31. The City prejudicially abused its discretion and failed to proceed in a manner required by law by approving the Project in reliance on the EIR, despite substantial evidence of unaddressed or unidentified environmental impacts, numerous identified deficiencies in the EIR and multiple failures to comply with the procedural mandates of CEQA and City's Administrative Code.
- 32. The City violated CEQA and the City's Administrative Code for each and every reason stated in Petitioner's written and oral objections to the EIR and Project approvals, which are hereby incorporated by reference as if set forth in full. Among other deficiencies, the EIR failed to describe essential facts necessary to establish accurately and fully the setting of the

Project; lacked a stable and consistent project description; failed to provide adequate facts to support critical conclusions contained in the EIR; relied on inaccurate and outdated data; omitted consideration of legitimate alternatives to the Project that would reduce substantially or eliminate potentially significant environmental effects; understated substantially the potential impacts of the Project; and failed to identify and recommend adoption of mitigation measures that are feasible and, if adopted, would have reduced substantially or eliminated potentially significant environmental effects of the Project. As a result, the EIR's content and the required analysis for the Project were defective under the substantive requirements of CEQA and the City's Administrative Code.

- 33. In certifying the EIR and approving the Project, the City also violated the procedural requirements of CEQA and the City's Administrative Code. The Final EIR was required to be recirculated because it contained substantial new information that was not included in the Draft EIR and not provided to the public and decision-makers before the City approved the Project.
- 34. As a result of these foregoing defects, the City prejudicially abused its discretion, by violating the procedural and substantive requirements of CEQA, the CEQA Guidelines and the City's own CEQA Administrative Procedures in certifying the EIR and approving the Project. As such, the City's certification of the EIR and its approval of the Project in reliance on the EIR are invalid as a matter of law and must be set aside.

## PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully pray for judgment as follows:

- 1. For alternative and peremptory writs of mandate directing the City to vacate and set aside its certification of the EIR and the Project Approvals;
- 2. For alternative and peremptory writs of mandate directing the City to comply with CEQA;
- 3. For a stay and/or injunctive relief restraining the City and its agents, servants, and employees, and all others acting in concert with the City or on its behalf, including Real-Parties-in-Interest, from issuing any grading, building, or other permits or

	li .					
1		approvals, pen	nitting or und	ertaking any con	struction, or taking a	any other action
2		to implement t	he Project in a	any way pending	full compliance wit	h the
3		requirements o	f CEQA;			
4	· 4.	For costs of the	e suit herein a	nd reasonable att	orneys' fees as allow	wed by law; and
5	5.	For such other	and further re	lief as the Court	deems just and reason	onable.
6					·	•
7	D . 1 T 1 0	0.0010		MODDIGONI	POPPOTED	
8	Dated: July 2	0, 2012	•	MORRISON &	FOERSTER LLP	•
9					Pous	
10				By: JAMES	P. BENNETT	
11	·			FERRY	ys for Petitioners BUILDING INVE	STORS, LLC and
12				FERRY	BUILDING ASSO	CIATES, LLC
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## VERIFICATION

I, Eric Luhrs, declare as follows:

I am the Vice President – Portfolio Management of EQUITY OFFICE MANAGEMENT, L.L.C., the non-member manager of EOM GP, L.L.C., the general partner of CA-FERRY BUILDING INVESTOR LIMITED PARTNERSHIP, the managing member of FERRY BUILDING INVESTORS, LLC and FERRY BUILDING ASSOCIATES, LLC, the Petitioners herein, and I am authorized to make this verification on their behalf.

I have read the foregoing Verified Petition for Peremptory Writ of Mandate and Administrative Mandate, and know the contents thereof. The same is true of my own knowledge, except as to those matters that are therein stated on information and belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 19, 2012, at San Mateo CA

# TABLE OF EXHIBITS

2		
3	Exhibit A	Equity Office Properties comment letters re: 1. Draft EIR (August 15, 20122) 2. Final EIR (March 20, 2012) 3. Final approval by Board of Supervisors (June 11, 2012)
5	Exhibit B	Notice of Determination issued by the City and County of
6		San Francisco (June 22, 2012)
7	Exhibit C	Petitioners' Request for Preparation of the Administrative Record
8	Exhibit D	Petitioners; Notice of Intent to File CEQA Petition (with proof of service)
9		Solvice
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Central Subway construction in North Beach John Reed

to:

David Chiu, Carmen Chu, David Campos, Eric L. Mar, Jane Kim, John Avalos, Malia.Cohen, Mark Farrell, Scott Weiner, Sean Elsbernd, Board of Supervisors, \U.S. Senator Barbara Boxer\, Aaron Peskin, THD President 08/08/2012 03:03 PM

Hide Details

From: John Reed <johnreed@sonic.net> Sort List...

To: David Chiu Spavid Chiu@sfgov.org, Carmen Chu Carmen.chu@sfgov.org, David Campos Campos Campos@sfgov.org, "Eric L. Mar" Eric.L.Mar@sfgov.org, Jane Kim CJane.Kim@sfgov.org, John Avalos cjohn.avalos@sfgov.org, Malia.Cohen@sfgov.org, Mark Farrell Mark.Farrell@sfgov.org, Scott Weiner Scott.Wiener@sfgov.org, Sean Elsbernd Classen.elsbernd@sfgov.org, Board of Supervisors CBoard.of.Supervisors@sfgov.org, "\"U.S. Senator Barbara Boxer\" "Cbarbara.boxer@enews.senate.gov, Aaron Peskin Carmen Chu Crarmen.chu@sfgov.org, Board of Supervisors

Dear members of the Board of Supervisors:

President opresident@thd.org>,

Never, in the 46 years that I have lived in San Francisco, have I seen the City of San Francisco act with such dangerous blind determination without concern for it's citizens and the city's financial stability. Logic and reason have been thrown out the window and the political agenda of the few and powerful has become everything. I'm talking about the Central Subway, and at the moment, the grossly offensive decision to allow the construction begin at Washington Square with complete disregard for the wishes and concern of the residents and businesses in this district. Without going over all of the issues - you MUST know them - the most important issue at the moment is to allow a period of time for discussion on this Washington Square construction with the people who's life's and businesses will be profoundly effected by it. Please - stop and take a moment - consider. There needs to be time allowed for inclusion and discussion with the citizen's of this North Beach community before this construction begins.

I don't think I've ever voted for a Republican (I'm 73), but Republican Tom McLintock has my vote (see attached) and it is my hope that his vote and other Republicans will help defeat the "proposed" Federal funding for this fiasco - and if they do, you know the Central Subway can not continue. This is a REAL possibility, folks! What happens then?

http://www.youtube.com/watch?v=DRGODHF1Uco&feature=player\_embedded

Sincerely,

John T. Reed



To:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: SFPL chils viewing of "offensive" Internet pages

From:

SUN <sunfreedom76@yahoo.com>

To:

board\_of\_supervisors@ci.sf.ca.us, editor@sfbaytimes.com, philosophy talk KALW <comments@philosophytalk.org>, letters@rollingstone.com, LMNOP Oakland <lmnop@riseup.net>, letters ebar <letters@ebar.com>, letters@sfchronicle.com,

Cc:

"SF Supervisor scott.wiener" <scott.wiener@sfgov.org>, SF Pride sfpride <info@sfpride.org>, ksundheim@sfpl.org, info SF LDG <info@sfldg.org>, info@sfcenter.org, info@gotopless.org, mayor edwin lee <mayoredwinlee@sfgov.org>, bob Egelko <BEgelko@sfchronicle.com>

Date:

08/08/2012 09:45 AM

Subject:

SFPL chils viewing of "offensive" Internet pages

Open letter to the San Francisco Board of Supervisors:

Recently the San Francisco Public Library has started posting this policy message, online:

"San Francisco Public Library is committed to providing free and equal Internet access to the public without filtering content.

We do, however, ask that you respect your fellow library users and refrain from viewing obscene, offensive, harmful matter, or illegal materials prohibited by law."

SUN approves the first sentence. But the second sentence attempts to frighten persons who would view pages which Mrs. Grundy might stigmatize as "offensive".

This chills free learning and research. How could one realistically study Nazi Germany without viewing racist matter, which is deeply and truly offensive?

And how could one learn about adult human sexuality without viewing pages which homophobes, prudes, and/or religious extremists might dislike?

SUN asks the Supervisors to advise the library commission to withdraw the second sentence from this policy.

If certain library users are offended by what they see on ANOTHER person's screen, they need merely mind their own business.

If true facts are considered HARAM [forbidden], shall truth-seeking be discouraged?

-- Senior Unlimited Nudes [SUN] of San Francisco. P.O.Box 426937-SUN, SF, CA 94142-6937

http://groups.yahoo.com/group/SaveFreedom/

August 2012

BOS-11 cpage

08-01-12

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

Board of Supervisors, San Francisco

2012 AUG - 3 PM 4: 09

Dear Sirs:

Welcome to Chick-Fil-A Day across America. Thousands of Americans have expressed their support for Chick-Fil-A, irrespective of idiotic comments by Mayor Ed Lee (aka Chairman Mao), and other mayors in Chicago, Boston, and Washington, D.C.

The American people have spoken and acted in their support for the First Amendment and the right of FREE SPEECH, a concept that your Mayor Lee must have failed to learn when he disrespected our Constitution, which he swore to uphold.

Accordingly, we find Mayor Lee and embarrassment to the citizens of San Francisco, a disgrace, and unqualified to lead the City as mayor, and accordingly call for his resignation and/or firing.

As far as many of us are concerned, we will not support the expensive restaurants in SF that continue to offer the organic garbage and swill. The free meals at St. Anthony's and Glide have more sincerity and appeal.

Resign Chairman Lee as you are a disgrace, a political hack, and an insult to the many Chinese citizens in the City.

CITIZENS FOR CONSTITUTIONAL RIGHTS



To:

BOS Constituent Mail Distribution.

Cc:

Bcc:

Subject:

Illegitimate SF Mayor Ed Lee Shows True Dictatorial "Mafia don" Colors Tweets: "Closest #ChickFilA is 40 miles away & I strongly recommend that they not try to come any closer."

From:

<elnino@rcn.com>

To: Date:

08/03/2012 04:21 AM

Subject:

Illegitimate SF Mayor Ed Lee Shows True Dictatorial "Mafia don" Colors Tweets: "Closest

#ChickFilA is 40 miles away & I strongly recommend that they not try to come any closer."

Illegitimate SF Mayor Ed Lee Shows True Dictatorial "Mafia don" Colors Tweets: "Closest #ChickFilA is 40 miles away & I strongly recommend that they not try to come any closer."

Citizen's Media: Illegitimate SF Mayor Ed Lee Shows True Dictatorial "Mafia don" Colors Tweets: "Closest #ChickFilA is 40 miles away & I strongly recommend that they not try to come any closer." - SF-Mayor, Ed-Lee, Purjury-Gate: SF-DA, George Gascón, Cover-Up - Commissioner: 'Mayor Ed Lee committed perjury at Ross Mirkarimi hearing' Sen. Feinstein's Racist Illegitimate SF Mayor, Ed Lee, Firm on Stop-and-Frisk Black and Brown People Plan - Across America, Only Black and Brown People Get Arrested for Pot - 'The Dark Knight Rises' Asks Us to Believe the Rich Can Save Us - Matt Taibbi Dishes on the "Biggest Insider Trading You Could Ever Imagine" - Video Flashback Shows Graphic Scene Moments After SFPD-Involved Bayview Shooting Death of Kenneth Harding - Story: Kenneth Harding's mother considers legal action - Residents still upset over SFPD-Involved Bayview Shooting of Kenneth Harding - Video Footage Shows SFPD Chief Suhr & Illegitimate SF Mayor, Ed Lee Caught in Lies Over SFPD-Involved Bayview Shooting of Kenneth Harding

Illegitimate SF Mayor Ed Lee Shows True Dictatorial "Mafia don" Colors Tweets: "Closest #ChickFilA is 40 miles away & I strongly recommend that they not try to come any closer."

Mayor Ed Lee warns Chick-fil-A against coming to San Francisco http://insidescoopsf.sfgate.com/blog/2012/07/27/mayor-ed-lee-warns-chick-fil-a -against-coming-to-san-francisco/

It's Not Just NYC: Across America, Only Black and Brown People Get Arrested

http://www.alternet.org/story/156345/it%27s not just nyc%3A across america%2C only black and brown people get arrested for pot

The racial ratios of reefer roundups are as bad as New York's-if not worse-in scores of other U.S. cities.

Racial Profiling, False Arrests, Deportation -- The True Face of Federally Mandated "Secure Communities"

http://www.alternet.org/immigration/racial-profiling-false-arrests-deportation -true-face-federally-mandated-secure

Advertised as a way to target and deport "criminal aliens," the reality is that Secure Communities is itself the danger.

NYPD Officer Filmed Slamming Young Man to Ground During "Stop and Frisk"

http://www.democracynow.org/2012/7/27/headlines/nypd officer filmed slamming y

oung man to ground during stop and frisk search

Video footage has emerged of a New York City police officer roughing up a young man after stopping and searching him on a subway platform. In the footage, the officer accosts the young man before slamming him to the ground. The officer then throws the young man to the ground a second time. Activists say the video demonstrates the targeting of people of color under the New York City Police Department's controversial policy of "stop and frisk."

Commissioner: 'Mayor Ed Lee committed perjury at Ross Mirkarimi hearing' http://www.sfexaminer.com/local/2012/06/commissioner-alleges-mayor-ed-lee-committed-perjury-ross-mirkarimi-hearing

Perjury claims might cap honeymoon period for Mayor Ed Lee http://www.sfexaminer.com/local/2012/07/perjury-claims-might-cap-honeymoon-period-mayor-ed-lee

District Attorney George Gascón rejects Mayor Ed Lee perjury inquiry http://www.sfexaminer.com/local/2012/07/da-rejects-mayor-ed-lee-perjury-inquiry

Story: Residents still upset over SFPD-Involved Bayview Shooting of Kenneth Harding http://abclocal.go.com/kgo/story?section=news/local/san francisco&id=8265963

Story: Kenneth Harding's mother considers legal action http://abclocal.go.com/kgo/story?section=news/local/san\_francisco&id=8270062

Video Shows Graphic Scene Moments After SFPD-Involved Bayview Shooting Death of Kenneth Harding http://sfist.com/2011/07/18/video shows sfpd officers crime sce.php

Muni service restored after protest over Kenneth Harding shooting http://abclocal.go.com/kgo/story?section=news/local/san\_francisco&id=8737772

A memorial for Kenneth Harding took place in San Francisco's Bayview District Monday evening.

Ed Lee stands firm on stop-and-frisk plan http://www.sfgate.com/bayarea/article/Ed-Lee-stands-firm-on-stop-and-frisk-plan-3729307.php

It's Not Just NYC: Across America, Only Black and Brown People Get Arrested for Pot http://www.alternet.org/drugs/156345/it%27s\_not\_just\_nyc%3A\_across\_america%2C\_only black and brown people get arrested for pot/

The racial ratios of reefer roundups are as bad as New York's-if not worse-in scores of other U.S. cities.

'The Dark Knight Rises' Asks Us to Believe the Rich Can Save Us http://www.alternet.org/story/156420/%27the\_dark\_knight\_rises%27\_asks\_us\_to\_be lieve\_the\_rich\_can\_save\_us/

The new Batman film isn't the simple conservative parable rightwingers would like, but it is a reactionary vision.

A Long Dark Night: Gun Violence Romanticized and the New Batman Movie http://www.alternet.org/story/156407/a\_long\_dark\_night%3A\_gun\_violence\_romanticized\_and\_the\_new\_batman\_movie/

Boys and men in America inherit a popular culture of indiscriminate vigilante rage.

5 Issues That Divide Gun Owners and NRA Leadership http://www.alternet.org/story/156416/5\_issues\_that\_divide\_gun\_owners\_and\_nra\_1 eadership/

The NRA's membership agrees with most Americans that our gun laws should protect our families, not the financial interests of a clique of elites.

Matt Taibbi Dishes on the "Biggest Insider Trading You Could Ever Imagine" http://www.alternet.org/economy/156387/matt\_taibbi\_dishes\_on\_the\_%22biggest\_in sider trading you could ever imagine%22/

Sixteen international banks are accused of rigging a key global interest rate used in contracts worth trillions of dollars.

We are Citizens Media! We are a leaderless group with members in all 50 States United for a cause: Corporations are not people; Corporations as legal entities and money is not Free Speech since A "corporate person" - an entity that is not born - does not die - is neither male nor female - doesn't need safe food or clean water - and cannot be put in prison - yet enjoys many of the same constitutional rights that you and I do. We seek to get the money out of politics! We seek to Repeal Citizens' United To Save Democracy!



<u>To</u>:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: CHICK - FIL A RESTAURANT...

From:

Maya Meux <mdmeux@yahoo.com>

To:

Janette Barroca <jbb3252@yahoo.com>, SF Mayor <edwin.lee@ci.sf.ca.us>, Supervisors <Board.of.Supervisors@sfgov.org>,

Cc:

"Edwin.Lee@sfgov.org" <Edwin.Lee@sfgov.org>, "johnfarrell@jjflaw.com"

<johnfarrell@jjflaw.com>, "bob@fior.com" <bob@fior.com>, "tomsullivanradio@foxnews.com"
<tomsullivanradio@foxnews.com>, "briansussman2@yahoo.com" <bri>'Senator@shelby.senate.gov" <Senator@shelby.senate.gov>, "senator@demint.senate.gov"

<senator@demint.senate.gov>

Date:

08/01/2012 02:16 PM

Subject:

Re: CHICK - FIL A RESTAURANT...

# Bravo!

# Now, can you translate into commie speak? mdm

From: Janette Barroca <jbb3252@yahoo.com>

To: SF Mayor <edwin.lee@ci.sf.ca.us>; Supervisors <Board.of.Supervisors@sfgov.org>

Cc: Edwin.Lee@sfgov.org; johnfarrell@jjflaw.com; bob@fior.com; tomsullivanradio@foxnews.com;

briansussman2@yahoo.com; Senator@shelby.senate.gov; senator@demint.senate.gov

Sent: Wednesday, August 1, 2012 1:36 PM Subject: CHICK - FIL A RESTAURANT. . .

To Mayor Lee & Supervisors

I was sorry to learn that we don't have a Chick-Fil A

Restaurant

here in San

Francisco . .

.a city of so

much

diversity!

How sad that

we can't have

a business who

provides

employment and good food ~~ just because of a 'personal opinion'! I wonder what would happen if we were to take a survey of our *Chinese* & Hispanic restaurant owners' opinions? Mayor Lee, I would hope that you would be above the so called 'political pressure' and do what you know to be right. My grandfather had one of the first Italian restaurants here in San Francisco in

the 1880's and I would hate to think that he wouldn't have been able to open his business and provide for his family & employees because of an opinion he had ~~ NOT on the quality of his restaurant, the food and service he provided ~~ AND that he catered and served ALL THE PEOPLE OF SAN **FRANCISCO** AND BEYOND ~~ whatever their 'opinions' were! Can't we do this now in 2012

?? ~~ J. Del Monte-Biagini Barroca



<u>To:</u>

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: Support MHSA, Prop 63 Petition

From:

<lara@mhbsf.org>

To: Date: board.of.supervisors@sfgov.org,

08/04/2012 01:48 PM

Subject:

Support MHSA, Prop 63 Petition

Attention: Board Members, Staff, Mental Health Supporters

Dear Mental Health Supporters,

I just created a petition: Families, Advocates, Providers, Agencies for the MEntally III: Support MHSA Prop 63 to Provide Innovative Preventive Programs, because I care deeply about this very important issue.

I'm trying to collect 100 signatures, and I could really use your help. I believe you can sign anonymously.

To read more about what I'm trying to do and to sign my petition, click here: http://www.change.org/petitions/families-advocates-providers-agencies-for-the-mentally-ill -support-mhsa-prop-63-to-provide-innovative-preventive-programs?share\_id=AxcKxfbkLW

It'll just take a minute!

Once you're done, please ask your friends to sign the petition as well. Grassroots movements succeed because people like you are willing to spread the word!

M. Lara S. Arguelles



<u>To</u>:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: Opposition to Implementation of "Stop-and-Frisk" Policy in San Francisco

From:

Nahal Zamani < NZamani@ccrjustice.org>

To:

"Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>,

Date:

08/02/2012 01:50 PM

Subject:

Opposition to Implementation of "Stop-and-Frisk" Policy in San Francisco

To Whom it May Concern,

Please see attached a letter sent today to Mayor Lee's office regarding the possible implementation of the "stop-and-frisk" policy in San Francisco from the Center for Constitutional Rights. The stop-and-frisk policy is of particular to concern to us, as well as most New Yorkers, because of the high number of unconstitutional stops, the racial disparities in its implementation and the harmful human impact on neighborhoods and communities. As a result, we express our strong opposition to any implementation of a stop-and-frisk policy in San Francisco.

It is well demonstrated that stop-and-frisk practices yield both constitutional violations and harmful impacts on communities. Therefore we strongly urge Mayor Lee not to implement a stop-and-frisk policy in San Francisco.

We thank you for your consideration of our views on the issue.

Best regards,

Nahal

**Nahal Zamani** | Advocacy Program Manager | Center for Constitutional Rights | Tel: 212 614 6481, Fax: 212 614 6422 | nzamani@ccrjustice.org

Follow CCR on <u>Facebook</u>, and on <u>Twitter</u> @theCCR.





CCR\_Ltr\_SFMayor-Stopandfrisk.pdf the-human-impact-report.pdf

on the front lines for social justice

August 2, 2012

Via mail and e-mail

Mayor Edwin Lee City Hall, Room 200 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102 mayoredwinlee@sfgov.org

RE: Opposition to Implementation of "Stop-and-Frisk" Policy in San Francisco

Dear Mayor Lee:

I write on behalf of the Center for Constitutional Rights (CCR)<sup>1</sup> which has for years been actively engaged in broad-based efforts to combat police misconduct, particularly in New York City.<sup>2</sup>

The stop-and-frisk policy is of particular to concern to us, as well as most New Yorkers, because of the high number of unconstitutional stops, the racial disparities in its implementation and the harmful human impact on neighborhoods and communities. As a result, we express our strong opposition to any implementation of a stop-and-frisk policy in San Francisco.

### New York City's Stop and Frisk Policy Has Produced Widespread Constitutional Violations

We are currently involved in class-action litigation against the New York Police Department (NYPD) challenging the NYPD's practices of racial profiling and unconstitutional stop and frisks of law-abiding city residents.<sup>3</sup> The plaintiffs in our class action litigation represent many thousands of New Yorkers who have been stopped on their way to work, in front of their homes or just walking down the street without any cause, primarily as a result of their race or ethnicity.

<sup>&</sup>lt;sup>1</sup> Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. Learn more at: http://ccriustice.org

<sup>&</sup>lt;sup>2</sup> CCR has just released a report on the human impact of stop and frisk. Read the report and learn more at <a href="https://www.stopandfrisk.org">www.stopandfrisk.org</a>. Additionally, CCR is currently working with a wide range of organizations in the Communities United for Police Reform campaign. Learn more at <a href="https://www.changethenypd.org">www.changethenypd.org</a>.

<sup>&</sup>lt;sup>3</sup> Floyd, et al. v. City of New York, et al. is a federal class action lawsuit filed against the New York City Police Department (NYPD) and the City of New York that challenges the NYPD's practices of racial profiling and unconstitutional stop-and frisks. These NYPD practices have led to a dramatic increase in the number of suspicionless stop-and-frisks per year in the city, especially in communities of color. Learn more at: <a href="http://ccriustice.org/floyd">http://ccriustice.org/floyd</a>

on the front lines for social justice

As a result of our ongoing litigation, the NYPD provides detailed stop-and-frisk data to CCR on a quarterly basis. The data shows overwhelmingly that unlawful stops *disproportionately target Black and Latino New Yorkers*. Furthermore, we have found:

- The NYPD's use of stop-and-frisk has dramatically increased over 600% since Mayor Michael Bloomberg took office;
- Blacks and Latinos are more likely to be frisked after a NYPD-initiated stop than Whites;
   and
- Stops and frisks result in a nominal weapons yield and contraband yield.<sup>4</sup>

In addition, in May 2012, a federal judge certified our lawsuit as a class action, allowing all persons unlawfully stopped and frisked since January 2005 to be plaintiffs in the lawsuit. As Judge Shira Scheindlin noted in her May 16, 2012 decision: "Suspicionless stops should never occur. [New York City's] cavalier attitude towards the prospect of a 'widespread practice of suspicionless stops' displays a deeply troubling apathy towards New Yorkers' most fundamental constitutional rights." A copy of the decision can be found at <a href="http://ccriustice.org/files/Floyd Class Cert Opinion.pdf">http://ccriustice.org/files/Floyd Class Cert Opinion.pdf</a>.

### Race is the Central Factor in New York City's Stop and Frisk Policy

The class certification came at a critical moment. In 2011, the NYPD reported a record 685,724 stops—a 600 percent increase since Raymond Kelly took over as NYPD commissioner in 2002. Eighty-four percent of those stopped in 2011 were Black or Latino, and 88 percent of persons stopped were neither arrested nor given a summons. NYPD data from the first quarter of 2012 revealed these patterns continuing, with the number of stops on pace to top 700,000 by the end of the year.

In October 2010, Plaintiffs' expert Jeffrey Fagan, a nationally-recognized professor specializing in statistics, race and policing, analyzed NYPD stop-and-frisk data from 2004-2009 and found:

- Nearly 150,000 stops during this period were facially unconstitutional and lacked any legal justification and 30 percent of all stops were either illegal or of questionable legality;
- Most stops occur in Black and Latino neighborhoods. Even after controlling for crime rates
  and allocation of police resources, race is the central factor in determining who is
  stopped by the NYPD; and
- Black and Latino residents are also more likely than White residents to be stopped in racially-mixed or predominantly White neighborhoods.<sup>5</sup>

A copy of Dr. Fagan's report can be found online at: <a href="http://ccrjustice.org/files/Expert Report JeffreyFagan.pdf">http://ccrjustice.org/files/Expert Report JeffreyFagan.pdf</a>.

<sup>&</sup>lt;sup>4</sup> Learn more about the racial disparity in NYPD stops and frisks at: <a href="http://www.ccrjustice.org/stopandfrisk">http://www.ccrjustice.org/stopandfrisk</a>. <sup>5</sup> Jeffery Fagan, PhD, Floyd v. City of New York, 08 Civ. 1034 (SAS) (SDNY), October 2010. The full text is available <a href="http://ccrjustice.org/files/Expert Report JeffreyFagan.pdf">http://ccrjustice.org/files/Expert Report JeffreyFagan.pdf</a>.

on the front lines for social justice

### The Human Impact of Stop and Frisk

On July 26, 2012, CCR released, "Stop and Frisk – The Human Impact: The Stories Behind the Numbers, the Effects on our Communities," a report documenting the human impact of the stop and frisk practice. A copy is enclosed for your review.

CCR conducted 54 interviews with people who had been stopped by the NYPD to document the impact of this practice on them and the communities in which they live. The resulting report documents the devastating impact that stop and frisk has on real people, and for some communities, the pervasive and hostile police presence that accompanies it. The encounters described by interviewees are far from minor inconveniences; rather they represent frightening, intimidating and intrusive confrontations by the NYPD. They reveal how being stopped has changed the daily lives of far too many individuals. An all too typical response came from Natasha A., a 24-year-old Black woman, who shared with CCR:

When police come around, I make sure I keep my head down. I'm very cautious of where I go. Unfortunately, now I plan my destinations to a T. And at this point in my life, I take transportation, literal transportation, like bus and train. I don't really walk anymore.

The stories shared in this report illustrate the damage this practice is having in communities in New York – and the risk to effective community relations in other municipalities who might consider adopting similar practices.

It is well demonstrated that stop and frisk practices yield both constitutional violations and harmful impacts on communities. Therefore we strongly urge you not to implement a stop and frisk policy in San Francisco.

My staff and I remain available to discuss this further in detail and thank you for your consideration of our views on the issue.

Sincerely,

Vincent Warren

Executive Director, Center for Constitutional Rights

vwarren@ccriustice.org, 212.614.6468

Enclosure

on the front lines for social justice

cc: Paul Henderson, Office of the Mayor, via email
Jason Elliot, Office of the Mayor, via email
San Francisco Police Commission, via email
Chief Greg Suhr, San Francisco Police Department via email
San Francisco Board of Supervisors, via email
San Francisco Human Rights Commission, via email
San Francisco Immigrant Rights Commission, via email

# STOP AND FRISK THE HUDAAN IMPACI

THE STORIES THE EFFECTS ON BEHIND THE NUMBERS OUR COMMUNITIES

Center for Constitutional Rights **JULY 2012** 

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The information contained in this document does not reflect any of the conclusions, evidence, or arguments that will be presented by plaintiffs in the lawsuit *Floyd v. City of New York*, 08 Civ. 1034 (SAS) (SDNY).

# Center for Constitutional Rights

666 Broadway, 7th Floor New York, NY 10012 www.CCRjustice.org

The Center for Constitutional Rights (CCR) is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a nonprofit legal and educational organization committed to the creative use of law as a positive force for social change.

# STOP AND FRISK THE HUMAN IMPACT

THE **STORIES** BEHIND THE NUMBERS, THE EFFECTS ON OUR **COMMUNITIES** 

# Acknowledgments

This report would not have been possible without the many New Yorkers whose stories are at its heart. Their willingness to be interviewed and share the experience of what it means to be stopped and frisked has made it possible to show the human impact of a policy that affects 2,200 city residents every day.

CCR is grateful to all the community-based, grassroots, and social justice organizations that facilitated this research and helped make the interviews possible.

CCR's Nahal Zamani led the research effort, conducted and compiled the interviews, nurtured community connections, and wrote the first draft of the report. Her passion has been the guiding force of this project.

Kip Bastedo, Meghan Krumholz, Ashley Platt, Aya Tasaki, An-Tuan Williams, and the NYU Law Students for Human Rights (Sascha Bollag, Whitney Flanagan, Elizabeth Jordan, Alex Kondo, and Kari Wohlschlegel) provided research assistance and support.

Andrea Ritchie, Co-coordinator of Streetwise and Safe, reviewed an early version of the report and provided valuable feedback.

Sarah Hogarth edited the report and created the final draft. Margarita Aguilar did the graphic design.

Special thanks to the CCR legal staff working on the *Floyd v. City of New York* case – Darius Charney, Sunita Patel, Ian Head, and CCR Legal Director Baher Azmy – for their expertise and input.

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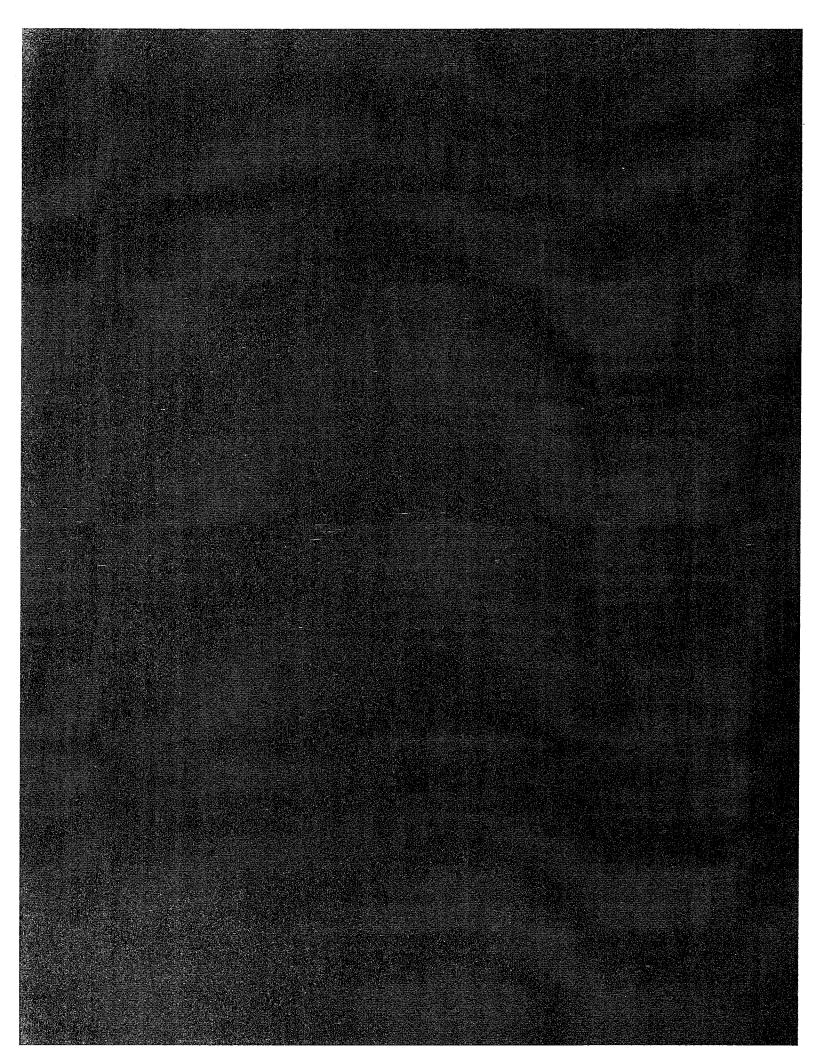
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# **SUMMARY**

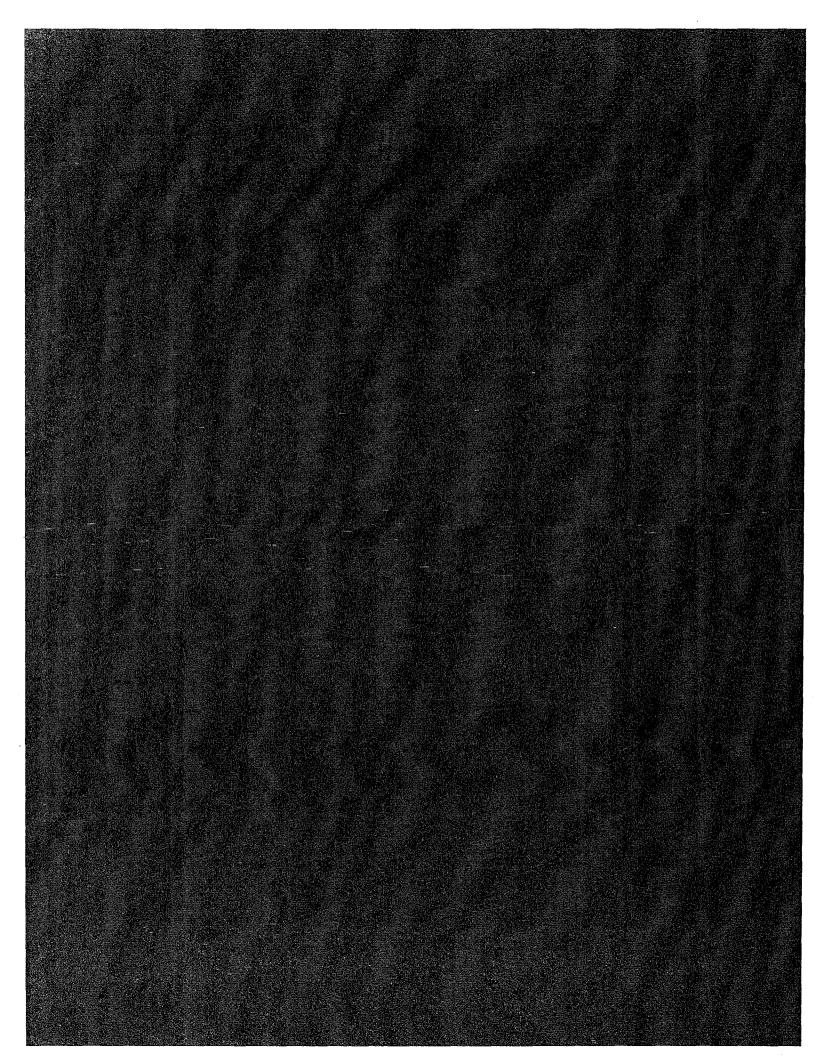
THE NEW YORK CITY POLICE DEPARTMENT'S (NYPD's) aggressive stop-and-frisk practices are having a profound effect on individuals, groups and communities across the city. This report documents some of the human stories behind the staggering statistics and sheds new light on the breadth of impact this policy is having on individuals and groups, in neighborhoods, and citywide.

The Center for Constitutional Rights conducted a series of interviews with people who have been stopped and frisked by NYPD and heard testimonies from a wide range of people who are living under the weight of the unprecedented explosion of this practice. These interviews provide evidence of how deeply this practice impacts individuals and they document widespread civil and human rights abuses, including illegal profiling, improper arrests, inappropriate touching, sexual harassment, humiliation and violence at the hands of police officers. The effects of these abuses can be devastating and often leave behind lasting emotional, psychological, social, and economic harm.

The NYPD stop-and-frisk program affects thousands of people every day in New York City and it is widely acknowledged that an overwhelming majority of those people are Black or Latino. This report shows that many are also members of a range of other communities that are experiencing devastating impact from this program, including LGBTQ/GNC people, non-citizens, homeless people, religious minorities, low-income people, residents of certain neighborhoods and youth. Residents of some New York City neighborhoods describe a police presence so pervasive and hostile that they feel like they are living in a state of siege.

What these stories describe are widespread and systematic human and civil rights violations against thousands of New Yorkers on a daily basis. The NYPD and city and state governments must act immediately to put policies and legal protections in place to end these abuses.





# INTRODUCTION

THE NEW YORK CITY POLICE DEPARTMENT (NYPD) is conducting stops and frisks in record numbers – roughly 685,000 in 2011 and on track to reach over 700,000 this year. Black and Latino people are consistently and intentionally stopped at a hugely disproportionate rate: nearly 85 percent of all stops. These alarming statistics speak volumes on their own – the overwhelming racial disparity and the low rate of lawful arrests or discovery of contraband that result from stops and frisks raise serious questions about the purpose or usefulness of this practice. However, the numbers alone do not tell the whole story.

The Center for Constitutional Rights (CCR) first challenged NYPD stop-and-frisk practices in 1999 with its landmark racial profiling case *Daniels*, *et al. v. City of New York*, *et al.*, <sup>5</sup> which led to the disbanding of the infamous Street Crime Unit. <sup>6</sup> A 2003 settlement agreement in that case required the NYPD to begin providing stop-and-frisk data to CCR on a quarterly basis. When subsequent analysis of this data revealed a continuing pattern of widespread racial profiling and unconstitutional stops and frisks, the Center filed another federal class action lawsuit, *Floyd*, *et al. v. City of New York*, *et al.* <sup>7</sup> in 2008. Along with this ongoing litigation, CCR has engaged in extensive advocacy around this issue as part of an unprecedented movement of grassroots organizations, lawyers, researchers, and activists in a campaign to end discriminatory policing practices in New York. CCR is a member of Communities United for Police Reform (CPR), <sup>8</sup> a coalition that strives to promote public safety and policing practices that are based on cooperation and respect instead of discriminatory targeting and harassment.

In order to gain a deeper understanding of the impact that NYPD policing policies are having on the lives of New Yorkers, CCR conducted 54 interviews<sup>9</sup> with people who had been stopped by the NYPD. This report is a summary of those interviews; these are the stories behind the numbers.

The picture that emerges from these stories is as clear as it is disturbing. Each year, hundreds of thousands of New Yorkers are being illegally profiled and subjected to humiliating experiences at the hands of the NYPD. Often these encounters have serious repercussions that can change the course of people's lives. A wide range of communities in our society have learned to live in fear of police and a generation of children of color have grown up in an environment where being mistreated by police is an expected part of daily life. Entire New York City neighborhoods exist under conditions that residents compare to a military occupation – where simply going to the store or coming home from school is a dangerous activity.

The widespread use of stop and frisk in New York City is also part of a larger trend of ever-increasing criminalization and mass incarceration that has resulted in the United States having, by far, the highest incarceration rate in the world. <sup>10</sup> In this way, the devastating effects of stop and frisk are also a harbinger of the larger costs of this national crisis.

# Stop and Frisk

"Stop and frisk" is the police practice of temporarily detaining people on the street, questioning them, and possibly also frisking or searching them. Under the law, an officer may not stop a person without having a reasonable suspicion that the individual

Each year, hundreds of thousands of New Yorkers are being illegally profiled and subjected to humiliating experiences at the hands of the NYPD.





has engaged or is about to engage in criminal activity. Frisking someone is legally permitted only when the officer has a reason to suspect that the person is armed and/ or dangerous. A stop may result in an arrest or a summons being issued if evidence of criminal activity is discovered.

In New York City, police officers have a standardized form<sup>12</sup> on which they must record the circumstances that led them to stop someone. The form lists several possible reasons for the stop that officers check off, including "Fits Description," "Furtive Movements," "Suspicious Bulge/Object," "Wearing Clothes/Disguises Commonly Used in Commission of Crime," "Sights and Sounds of Criminal Activity," and "Area Has High Incidence of Reported Offense of Type Under Investigation" (high-crime area).<sup>13</sup> The data compiled from these forms was provided to CCR pursuant to the settlement agreement in *Daniels* and continues as part of the *Floyd* litigation.

The use of stops and frisks has grown at an astounding rate – a more than 600 percent increase over the past ten years. The number of stops in 2011 was the largest on record and 2012 is on track to be higher still, with over 203,500 stops in the first three months alone – an average of 2,200 stops per day. These numbers are all the more significant in light of evidence that an alarming number of these stops, frisks, and searches are illegal, in part because they are not based on the required level of suspicion of criminal activity. Despite the City's attempts to justify the program as aimed at confiscating illegal weapons, a 2010 expert report by Professor Jeffrey Fagan that CCR submitted to the court in *Floyd* found that the weapons and contraband yield from stops and frisks hovered around only 1.14 percent – a-rate no greater than would be found by chance at random check points. 15

### CHAPTER 1

# LASTING EFFECTS: THE IMPACT OF STOP AND FRISK ON INDIVIDUALS

STOPS AND FRISKS HAVE A PROFOUND IMPACT on the individuals who are subjected to them. CCR heard testimonies from people who had experienced a range of inappropriate and abusive behaviors by police, including being forcibly stripped to their underclothes in public, inappropriate touching, physical violence and threats, extortion of sex, sexual harassment and other humiliating and degrading treatment. These experiences affect people in a multiplicity of ways. While nine out of ten stops do not result in any arrest or summons, <sup>16</sup> everyone subject to a stop and frisk must cope with the emotional, psychological, social, and economic impact on their lives. Stops based on illegal profiling can lead to disproportionate rates of arrests and convictions which, in turn, carry a wide range of damaging collateral consequences.

# Inappropriate Touching and Sexual Harassment

A number of people interviewed by CCR stated that during the course of being stopped by the NYPD they were inappropriately touched, sexually harassed, and/or sexually assaulted. Several interviewees described having their genitals touched or groped by the NYPD during searches<sup>18</sup> and/or were told or forced by the NYPD to remove their clothes in public.<sup>19</sup> Speaking out against inappropriate touching can lead to a charge of resisting arrest.<sup>20</sup> These experiences often leave people feeling disrespected and violated. As one individual described, "It made me feel violated, humiliated, harassed, shameful, and of course very scared."<sup>21</sup>

# Police Brutality

Stops and frisks are steeped in the ever-present threat of police violence. Several interviewees reported that stops often result in excessive force by police, describing instances when officers slapped them, threw them up against walls or onto the ground, beat them up, used a Taser on them, or otherwise hurt them physically. Many of the testimonies CCR heard illustrate that this force is often used indiscriminately, or in response to being asked the reason for a stop or an arrest.<sup>22</sup> Often, experiences of brutality by police leave people feeling terrified and helpless:

My jeans were ripped. I had bruises on my face. My whole face was swollen I was sent to the precinct for disorderly conduct. I got out two days later. The charges were dismissed. At central booking, they threw out the charge. No charge. I felt like I couldn't defend myself, didn't know what to do. No witnesses there to see what was going on I just wish someone was there to witness it. I felt like no one would believe me. I couldn't tell anyone. I kept it in till now... I still am scared 2

It's the difference between frisking somebody and going in [their] underwear or like putting gloves on outside, checking other people's private areas, and people's rectal area to see if they have drugs in them. It's just too much, outside – that's embarrassing.<sup>17</sup>

- Will E., a 20-year-old Black and Dominican man living in the Hamilton Heights neighborhood of Manhattan You shouldn't be held up in your apartment, if you have one. You shouldn't be afraid to come outside and go to the store to get a soda for fear that the police are going to stop you, and you're either going to get a expensive, a high-cost summons or you're going to get arrested.27

- Carl W., a 41-year-old

African-American man who lives in the Bronx The likelihood of physical force being used is higher for certain groups of people. CCR has previously documented that race is a factor in the use of force by the NYPD.<sup>24</sup> People interviewed by CCR report that transgender people,<sup>25</sup> especially transgender women, also live with a "higher risk of violent crimes"<sup>26</sup> by the NYPD.

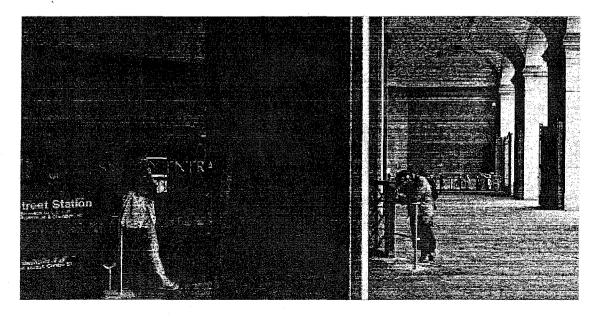
# Trauma and Humiliation

The experience of being stopped and frisked by police often has a lasting emotional impact. People interviewed by CCR described feeling a range of emotions during stops, including anger, fear, shame, and vulnerability. One man described feeling "disgusted, insulted, humiliated! And angry! Absolutely angry." Several interviewees said that being stopped and frisked makes you "feel degraded and humiliated." One went on to say:

When they stooyed in the street and then excrypted schooland an does decirate you. Substitute people get the wrong perception of your that and produce people schoolage awards your might stort danking that you're moreone slieng receivity when you're not people should be added the produce the police and the substitute of the people of the

A stop and frisk can leave people feeling unsafe, fearful of police, afraid to leave their homes, or re-living the experience whenever they see police. It is common for people to be stopped numerous times, compounding their anxiety and creating an atmosphere of fear:

I get nervous I get paramord couse you never know what's going to happen, and I don't he's sale, like especially as Queens, couse they just pull you from no marter what, any reason. And they won't tell you caything 2



# Fear as a Way of Life

Many people explained how having been stopped by police had changed the way they conducted their daily lives. For example, people described changing their clothing style<sup>33</sup> and/or hairstyles,<sup>34</sup> changing their routes or avoiding walking on the street, or making a habit of carrying around documents such as ID, mail, and pay stubs to provide police officers if stopped. One person noted, for instance, that she carries ID with her even when she is just out walking the dog.<sup>35</sup> Several people expressed sadness, frustration or anger that they believed these adaptations were necessary.

# Improper Arrests for Minor Drug Possession

Stops and frisks often lead to improper arrests for possession of small quantities of marijuana. Since 1977, New York State law has defined possession of less than 25 grams of marijuana that is not in public view as a violation punishable by a fine, and not as a crime. However, it has become common practice in New York City to arrest and charge someone with a misdemeanor when marijuana is found during a stop and frisk, even when it was only made visible by or at the direction of a police officer (for example, removed from a pocket during a search). These improper arrests continue despite an operations order by Police Commissioner Raymond Kelly directing police officers to put an end to the practice.<sup>37</sup> In June 2012, first Governor Andrew Cuomo and then Mayor Michael Bloomberg and Commissioner Kelly added their support to those calling for the decriminalization of small amounts of marijuana in public view in order to reduce the number of such arrests.

Because of the extraordinarily high numbers of young people of color who are stopped and frisked, these improper drug prosecutions are having a particular impact on this demographic, <sup>38</sup> even though drug use is more prevalent among White youth than Black or Latino youth. <sup>39</sup>

# Collateral Consequences of Arrests

One in ten stops and frisks lead to an arrest, including many improper arrests. While this is a small fraction of the number of people stopped, given the massive scale of the stop-and-frisk policy, it is still a large number, affecting tens of thousands of New Yorkers every year. Any arrest, in turn, can trigger a cascade of collateral consequences even if it does not lead to a conviction. Criminal convictions can result in becoming ineligible for public housing or student loans and losing public benefits; potential immigration-related consequences can include the loss of legal residence status, deportation, ineligibility to become a U.S. citizen or becoming inadmissible to the United States. <sup>40</sup> Other consequences of arrests are harder to measure, such as the impact of missing days of work or losing a job because of being unable to turn up for work, or what it means for a family if the breadwinner gets a criminal record.

Stops and frisks are often the first encounter that people have with law enforcement, and they can be a dangerous – and often unjustified – point of entry into ongoing involvement with the criminal legal system. Several interviewees explained that they pleaded guilty to baseless charges arising out of a stop and frisk just to get out of jail quickly or avoid the risk of conviction for a more serious charge. Several people also

When police come around, I make sure I keep my head down. I'm very cautious of where I go. Unfortunately, now I plan my destinations to a T. And at this point in my life, I take transportation, literal transportation, like bus and train. I don't really walk anymore. 32

 Natasha A., a 24-yearold Black woman living on the Lower East Side of Manhattan White people use drugs
[in] the same amount
if not more than Black
people, but it's Black
communities that are
targeted, stigmatized,
and put in the media on
the front page.36

- Mark K., a 27-year-old man living in the

South Bronx

expressed concern that even in the small percentage of stops that do lead to a legitimate arrest, the fact that these arrests are the result of illegal profiling means that people of color and other targeted groups are disproportionately those who end up with criminal records. These criminal records can then contribute to subsequent arrests and convictions, having a snowball effect in terms of foreclosing opportunity:

Once you start demand are cord in tollows you to the restour on the Ator of Decole that end up bleeding quilt we strift because they want to get out of that Earthey don't end we has strift allows not every time. Now also ingesting an exact if the police are horsesting you are strift by ad and excessing you. The every course weeks every month by something for this thier at tollow out on stort or now a reputation for that. And then event that you start getting loss on time bearing it.

Sometimes, the threat of the consequences of criminal convictions is used to further torment people during stops:



I told him I wanted to be a lowyer So the officer the one that gave me the holds form the You would never be that this inter the like. The give you or licked where you would ever be that the life really must about the whole thing I thought that it nesses up my like chances to comic law school. I really thought must Especially that I come so for, I in centing my backeloris this year. The whole time hist year I thought like. Wow I did all a still hard work to so thing?

# Unemployment

Stop-and-frisk arrests often leave people languishing "in the system" as they are moved from the precinct to the courthouse where they wait to appear before a judge. In New York City it is not unusual for this process to take days, even if the charges are dropped or dismissed right away because the judge decides that there was no legitimate reason to make an arrest. Disappearing for several days can be enough to lose your job:

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Having a criminal record makes it more difficult to find a job, as well as making it likely that any future convictions will be increasingly serious:

They done mess your whole life up and this is what they do... They arrest you and build up all these little petry things... and after a certain time now okay, you have three of these, it's a felony. When you put a felony on somebody, you're telling a person busically you're just a hard-core criminal. You can't get ful job. If you want to work in a bank, well you can torget that 14.

# Loss of Access to Housing, Shelter, and Public Benefits

Stops and frisks can lead to serious hardship when arrests and/or convictions result in the loss of basic necessities including shelter and public benefits. Many categories of criminal convictions will trigger ineligibility for public housing in New York City. 45 Unfortunately, this fact is not always understood when defendants are deciding whether or not to accept a plea agreement. 46 "Pleading out" is a routine way to quickly end the legal proceedings and get out of jail:

If you have violations or you have fleetal convicted of crimes, you run't get into public housing. So that's one of the ways that it really crushes people that are homeless. It closes off that gate into New York City housing right away. Just by being arrested and coming out. And here's the thing about it: Nobody informs you of this. [They] never tell you, "You know what? If you plent guilty today, you're never going to be able to get New York City housing." 27

For undomiciled<sup>48</sup> people, an arrest – even without any conviction – sometimes means losing your bed in a homeless shelter:

You have 48 hours to return to the shelter, then... Iyou) lose your place. They lock your room up, let somebody in your room, it's bad... If a person gets arrested, and they take more than 48 hours to sign that book, then they kick you out. 49

# Impact on Family Members

Stops and frisks also have an impact that extends to family members of people who are stopped and/or arrested. One woman explained that she often steps in to challenge the police who regularly harass the men in her family because, "with the men, when they try to speak up for themselves, it makes it worse. The police go hard on them, and find something, some reason, to arrest them." Children, parents, siblings, and other family members are subjected to seeing their family or community



My sister got kind of scared. She started crying. And then I felt kind of bad, seeing my sister cry, so I started crying too. I was 12. They told me that if I don't stop crying, they're going to put me in cuffs and take me in, too. 50

- Juan L., a 16-year-old Puerto Rican youth living in Brooklyn members being routinely profiled, disrespected, assaulted, forced to remove clothing, and/or groped in public by police officers. Some families must live with the added repercussions of the arrest of a family member, a burden that can be particularly heavy for dependent children.

### CHAPTER 2

# TARGETING VULNERABLE POPULATIONS: THE IMPACT OF STOP AND FRISK ON COMMUNITIES

STOPS AND FRISKS IMPACT CERTAIN GROUPS of people disproportionately. The most striking example is people of color, especially Black and Latino young men. These practices also single out other communities of people for unfair treatment including: lesbian, gay, bisexual, transgender, queer, and/or gender non-conforming (LGBTQ/GNC) communities, immigrants, homeless people, some religious minorities, low-income people, residents of certain neighborhoods or public housing, youth, and people with disabilities.<sup>52</sup>

### Race

CCR's analysis of stop-and-frisk data clearly indicates that race is the primary factor in determining who gets stopped by the NYPD. Most stops occur in Black and Latino neighborhoods and Black and Latino people are significantly more likely to be stopped than White people, even in areas where populations are racially mixed or mostly White.<sup>55</sup> Blacks and Latinos are treated more harshly than Whites, being more likely to be arrested instead of given a summons when compared to White people accused of the same crimes, and are also more likely to have force used against them by police.<sup>56</sup> These dramatic disparities were reflected in the interviews conducted for this report, where the role of race in stops and frisks was acknowledged by virtually everyone. One typical interviewee said:

[Stops and frisks] belittle people's self-esteem and character, make them feel less of a citizen and less of a person with rights. I feel that stop and frisk is another tactic to be used against people of color to make them feel like this is what they should expect to happen to them in their lifetime and that this is a normal way of life when it's not, and it's unconstitutional. 57

Many people interviewed for this report noted the message that is being sent by the fact that whenever they see stops and frisks on the street, "it's always brown or African-American people"58 and that they "don't see the same thing happening to White people."59

# Lesbian, Gay, Bisexual, Transgender, Queer and/or Gender Non-conforming (LGBTQ/GNC) Communities

LGBTQ/GNC communities are heavily impacted by stops and frisks. Several people interviewed for this report described stops where police treated them in a cruel or degrading manner because of their actual or perceived sexual orientation, or gender identity, or expression, or because they were gender non-conforming.

You're a person of color; you automatically fit the description, as they like to say. And it's just wrong.<sup>53</sup>

- Patrick B., a 21-yearold Black man living in Brooklyn

If you're a Black male and you're not walking around with a suit and tie on, you're always suspected of committing a crime.<sup>54</sup>

- Brent C., 52-year-old African-American man who lives in the Bushwick neighborhood of Brooklyn So much harassment,
just for being a
transwoman in Jackson
Heights. I don't think it's
illegal for me to walk in
a dress, but obviously,
they're always going
to think I'm a sex
worker...because I'm a
transwoman, and so I'm
soliciting.60

 April R., a 33-yearold transgender Latina living in Jackson Heights, Queens

In my younger days I used to dress like a boy and I used to hang out with guys. And they stopped us one time... and they told me to go home and change. I was, like, about 14 years old. I felt like I couldn't be myself, you know. I like guys and girls but I like dressing like a boy, too.61 - Maribel S., an 18-yearold woman living in the Washington Heights neighborhood of Manhattan

It is a common occurrence for people to be subjected to stops and frisks *because* of their sexuality or gender expression. Transgender women in particular are "a huge target for NYPD discrimination." This observation is echoed by other studies that confirm transwomen are routinely profiled for offenses such as "loitering for the purposes of prostitution," and other sexual offenses, as well as other crimes. This discrimination "doesn't stop on the street," when transgender women are placed with men while in NYPD custody. Transgender women described being routinely presumed to be sex workers, simply based on their gender or gender expression:

Improve and secretary consent for whiting on the sine of beginning as ablate place and an away from them consent knowless get one sed for just walking on the sine of Consent Lingvalling within y breadthick just assume that I may preside a half in a session of the Consent Linguistic state of the Consent Linguistic sta

Interviewees described being inappropriately touched by police or searched by the NYPD in order to "determine their gender." These "searches" can be aggressive and are often experienced as sexual assaults. Police officers accuse people of having "fake" IDs when the gender marked on them does not match the officers' perception of that person's gender, and police officers routinely refuse to respect people's preferred gender pronouns:

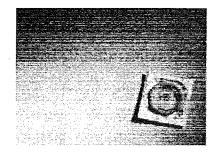
He did not respect me, because to take my ID that I worked so hard to get — those IDs are very hard to get — and to say. "No, the real one," and just disregard my identity so last and so finently was just, it was just hartful. Just very hurtful. And to blatantly call somebody a liar to their face is just something, it's just ridiculous <sup>57</sup>

CCR heard testimony that NYPD officers also target young women who present as "masculine" for stops and frisks;<sup>68</sup> and that transgender people and gay men who are perceived to be sex workers are singled out for extortion of sex under threat of arrest,<sup>69</sup> physical assault, and threats of assault by police.<sup>70</sup>

# Condoms as Evidence of Prostitution

In New York, possession of condoms can be used by police and prosecutors as evidence of intent to engage in prostitution-related offenses, compromising an urgent public health need.

Consistent use of condoms is well known to reduce the spread of HIV and other sexually transmitted



diseases<sup>71</sup> but a recent New York City Department of Health and Mental Hygiene study reported that sex workers and the street-based population are less likely to carry condoms because they could be used against them in court.<sup>72</sup>

Discouraging anyone from carrying condoms poses a dangerous public health risk that is exacerbated by NYPD targeting people for stops and frisks who are perceived to be engaging in sex work. Activists have advocated for state legislation that would prohibit the use of condoms as evidence as of prostitution to address this problem.

# Youth

Stops and frisks have become a fact of life for young people in many neighborhoods in New York City. Many of the people who gave testimonies to CCR described how youth are hit particularly hard by stop-and-frisk practices and expressed the view that NYPD unfairly targets young people, especially those of color. CCR's analysis of stop-and-frisk data confirms that people aged 25 and under comprised 55 percent of all stops in 2011.<sup>74</sup>

One young woman describes being stopped by the NYPD with her sisters and cousins, ages 8 through 16, while they were going up the stairs in their public housing unit:

[They] told us to stand up take off our sines, socks, hoodies, and told everybody to take their top shirt off and leave only their undershirt or one shirt on. They told us to unbutton our pants and roll the waistband down. Three of us were in pajamas. They made us stand and wait with backs turned until a female officer came. She turned us around by our necks and frisked us. They were looking for weed. They found nothing, but took us to the precinct anyway, where our mother had to come get us. 75

CCR also documented disturbing reports of children being stopped by police on their way to and from school. This practice "makes kids feel like criminals," and is part of the broader phenomenon of criminalizing the school environment and creating what critics have described as a "school to prison pipeline," a process that channels low-income children and children of color from the school system into the juvenile and criminal legal systems:77

There's a junior high school [where] almost all the kids are either of Arabic descent or Latine. There twere] days when you'd see all these little kids lined up, with their legs spread, holding [onto] the wall, and the cops are going through their pockets and stuff. It's just like a tenable, disgusting horrible thing to see?

The young ones [are] getting stopped all the time. It's become a way of life to them.<sup>73</sup>

- Laverne I., a 43-year-old African-American woman living in the Bronx



I live in the Bronx, and the Bronx is like one of the...poorest counties in the nation, so I feel like that itself is a target.<sup>79</sup>

- Corey F., a 19-year-old living in the Bronx

I think the main reason that they stop [and] frisk me, [is] 'cause I'm Muslim, and they don't like Muslims.... Ever since that 9/11.84

- Kareem S., a 51-year-old Black man living in the Bronx



# Low-income People

Numerous people interviewed by CCR believe that people perceived to be low-income and/or working-class are more likely to be "targeted and harassed by NYPD" wherever they may be in the city. Several suggested that this is in part because these communities are thought of as less able to fight criminal charges, pay tickets, or take action against the NYPD for improper arrests:



Several people interviewed said that they suspect the address listed on an ID is a factor in determining how the police treat people during stops.<sup>82</sup> In some cases, fear of being stopped by police has led people to adapt their clothing styles in order to avoid being perceived by police as a low-income person.<sup>83</sup>

# Immigrants, Ethnic and Religious Minorities

Many people described how stops and frisks appear to target visible immigrant communities and ethnic or religious minorities. Stops and frisks are particularly frightening for non-U.S. citizens because any arrests, including arrests that do not lead to a conviction and/or improper arrests, can make it more difficult to adjust their immigration status or to become a citizen of the United States. Interviewees also described an increase in stops and frisks of Muslim, Arab, and South Asian people since September 11, 2001. This perception is supported by recent reports of NYPD spying on Muslim New Yorkers.

# Homeless People

People who use the public shelter system are also singled out for baseless stops and frisks by police. Interviewees described NYPD officers waiting outside of shelters and stopping people that they see coming out.<sup>89</sup> The practice of police entering shelters to search people inside was described as "routine."<sup>90</sup> Such stops are often experienced as harassment "because we're poor, we don't have any money, no job."<sup>91</sup>

### Intersections

New York is a diverse city and many of its residents live at the intersection of several communities and may be perceived and/or identify in multiple ways. People who are members of multiple groups that are each targeted by NYPD for profiling and illegal stops and frisks can experience compounded prejudice and layers of harm. This reality is exacerbated by an environment permeated with police violence and a criminal legal system weighted against many of these same communities. In this way, stops and frisks deliver the greatest harm to people who already live with layers of discrimination and oppression. For example:

They have she Hispanic transgender community in Queens, because they know that most of them, 50 percent of the community, are mostly immigrants, they came from different countries. South America, Mexico. And some of them, they came illegally, they don't have a legal status. So it's an easy target to go after them. They just go for Hispanic, transgender women, because they know they don't speak English. And they don't have education. They don't know the law in the United States. So

#### Citywide Impact

The repercussions of stops and frisks are not limited to the people who are actually subjected to them or even to those who witness them in their neighborhoods. These policies and practices affect the entire city. This chapter has documented many communities that are adversely affected by stops and frisks, but the ripple effects directly or indirectly impact all city residents.

NYPD's aggressive use of stop and frisk does significant damage to police-community relations in ways that may actually reduce public safety. Several people interviewed by CCR said they would never call the police if they needed help, based on experiences where the police had either failed to act or turned against them. 93 For some, this holds true even in life-threatening emergencies, making it possible that "present policies are actually killing people."94 Many people expressed concern that stops and frisks are a waste of public resources and lead to communities not wanting to cooperate with police, thereby allowing, as one interviewee said, "real crime to continue because the community and the police aren't working together because the community doesn't trust the police."95 As one resident of Harlem described:

The sheer number of stops is actually estractizing a huge number of people who live in these communities that are impacted by crime. It doesn't make sense that you're spending so many man hours, so much energy and resources, to stop so many innocent people and end up with very little output. The number of guns that they found from the stops is extremely small. So it just doesn't seem effective. 96



They see you come out of the shelter, [and] they want to stop and frisk you, run your name.88

– Oscar C., an undomiciled 36-year-old Hispanic man

#### CHAPTER 3

# LIVING UNDER SIEGE: THE IMPACT OF STOP AND FRISK ON NEIGHBORHOODS

THE SCALE AND SCOPE OF STOP-AND-FRISK practices in communities of color have left many residents feeling that they are living under siege. CCR heard testimonies that compare New York City neighborhoods to "occupied territory," or a region under hostile military occupation, with community residents at odds with the police department.

These policing practices have created a growing gulf between the NYPD and the communities they police, where people are treated as "a permanent under-caste,"98 and are unable to go about their daily lives without repeated harassment by police. Community members do not feel protected by the NYPD and many feel that important issues are not being addressed, in part, because the City is pouring excessive resources into stops and frisks.

#### **Expectation of Harassment**

Interviewees described an environment so saturated with a hostile police presence that being stopped and harassed by police had become integrated into the fabric of daily life experience. One explained that "it's so frequent, we don't even talk about it or complain about it. It's to be expected."99 Another said, "We expect them to jump out of a car. We expect them to just come out the staircase and scare the hell out of you. We expect it."100 Several people described the environment as incompatible with a free society:

I feel like we're not in a free country when you can't walk down the street. You got to be questioned about where you're going and what you're doing  $^{101}$ 

#### Communities under Siege

New Yorkers interviewed for this report explained that the police presence in their neighborhoods is so extreme that it pervades every aspect of daily life, leaving people feeling like they are living under siege. They described the risk involved in simply being in the hallways, stairwells, or elevators of their apartment buildings, in front of their buildings, or anywhere outside including: walking on the street, on the subway, in a park, at the corner store, or while driving. Some people have incorporated the risk of police encounters into their daily lives by always carrying ID or pieces of mail to verify that they live in a building, pay stubs to prove that they have legitimate sources of income and where they work, or receipts from libraries after they have dropped off books:

It makes you anxious about just being. walking around and doing your daily thing while having a bunch of police always there, always present and stopping people that look like me. They say if you're a young Black male, you're more likely to be stopped. So, it's always this fear that "okay, this. cop might stop me," for no reason, while I'm just sitting there in my neighborhood.102

- Joey M., a 25-yearold Black man living in Central Harlem There have been periods of time in my life living in Jackson Heights where, for example, walking my dog at night. I have always felt the peed to carry my ID because it I didn't carry my ID in my awa neighborhood. I would basically be putting myself fair risk of being picked up and accused of daing sex work. It

Several people indicated that they avoided driving<sup>104</sup> or walking on the street whenever possible, taking public transportation<sup>105</sup> in order to avoid being stopped while walking. Interviewees shared that young people are forced to stay indoors because, as one interviewee said, "cops [are] outside on the block all day and the kids can't play or anything."<sup>106</sup> Several people reported feeling unable to fully engage with their communities:

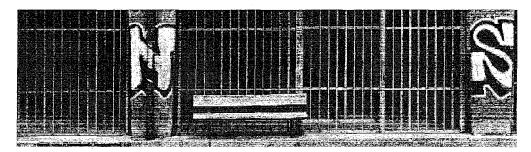
There is this constant, see that the police are doing to intradials one duries you. So startified you do not voice ominantly, the participate in it, like satural services porch of grainests the start of like having the in the community spondion treathy get to do that be suises put an expolute message at the size of all the time.

#### "Trespassing" at Home

Many interviewees shared that they were harassed in or just outside their apartment buildings, telling CCR they are repeatedly asked for proof that they live in their buildings or are accused of trespassing:

I'll go into the building with the key and they're still stopping me, asking me what I'm doing in the building. In the summertime, it's nice outside. Why can't I hang out in front of my building? I'llhe NYPD) give you a ticket for trespassing 'cause you're sitting on the bench that's in front of your building. I can't sit on the bench in front of my building? Why's the bench there?

This feeling of being trapped inside your apartment is especially difficult for young people who feel that there is nowhere they can go where they will be free of police harassment:



If I'm in a group of people, you can't be in front of the building you live in. If you show the police officers your ID that says you live [there], they tell you to go in the house or walk somewhere else; you can't be here on the block. They want to kick you off the block. They want to kick you out the building. We can't be outside? .. So what can we do? We want to go out. We don't want to be in the house 'cause there's probably nothing to do in the house. Police don't care about that. We don't have jobs, we're still young. 189

Residents are told "there's no sitting in front of the building," and they may even be required to produce a lease to avoid arrest. <sup>110</sup> As documented in the 2010 Fagan report, "Public housing sites have received special attention from the police...heightening surveillance of persons coming and going from [New York City Housing Authority] NYCHA<sup>111</sup> sites, leading to frequent stops and arrests for trespass." <sup>112</sup> Many public housing residents interviewed for this report described being consistently harassed when coming or going from their homes:

I can't even walk through the complex, they're always stopping you, asking you for ID. "Do you live here?" Every single day. Do I have to go through this every single day? How many times you going to ask, do I live here? People don't even come outside anymore, because they're more feachal against the police than the folks in the neighborhood. It's to the point where people don't want to come visit me. My brothers, when they come in, they get stopped. If you're a Black man or a Latino man, you're getting stopped... you can't even walk through the streets freely. 113

#### Military-style Occupation

Several people interviewed by CCR described NYPD policing tactics as militaristic. One Harlem resident said that, in his neighborhood, the NYPD is seen as an "occupying army whose primary objective was to make the streets of New York safe for business and commerce." He went on to say that police "have borrowed from military tactics, because when they patrol the streets, they don't patrol in a community-friendly way. They do it like [they're] on a search-and-destroy mission."<sup>115</sup> One man likened being in his neighborhood to being in an "outside prison":

As a whole our community is fed up with the militarized form of policing that we experience. We don't feel like we live in a neighborhood that's protected by the police. We feel that we live in an occupied zone patrolled by law enforcement. It's a very containing leeling. It choost feels like you're in an outside prison. <sup>116</sup>

In my community, and a lot of communities in Brooklyn, it's kind of like an occupation. Constantly, around the clock, I see a lot of police. [You could be] coming home late at night or from a party or something and you have to deal with police, or just to be coming from work simply minding your business on your way home and you get stopped by police multiple times because of the color of your skin or the way that you dress.114

– Manny W., a 23-year-old Filipino- and African-American man living in Bedford-Stuyvesant, Brooklyn Some interviewees  $^{117}$  compared the police presence to an actual war or conflict zone: "You would think you [were] in a war zone virtually. Everywhere you look you see flashing lights."  $^{118}$ 

#### Life in a "High-crime Area"

Many people interviewed for this report were told that being in a "high-crime" neighborhood was the reason they were stopped. Despite a Supreme Court ruling declaring it unconstitutional to stop and frisk a person simply for being in a so-called high-crime neighborhood, 120 the Fagan report analyzing all stops from 2004-2009 documents that in more than half of them, NYPD officers cited "high-crime area" as a factor in justifying stops, even in precincts with *lower* than average crime rates. 121

#### Feeling Unprotected by Police

Many residents of these neighborhoods under siege do not feel that the police are there to protect them, but rather that they need protection *from* the NYPD:

We for sectionalized by the police of think the main proof the police is protecting the community, and what they se during is just builtying as  $^{12}$ 

Some described that this had not always been the case, "But everything changed now. The average person in the neighborhood look[s] at a policeman as being the enemy. They don't look at them for protection." 125 Many people feel that the role of the police in their communities is to enforce social control and not to address genuine community needs:

People from communities of color don't see NYPD as being there for them or being there to provide safety or security for them. If any thing, they see NYPD in their communities as a form of keeping soution in those communities. And NYPD sees not communities as dangerous. And they go dood bying to pair of communities, our communities. However, instend of addressing the real problems and the real assists that were reading with. 2

A number of people interviewed by CCR shared that they thought the police were not being responsive to 911 calls or other emergencies because they were focusing instead on stopping and frisking people:

"Watch yourself;
you shouldn't be
in these type of
neighborhoods. This is
what happen[s]." But
they forget that these
are the neighborhoods
that we live in, so
it's not like we could
just move out of these
neighborhoods and go
somewhere else."

 Charles B., a 44-year-old man living in the Bedford-Stuyvesant neighborhood of Brooklyn



My community does not like the police. [They're] there when they want to make those stops and frisks, but they're not there when those gunshots come off. And they're not there when they're called upon for actual help, rather than be there just to harass somebody for being outside. 127

#### Above the Law

Many people expressed frustration and anger at the lack of effective recourse for police misconduct during stops and frisks: "You can't do anything against them because these people, they're armed. We're not armed." Police were described as untouchable and operating within "their blue wall of silence." Existing accountability mechanisms were widely criticized:

I feel like an officer can literally gun down an innocent youngster in my neighborhood and not receive any accountability for it whatsoever... I do believe that if I walked into a police precinct and made a complaint against Officer B to Officer C that some way it's going to wind up getting back to Officer B and that officer is going to wind up at my charstep by the end of that evening to either beat me, harass me, or do whatever... They need an independent auditor and a special appointed attorney general to handle cases specifically dealing with encounters with the police... I think that the [Civilian Complaint Review Board] CCRB needs a re-vamp. Members of the CCRB need to be appointed publicly – appointed by the people <sup>131</sup>

Several interviewees likened the NYPD to a criminal gang:

In my complex I feel like we're under torment, like we're under like this big gang that's bullying all of us. To me, NYPD is the biggest gang in New York. They're worse than any gang, 'cause they could get away with staff. When they're killing people and they don't get [any] kind of disciplinary action. 132

#### Communities Taking Action

New Yorkers are taking action against discriminatory policing practices, working together to develop methods for ensuring community safety without the need for calling police; conducting "know your rights" trainings and other public education campaigns; and offering support to victims of police abuse. Several people interviewed for this report are active in community organizations that are working to document police misconduct, including "Copwatch" programs that act as community foot or vehicle patrols, monitoring police stops, searches, and arrests through the use of videotape and other documentation:<sup>133</sup>

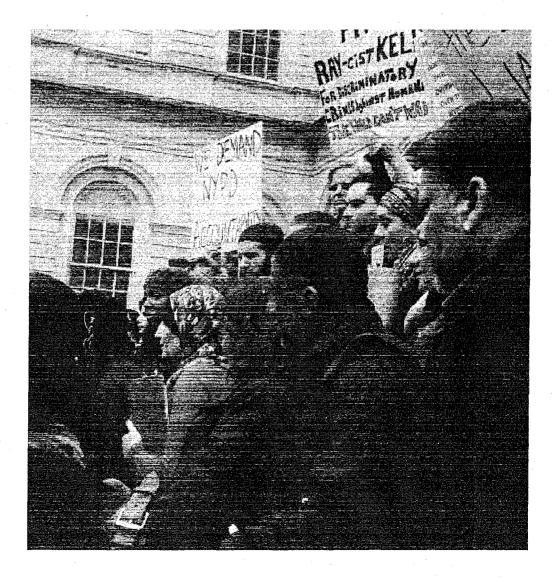
Right now it doesn't feel like police are there to protect people. It really feels like they're there to arrest people. 122

– Joey M., α 25-yearold Black man living in Harlem, Manhattan

I felt much...safer, before this search and frisk started.<sup>123</sup>

– Angel V., a 37-year-old Latino man living in West Harlem, Manhattan We've prevented people from getting tickets and things like that. And who knows where those things could've gone? Who knows where these things can escalate to? And we have been able to stop it before, before it starts <sup>[2]</sup>

Numerous interviewees stated that they want the NYPD to be more accountable to the communities it serves and many people also highlighted the benefits and importance of community-based organizing against police misconduct.



#### CONCLUSION

THE EXPERIENCES OF PEOPLE directly affected by stops and frisks demonstrate the multidimensional character of the impact that this practice is having on the lives of New Yorkers. These personal experiences shared with CCR paint a disturbing picture of a police department out of control and provide a window into the hardship, violence, trauma, and social and economic harms that these practices are wreaking on our communities, our families, and our neighbors.

NYPD stop-and-frisk practices are harming a broad range of vulnerable communities and further disadvantaging marginalized populations based on their race, gender or gender expression, sexuality, age, housing status, income, immigration status, and/or physical disability. People interviewed by CCR described an array of police misconduct, including: unnecessary use of force, forced strip-searches in public, sexual harassment or sexual assaults, degrading treatment, and improper arrests. The ramifications of stops and frisks include long-lasting emotional and psychological impact as well as collateral costs, such as the loss of jobs, public benefits, and access to shelter or public housing.

For many New Yorkers, unlawful, unjustified and discriminatory stops and frisks have become an everyday occurrence and they are having a profound impact on the lives of the people who experience them, the communities they live in, and the general public. These stops have become so pervasive that many people have learned to adjust their daily routines to protect themselves from regular police harassment. In some neighborhoods, the NYPD is often seen more like an occupying army than a public service and the constant presence of a hostile police force inhibits people's ability to engage with their communities and go about their lives. People interviewed by CCR questioned the utility of stop-and-frisk practices that are so damaging to police-community relations and consume valuable public resources. They also highlighted the insufficiency and ineffectiveness of existing accountability mechanisms.

The NYPD's stop-and-frisk practices are illegal. Racial profiling and searches based on illegal profiling violate the equal protection clause of the Fourteenth Amendment, the Civil Rights Act of 1964, and the Fourth Amendment's prohibition against unreasonable searches. These policing practices are also human rights abuses. They violate well-established international legal protections against discrimination;<sup>135</sup> from threats of bodily harm;<sup>136</sup> and from arbitrary arrest or detention<sup>137</sup> and cruel, inhuman and degrading treatment or punishment.<sup>138</sup> They also infringe on the right to privacy,<sup>139</sup> freedom of movement,<sup>140</sup> association,<sup>141</sup> expression,<sup>142</sup> equal protection of the law,<sup>143</sup> and the right to participate fully in cultural, religious, and public life.<sup>144</sup> NYPD stop-and-frisk practices represent a failure of governmental obligations to respect the inherent human dignity of all people<sup>145</sup> and to take steps to protect vulnerable populations.<sup>146</sup> These practices also violate numerous social and economic rights, including the right to employment and housing.<sup>147</sup>

The NYPD stop-and-frisk program affects everyone in New York City, making us all less safe and harming many of the most vulnerable and already disadvantaged populations in our city. These discriminatory and harmful abuses must end and the NYPD must be made accountable to all of the people that it serves.

The ramifications of stops and frisks include long-lasting emotional and psychological impact as well as collateral costs, such as the loss of jobs, welfare benefits, and access to shelter or public housing.

### RECOMMENDATIONS

THE STORIES RECOUNTED IN THIS REPORT make it clear that the NYPD must end the illegal practice of stopping and frisking people based on profiling instead of legitimate suspicion of criminal activity. A policing strategy that relies on the widespread use of stops and frisks will inevitably run afoul of the law, the U.S. Constitution, and international human rights – taking an unacceptable toll on the lives of hundreds of thousands of New Yorkers each year. Implementation of the following recommendations would address the severe flaws in the stop-and-frisk policy, move towards curtailing the abusive aspects of this practice, and establish much-needed accountability and transparency mechanisms to punish and end police misconduct and abuse.

To the New York City Police Department

- End the use of profiling-based stops and frisks.
- End NYPD "vertical patrols" of public housing complexes.
- End improper arrests and criminal prosecutions for possession of small amounts of marijuana.
- Draft, implement, and enforce policy, training, supervision, and discipline to prevent and punish sexual harassment and other abuse of the public by law enforcement officers.
- € Implement the United Nations Code of Conduct for Law Enforcement Agents. 148

#### To the New York City Council

Pass legislation<sup>149</sup> that would:

- Protect New Yorkers against unlawful searches by requiring law enforcement officers to provide notice and obtain proof of consent to search individuals.
- Expand protections against discriminatory profiling.
- Require the NYPD to identify themselves to the public.
- Establish an independent inspector general office to oversee the NYPD.
- Improve police misconduct reporting practices.

#### To the New York State Legislature

Pass legislation that would decrease the opportunities for stop and frisk abuses, including:

- Prohibiting possession of a condom or other contraceptive device from being used in court as evidence of prostitution-related offenses.
- Standardizing penalties for private and public possession of 25 grams or less of marijuana, making them a violation punishable by a fine.

#### State and Local Implementation of Human Rights Standards

State and local governments and public agencies must ensure that their laws, policies, and practices do not violate international human rights standards. These standards are articulated in human rights treaties and other international law. Accordingly, the NYPD, the New York City Council, and the New York State Legislature must each take

A policing strategy that relies on the widespread use of stops and frisks will inevitably run afoul of the law, the U.S. Constitution, and international human rights.



steps to ensure that the NYPD stop-and-frisk practices reflect the following human rights obligations:

- ♠ Protect all people from discrimination based on actual or perceived race, class, gender, gender identity and expression, sexuality, ethnicity, language, religion, political or other opinion, national or social origin, age, housing status, income, or disability.¹52
- ♠ Ensure that all people are free from arbitrary arrest and detention, and from cruel, inhuman and degrading treatment or punishment.<sup>153</sup>
- ♠ Ensure that all people enjoy equal protection of the law and the right to freedom of movement, association, expression, and privacy and the right to participate effectively in cultural, religious, social, economic and public life, and that the dignity of all people is respected.<sup>154</sup>

#### NOTES

- 1. Center for Constitutional Rights (CCR), "First-quarter Stop-and-Frisk Data Sets Yet Another Shameful Record," May 4, 2012, http://ccrjustice.org/newsroom/press-releases/first-quarter-stop-and-frisk-data-sets-yet-another-shameful-record. The NYPD reported a record 685,724 stops in 2011 and over 203,500 between January and March of 2012.
- 2. "2011 Stop and Frisk Statistics," http://ccrjustice.org/files/CCR\_Stop\_Frisk\_Factsheet-2011.pdf. CCR. In 2011, 84 percent of stops were of Blacks or Latinos, who, in 2010, made up about 23 percent and 29 percent of New York City's population respectively. For more information see http://ccrjustice.org/racial-disparity-nypd-stops-and-frisks.
- 3. Ibid. In 2011, 88 percent of stops did not result in an arrest or a summons being given.
- 4. Ibid. In 2011, contraband was found in only 2 percent of stops.
- 5. CCR, "Daniels, et al. v. the City of New York," http://ccrjustice.org/ourcases/past-cases/daniels,-et-al.-v.-city-new-york.
- 6. NYPD's Street Crime Unit (SCU) was an elite commando unit of more than 300 police officers who patrolled the streets at night in unmarked cars and in plain clothes. In February 1999, a team of four SCU officers killed unarmed African immigrant Amadou Diallo by firing 41 bullets at him as he was standing in the vestibule of his Bronx apartment building.
- 7. CCR, "Floyd et al v City of New York et al," http://ccrjustice.org/ourcases/current-cases/floyd-et-al.
- 8. Communities United for Police Reform (CPR), http://changethenypd.org/.
- 9. Between August 2011 and January 2012, CCR conducted 52 interviews in-person and two interviews over the telephone. Interviewees were identified by community-based and grassroots organizations, activists, and direct service providers. Some interviewees suggested other individuals for CCR to interview, creating a snowball interview sampling method. Additional interviewees were randomly selected. Interviewees were asked questions based on a standard 26-question questionnaire, which was at times adapted in length to accommodate shorter length interviews. Those interviewed represented a diverse group of individuals representative of a broad range of experiences of people stopped by the NYPD. Individuals were asked to provide their preferred gender pronoun and describe their race or ethnicity for the report, and those preferences have been reflected herein.
- 10. Francis Pakes, Comparative Criminal Justice, 2nd Ed., (Portland: Willan Publishing, 2010), 128. The United States incarcerates 756 per 100,000 people. The next highest rates are Russia and China, respectively. For a general discussion of the crisis of criminalization of people of color in the U.S. see Michelle Alexander's The New Jim Crow: Mass Incarceration in the Age of Colorblindness, (New York: New Press, 2010).
- 11. Terry v. Ohio, 392 U.S. 1 (1968).
- 12. The UF-250 Stop, Question and Frisk Report Worksheet, PD344-151A.
- 13. Jeffrey Fagan, PhD, Floyd v. City of New York, 08 Civ. 1034 (SAS) (SDNY), October 2010, 118. A copy of the form that was in use from November 2002 to May 2011.
- 14. Ibid., The full text is available at http://ccrjustice.org/files/Expert\_Report\_JeffreyFagan.pdf. See also the May 16, 2012 class certification decision in Floyd at http://ccrjustice.org/floyd.
- 15. Ibid., 63-65.
- 16. CCR, "2011 Stop and Frisk Statistics," http://ccrjustice.org/files/CCR\_Stop\_Frisk\_Factsheet-2011.pdf. "In 2011, 88 percent of all stops did not result in an arrest or a summons being given." See also Fagan report, Floyd v. City of New York, 66. The rate of arrests and summonses that resulted from stops and frisks from 2004 to 2009 was 11%.
- 17. CCR interview with Will E. (pseudonym), New York, New York, December 8, 2011.
- 18. CCR interview with Ricky S. (pseudonym), New York, New York, December 8, 2011.
- 19. CCR interview with Michael P. (pseudonym), New York, New York, January 24, 2012.
- 20. CCR interview with Juan L. (pseudonym), New York, New York, January 19, 2012.
- 21. CCR interview with April R. (pseudonym), New York, New York, December 8, 2011.
- 22. See for example: CCR interview with Keenan H. (pseudonym), New York, New York, December 7, 2011.
- 23. Ibid.
- 24. Ibid. Fagan, Floyd v. City of New York, 3-4, 66. "Force was 14 percent more likely to be used in stops of Blacks compared to White suspects, and 9.3 percent more likely for Hispanics." See also CCR, "Racial Disparity in NYPD Stops and Frisks," http://ccrjustice.org/racial-disparity-nypd-stops-and-frisks. See also CCR, "Stop-and-Frisk: Fagan Report Summary," http://ccrjustice.org/files/Fagan%20Report%20Summary%20Final.pdf.

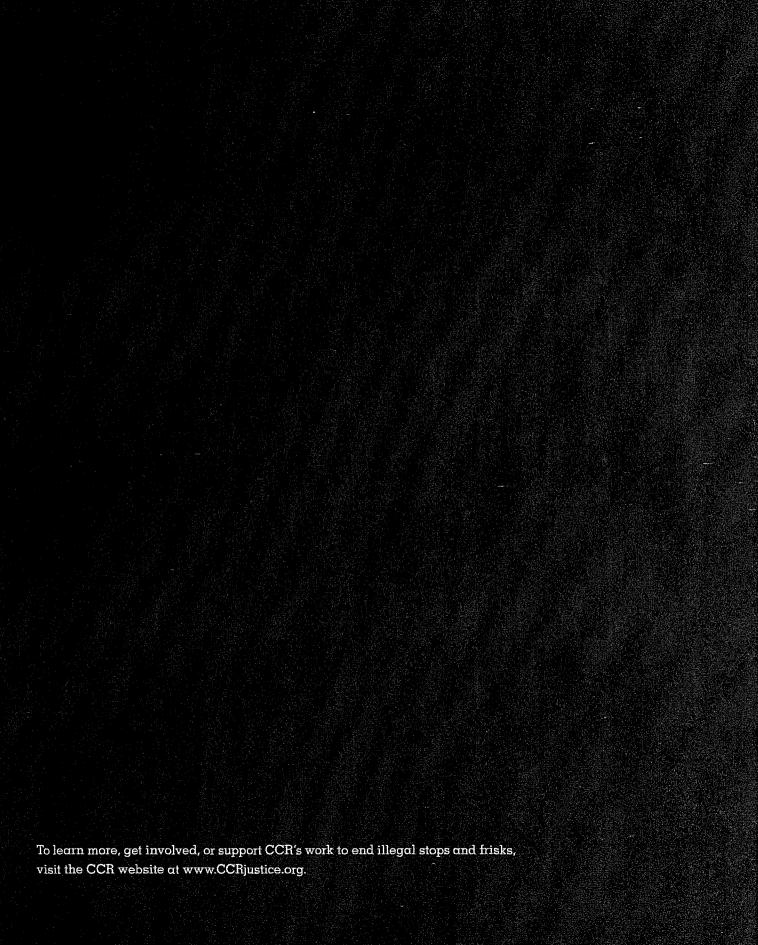
- 25. As used in this report, the term transgender describes a person whose gender identity or expression differs from societal expectations and/or from the sex they were assigned at birth.
- 26. CCR interview with Maria P. (pseudonym), New York, New York, December 8, 2011.
- 27. CCR interview with Carl W. (pseudonym), New York, New York, December 27, 2011.
- 28. CCR interview with Miles K. (pseudonym), New York, New York, December 29, 2011.
- 29. CCR interview with Laverne I. (pseudonym), New York, New York, December 27, 2011.
- 30. Ibid.
- 31. CCR interview with Maya S. (pseudonym), New York, New York, December 8, 2011.
- 32. CCR interview with Natasha A. (pseudonym), New York, New York, January 23, 2012.
- 33. CCR interview with Maribel S. (pseudonym), New York, New York, August 31, 2011.
- 34. CCR interview with Angel V. (pseudonym), New York, New York, November 18, 2011. "It got to the point where I have agreed to myself not to get any ethnic hairdos for a while, while I'm in that kind of neighborhood, because I have been harassed by the police while wearing hair like in dreadlocks or cornrows."
- 35. CCR interview with Maria P. (pseudonym), New York, New York, December 8, 2011.
- 36. CCR interview with Mark K. (pseudonym), New York, New York, November 1, 2011.
- 37. Ailsa Chang, WNYC, "Police Commissioner Calls on NYPD to Stop Improper Marijuana Arrests," September 23, 2011, http://www.wnyc.org/articles/wnyc-news/2011/sep/23/police-commissioner-calls-nypd-stop-improper-marijuana-arrests/.
- 38. NYTimes.com, "Cuomo Seeks Cut in Frisk Arrests," June 3, 2012. "From 2002 to 2011, New York City recorded 400,000 low-level marijuana arrests.... That represented more arrests than under Mr. Bloomberg's three predecessors put together a period of 24 years. Most of those arrested have been young black and Hispanic men, and most had no prior criminal convictions."
- 39. Li-Tzy Wu, George E. Woody, Chongming Yang, Jeng-Jong Pan, Dan G. Blazer, Racial/Ethnic Variations in Substance-Related Disorders Among Adolescents in the United States, Archives of General Psychiatry, November 2011, doi:10.1001/archgenpsychiatry.2011.120.
- 40. More information on the immigration consequences of arrests and convictions is available through the Immigrant Defense Project, http://immigrantdefenseproject.org/.
- 41. CCR interview with Laverne I. (pseudonym), New York, New York, December 27, 2011.
- 42. CCR interview with Theresa C. (pseudonym), New York, New York, October 12, 2011.
- 43. CCR interview with Mark K. (pseudonym), New York, New York, November 1, 2011.
- 14. CCR interview with Keith I. (pseudonym), New York, New York, November 16, 2011.
- 45. For a useful explanation see Columbia Law School's Collateral Consequences Calculator, http://calculator.law.columbia.edu/.
- 46. CCR interview with Michael P. (pseudonym), New York, New York, January 24, 2012.
- 47. Ibid.
- 48. The term "undomiciled" is used here to describe someone unable to secure stable housing without special assistance. Individuals may identify as undomiciled due to the pejorative connotations associated with the term 'homeless.'
- 49. CCR interview with Oscar C. (pseudonym), New York, New York, December 5, 2011.
- 50. CCR interview with Juan L. (pseudonym), New York, New York, January 19, 2012.
- 51. CCR interview with Laverne I. (pseudonym), New York, New York, December 27, 2011.
- 52. CCR interview with Paulene J. (pseudonym), New York, New York, January 5, 2012. Paulene told CCR that her hearing impaired grandson was tackled by NYPD and handcuffed when he had been riding a bike because he had been unable to hear them when they yelled at him to stop.
- 53. CCR interview with Patrick B. (pseudonym), New York, New York, January 31, 2012.
- 54. CCR interview with Brent C. (pseudonym), New York, New York, November 10, 2011.
- 55. Fagan report, Floyd v. City of New York, 4, 25-29, 32-47.
- 56. Ibid., 4, 63, 66.
- 57. CCR interview with Mark K. (pseudonym), New York, New York, November 1, 2011.
- 58. CCR interview with Natasha A. (pseudonym), New York, New York, January 23, 2012.

- CCR interview with Brent C. (pseudonym), New York, New York, November 10, 2011.
- 60. CCR interview with April R. (pseudonym), New York, New York, December 8, 2011.
- 61. CCR interview with Maribel S. (pseudonym), New York, New York, August 31, 2011.
- 62. CCR interview with April R. (pseudonym), New York, New York, December 8, 2011.
- 63. Amnesty International (AI), Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual and Transgender People in the U.S., September 2005, 17-19. "AI has heard reports of widespread profiling of transgender women as sex workers." Available at http://www.amnesty.org/en/library/asset/AMR51/122/2005/en/2200113d-d4bd-11dd-8a23-d58a49c0d652/amr511222005en.pdf. See also Joey Mogul, Andrea Ritchie, and Kay Whitlock, Queer (In) Justice: The Criminalization of LGBT People in the United States, (Boston: Beacon Press, 2011).
- 64. CCR interview with Maya S. (pseudonym), New York, New York, December 8, 2011.
- 65. CCR interview with April R. (pseudonym), New York, New York, December 8, 2011.
- 66. CCR interview with Maria P. (pseudonym), New York, New York, December 8, 2011.
- 67. CCR interview with Natasha A. (pseudonym), New York, New York, January 23, 2012.
- 68. CCR interview with Maribel S. (pseudonym), New York, New York, August 31, 2011.
- 69. CCR interview with Roland L. (pseudonym), New York, New York, January 31, 2012.
- 70. Amnesty International, Stonewalled, 3. "Transgender people, particularly low-income transgender people of color, experience some of the most egregious cases of police brutality reported to Al."
- 71. See for example: PROS Network and Leigh Tomppert, Sex Workers Project, "Public Health Crisis: The Impact of Using Condoms as Evidence of Prostitution in New York City," April 2012, 8. Available at http://www.sexworkersproject.org/downloads/2012/20120417-public-health-crisis.pdf. "According to the United States Centers for Disease Control and Prevention (CDC), consistent condom use is highly effective in preventing the transmission of HIV, the virus that causes AIDS, and reducing the risk of sexually transmitted diseases (STDs)."
- 72. New York City, Department of Health and Mental Hygiene, "A Report to the New York City Commission of Health," December 8, 2010, (redacted version), 6. A redacted version of this study is attached as Appendix E to PROS Network "Public Health Crisis," above.
- 73. CCR interview with Laverne I. (pseudonym), New York, New York, December 27, 2011.
- 74. UF-250 stop-and-frisk data from 2011, (unpublished).
- 75. CCR interview with Brianna E. (pseudonym), New York, New York, August 31, 2011.
- 76. CCR interview with Corey F. (pseudonym), New York, New York, December 8, 2011.
- 77. See ACLU Racial Justice Project, "School to Prison Pipeline," http://www.aclu.org/racial-justice/school-prison-pipeline.
- 78. CCR interview with Ben F. (pseudonym), New York, New York, January 18, 2012.
- 79. CCR interview with Corey F. (pseudonym), New York, New York, December 8, 2011.
- 80. CCR interview with Mark K. (pseudonym), New York, New York, November 1, 2011.
- 81. CCR interview with Peter J. (pseudonym), New York, New York, November 16, 2011.
- 82. CCR interview with Carl W. (pseudonym), New York, New York, December 27, 2011.
- 83. CCR interview with Angel V. (pseudonym), New York, New York, November 18, 2011.
- 84. CCR interview with Kareem S. (pseudonym), New York, New York, January 24, 2012.
- 85. CCR interview with Maria P. (pseudonym), New York, New York, December 8, 2011.
- 86. CCR interview with Peter J. (pseudonym), New York, New York, November 16, 2011.
- 87. Matt Apuzzo and Adam Goldman, Associated Press, "With CIA Help, NYPD Moves Covertly in Muslim Areas," August 23, 2011, http://www.ap.org/Content/AP-In-The-News/2011/With-CIA-help-NYPD-moves-covertly-in-Muslim-areas.
- 88. CCR interview with Oscar C. (pseudonym), New York, New York, December 5, 2011.
- 89. Ibid.
- 90. CCR interview with Michael P. (pseudonym), New York, New York, January 24, 2012.
- 91. CCR interview with Oscar C. (pseudonym), New York, New York, December 5, 2011.
- 92. CCR interview with April R. (pseudonym), New York, New York, December 8, 2011.
- 93. CCR interview with Natasha A. (pseudonym), New York, New York, January 23, 2012.

- 94. CCR interview with Angel V. (pseudonym), New York, New York, November 18, 2011.
- 95. CCR interview with Manny W. (pseudonym), New York, New York, October 13, 2011.
- 96. CCR interview with Joey M. (pseudonym), New York, New York, September 30, 2011.
- 97. CCR interview with Kym P. (pseudonym), New York, New York, October 27, 2011.
- 98. CCR interview with Mark K. (pseudonym), New York, New York, November 1, 2011.
- 99. CCR interview with Brian W. (pseudonym), New York, New York, November 16, 2011.
- 100. CCR interview with Thomas P. (pseudonym), New York, New York, January 18, 2012.
- 101. CCR interview with Laverne I. (pseudonym), New York, New York, December 27, 2011.
- 102. CCR interview with Joey M. (pseudonym), New York, New York, September 30, 2011.
- 103. CCR interview with Maria P. (pseudonym), New York, New York, December 8, 2011.
- 104. Ibid.
- 105. CCR interview with Natasha A. (pseudonym), New York, New York, January 23, 2012.
- 106. CCR interview with Brianna E. (pseudonym), New York, New York, August 31, 2011.
- 107. CCR interview with Manny W. (pseudonym), New York, New York, October 13, 2011.
- 108. CCR interview with Anthony T. (pseudonym), New York, New York, December 12, 2011.
- 109. CCR interview with Will E. (pseudonym), New York, New York, December 8, 2011.
- 110. CCR interview with Brian W. (pseudonym), New York, New York, November 16, 2011.
- 111. NYCHA is the New York City Housing Authority, which manages New York City's public housing.
- 112. Fagan report, Floyd v. City of New York, 10. See also the NAACP-LDF and Legal Aid Society challenge to this practice in Davis v. City of New York, 10 Civ. 669 (SAS) (SDNY). Bronx Defenders, the New York Civil Liberties Union (NYCLU), Latino Justice, and attorney Chris Fabricant filed a federal lawsuit in March 2011 challenging the "clean halls" program where landlords allow NYPD officers to enter into private apartment buildings and engage in stops of residents. NYCLU, "Class Action Lawsuit Challenges NYPD Patrols of Private Apartment Buildings," March 28, 2012. Available at http://www.nyclu.org/news/class-action-lawsuit-challenges-nypd-patrols-of-private-apartment-buildings.
- 113. CCR interview with Laverne I. (pseudonym), New York, New York, December 27, 2011.
- 114. CCR interview with Manny W. (pseudonym), New York, New York, October 13, 2011.
- 115. CCR interview with Samuel T. (pseudonym), New York, New York, December 27, 2011.
- 116. CCR interview with Jon T. (pseudonym), New York, New York, November 11, 2011.
- 117. CCR interview with Miles K. (pseudonym), New York, New York, December 29, 2011.
- 118. CCR interview with Duke S. (pseudonym), New York, New York, November 15, 2011.
- 119. CCR interview with Charles B. (pseudonym), New York, New York, December 27, 2011.
- 120. Illinois v. Wardlow, 528 U.S. 119 (2000). The Court rejects a per se rule that mere presence in a high-crime area creates reasonable suspicion.
- 121. Fagan report, Floyd v. City of New York, 53-4.
- 122. CCR interview with Joey M. (pseudonym), New York, New York, September 30, 2011.
- 123. CCR interview with Angel V. (pseudonym), New York, New York, November 18, 2011.
- 124. CCR interview with Angel V. (pseudonym), New York, New York, November 18, 2011. See also CCR interview with Carl W. (pseudonym). "I feel like the police are there to get me, not to protect me from being robbed. They're there to say that I'm about to rob somebody and try and arrest me for it, over and over again."
- 125. CCR interview with Roy F. (pseudonym), New York, New York, January 18, 2012.
- 126. CCR interview with Mark K. (pseudonym), New York, New York, November 1, 2011.
- 127. CCR interview with Curtis J. (pseudonym), New York, New York, January 31, 2012.
- 128. CCR interview with Hector S. (pseudonym), New York, New York, November 16, 2011.
- 129. CCR interview with Curtis J. (pseudonym), New York, New York, January 31, 2012.
- 130. CCR interview with Carl W. (pseudonym), New York, New York, December 27, 2011.
- 131. CCR interview with Jon T. (pseudonym), New York, New York, November 11, 2011.
- 132. CCR interview with Laverne I. (pseudonym), New York, New York, December 27, 2011.

- 133. CCR, "Amicus Brief in Glik v. Cunniffe, et al," http://ccrjustice.org/ourcases/current-cases/glik. CCR submitted an amicus brief in Glik v. Cunniffe before the First Circuit Court of Appeals on behalf of Berkeley Copwatch, Communities United against Police Brutality, Justice Committee, Milwaukee Police Accountability Coalition, Nodutdol for Korean Community Development, and Portland Copwatch. The brief argues that concerned individuals and Copwatch groups have a First Amendment right to record public police activity. In September 2011, the judge ruled for Glik in the case, saying his First Amendment rights had been violated.
- 134. CCR interview with Anthony T. (pseudonym), New York, New York, December 12, 2011.
- 135. Discrimination based on actual or perceived race, class, gender, gender identity and expression, sexuality, ethnicity, language, religion, political or other opinion, national origin, age, housing status, income, or disability is in violation of numerous human rights instruments and agreements including the Universal Declaration of Human Rights (UDHR), Article 2; the International Covenant on Civil and Political Rights (ICCPR), Articles 2 and 3; the International Convention on the Elimination of Racial Discrimination (CERD), Articles 2 and 5; and the American Declaration on the Rights and Duties of Man (American Declaration), Article 2.
- 136. CERD, Article 5.
- 137. UDHR, Article 9; ICCPR, Article 9.
- 138. UDHR, Article 5; Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Article 16; ICCPR, Article 7; United Nations General Assembly Resolution 34/169 of December 17, 1979; "Code of Conduct for Law Enforcement Agents," Article 5, http://www2.ohchr.org/english/law/codeofconduct.htm.
- 139. UDHR, Article 12; ICCPR, Article 17.
- 140. UDHR, Article 13.
- 141. UDHR, Article 20; ICCPR, Article 22; American Declaration, Article 22.
- 142. UDHR, Article 19; ICCPR, Article 19.
- 143. UDHR, Article 7; ICCPR, Article 26.
- 144. UDHR, Articles 18 and 27; ICCPR, Articles 25 and 27; American Declaration, Articles 3 and 13.
- 145. UDHR, Article 23; ICCPR, Article 10; UN "Code of Conduct for Law Enforcement Agents," Article 2.
- 146. CERD, Article 2; ICCPR, Article 24.
- 147. ICERD, Article 5. See also the International Covenant on Economic, Social and Cultural Rights (ICESCR) which, though unsigned by the United States, provides a useful and legally relevant outline of international standards for social and economic rights.
- 148. UN, "Code of Conduct for Law Enforcement Agents."
- 149. For example, CCR supports the Community Safety Act, which would help to address these issues.
- 150. Harold Koh, Legal Advisor, United States Department of State, "Memorandum for State Governors," January 20, 2010, http://www.state.gov/documents/organization/137292.pdf. "U.S. treaty obligations may apply to all levels of government throughout the territory of the United States."
- 151. Applicable international legal obligations are expressed in numerous treaties, declarations, and resolutions including: the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of Racial Discrimination (CERD), the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the American Declaration on the Rights and Duties of Man (American Declaration).
- 152. UDHR, Article 2; ICCPR, Articles 2 and 3; CERD, Articles 2 and 5; American Declaration, Article 2.
- 153. UDHR, Articles 5 and 9; CAT, Article 16; ICCPR, Articles 7 and 9; UN, "Code of Conduct for Law Enforcement Agents," Article 5.
- 154. UDHR, Articles 7, 12, 13, 18, 19, 20, 23, and 27; ICCPR, Articles 10, 17, 19, 22, 25, 26 and 27; ICERD, Article 5; American Declaration, Articles 3, 13, and 22; UN, "Code of Conduct for Law Enforcement Agents," Article 2.

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<u>To</u>: Cc: Bcc: BOS Constituent Mail Distribution,

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Feinstein's Racist Illegitimate SF Mayor, Ed Lee, Firm on Stop-and-Frisk Black and Brown Subject: People Plan - Across America, Only Black and Brown People Get Arrested for Pot - 'The

Dark Knight Rises' Asks Us to Believe the Rich Can Save Us

From:

<elnino@rcn.com>

To: Date:

07/24/2012 03:10 PM

Subject:

Feinstein's Racist Illegitimate SF Mayor, Ed Lee, Firm on Stop-and-Frisk Black and Brown People Plan - Across America, Only Black and Brown People Get Arrested for Pot - 'The Dark Knight

Rises' Asks Us to Believe the Rich Can Save Us

Feinstein's Racist Illegitimate SF Mayor, Ed Lee, Firm on Stop-and-Frisk Black and Brown People Plan - Across America, Only Black and Brown People Get Arrested for Pot - 'The Dark Knight Rises' Asks Us to Believe the Rich Can Save Us

Ed Lee stands firm on stop-and-frisk plan http://www.sfgate.com/bayarea/article/Ed-Lee-stands-firm-on-stop-and-frisk-plan-3729307.php

It's Not Just NYC: Across America, Only Black and Brown People Get Arrested for Pot

http://www.alternet.org/drugs/156345/it%27s\_not\_just\_nyc%3A\_across\_america%2C\_only black and brown people get arrested\_for\_pot/

The racial ratios of reefer roundups are as bad as New York's-if not worse-in scores of other U.S. cities.

'The Dark Knight Rises' Asks Us to Believe the Rich Can Save Us http://www.alternet.org/story/156420/%27the\_dark\_knight\_rises%27\_asks\_us\_to\_be lieve\_the\_rich\_can\_save\_us/

The new Batman film isn't the simple conservative parable rightwingers would like, but it is a reactionary vision.

A Long Dark Night: Gun Violence Romanticized and the New Batman Movie http://www.alternet.org/story/156407/a\_long\_dark\_night%3A\_gun\_violence\_romanticized\_and\_the\_new\_batman\_movie/

Boys and men in America inherit a popular culture of indiscriminate vigilante rage.

5 Issues That Divide Gun Owners and NRA Leadership http://www.alternet.org/story/156416/5\_issues\_that\_divide\_gun\_owners\_and\_nra\_l eadership/

The NRA's membership agrees with most Americans that our gun laws should protect our families, not the financial interests of a clique of elites.



Keep Golden Gate Park GREEN! kitty jones

to

mayoredwinlee, Eric.l.mar, John.avalos, Malia.cohen, David.campos, Sean.elsbernd, Jane.kim, Christina.Olague, Carmen.chu, David.chiu, Mark.farrell, Scott.wiener, Board.of.Supervisors, sfoceanedge

07/31/2012 10:48 PM

Hide Details

From: kitty jones <crueltyfreetummy@gmail.com> Sort List...

To: mayoredwinlee@sfgov.org, Eric.l.mar@sfgov.org, John.avalos@sfgov.org, Malia.cohen@sfgov.org, David.campos@sfgov.org, Sean.elsbernd@sfgov.org, Jane.kim@sfgov.org, Christina.Olague@sfgov.org, Carmen.chu@sfgov.org, David.chiu@sfgov.org, Mark.farrell@sfgov.org, Scott.wiener@sfgov.org, Board.of.Supervisors@sfgov.org, sfoceanedge@earthlink.net,

Please keep real, natural grass and NO sports lights at the Beach Chalet Athletics Fields in Golden Gate Park.

The rest of the funding could be used to fix up other fields for kids all over San Francisco, instead of hurting the environment by with fake turf and stadium lights.

I strongly, strongly support the win-win Hybrid Alternative: Fix up the Beach Chalet Fields with real grass and no night lighting and fix up the West Sunset Playing fields with a better playing surface and lights that are appropriate to that neighborhood. This combined solution protects Golden Gate Park and provides more playing time for kids.

San Francisco prides itself on being a "green" city. But cutting down 55 trees and installing 7 acres fake, plastic grass and 150,000 watt stadium lights (to be on ALL NIGHT LONG year round!!) isn't my idea of "green". The Audubon Society has described this as the equivalent of installing a 7-acre asphalt parking lot.

The proposed lights at Beach Chalet Athletic Fields will be lighted from dusk to 10:00 p.m. every night. For families such as my mother and aunts living across the Bay (and for me when I visit there from Berkeley) the light pollution for the 60-foot-tall nasty stadium lights with drown out any and all the stars in that area.

Golden Gate Park is *important habitat* for birds AND for kids! Please, please, please keep it green with real grass and NO sports lights.

Thank you for your time and consideration, Kyana Jones (UC Berkeley student)

Give vegetarian food a chance- compassion never tasted so good! :) (Just please don't eat the animals)
"None are free while others are oppressed."



July 29, 2012

City of San Francisco, Board of Supervisors 1 Dr. Carlton B. Goodlett Place City Hall Room 224 San Francisco, Calif. 94102 4689

BOARD OF SUPERVISORS

2012 AUG - 1 PM 3: 35

Attention: Eric Mar, Mark Farrell, David Chiu, Carmen Chu, Christina Olague, Jane Kim, Sean Elsbernd, Scott Weiner, David Campos, Malia Cohen & John Avalos.

FOG/SMOKE machines used in bars and club's

I along with many others do seek some amount of comfort and safety when we go to San Francisco to dance at Clubs. We have addressed this before in regarding relief from Fog/smoke machines in bars/clubs. Basically it's the whim of a few DJ's who do this for some kind of vibe. The machines are mounted high up, and spray its contest out, it gets on the beams and ceilings to come down with what every dust is there. It effects DJ electronic equipment, its not professional units like used in Hollywood events, bothersome to ones eye's especially if wearing contacts, as well as breathing difficulties if your asthmatic. Some places have tapered off but if any one has complained regarding them to a DJ, word has spread to other DJ's, that if YOU or your friends are present and spotted at the dance, the DJ's quickly turn on the fog, and the sound level much higher, to cause any discomfort too you as possible.

The sound level does exceed OSHA established levels, employees can not say anything as they are afraid, there is no City warnings or citations, as the inspectors are spotted well before entering a Club, word is quickly spread inside. Club managers/owners are trying to run a business they can't be on top of this, and it's a DJ thing by the DJ who rented the place for his event.

Senator Mark Leno has been contacted to possibly introduce a state wide legislation in next years session.

It would read something like "NO smoke or fog machine or any such device emitting will be permitted is a bar/dance club if DJ music is played" They will be permitted only in outdoor events if live music and by permit. The users will be held responsible and fined accordingly" This to be set by the City.

Its is hoped that San Francisco can lead the way in a safe environment for its on going guests by enacting an ordnance quick as possible.

Sincerely

eteo Schure Walter Schivo

560 Eldridge Avenue Novato, Calif. 94947 4806

CC/ Mayor Ed Lee



Stop the demolition of a national eligible masterplanned community. Lydia Costello

to:

board.of.supervisors 07/27/2012 10:12 PM

Hide Details

From: Lydia Costello <mail@change.org>
To: board.of.supervisors@sfgov.org,
Please respond to no-reply@change.org

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

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

Please help to prevent the unecessary 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

Lydia Costello Westport, Connecticut

Note: this email was sent as part of a petition started on Change.org, viewable at <a href="http://www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-from-un-dect-and-preserve-parkmerced-as-essential-housing-a

sustainable-demolition. To respond, click here



To:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: "Decline of the Suburbs" & "Dollars-or-Sense" - what next for housing in SF?

From:

Aaron Goodman <amgodman@yahoo.com>

To:

board.of.supervisors@sfgov.org,

Date:

08/27/2012 09:29 AM

Subject:

"Decline of the Suburbs" & "Dollars-or-Sense" - what next for housing in SF?

#### SF Board of Supervisors

With the articles recently on the Treasure Island toxicity, BVHP issued report on clean-up, and concerns in many districts on supervisorial races, its key to put forth again the issue that many incumbent and front runners have not answered to date, that of developments of the future, and housing, infrastructe needs of the city.

two articles as reminders to the yet unsolved and un-reviewed issue of HOUSING in SF, the lack of essential low-mid-income rental housing in the mix of projects being promoted, the need to address transit, open-space, and essential flexibility of housing needs.

#### http://www.sfbg.com/2010/09/28/dollars-or-sens е

the next article below is an interesting discussion on the factors on renting, owning and the suburbian blight we see in the california valley, and the need to refocus the energy of development into new concepts of density in SF. This does not mean "raze" every neighborhood for density, but requires thoughtfull and well thought through infrastructural design and transit development unseen in many years in SF. The concepts and need to provide better design creativity and solution engendering is what is required. Not pay-to-play political projects that ignore essential needs of our cities working class.

#### A.Goodman

I thought this www.BeyondChron.org article might be of interest to you.

#### Decline of the Suburbs

For those who are considering homeownership, the suburbs have long represented a traditional notion of the American dream: From pleasant neighborhoods to well-kept lawns to gleaming picket fences, the 'burbs have traditionally been depicted as a wholesome and desirable way of living. But in recent years our national love affair with the sprawl has suddenly begun to decline. The growth of suburban crime and poverty has taken its toll on the neighborhood residents, but there are other factors at work, too. Studies show that people are steadily less inclined to own cars, and they instead crave the easy convenience of reliable public transport. The national population of children is declining, and young, childless couples are taking advantage of what the city life has to offer.

Businesses are widely opting out of setting up shop in suburban business parks, keeping offices—and jobs—relegated to urban areas. For many, buying homes is being eschewed in favor of renting—while the cost of urban renting has steadily increased, so has the desire for easy, city living without the risks and costs of homeownership. It seems that the neighborhoods that used to represent a classic American idealism are now being transformed slowly in a ghost town sprawl.

# PLEASE PROVIDE ATTRIBUTION TO INSURANCEQUOTES.ORG WITH THIS CONTENT [1]

This piece was first published [2] at Insurance Quotes.

[1]
<a href="http://www.insurancequotes.org/Decline-of-Suburbs">http://www.insurancequotes.org/Decline-of-Suburbs</a>

[2]
<a href="http://www.insurancequotes.org/Decline-of-Suburbs">http://www.insurancequotes.org/Decline-of-Suburbs</a>

<u>L</u>, .  RECEIVED BOARD OF SUPERVISORS SAN FRANCISCO

2012 JUL 30 PM 3: 11

MA

# Title 14. Department of Fish and Game Published July 27, 2012

305-11 Cpage

#### NOTICE OF PROPOSED RULEMAKING

The Department of Fish and Game (Department) proposed to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### **PUBLIC HEARING**

The Department will hold a public hearing meeting on September 10, 2012, at the address of 1416 9<sup>th</sup> Street, Sacramento, California, from 1:30-3:30 PM in the first floor auditorium. The auditorium is wheelchair accessible. At the public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests but does not require that the persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

#### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. All written comments must be received by the Department at this office no later than 5:00 p.m. on September 10th. All written comments must include the true name and mailing address of the commenter.

Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game Nicole Carion 601 Locust Street Redding, CA 95811 Fax: (530) 357-3478

Email: ncarion@dfg.ca.gov

#### **AUTHORITY AND REFERENCE**

Fish and Game Code Section 2150.2 authorizes the Department to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 2150-2195 of the Fish and Game Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Fish and Game Code Section 2150.2 authorizes the department to establish fees for permits, permit applications, and facility inspections in amounts sufficient to cover the costs of administering, implementing and enforcing this chapter.

Existing regulations specify the conditions under which an individual or entity can lawfully possess restricted species in California. The proposed regulatory change provides for inspection and cost recovery. The fee for inspections would be based on the number of enclosures that a facility has, using actual inspection information that the Department gained from limited testing of the method on permitted facilities.

Additionally, there is a provision in regulation that essentially delegated Department authority for facility inspections to veterinarians and resulted in waived fees to permit holders. The Department has determined that the authority needs to be with the Department in order to properly comply with state law; and that the Department still had incurred costs/expenses even when a veterinarian exercised the approval. Consequently, the Department has not been recovering costs of the program as is specified in current statute.

The Department is not aware of any specific benefits that the adoption of this regulation would have pertaining to California worker safety. The department believes the adoption of the regulation benefits the health and welfare of California residents by ensuring captive wild animal regulations are complied with. By the department conducting the Restricted Species Facilities Inspections there will be a more consistent inspection process conducted by more appropriate personnel, law enforcement officers.

The Department is unaware of any inconsistencies or incompatibilities with state regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Costs or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Costs or savings in federal funding to the state: None.

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. Considering the small number of permits issued over the entire state, this proposal is economically neutral to business and applies evenly to resident and nonresident permittees.

#### Cost impacts on a representative private person or business:

As the number of permitted persons for all Restricted Species permits is small (approximately 300 permittees statewide) the impacts are not consequential to the State. However, there will be cost impacts that a representative private person or business who is among the 300 permittees would necessarily incur in reasonable compliance with this proposed action. Fish and Game Code Section 2150.2 states the Department "shall establish fees... in amounts sufficient to cover the costs..." The reason that costs/person will increase is that previously, the Department did not inspect all facilities, which it must now do, or must now enter into an agreement to do. There is a high amount of Department staff time needed for reviewing/approving applications and/or conducting inspections. The inspection fees created by this mandated regulatory package will range from \$221.27 - \$2994.77 depending on the number of enclosures a permittee has. The majority of the permittees have less than 100 animals listed on their inventory of animals submitted to the Department placing them in a category where the maximum inspection fee would be \$512.22 annually. The annual increase in fees for the majority of the permittees will be almost \$600.00

annually. The facilities with the largest number of enclosures are mostly larger zoos or businesses.

Significant 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).

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Amendment of these regulations wil not:

- (1) Create or eliminate jobs within California:
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California

The Department is not aware of any specific benefits that the adoption of this regulation would have pertaining to California worker safety. The department believes the adoption of the regulation benefits the health and welfare of California residents by ensuring captive wild animal regulations are complied with. By the department conducting the Restricted Species Facilities Inspections there will be a more consistent inspection process conducted by more appropriate personnel, law enforcement officers.

#### **CONSIDERATION OF ALTERNATIVES**

The department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the regulations at the scheduled hearing or during the written comment period.

#### **CONTACT PERSONS**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:

Nicole Carion

Address:

601 Locust Street

Redding, CA 96001

Telephone No.:

530-357-3986

Fax No.:

916-357-3478

E-Mail Address:

ncarion@dfg.ca.gov

The backup contact person is:

Name:

Eric Loft

Address:

1812 Ninth Street

Sacramento, CA 95811

Telephone No.:

916-445-3553

Fax No.:

916-445-4048

E-Mail Address:

eloft@dfg.ca.gov

Website Access: Materials regarding this proposal can be found at: www.dfg\_ca.gov/news/pubnotice

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Carion at the above address.

## AVAILABILITY OF THE STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at 1812 Ninth Street, Sacramento, CA 95811. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Mr Eric Loft.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are

sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Mr. Eric Loft at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### **AVAILABLITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mr. Eric Loft at the above address.

#### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at: www.dfg.ca.gov/news/pubnotice.

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STATE OF CALIFORNIA

Fish and Game Commission

July 27, 2012



This is to provide you with a copy of the notice of proposed regulatory action relative to Amending Sections 1.77, 2.25, 2.30, 4.20, 5.00, 5.05, 5.10, 5.40, 5.60, 5.80, 5.81, 7.00, 7.50, 8.00, 27.85, 27.90, 27.91, 28.90, 28.95, and 701; and Adding Sections 1.45 and 5.9, Title 14, California Code of Regulations, relating to Sport Fishing Regulations, which are published in the California Regulatory Notice Register on July 27, 2012.

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

Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.

Ms. Karen Mitchell, Staff Environmental Scientist, Fisheries Branch, Department of Fish and Game, phone (916) 445-0826, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Jon D. Snellstrom

Associate Governmental Program Analyst

Attachment

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

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 210, 215, 219, 220, 240, 315, 316.5, 713, 1050, 1053 and 7149.8 Fish and Game Code. Reference: Sections 200, 201, 202, 203.1, 205, 206, 215, 220, 316.5, 713, 1050, 1053, 1055 and 7149.8, of said Code, proposes to Amend Sections 1.77, 2.25, 2.30, 4.20, 5.00, 5.05, 5.10, 5.40, 5.60, 5.80, 5.81, 7.00, 7.50, 8.00, 27.85, 27.90, 27.91, 28.90, 28.95, and 701; and Add Sections 1.45 and 5.91, Title 14, California Code of Regulations, relating to Sport Fishing Regulations.

#### **Informative Digest/Policy Statement Overview**

#### General Sport Fishing Regulations - 1.45, 1.77, 2.25, 4.20, 5.10, 5.40, 5.91 and 8.00

This Department proposal is a combination of Department and public requests for Title 14, California Code of Regulations (CCR) changes for the 2012 Sport Fishing Review Cycle. This proposal will revise yellow perch and bow and arrow regulations, eliminate take of listed eulachon, update and revise the low flow regulations, add regulations on filleting of salmonids, and correct other regulatory problems that increase public confusion of the regulation's intent and improve regulatory enforcement.

The Department is proposing the following changes to current regulations as discussed in the following paragraphs:

#### YELLOW PERCH

Yellow perch are not common throughout California and have large populations with stunted size ranges where found. There are several public requests to remove this species from the sunfish bag limit. The potential increased harvest will not affect existing populations.

Amend Section 1.77, Sunfish.

- This section will be amended to remove yellow perch from the combined sunfish and crappie bag limit.

Add Section 5.91, Yellow Perch.

- This section will be added to clarify that yellow perch have a year-round season with no limit.

#### **BOW AND ARROW FISHING**

These changes are proposed to reduce public confusion

Amend Section 2.25, Bow and Arrow Fishing.

- Clarify where the designated salmon spawning areas are defined.
- Clarify Walker River exception.

#### **ELIMINATE TAKE OF LISTED EULACHON**

Eulachon were listed as federally threatened under the Federal Endangered Species Act in February 2010 and have extremely low abundance in the past twenty years. This change is necessary to increase protection for a listed species.

Amend Section 5.10, Candlefish or Eulachon.

- This section will be amended to specify that eulachon may not be taken or possessed under the authority of a sport fishing license to align state and federal regulations.

#### UPDATE THE LOW FLOW REGULATIONS

The Department proposed the following changes to increase salmonid protection and reduce public confusion:

Amend Section 8.00, Low Flow Regulations.

- Increase Smith River minimum flow trigger from 400 cfs to 600 cfs.
- Revise and clarify stream reaches in Van Duzen and Smith rivers.
- removed outdate information in subsection (c)
- make minor changes to align the structure of the regulations.

#### FILLETING OF SALMONIDS IN INLAND WATERS

Currently shore based anglers can fillet or cut into pieces salmon and steelhead in the field. The current Fish and Game Code sections (5508, 5509) section only covers fish on a vessel until it is brought ashore. Salmon and steelhead once on shore can currently be fillet or cut into pieces. Once this is done the department no longer has the ability to determine the origin (wild or hatchery), species, or size of the fish.

There is currently no regulation that prohibits filleting of fish (for all species) along the shores and banks of inland anadromous waters in California. As a result, a loop hole is created in which an angler could harvest a wild steelhead/rainbow trout illegally by filleting the fish and discarding/disposing of the carcass along the stream. If encountered by enforcement, there is no way to immediately distinguish if the fillets are from a wild or hatchery fish without observing the condition of the adipose fin.

This proposed regulation will give the department the ability to determine the origin (wild or hatchery), the species (Coho, Chinook or steelhead), and the size (jack, adult, or undersized ocean salmon) of salmon and steelhead taken, possessed and transported. The limitation of "where a sport fishing license is required" eliminates this requirement for legally purchased commercial salmon. There maybe serious opposition for the ocean salmon fishery which is almost exclusively a boat fishery. This proposed regulation could easily be written for inland waters where a sport fishing license is required.

#### Add Section 1.45, Filleting of Salmonids

- This section will be added that all salmon and steelhead taken in inland waters where a sport fishing license is required, must be kept in such a condition that species and size can be determined until placed at the anglers permanent residence, a commercial preservation facility or being prepared for immediate consumption.

#### OTHER REGULATORY PROBLEMS

The Department is proposing additional minor revisions in the following areas of Title 14, CCR, regulations. While these problems are minor when viewed individually, they must be corrected to clarify regulations, reduce public confusion, align regulations, and improve regulatory enforcement.

Amend Section 4.20, Bait Fish Use in the Valley and South Central Districts.

- remove the reference in subsection (d)(2) to Yuba River down stream of Daguerre Point Dam that allows the use of bait fish when only artificial lures with barbless hooks are allowed under subsection 7.50(b)(212)(A).

Amend Section 5.40, Lamprey.

- remove reference to other species as traps were repealed in 2009 as approved gear.
- remove the reference to traps in subsection (c) which is an illegal gear for the harvest of lamprey.

The benefits of the proposed regulations are sustainable management of sport fishing resources, protection of listed and special status species, and promotion of businesses that rely on California's sport fisheries.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

#### Spear Fishing for Striped Bass in Inland Waters - Section 2.30.

Spear fishing as defined under Section 2.30, Title 14 is restricted to the Colorado and Valley Districts and a small area of the Kern River with species and exemptions.

The Commission has requested the option to discuss spear fishing regulations for striped bass under the upcoming Sport Fishing Review Cycle. The Department has serious reservations allowing spear fishing for striped bass and can only support offering an option to consider spear fishing in existing areas allowed in Section 2.30 at this time.

The expansion of any spear fishing for striped bass outside of these areas is a very complicated subject and needs a larger coordination effort than can be achieved under the current Sport Fishing Review cycle. There are significant issues related to listed and special status species that will require comprehensive review and coordination with the federal and local agencies and stakeholders.

#### **Proposal Overview**

This Department is proposing the following two regulatory options for Commission consideration of allowing the take of striped bass in inland waters with spear fishing as requested by various spear fishing groups.

#### OPTION 1 - NO HARVEST OF STRIPED BASS

Amend Section 2.30, Spearfishing.

- Open all of Black Butte Lake to spear fishing to eliminate an enforcement issue because half of the lake is located in Tehama County (Sierra District) and the other half in Butte County (Valley District).
- Clarify where the designated salmon spawning areas are defined.

#### OPTION 2 - ALLOW HARVEST OF STRIPED BASS

Amend Section 2.30, Spearfishing.

- This section will be amended to allow the harvest of striped bass by spear fishing in the Valley district under the authority of a sport fishing license.

- Open all of Black Butte Lake to spear fishing to eliminate an enforcement issue because half of the lake is located in Tehama County (Sierra District) and the other half in Butte County (Valley District).
- Clarify where the designated salmon spawning areas are defined.

The benefits of the proposed regulations are sustainable management of sport fishing resources, protection of listed and special status species, and promotion of businesses that rely on California's sport fisheries.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

#### Black Bass Sport Fishing - Slot Limit Removal - Section 5.00

The Lake Oroville black bass sport fishery has been managed with a slot limit regulation since 1983. The current slot limit prohibits the take of black bass between 12 – 15 inches total length - anglers are allowed to take black bass less than 12 inches and greater than 15 inches total length. Statewide, black bass sport fisheries are managed with a 12-inch total length minimum regulation.

Slot limit regulations are used to reduce fishing mortality of black bass in a particular size range, and allow harvest of black bass in a smaller or larger than protected sizes.

The slot limit regulation was enacted at Lake Oroville to promote the harvest of redeye bass, which were abundant in the reservoir but seldom reached the statewide minimum length of 12 inches total length. In addition, the slot limit allowed the harvest of the abundant black bass less than 12 inches in total length and provided for an increase in the catch rates of black bass greater than 15 inches total length.

Review of angler survey data from 2002 – 2010 shows that spotted bass is the dominate species in angler catches with no redeye bass reported. Anglers reported releasing 97% of all black bass caught even though 43% of the black bass caught were legal for take. With the extirpation of redeye bass and the high release rate practiced today by sport fish anglers, the current slot limit regulation is no longer warranted.

The slot limits for black bass in McClure and Millerton reservoirs, and Orr and Siskiyou lakes have also not yielded the desired results as originally anticipated. This action would streamline fishing regulations which have been publicly criticized for being too complicated and eliminate the need for tournament fishing exemptions which have, in the past, resulted in conflict with Title 14. Section 1.87.

Title 14, Section 230, allows the Department to issue exemptions to the slot limit regulation for Event type contests. While tournament anglers are allowed to possess fish within the slot limit for purposes of the tournament, in so far as possible all fish weighed-in must be returned to the lake alive and in good condition. If a bass is weighed that is within the slot but is dead, this creates a conflict with Title 14, Section 1.87 as an angler should not be in possession of a slot size bass after the fishing contest is concluded. Dead bass weighed-in during a tournament that

are legal to possess by Section 7.50, are usually given to a receptive angler with a valid sport fishing license. The elimination of tournament exemptions would also reduce department processing time and costs.

It is recommended that all black bass angling regulations where slot limits exist be changed to the statewide standard - 5 bass daily bag limit, 12-inch minimum total length.

The benefits of the proposed regulations are sustainable management of sport fishing resources and promotion of businesses that rely on sport fishing.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

#### Take of Amphibians and Reptiles - 5.05 and 5.60

Existing regulations specify 28 amphibians and 58 reptiles that can lawfully be collected with a sportfishing license in California. The proposed regulatory change removes species designated as Species of Special Concern from authorized take with a sportfishing license, and revises special closure areas to include 11 species or subspecies. The regulation change is intended to increase conservation consideration for animals known to be at risk. The regulation change also updates scientific and common names to those currently in use to help eliminate potential confusion by licensees or Department staff. The regulation change also explicitly lists rattlesnake species allowed for sport take to eliminate existing confusion about how bag and possession limits apply to these snakes. For two amphibian species now known to be introduced to California, the regulation change also revises the bag and possession limit from four to unlimited.

The Department designates Species of Special Concern to focus attention on animals at risk and achieve conservation and recovery before listing them as threatened or endangered becomes necessary. The Department currently has no information about amount or effects of sport take for these animals, so it is therefore prudent to remove species of concern from collection.

Numerous taxonomic revisions have occurred since this regulation was last amended in 2002. The proposed regulatory change updates common and scientific names to current nomenclature, delineates geographic boundaries for Special Closures as necessary to reflect taxonomic changes or other new scientific information.

#### **Proposed Regulations**

Consideration and adoption of these proposed regulations will result in the following:

#### Amend 5.0 and 5.60

Removal of eight amphibians and three reptiles from the list of species currently authorized for take with a sportfishing license. Twenty amphibians and 55 reptiles will remain legal for take with a sportfishing license.

Provide current taxonomic nomenclature for all species on the list.

Updated language regarding Special Closures where new scientific information indicates closures to be appropriate.

Changing the bag and possession limit for two non-native amphibians from four to unlimited.

Explicitly listing rattlesnake species authorized for sport take to eliminate existing confusion about applicable bag and possession limits for these snakes.

The benefits of the proposed regulations are to improve conservation of at-risk animals in California, sustainable management of sport fishing resources, and promotion of businesses that rely on California's sport fisheries.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

#### **Sturgeon Sport Fishing Regulations – 5.80, 5.81, 27.90, 27.91 and 701**

Green sturgeon is listed as a threatened species under the federal Endangered Species Act, take of green sturgeon is prohibited except when specifically authorized, and recovery of green sturgeon is a high priority. White sturgeon is a substantial management-concern and object of an important fishery. Both sturgeon species are long-lived, first spawn at a relatively old age, spawn infrequently thereafter, and egg-laden females are subject to take year-round and system-wide.

Data from returned Sturgeon Fishing Report Cards issued for the years 2007-2010 indicated anglers kept 6,488 white sturgeon, releasing 19,892 white sturgeon, and releasing 956 green sturgeon; anglers also failed to report the species of 165 sturgeon they released. A preliminary investigation suggests that anglers under-reported the release of green sturgeon.

The sport fishing regulations for both species are largely based on the premises that it is important to conserve older fish and sturgeon that survive catch-and-release well. The impact of catch-and-release depends in large part on angler technique. It is common practice for anglers to do the following, each of which contributes to stress of sturgeon that are released:

- use relative light gear, fighting sturgeon to exhaustion over a long period,
- use multiple, barbed hooks that require more effort to remove than would a single point, single shank, barbless hook,
- remove sturgeon, including oversized sturgeon, from the water for measurement and often use a snare (often made of wire rope) to control these fish,
- struggle to accurately measure the total length of white sturgeon, because measuring sturgeon total length requires manipulation of the long and flexible upper lobe of the caudal fin.

When released, a stressed sturgeon sometimes dies outright or sometimes abandons their spawning run and reabsorbs their eggs.

Improper use of snares can damage sturgeon tissue, including gill tissue, and use of snares likely encourages or enables some anglers to remove oversized sturgeon from the water.

Sturgeon Fishing Report Cards (Cards) are an integral part of Department and legislative efforts to reduce the illegal commercialization of sturgeon. Cards are a relatively inexpensive method of documenting patterns and levels of white sturgeon and green sturgeon catch. Data from Cards are complementary to an on-going sturgeon population study conducted by the Department. As part of the establishment of a Fishery Management and Evaluation Plan as allowed under the federal Endangered Species Act, Cards are an integral part of Department efforts to secure authorization for the incidental take of green sturgeon in fisheries. Cards have been free to anglers, being, paid for by the now-defunct Bay Delta Sport Fishing Enhancement Stamp Fund. No current source of funding puts the continued use of Cards at risk.

#### **Proposal Overview**

The proposed changes would (1) increase the survival and spawning success of sturgeon caught and released by anglers in California, and would be harmonious with similar regulations in Oregon, Washington, and Idaho and (2) implement a fee for the issuance of Sturgeon Fishing Report Cards.

Each sturgeon-specific element of the proposal is designed to foster the relatively-healthy release of fish by anglers in all circumstances.

Implementing a fee for the issuance of Sturgeon Fishing Report Cards will fund issuance of Sturgeon Fishing Report Cards as well as management of resulting data and reporting of that data.

#### **Present and Proposed Regulations**

1) Sections 5.80 and 27.90 currently define the methods and locations for white sturgeon fishing as well as the size and quantity of white sturgeon that may be harvested; and requires use of 'total length' measurements.

This proposal recommends amending sections 5.80 and 27.90 to require only one single point, single shank, barbless hook be used on a line when taking sturgeon, prohibit use of snares in handling sturgeon, prohibit removal of fish greater than 68 inches long (FL) from the water, and require use of 'fork length' measurements.

To assure that the harvestable populations of white sturgeon 46-66 inches total length and white sturgeon 40-60 inches fork length are substantially similar, and to preserve the present 20-inch range between the minimum and maximum size limits, the Department considered data on the statistical relationship between white sturgeon total length and white sturgeon fork length (y = 0.9036x - 1.2162;  $R^2 = 0.987$ ). When requiring the use of fork length measurements after decades of requiring total length measurements, the states of Oregon and Washington similarly determined that white sturgeon fork length is 90% of total length and revised the state size limits accordingly.

2) Sections 5.81 and 27.91 currently prohibit the take and possession of green sturgeon.

This proposal recommends amending sections 5.81 and 27.91 to also prohibit the removal of green sturgeon from the water.

3) Section 701 currently authorizes issuance of Sturgeon Fishing Report Cards (Cards) for no fee. The use of Bay Delta Sport Fish Enhancement Stamp revenue as the funding source for printing and processing Cards is no longer available.

This proposal includes charging a fee for issuance of each Card. The Department is proposing Section 701 be amended for public notice with a Sturgeon Fishing Report Card fee of \$7.50. The Department costs for the Sturgeon Report Card are shown in Table 1.

Table 1. Estimated Costs for the Sturgeon Fishing Report Card						
Inputs	Hrs	Rate	Total			
Report Card Review, Edit and Updates (IT Staff and Programs Combined) Report Card Questions Review, Edit and Updates (IT	40	\$43	\$ 1,730			
Staff and Programs Combined)	30	\$43	\$ 1,297			
Report Card Data Collection (Key Entry)	7,333	\$19	\$ 140,883			
Report Card Data Analysis	80	\$46	\$ 3 <u>,</u> 694			
LRB Operations Cost (prorated for 1 item)			\$ 40,000			
Law Enforcement Costs for Report Cards	8,208	\$46	\$ 374,440			
Sub Total for Ongoing Costs		,	\$ 532,045			
Admin Overhead (FY 12/13 non-Fed rate 29%)			\$ 162,993			
Total Costs	• •		\$ 725,038			
Total One time ALDS Cost Amortized			\$ 12,410			
Total Annual Costs			\$ 737,448			
2010 Report Card Sales	•		110,000			
Price per card with 10% drop in sales	•		\$7.45			

The benefits of the proposed regulations are (1) sustainable management of the white sturgeon population and (2) concurrence with Federal regulation regarding the take of threatened green sturgeon in otherwise-lawful fisheries.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. No other state agency has the authority to promulgate sport fishing regulations.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

In Section 701 editorial changes were made to align report card fees followed by duplicate fees, and subsections renumbered accordingly for the sake of clarity.

#### District and Special Regulation Changes - 7.00 and 7.50

The Department is proposing broad salmon and steelhead angling regulations for the district and special fishing areas in two general areas.

1. Hatchery trout and steelhead fishing revisions to allow harvest in most areas where only catch and release fishing is currently allowed.

 Additional revisions are proposed to increase resource protection, correct regulatory issues, reduce public confusion, improve regulatory enforcement, and standardize regulatory structure.

#### Hatchery Trout and Steelhead

California's steelhead supports a popular sport fishery throughout California's coastal anadromous waters north of Santa Barbara and the Central Valley Basin. Since 1998, the majority of California steelhead have been Federally listed under the Endangered Species Act (ESA), and since 1999 only harvest of hatchery steelhead has been allowed in California, with the exception of the Smith River. The Steelhead Fishing Report-Restoration Card (SH Report Card) data show that hatchery steelhead stray into streams that do not have hatcheries and are caught by steelhead anglers in nearly every anadromous stream in California, with the exception of the Noyo River, where zero hatchery steelhead have been reported caught since 1999).

The Department believes harvesting surplus and stray hatchery steelhead will protect and increase wild steelhead resources. Contrary to management strategies from the last several decades, research and ensuing literature demonstrate that a key to protecting reproductive fitness of wild salmonids is to decrease/remove introgression by decreasing the number of hatchery salmonids spawning with wild salmonids. Although total prevention of introgression between surplus and stray hatchery steelhead and wild steelhead is unrealistic, proper angling regulations and angler education will be a vital factor in attaining resilient and sustainable wild steelhead populations.

With the exception of the Mokelumne River Hatchery, California hatcheries generally meet their annual steelhead production goals and "surplus" hatchery steelhead remain in the river. This "surplus" has been "substantial", which is good for the anglers; however, unharvested hatchery steelhead that compete and spawn with wild steelhead likely harm success of wild steelhead stocks by reducing reproductive fitness of successive generations. Increasing allowable harvest of surplus hatchery steelhead will increase angler opportunity, harvest, and continued fishing, and will greatly benefit wild steelhead populations.

If the regulations proposed here are implemented, the Department believes the fundamental character of California's steelhead fishing will be improved, while important fishery management and wild steelhead population management will be positively affected. In addition, the proposed regulations are intended to simplify statewide steelhead regulations, and simplify and provide for effective enforcement.

#### Additional Revisions

Many members of the general public have expressed difficulty in understanding which inland waters in California are closed to salmon fishing. In addition, some of the rivers and streams in Klamath/Trinity and Central Valley basins are periodically opened and closed to salmon fishing. The Department is proposing to list all inland state waters as closed to salmon fishing unless otherwise noted in district or special regulations to help reduce public confusion.

The Department proposes to increase protection of redband trout, align management efforts and reduce public confusion in Davis and Pine creeks and the McCloud River tributaries of Edison, McKay, Moosehead and Swamp creeks.

The Department proposes to close the Sisquoc River and the tributaries of Silver King Creek to all fishing to increase protection for steelhead and trout, respectively, and open Wolf Creek to limited fishing due to stable populations of Lahontan cutthroat.

The Department also proposes to offer increased fishing opportunities in Chowchilla River and Eastman Lake, close a portion of the Stanislaus River, close Wolf Creek Lake, and limit fishing to non-salmonids only in San Diego Creek and San Gabriel River due to changes in local fish populations or conditions.

#### **Proposal Overview**

The Department is proposing broad salmon and steelhead angling regulations for the district and special fishing areas.

With recent Central Valley salmon closures, many anglers have expressed confusion as to which waters are actually open to salmon fishing. To help clarify this situation, the Department proposes that all district regulations (Section 7.00) specify that salmon fishing is closed in all streams unless otherwise indicated in the list of waters with special fishing regulations (Section 7.50) This will help reduce public confusion and standardize the regulatory approach.

As a continuing effort to improve steelhead management and angling opportunities, the Department proposes to liberalize regulations in most areas where only catch and release fishing is currently allowed with the objective of meeting the following goals: 1) allow and encourage anglers to harvest "surplus" hatchery steelhead (adults in excess of number necessary to meet a hatchery's production goals) on streams with hatcheries, and 2) allow and encourage anglers to harvest hatchery steelhead that stray into streams without hatchery production. This will help increase fishing opportunities while increasing protection for naturally spawning steelhead stocks.

Additional changes are proposed to increase resource protection, correct regulatory issues, reduce public confusion, improve regulatory enforcement, and standardize regulatory structure.

The benefits of the proposed regulations are sustainable management of sport fishing resources and promotion of businesses that rely on sport fishing.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

#### Spearfishing for Striped Bass in Ocean Waters - 27.85, 28.90 and 28.95

Existing law authorizes the take of striped bass for recreational purposes with a sport fishing license subject to regulations prescribed by the Fish and Game Commission (Commission); commercial take of striped bass is prohibited. Current regulations specify size limit, bag and possession limit, and methods of take in ocean waters [Title 14, California Code of Regulations (CCR), Sections 27.85, 28.90, and 28.95].

In ocean waters, Section 27.85 provides for a bag limit of two, a minimum size limit of 18 inches total length north of Pt. Conception, no minimum size limit south of Pt. Conception, and no seasonal closures. Furthermore, striped bass may not be taken while using a sinker over four pounds and may be taken only by angling [Title 14, CCR, Section 1.05].

Section 28.90 specifies fishing provisions while diving and prohibits the take of striped bass by spearfishing. Additionally, Section 28.95 authorizes taking of finfish species by spears, harpoons, and bow and arrow fishing tackle, and identifies prohibited finfish species including striped bass.

At its April meeting, the Commission took testimony regarding the upcoming Sport Fishing Review Cycle. Following public comments, the Commission directed the Department to prepare options that would allow the take of striped bass while spearfishing, indicating its intent to consider changes to the existing regulations which prohibit this method of take for this species.

Although the Department has concern with a blanket authorization to use spearfishing gear for striped bass in inland waters, considerations are different for ocean waters. Spearfishing is generally authorized as a method of take for finfish in the ocean, pursuant to Section 28.90. The Department's understanding is that the current prohibition on spearfishing striped bass came about due to a need to specially regulate anadromous species which were the target of sport fisheries, including salmon, sturgeon, and striped bass. Today, the Department believes that any additional harvest of striped bass that may result from spearfishing in the ocean would be sustainable given the present status of the striped bass resource. Also, because spearfishing is a highly selective method of take, the Department does not anticipate that increases in fishing effort on striped bass would have unintended consequences on other species.

For purposes of clarity and consistency, the Department recommends, that if the Commission decides to authorize spearfishing for striped bass, it can also take action to amend Section 28.95. The proposed change would remove striped bass from the list of species that may not be taken with bow and arrow fishing tackle.

#### **Proposal Overview**

In response to requests by individuals and various sport fishing groups, the Department has prepared the following proposal for consideration:

ALLOW HARVEST OF STRIPED BASS BY SPEARFISHING AND BOW AND ARROW FISHING TACKLE

Amend Section 27.85, Striped Bass. This Section would be amended to allow the harvest of striped bass by spearfishing and bow and arrow fishing tackle that are otherwise prohibited under existing regulations for ocean waters.

<u>Amend Section 28.90, Diving, Spearfishing</u>. This section would be amended to remove striped bass from the list of finfish species that may not be taken by spearfishing.

Amend Section 28.95, Spears, Harpoons and Bow and Arrow Fishing Tackle. This section would be amended to remove striped bass from the list of species that may not be taken by bow and arrow fishing tackle.

#### **Anticipated Benefits**

The benefits of the proposed regulations are increased fishing opportunities for striped bass, continuation of sustainable management of sport fishing resources, protection of listed and special status species, and promotion of businesses that rely on California's sport fisheries.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government. The Commission anticipates that this regulation will not have any effect on the overall health and welfare of California residents.

The Commission feels it is the policy of the state to encourage the conservation, maintenance, and utilization of the living resources of the inland and ocean waters under the jurisdiction and influence of the state for the benefit of all its citizens and to promote the development of local California fisheries. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use, taking into consideration the necessity of regulating individual sport fishery bag limits in the quantity that is sufficient to provide a satisfying sport. Adoption of scientifically-based inland sport fishing seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of aquatic species to ensure their continued existence.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate regulations establishing the procedures for inspections of wildlife facilities; however, the Department of Fish and Game, pursuant to Section 2150.2, Fish and Game Code, has the authority to set inspection fees and will proceed under a separate rulemaking.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held in the Crowne Plaza Ventura Beach, Santa Rosa Room, 450 Harbor Boulevard, Ventura, California, on Wednesday, August 8, 2012 at 10:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held in the Radisson Hotel at Los Angeles Airport, Laguna Room, 6225 West Century Boulevard, Los Angeles, California, on Wednesday, November 7, 2012 at 10:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 24, 2012, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fqc.ca.gov.

Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on November 6, 2012. All comments must be received no later than November 7, 2012, at the hearing in Los Angeles, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. Ms. Karen Mitchell, Staff Environmental Scientist, Fisheries Branch, Department of Fish and Game, telephone (916) 445-0826, has been designated to respond to questions on the substance

**of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <a href="http://www.fgc.ca.gov">http://www.fgc.ca.gov</a>.

#### **Availability of Modified Text**

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

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

#### **Impact of Regulatory Action**

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

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

General Sport Fishing Regulations – 1.45, 1.77, 2.25, 4.20, 5.10, 5.40, 5.91 and 8.00.

Spear Fishing for Striped Bass in Inland Waters – 2.30

Black Bass Sport Fishing – 5.00

District and Special Regulation Changes – 7.00 and 7.50

Spearfishing for Striped Bass in Ocean Waters – 27.85, 28.90 and 28.95

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 for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

#### Take of Amphibians and Reptiles - 5.05 and 5.60

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 for the continued preservation of the resource and therefore the prevention of adverse economic impacts. The actions proposed will improve Department efforts related to conservation of at-risk animals in California.

Sturgeon Sport Fishing Regulations - 5.80, 5.81, 27.90, 27.91 and 701

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.

Economic impacts of fishing are attributable largely to fishing effort, fishing opportunity, and fishing success. The proposed sturgeon-specific regulations would not alter fishing effort or fishing opportunity and would not appreciably alter fishing success. Over time, the proposed regulations are expected to improve fishing success. Neighboring states with sturgeon fisheries are already operating under a suite of regulations substantially similar to the ones proposed here.

The proposed implementation of a \$7.50 fee for the issuance of each Sturgeon Fishing Report Card (1) would constitute a tiny fraction of the cost to anglers for catching sturgeon and (2) is less costly than other methods of collecting equivalent data and thwarting illegal commercialization of sturgeon.

(b) Results of the Economic Impact Analysis.

> 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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

General Sport Fishing Regulations – 1.45, 1.77, 2.25, 4.20, 5.10, 5.40, 5.91 and 8.00.

Spear Fishing for Striped Bass in Inland Waters – 2.30

Black Bass Sport Fishing – 5.00
Take of Amphibians and Reptiles – 5.05 and 5.60

Sturgeon Sport Fishing Regulations – 5.80, 5.81, 27.90, 27.91 and 701

District and Special Regulation Changes - 7.00 and 7.50

Spearfishing for Striped Bass in Ocean Waters - 27.85, 28.90 and 28.95

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The potential impacts from the proposed regulations in the Sport Fishing Review Cycle may range from 0 to 16,000 jobs depending on the Commission's final actions. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable stocks and, subsequently, the promotion and long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for the sport fisheries encourages consumption of a nutritious food.

The Commission does not anticipate any non-monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's sport fishing resources.

(c) Cost Impacts on Representative Private Person or Business

General Sport Fishing Regulations – 1.45, 1.77, 2.25, 4.20, 5.10, 5.40, 5.91 and 8.00.

Spear Fishing for Striped Bass in Inland Waters – 2.30

Black Bass Sport Fishing – 5.00

Take of Amphibians and Reptiles – 5.05 and 5.60

Spearfishing for Striped Bass in Ocean Waters – 27.85, 28.90 and 28.95

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.

Sturgeon Sport Fishing Regulations - 5.80, 5.81, 27.90, 27.91 and 701

The agency is not aware of any cost impacts that a representative private business would necessarily incur in reasonable compliance with the proposed action. A private person interested in fishing for sturgeon would be required to purchase an annual sturgeon report card at a cost of \$7.50 yearly.

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

General Sport Fishing Regulations – 1.45, 1.77, 2.25, 4.20, 5.10, 5.40, 5.91 and 8.00. Spear Fishing for Striped Bass in Inland Waters – 2.30

Black Bass Sport Fishing – 5.00

Take of Amphibians and Reptiles – 5.05 and 5.60

Sturgeon Sport Fishing Regulations – 5.80, 5.81, 27.90, 27.91 and 701

District and Special Regulation Changes – 7.00 and 7.50

Spearfishing for Striped Bass in Ocean Waters – 27.85, 28.90 and 28.95

None.

- (e) Other Nondiscretionary Costs/Savings to Local Agencies.

  General Sport Fishing Regulations 1.45, 1.77, 2.25, 4.20, 5.10, 5.40, 5.91 and 8.00.

  Spear Fishing for Striped Bass in Inland Waters 2.30

  Black Bass Sport Fishing 5.00

  Take of Amphibians and Reptiles 5.05 and 5.60

  Sturgeon Sport Fishing Regulations 5.80, 5.81, 27.90, 27.91 and 701

  District and Special Regulation Changes 7.00 and 7.50

  Spearfishing for Striped Bass in Ocean Waters 27.85, 28.90 and 28.95

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

  General Sport Fishing Regulations 1.45, 1.77, 2.25, 4.20, 5.10, 5.40, 5.91 and 8.00.

  Spear Fishing for Striped Bass in Inland Waters 2.30

  Black Bass Sport Fishing 5.00

  Take of Amphibians and Reptiles 5.05 and 5.60

  Sturgeon Sport Fishing Regulations 5.80, 5.81, 27.90, 27.91 and 701

  District and Special Regulation Changes 7.00 and 7.50

  Spearfishing for Striped Bass in Ocean Waters 27.85, 28.90 and 28.95

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.

General Sport Fishing Regulations – 1.45, 1.77, 2.25, 4.20, 5.10, 5.40, 5.91 and 8.00.

Spear Fishing for Striped Bass in Inland Waters – 2.30

Black Bass Sport Fishing – 5.00

Take of Amphibians and Reptiles – 5.05 and 5.60

Sturgeon Sport Fishing Regulations – 5.80, 5.81, 27.90, 27.91 and 701

District and Special Regulation Changes – 7.00 and 7.50

Spearfishing for Striped Bass in Ocean Waters – 27.85, 28.90 and 28.95

None.

(h) Effect on Housing Costs.

General Sport Fishing Regulations – 1.45, 1.77, 2.25, 4.20, 5.10, 5.40, 5.91 and 8.00.

Spear Fishing for Striped Bass in Inland Waters – 2.30

Black Bass Sport Fishing – 5.00

Take of Amphibians and Reptiles – 5.05 and 5.60

Sturgeon Sport Fishing Regulations – 5.80, 5.81, 27.90, 27.91 and 701

District and Special Regulation Changes – 7.00 and 7.50

Spearfishing for Striped Bass in Ocean Waters – 27.85, 28.90 and 28.95

None.

#### Effect on Small Business

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

#### Consideration of Alternatives

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

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: July 17, 2012



Muni Defends Line Disruptions? Indra Lowenstein File 120841 c: Alisa

Sean.elsbernd, mayoredwinlee, Eric.l.mar, John.avalos, Malia.cohen, David.campos, Jane.kim, Christina.Olague, Carmen.chu, David.chiu, Mark.farrell, Scott.wiener, Board.of.Supervisors

08/12/2012 07:22 PM

Hide Details

From: Indra Lowenstein < theindra@me.com > Sort List...

To: Sean.elsbernd@sfgov.org, mayoredwinlee@sfgov.org, Eric.l.mar@sfgov.org, John.avalos@sfgov.org, Malia.cohen@sfgov.org, David.campos@sfgov.org, Jane.kim@sfgov.org, Christina.Olague@sfgov.org, Carmen.chu@sfgov.org, David.chiu@sfgov.org, Mark.farrell@sfgov.org, Scott.wiener@sfgov.org, Board.of.Supervisors@sfgov.org,

I just read an article from New Civil Grand Jury Report on Muni switchbacks and want to know what is going to be done about MUNI? MUNI's switchbacks are ridiculous and an insult to their customers. Riding the N I've had to walk the last 10 blocks home after being let out at Sunset numerous times and have never had the next train pass me on the way home. Thankfully I can walk. The older people with walkers who live out in the avenues don't have that option. I've seen old women with walkers waiting on platforms in the cold and rain. I've also been in the situation where there was a switchback on the N line and we were all kicked off and then the next train did a switch back too and wouldn't let us on. I agree with these comments on the article:

If there's any "institutional bias" involved, it is the institutional bias of Muni who cannot be bothered to consider service and quality from the rider's point of view.

It's preposterous that Muni's response to the entire switchback fiasco has been to spend who knows how much money on "public information officers" to tweet about switchbacks (even in our tech-crazed city, who the hell possibly checks Twitter to find out if their train is actually going to make it to its terminus?) and reprogramming electronic signs and automated announcements to inform riders that their train won't actually take them to their destination.

Read more at the San Francisco

Examiner: <a href="http://www.sfexaminer.com/local/transportation/2012/08/muni-defends-line-disruptions#ixzz23O4lwJMD">http://www.sfexaminer.com/local/transportation/2012/08/muni-defends-line-disruptions#ixzz23O4lwJMD</a>

I've been riding MUNI for 25 years and it has been horrible the entire time! Muni's inability to look at it's institutional faults constructively is just sad. To counter by saying the report displays, "extreme institutional bias and is fraught with inflammatory language." Just makes Muni seem like it's run by a bunch of emotional high school kids.

Sincerely, Indra Lowenstein 2227A Market Street San Francisco, CA 94114



MUNI's Hateful Bus Ads!!!!! terrrie frye

to:

MTABoard@SFMTA.com 08/12/2012 11:18 AM

Cc:

Carmen Chu, "Christina.Olague@sfgov.org", David Chiu, David Campos, "Eric.L.Mar@sfgov.org", "Jane.Kim@sfgov.org", "John.Avalos@sfgov.org", "Malia.Cohen@sfgov.org", "Mark.Farrell@sfgov.org", "Scott.Wiener@sfgov.org", "sean.elsbernd@sfgov.org", "Board.of.Supervisors@sfgov.org" Hide Details

Hide Details
From: terrrie frye <grannygear1@yahoo.com> Sort List...
To: "MTABoard@SFMTA.com" <MTABoard@SFMTA.com>,
Cc: Carmen Chu <carmen.chu@sfgov.org>, "Christina.Olague@sfgov.org"
<Christina.Olague@sfgov.org>, David Chiu <david.chiu@sfgov.org>, David Campos
<david.campos@sfgov.org>, "Eric.L.Mar@sfgov.org" <Eric.L.Mar@sfgov.org>,
"Jane.Kim@sfgov.org" <Jane.Kim@sfgov.org" <John.Avalos@sfgov.org"
<John.Avalos@sfgov.org>, "Malia.Cohen@sfgov.org" <Malia.Cohen@sfgov.org>,
"Mark.Farrell@sfgov.org" <Mark.Farrell@sfgov.org"
<Scott.Wiener@sfgov.org>, "sean.elsbernd@sfgov.org" <sean.elsbernd@sfgov.org>,
"Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>
Please respond to terrrie frye <grannygear1@yahoo.com>

To whom it may concern,

I just saw your hate filled bus ads promoting Israel. So I guess Muni officials will do anything for money?

The framing of civilized vs savage draws upon racism and fear. This ad is hate speech that will incite hatred and violence, and it should not be on our buses. We can do better.

Please pull these hate mongering ads immediately. We do not need to incite any more violence!!

Sincerely, Terrrie Frye

The light at the end of the tunnel may be an oncoming train.



Fruendal BOS 4

**News from OEWD** 

Jennifer Entine Matz to: Department Heads, MAYOR's Offices at Cityhall, Board of Supervisors

08/09/2012 04:52 PM

This message is digitally signed.

Dear Colleagues,

Changes are afoot at OEWD. This week, Mayor Lee asked me to lead the City's efforts on three big waterfront projects -- the Pier 70 shipyard redevelopment, the Giants mixed-use development on Seawall Lot 337, and the Piers 30-32 arena project. The Mayor has decided that the magnitude and time lines of these projects require the coordinated, full-time focus of a single person and I am over-the-moon thrilled to have the opportunity to guide and manage these efforts. As you all well know, serving as a Department Head in our dynamic City is a marvelous chaos; while I will miss the havoc and jumble of running OEWD I relish the opportunity to pivot and now focus exclusively on "just" three development projects (albeit three massive ones).

Todd Rufo will be taking the helm at OEWD. Ken Rich will become Director of Development, leading the Mayor's efforts to support catalytic public/private development projects, as well as serving as the Mayor's primary liaison for development issues. I know many of you are already acquainted with these fine fellows, and I am sure you will enjoy working with them in their new, expanded roles.

I am not going far and I am certain we will continue working together in the weeks and months ahead. You can find me at OEWD and my email address and phone numbers remain the same. 'Til soon.

Warmly,

Jennifer

Jennifer Matz
Director
Office of Economic and Workforce Development
City Hall
1 Dr. Carlton B. Goodlett Place, Room 448
San Francisco, CA 94102-4689

Phone: (415) 554-6511 Fax: (415) 554-6018



#### OFFICE OF HISTORIC PRESERVATION **DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896 SACRAMENTO, CA 94296-0001 (916) 445-7000 Fax: (916) 445-7053 calshpo@parks.ca.gov

August 10, 2012

City and County of San Francisco **Board of Supervisors** 1 Drive Carlton B. Goodlett Place City Hall, Room 244 San Francisco, California 94102-4689

RE: California Register of Historical Resources 527 7th Street Warehouse

Dear Board of Supervisors:

As required by the California Code of Regulations, California Register of Historical Resources (Title 14, Chapter 11.5), Section 4855(c)(4), I am writing to inform you that at its regular meeting on August 3, 2012, the State Historical Resources Commission (Commission) designated the 527 7<sup>th</sup> Street Warehouse in San Francisco, San Francisco County as eligible for listing in the California Register of Historical Resources (California Register), and accepted it for official listing in the California Register. Enclosed is a copy of the Commission's Findings.

If you have any questions or require further information, please contact Jay Correia of the Registration Unit at (916) 445-7008.

Sincerely.

Milford Wayne Donaldson, FAIA State Historic Preservation Officer

Enclosure: State Historical Resources Commission Findings



#### California Register of Historical Resources 572 7<sup>th</sup> Street Warehouse San Francisco, San Francisco County State Historical Resources Commission Findings

On August 3, 2012 at the regular quarterly meeting of the State Historical Resources Commission in Beverly Hills, Los Angeles County, California, the State Historical Resources Commission listed the 572 7<sup>th</sup> Street Warehouse in the California Register of Historical Resources. Pursuant to California Code of Regulations, Title 14, Chapter 11.5, Section 4855.c.3, the State Historical Resources Commission shall adopt written findings describing the resource and identifying its historical or cultural significance and identifying those criteria on which any determination is based.

A building of 12,000 square feet and constructed of concrete with a steel bow truss roof structure, the Warehouse at 572 7<sup>th</sup> Street is located near Interstates 80 and 280, south of Market Street in San Francisco. Constructed in 1938, the Warehouse is eligible for the California Register under Criterion 1 for its association with the development of the area south of Market Street during a brief time when the economy began to recover following the lowest point of the Great Depression, and the rationing and shortages brought about by World War II was still two years away.

With its raised and incised horizontal speedlines, decorative brackets with rounded corners, and horizontal ribbon windows, the Warehouse at 572 7<sup>th</sup> Street embodies the distinctive characteristics of the Art Moderne style and is therefore eligible Under Criterion 3. Significantly, and unlike many At Moderne styled buildings, this example is directly associated with transportation uses. Although fixed-sash aluminum windows fill the recessed loading dock at the front of the building, all of the significant character-defining features of the building remain.

As a small to mid-size industrial buildings, the warehouse is also eligible for the California Register under Criterion 3 because it represents an aspect of regionally known craftsman and master builder George Wagner's work. A founder of the San Francisco Architectural Club, Wagner worked with prominent architects to construct many of the Bay Area's landmark buildings, including San Francisco City Hall, Oakland's City Hall and Paramount Theater.

With this signature, it is hereby certified that the State Historical Resources Commission adopted these findings pursuant to California Code of Regulations, Title 14, Chapter 11.5, Section 4855 on the 3<sup>rd</sup> day of May 2012.

Bryan K. Brandes

SHRC Chairperson

Aug. 3, 2012

BOS-II

CPAGE

August 9, 2012

TO: STATE, COUNTY AND CITY

OFFICIALS

BOARD OF SUPERVISORS SAN FRANCISCO 2012 AUG 13 - PM 3: 39

## NOTICE OF APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY'S 2013-2014 STATEWIDE MARKETING, EDUCATION AND OUTREACH PROGRAM (A.12-08-007)

On August 2, 2012, Pacific Gas and Electric Company (PG&E) filed its 2013-2014 Statewide Marketing, Education & Outreach (ME&O) Application (12-08-007) with the California Public Utilities Commission (CPUC) as required by CPUC Decisions 12-04-045 and 12-05-015. In the application, PG&E proposes an annualized budget of \$1.2.3 million for activities in 2013-2014 to support statewide customer awareness of energy efficiency, demand response, distributed and solar generation, and similar programs offered by investor-owned utilities such as PG&E, as well as state and local governments, and Community-Based Organizations (CBOs). The changes from current revenues are only a \$0.5 million increase in annual electric revenues, and a \$0.07 million decrease in annual gas revenues.

#### What is the Statewide Marketing, Education & Outreach Program?

The Statewide ME&O Program is intended to create awareness around Energy Upgrade California (EUC), as a new statewide umbrella brand that increases consumer awareness about energy management and encourages consumer interest in programs to manage energy use. The EUC website (<a href="https://www.energyupgradeca.org">www.energyupgradeca.org</a>) will provide education and a "gateway" for information about customer energy management programs and sources of additional information.

What is the impact of PG&E's request on existing rates?

Approval of this application would result in a slight Increase of about 0.004 percent to customer electric rates and a slight decrease of about 0.002 percent to customer gas rates. PG&E is requesting a \$517,780 increase in annual electric revenues and a \$66,509 decrease in annual gas revenues. Because PG&E's revenue request is so low, the monthly electric bills for a typical customer using 550 kilowatts (kWh) per month and 37 therms (hm) per month remain unchanged at \$89,73 and \$46,13, respectively. The monthly electric bill for a typical customer using approximately twice the baseline allowance, or 850 kwh, per month will increase one cent from \$185,92 to \$185,93.

Approval of PG&E's proposed Statewide ME&O budget for 2013–2014 will result in slight changes to both gas and electric public purpose program and distribution charges. The annual electric Statewide ME&O budget request will result in a slight increase in public purpose program and distribution charges paid by all-electric customers including bundled. Direct Access and departing load customers who are required to pay public purpose program charges. PG&E's annual gas Statewide ME&O budget request will result in a slight decrease in the 2013–2014 gas public purpose program surcharges paid by residential, commercial and industrial customers.

PG&E expects that the rate changes associated with this application will be consolidated with changes in other CPUC proceedings, such as PG&E's 2012 Annual Electric True UP and Public Purpose Program Surcharge advice letters filed later this year, so the eventual net change in rates for individual customers is difficult to predict.

#### 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 detailes liame at 1-800-660-6789

#### 詳情詩致電1-800-893-9555

Please specify that you are inquiring about A:12-08-007.

You may request a copy of the application and exhibits by writing to: Pacific Gas and Electric Company Statewide ME&O 2013-2014 Program P.O. Box 7442, San Francisco, CA 94120

#### THE CRUC PROCESS

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 Aveniue
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)
Email to public.advisor@cpuc.ca.gov

If you are writing a letter to the Public Advisor's Office, please include the number of the application (12-06-007) 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 Statewide ME&O 2013-2014 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, and on the CPUC's website at http://www.cpuc.ca.gov/puc.

Customers who receive electric generation as well as transmission and distribution service from PG&E.

<sup>&</sup>lt;sup>2</sup> Customers who purchase energy from an energy provider other than PG&E.



## FIRST REPUBLIC BANK

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BOS-11, lety Attry, COB Lig Cark, Lig Dip RECEIVED BOARD OF SUPERVISORS CPages SAN FRANCISCO.

2012 JUL 30 PM 3: 25

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

JUL 30 2012

July 30, 2012

Dear Ms. Calvillo,

First Republic Bank is informing the Board of Supervisors in writing that it hereby is withdrawing its application for a Conditional Use Authorization for 3901-24th Street, (Planning Case N. 2011.1372c).

Thank you.

Sincerely,

Joe Petitti

**Executive Vice President** 

Cc: Hon. Scott Wiener, Supervisor, District 8, San Francisco Board of Supervisors



<u>To:</u>

BOS Constituent Mail Distribution.

Cc:

Bcc:

Subject: SRO Coop Conversions Harm Tenant Rights & Opportunities

Jonathan Bonato

\*Dear County Clerk I am writing to ask the City o...

07/27/2012 11:43:57 PM

From:

Jonathan Bonato <jonathanbonato@att.net>

To:

county.clerk@sfgov.org

Date:

07/27/2012 11:43 PM

Subject:

SRO Coop Conversions Harm Tenant Rights & Opportunities

#### **Dear County Clerk**

I am writing to ask the City of San Francisco to not support Coop conversions of SROs. The conversions of SROs by the San Francisco Community Land Trust take away tenant rights and protections, while bestowing up those same tenants the unfamiliar Davis Stirling Act, and void rent control. Moreover, these conversions mean tenants can legally be called homeowners, even though they do not actually own any real property, merely have an interest in a lease. Unfortunately, the limited equity cooperative definition disqualifies low income residents from buying a real home using first time home buyers programs.

I live in a SRO cooperative, and find myself unable to buy a BMR condo, because I have a leasehold coop member share. Despite having a 780-credit score, together a down payment of \$20,000, I was told by Evan Gross of the City Attorney's Office and Joan McNamara, of the Mayor's Office of Housing, I cannot apply for a 60% AMI Below Market Rate 1 bedroom, 625 square foot condo, listed for \$179,000, with deeded parking, deeded patio, and storage, because I have an interest in a lease on a tiny, noisy, SRO cooperative unit at 53 Columbus.

I am asking the Board of Supervisors and City to avoid creation of any more projects involving conversion of SROs into coop homeownership. It's a very real disappointment to loose the opportunity for real home ownership because I have an "interest" in a lease of a tiny SRO unit owned by the San Francisco Community Land Trust.

#### Regards,

Jonathan Bonato resident, 53 Columbus Avenue, Apt 105

## BOS-11, B+F clerk cos, cpage

# City and County of San Francisco

#### San Francisco Department of Public Health

Barbara A. Garcia, MPA

Director of Health

Date:

July 26, 2012

TO:

Angela Calvillo, Clerk of the Board of Supervisors

FROM:

Anne Okubo, Deputy Financial Officer, Department of Public Health HO

RE:

Increases in Contracts during Fiscal Year 2011-12

Attached is the annual report of increases in contracts per resolution 563-10 that approved a number of behavioral health contracts for the Department of Public Health. This report includes contracts approved by the Board of Supervisors in Fiscal Year 11-12.

If you have any questions on this report, please contact me at 554-2857.

#### Attachment

cc: Gregg Wagner, Chief Financial Officer, DPH

## Department of Public Health Increases in Contracts During Fiscal Year 2011-12

Agency	Total Contract Amount	Fiscal Yea	l During	Revised Fiscal Year Amount	Reason for Increase in FY 11-12
Alternative Family Services	\$ 11,057,200	\$ 1,795,	000 \$ 100,000	\$ 1,895,000	Reallocated general fund
Asian American Recovery Services	\$ 11,025,858	\$ 1,789,	912 \$ -	\$ 1,789,912	
Baker Places	\$ 69,445,722	\$ 10,413,	054 \$ -	\$ 10,413,054	
Bayview Hunters Point Foundation for Community Improvement	\$ 27,451,857	\$ 4,850,	622 \$ 426,390	\$ 5,277,012	Program merger
Central City Hospitality House	\$ 15,923,347	\$ 2,584,	959 \$ -	\$ 2,584,959	
Community Awareness and Treatment Services	\$ 12,464,714	\$ 5,130,	578 \$ 700,809	\$ 5,831,387	Continue current services pending contract amendment
Community Vocational Enterprises	\$ 9,705,509	\$ 2,009,	493 \$ -	\$ 2,009,493	
Conard House	\$ 37,192,197	\$ 7,134,	783 \$ -	\$ 7,134,783	
Edgewood Center for Children and Families	\$ 29,109,089	\$ 4,878,	105 \$ -	\$ 4,878,105	
Family Service Agency	\$ 45,483,140	\$ 7,428,	328 \$ -	\$ 7,428,328	
Hyde Street Community Service	\$ 17,162,210	\$ 2,786,	073 \$ -	\$ 2,786,073	
Instituto Familiar de la Raza	\$ 14,219,161	\$ 2,262,	705 \$ 231,501	\$ 2,494,206	Reallocated general fund; Mental Health Services Act funding
Progress Foundation	\$ 92,018,333	\$ 14,569,	546 \$ 368,495	\$ 14,938,041	CalWorks funding
Regents of the University of California	\$ 74,904,591	\$ 8,025,	494 \$ 689,929	\$ 8,715,423	Reallocated general fund, Work order funding
Richmond Area Multi-Services	\$ 34,773,853	\$ 5,730,	251 \$ -	\$ 5,730,251	
San Francisco Study Center	\$ 11,016,593	\$ 2,091,	736 \$ 200,000	\$ 2,291,736	Mental Health Services Act funding
Seneca Center	\$ 63,495,327	\$ 10,307,	683 \$ -	\$ 10,307,683	
Walden House	\$ 54,256,546	\$ 10,948,	785 \$ 3,062,944	\$ 14,011,729	Program merger
Westside Community Mental Health Center	\$ 43,683,160	\$ 7,088,		\$ 7,088,357	
San Francisco AIDS Foundation	\$ 19,685,910	\$ 3,515,	341 \$ -	\$ 3,515,341	
Netsmart New York	\$ 31,786,819	\$ 2,623,	738 \$ -	\$ 2,623,738	
Addiction, Research and Treatment dba BAART	\$ 26,043,065	\$ 4,858,	422 \$ -	\$ 4,858,422	
Asian American Recovery Services	\$ 113,859,922	\$ 15,906,	398 \$ -	\$ 15,906,398	

BOS-11 cpage



Ballot Simplification Committee - Agenda for week of July 30-August 3

Publications DOE to: Mayor Edwin Lee, Board of Supervisors

07/26/2012 01:11 PM

Sent by: Barbara Carr

Angela Calvillo, BOS-Legislative Aides, Department Heads,

Mollie Lee, Steve Kawa, Peg Stevenson, Norm Nickens, Rick Caldeira, Kay Gulbengay, John Arntz, Nataliya Kuzina, Aura

BSC Agenda, Jul. 30-Aug 3.pdf

Please visit www.sfelections.org/bsc for more information. Meeting materials will be posted as soon as possible.

Barbara Carr Publications Division San Francisco Department of Elections tel: 415-554-4375

#### DEPARTMENT OF ELECTIONS City and County of San Francisco sfelections.org



#### John Arntz Director

Contact: Voice: E-mail:

Barbara Carr 415-554-4375 publications@sfgov.org

#### **Meeting Notice**

#### **Ballot Simplification Committee** for the November 6, 2012, Consolidated General Election

#### Agenda for week of July 30-August 3, 2012

The Ballot Simplification Committee works in public meetings to prepare a fair and impartial summary of each local ballot measure in simple language. These summaries, or "digests," are printed in San Francisco's Voter Information Pamphlet, which is mailed to every registered voter before the election. The Committee must complete its digests no later than 85 days before the election. In general, the digests are limited to 300 words.

Due to scheduling constraints, the Committee may consider one or more measures before the final deadline for submitting or withdrawing those measures. If a measure has not yet been submitted to the Department of Elections at the time the agenda is published, it is designated on the agenda as "pending submission." If a measure is withdrawn before the Committee meets to consider that measure, the measure will be taken off the Committee's agenda.

If time constraints prevent the Committee from fully considering any of the items listed for a meeting, that meeting will be continued to a date and time announced at the end of the meeting.

For more information about the Ballot Simplification Committee, please visit www.sfelections.org/bsc or the Department of Elections office in City Hall, Room 48.

#### Agenda information:

- The discussion order of items on each day's agenda is subject to change at the Committee's discretion.
- All ballot measure titles that appear on the agenda are for identification purposes only and may differ from the actual or proposed title for each measure.
- There will be an opportunity for public comment on each agenda item.
- If any materials related to an item on this agenda have been distributed to the Ballot Simplification Committee, those materials will be posted at www.sfelections.org/bsc and available for public inspection at the Department of Elections in City Hall, Room 48, during normal office hours of 8 a.m. to 5 p.m., Monday through Friday.
- If an item is continued to a subsequent meeting, a notice of continuance will be posted at www.sfelections.org/bsc and on the bulletin boards outside the meeting room and the Department of Elections.

**Location:** Unless otherwise noted, meetings will be held in City Hall, 1 Dr. Carlton B. Goodlett Place. Please refer to individual meeting dates for exact locations. Meeting rooms are subject to change. If a room change is necessary, a notice will be posted outside the original meeting room. Information will also be available at the Department of Elections, City Hall, Room 48, or via telephone at 415-554-4375.

Time: All meetings this week begin at 9 a.m.

#### Monday, July 30 Room 400

- 1. Bond measure: Clean and Safe Neighborhood Parks Bond *(pending submission)*Discussion and possible action to adopt a digest
- 2. Declaration of policy: Policy Opposing Corporate Personhood (pending submission)
  Discussion and possible action to adopt a digest
- 3. Discussion and possible approval of "Words You Need to Know"
- 4. Discussion and possible approval of other informational materials for the Voter Information Pamphlet

Public Comment on matters not appearing on the agenda that are within the jurisdiction of the Ballot Simplification Committee

Continuance or Adjournment

#### Tuesday, July 31 Room 400

- 1. Charter amendment: Affordable Housing *(pending submission)*Discussion and possible action to adopt a digest
- 2. Charter amendment: Consolidating Odd-Year Municipal Elections (pending submission)
  Discussion and possible action to adopt a digest
- 3. Discussion and possible approval of "Words You Need to Know"
- 4. Discussion and possible approval of other informational materials for the Voter Information Pamphlet

Public Comment on matters not appearing on the agenda that are within the jurisdiction of the Ballot Simplification Committee

Continuance or Adjournment

#### Wednesday, August 1 Room 400

- Parcel tax: Community College Parcel Tax
   Discussion and possible action to adopt a digest
- 2. Discussion and possible approval of "Words You Need to Know"
- 3. Discussion and possible approval of other informational materials for the Voter Information Pamphlet

Public Comment on matters not appearing on the agenda that are within the jurisdiction of the Ballot Simplification Committee

Continuance or Adjournment

#### Thursday, August 2 Room 416

- Ordinance: Water and Environment Plan
   Discussion and possible action to adopt a digest
- Discussion and possible action concerning Requests for Reconsideration of digests approved on Monday or Tuesday, July 30 or 31 Requests for Reconsideration will be placed in the public file of the Department of Elections and posted at www.sfelections.org/bsc as soon as possible after receipt
- 3. Discussion and possible approval of "Words You Need to Know"
- 4. Discussion and possible approval of other informational materials for the Voter Information Pamphlet

Public Comment on matters not appearing on the agenda that are within the jurisdiction of the Ballot Simplification Committee

Continuance or Adjournment

#### Friday, August 3 Room 400

- 1. Ordinance: Gross Receipts Tax (pending submission)
  Discussion and possible action to adopt a digest
- Discussion and possible action concerning Requests for Reconsideration of digests approved on Wednesday, August 1 Requests for Reconsideration will be placed in the public file of the Department of Elections and posted at www.sfelections.org/bsc as soon as possible after receipt
- 3. Discussion and possible approval of "Words You Need to Know"
- 4. Discussion and possible approval of other informational materials for the Voter Information Pamphlet

Public Comment on matters not appearing on the agenda that are within the jurisdiction of the Ballot Simplification Committee

Continuance or Adjournment

**Access for people with disabilities**: Meetings of the Ballot Simplification Committee may be held in several rooms in or near San Francisco's City Hall, at 1 Dr. Carlton B. Goodlett Place. The meeting rooms are wheelchair accessible.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please contact the Department of Elections at 415-554-4375 or 415-554-4386 (TTY) to make arrangements for the accommodation. Requests made at least 48 hours in advance of the meeting will help to ensure availability; for Monday meetings, please make any requests by 4 p.m. of the last business day of the preceding week.

**Chemical-based products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing or use of cell phones, pagers and similar sound-producing electronic devices is prohibited at these meetings. Please be advised that the Chair may order the removal from the meeting room of anyone responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic device.

Know your rights under the Sunshine Ordinance: Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Administrator by mail at Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org. Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at www.sfgov.org/sunshine.

**Lobbyist Registration and Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; website <a href="www.sfgov.org/ethics.">www.sfgov.org/ethics.</a>



Property Owner Indignation Mike Mike

david.chiu, david.campos, jane.kim, sean.elsbernd, eric.l.mar, john.avalos, carmen.chu, mark.farrell, malia.cohen, Scott.Wiener, christina.olague, Board.of.Supervisors 07/25/2012 09:45 PM

Hide Details

From: Mike Mike <tilmike08@gmail.com> Sort List...

To: david.chiu@sfgov.org, david.campos@sfgov.org, jane.kim@sfgov.org, sean.elsbernd@sfgov.org, eric.l.mar@sfgov.org, john.avalos@sfgov.org, carmen.chu@sfgov.org, mark.farrell@sfgov.org, malia.cohen@sfgov.org, Scott.Wiener@sfgov.org, christina.olague@sfgov.org, Board.of.Supervisors@sfgov.org, Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images Thanks Peter - as a long time Mission Bay resident I echo the sentiments. The corruption is out of control. It's obvious that the city is blatantly ignoring the property tax code. How do we get a deal from Phil Ting like Ahsha Safai did? Can someone please explain that deal while Mission Bay residents continue to receive artificially inflated tax bills, a corrupt appeals process, and a City that is totally out of touch with the financial reality of it's residents?

I'd like to know who on the Board of Supervisors I could talk to understand the process Asha Safai went through in this article?

http://www.sfweekly.com/2012-07-11/news/assessor-recorder-phil-ting-ahsha-safai-michael-jinematthew-thomas-property-taxes/

Please advise.

Mike, owner at Berry Street

On Mon, Apr 30, 2012 at 2:03 PM, peter fatooh pfatooh@sbcglobal.net wrote:

Dear Madame Clerk and Members of the Board of Supervisors:

My name is Peter J. Fatooh and I am a lifelong resident of San Francisco. For 24 years, I had the privilege of serving on your Assessment Appeals Board. Since 2009, I have represented property owners in getting adjustments to their property taxes as a result of their purchasing their property in the economically abundant years from 2004-2008 and watching their values plummet since late 2008.

I am sending this email to you to bring to your attention the hardships many of these property owners are being put through by the Assessor's office. As you know, if property owners are a day late in paying their property taxes, the City applies expensive penalties and interest on them. As you also know, tax appeals do not relieve the property owner of postponing the paying of their inflated tax bill. Conversely, if the property owner receives a reduction in their value from the Assessment Appeals Board (usually waiting 18 months from the date of filing their appeal to get a hearing) the Assessor takes an inordinate amount of time to 'enroll' the new value, thus inordinately delaying the property owner a timely refund.

When the Assessor drags his heels, it brings the refund mechanism to a grinding halt. The Tax Collector's hands are tied until the Assessor enrolls that new value. Meanwhile, property owners, your constituents, are waiting over a year from the date of their Appeals Board decision to receive any relief.

I have dozens of clients---from all of your Districts-- who, rightfully, don't understand how the City can charge penalties and interest on delinquent taxes yet they have to wait for over a year to receive their tax refund.

I have discussed this issue many times with personnel in the Tax Collector's office. They roll their eyes when they advise me that the taxpayer's refund is delayed because the Assessor's office has not 'enrolled' the new value as decided by the AAB. This is not government efficiency and it totally reflects on each of you because nobody in authority wants to ask the Assessor why he can't do a better job. When the latter occurs, the taxpayers lump you into the ineffective system that they have to deal with.

I urge your Board to look into this matter. I am copying my clients with this email so that everyone is on notice that you understand the onerous conditions affecting these taxpayers.

Thank you

Peter J. Fatooh SF Property Tax Appeals



<u>To</u>:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: File 120191: concerned with Efficiency Dwelling Unit Legislation

From:

Elisa Gasca <egasca@Chinatowncdc.org>

To:

<David.Chiu@sfgov.org>,

Cc:

<Judson.True@sfgov.org>, <Board.of.Supervisors@sfgov.org>

Date:

07/23/2012 05:42 PM

Subject:

concerned with Efficiency Dwelling Unit Legislation

#### Dear Board President David Chiu.

My name is Elisa Gasca and I'm with SRO Families United Collaborative I am a resident of District 9. My role with SRO Families is to help families to move out of deplorable living conditions in hotels located within the Mission, Tenderloin, South of Market, and Chinatown. Where most families already live in 80 sq feet units our biggest issue is not having enough housing that is affordable to these families.

I am writing because we are concerned with the Efficiency Dwelling Unit Legislation. Though the intent of this legislation is to address the housing shortage in SF, there are numerous issues that have not been address and passing this legislation blindly without adequately addressing these potential unplanned impacts will have greater impact in our communities.

Some community questions we would like address are:

These "micro units" would not be cheaper than market rents. They only cost less to make because they are smaller. How can we be assured these units will be affordable for the life of the unit when in the free market there's no such thing as "affordable by design"? Landlords do not set rents in accordance with the cost of the unit, but what max rent the market will bear.

The smaller the units, the more they can cram into one area. This could mean a huge and sudden increase in population. What is the impact of that unplanned growth on open space, traffic, and quality of life and how should such impacts be mitigated? How will developers and the City mitigate that?

What is the conferred value to developers by increasing density? What will the city get in return?

Since the City already has limited land, how will this legislation impact/compete with the affordable housing units that the Housing Trust Fund is looking into funding?

The proposal to decrease the minimum size of efficiency units may ultimately be a good idea—if it is paired with adequate planning policies and regulations. But without an analysis of the potential impacts of increased housing density the Board of Supervisors will considering the legislation blindly and will be unable to link the approval of such development with appropriate mitigation. It is essential that a full environmental review be conducted of the proposal before the legislation is adopted.

We urge you to NOT pass this legislation and continue it until community issues are address with proper community dialogue.

Sincerely,

Elisa Gasca Project Coordinator SRO Families United

Elisa Gasca

SRO Families United Collaborative

Project Coordinator

Office: 415-346-3740 Fax: 415-775-5639

Email: egasca@chinatowncdc.org



<u>To:</u>

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: File 120191: Efficiency Dwelling Unit

From:

Raymond Castillo <raymond.saico.castillo@gmail.com>

To:

David.Chiu@sfgov.org,

Cc:

Judson.True@sfgov.org, Board.of.Supervisors@sfgov.org

Date:

07/23/2012 04:51 PM

Subject:

Efficiency Dwelling Unit

Dear Board President David Chiu.

My name is Raymond S. Castillo and I'm a resident of District 11 Excelsior.

I am writing to you because I am concerns with the Efficiency Dwelling Unit Legislation. Though the intent of this legislation is to address the housing shortage in SF, there are numerous issues that have not been address and passing this legislation blindly without adequately addressing these potential unplanned impacts will have greater impact in our communities.

Some community questions we would like address are:

- 1. These "micro units" would not be cheaper than market rents. They only cost less to make because they are smaller. How can we be assured these units will be affordable for the life of the unit when in the free market there's no such thing as "affordable by design"? Landlords do not set rents in accordance with the cost of the unit, but what max rent the market will bear.
- The smaller the units, the more they can cram into one area. This could mean a huge and sudden increase in population. What is the impact of that unplanned growth on open space, traffic, and quality of life and how should such impacts be mitigated? How will developers and the City mitigate that?
- 3. What is the conferred value to developers by increasing density? What will the city get in return?
- 4. Since the City already has limited land, how will this legislation impact/compete with the affordable housing units that the Housing Trust Fund is looking into funding?

The proposal to decrease the minimum size of efficiency units may ultimately be a good idea—if it is paired with adequate planning policies and regulations. But without an analysis of the potential impacts of increased housing density the Board of Supervisors will considering the legislation blindly and will be unable to link the approval of such development with appropriate mitigation. It is essential that a full environmental review be conducted of the proposal before the legislation is adopted.

We urge you to NOT pass this legislation and continue it until community issues are address with proper community dialogue.

Sincerely, Raymond Castillo raymond.saico.castillo@gmail.com Salamat / Thanks



BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: File 120191: Concerns with Efficiency Dwelling Units

From:

<jperez@somcan.org>

To:

David.Chiu@sfgov.org,

Cc:

Judson.True@sfgov.org, Board.of.Supervisors@sfgov.org

Date:

07/23/2012 04:32 PM

Subject:

Concerns with Efficiency Dwelling Units

#### Dear Board President David Chiu.

My name is Jesus Perez and I'm a resident in District 6 and I'm with SOMCAN.

I am writing you because I/we are concerns with the Efficiency Dwelling Unit Legislation. Though the intent of this legislation is to address the housing shortage in SF, there are numerous issues that have not been address and passing this legislation blindly without adequately addressing these potential unplanned impacts will have greater impact in our communities.

Some community questions we would like address are:

- 1) These "micro units" would not be cheaper than market rents. They only cost less to make because they are smaller. How can we be assured these units will be affordable for the life of the unit when in the free market there's no such thing as "affordable by design"? Landlords do not set rents in accordance with the cost of the unit, but what max rent the market will bear.
- 2) The smaller the units, the more they can cram into one area. This could mean a huge and sudden increase in population. What is the impact of that unplanned growth on open space, traffic, and quality of life and how should such impacts be mitigated? How will developers and the City mitigate that?
- 3) What is the conferred value to developers by increasing density? What will the city get in return?
- 4) Since the City already has limited land, how will this legislation impact/compete with the affordable housing units that the Housing Trust Fund is looking into funding?

The proposal to decrease the minimum size of efficiency units may ultimately be a good idea—if it is paired with adequate planning policies and regulations. But without an analysis of the potential impacts of increased housing density the Board of Supervisors will considering the legislation blindly and will be unable to link the approval of such development with appropriate mitigation. It is essential that a full environmental review be conducted of the proposal before the legislation is adopted.

We urge you to NOT pass this legislation and continue it until community issues are address with proper community dialogue. Sincerely,

Jesus Perez District 6 resident



To:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: File 120191: Regarding Efficiency Dwelling Unit Legislation

From:

Caroline Calderon <caroline.d.c@gmail.com>

To:

David.Chiu@sfgov.org,

Cc:

Judson.True@sfgov.org, Board.of.Supervisors@sfgov.org

Date:

07/24/2012 10:57 AM

Subject:

Regarding Efficiency Dwelling Unit Legislation

#### Dear Board President David Chiu,

My name is Caroline Calderon and I'm a resident of Richmond District of San Francisco, CA and also a student at the University of San Francisco.

I am writing because I have concerns with the Efficiency Dwelling Unit Legislation. Though the intent of this legislation is to address the housing shortage in SF, there are numerous issues that have not been address and passing this legislation blindly without adequately addressing these potential unplanned impacts will have greater impact in our communities.

Some community questions we would like address are:

- 1. These "micro units" would not be cheaper than market rents. They only cost less to make because they are smaller. How can we be assured these units will be affordable for the life of the unit when in the free market there's no such thing as "affordable by design"? Landlords do not set rents in accordance with the cost of the unit, but what max rent the market will bear.
- 2. The smaller the units, the more they can cram into one area. This could mean a huge and sudden increase in population. What is the impact of that unplanned growth on open space, traffic, and quality of life and how should such impacts be mitigated? How will developers and the City mitigate that?
- 3. What is the conferred value to developers by increasing density? What will the city get in return?
- 4. Since the City already has limited land, how will this legislation impact/compete with the affordable housing units that the Housing Trust Fund is looking into funding?

The proposal to decrease the minimum size of efficiency units may ultimately be a good idea—if it is paired with adequate planning policies and regulations. But without an analysis of the potential impacts of increased housing density the Board of Supervisors will considering the legislation blindly and will be unable to link the approval of such development with appropriate mitigation. It is essential that a full environmental review be conducted of the proposal before the legislation is adopted.

As a student of the University of San Francisco and a community advocate who works with individuals and families in need of affordable housing. I urge you to NOT pass this legislation and continue it until community issues are address with proper community dialogue.

Sincerely.

Caroline Calderon



Fle 120191

July 30, 2012

Clerk of the Board of Supervisors for the City of San Francisco I Dr. Carlton B. Goodlet Place City Hall, Room 244
San Francisco, CA 4102-4689

Re: Support for legislation to lower the minimum size of efficiency units in the City of San Francisco

Dear Board of Supervisors:

I write on behalf of TransForm to express our support for the legislation coming before you on July 31, 2012, which would lower the minimum size of living area in efficiency units permitted in the City of San Francisco to the California State minimum of 150 square feet. The provision aligns with regional goals of accommodating our growing population in transit-rich parts of the region by allowing for smaller and lower-priced units to be built in opportunity-rich areas. We encourage you to follow in the steps of other cities currently allowing efficiency units with living space of 150 square feet and to make this size of housing a possibility in the great city of San Francisco.

TransForm works to create world-class public transportation and walkable communities in the Bay Area and beyond. We build diverse coalitions, influence policy, and develop innovative programs to improve the lives of all people and protect the environment. We've won literally billions of dollars and groundbreaking policies in support of public transportation, smart growth, affordable housing, and bicycle/pedestrian safety.

The City of San Francisco suffers from chronic housing shortage. Currently, the City has a vacancy rate close to zero, with many individuals being priced out of the city or priced into crowded living conditions. The current size minimum that the City's Building Code imposes on dwellings beyond what the State of California allows exacerbates this situation by prohibiting the development of smaller units for which demand exists.

Our housing needs change throughout our lives, with individuals that are partnered and with children needing the most space, and single young professionals and seniors needing much less. The housing units that would result from the proposed change to the Building Code would provide affordable options for the latter groups in areas that make car-free living possible. This is an important necessity for seniors, and a trend in preference for young professionals. Today, approximately 40 percent of San Franciscans live alone, and many of them would welcome an option of lower rents or closer proximity to San Francisco's most bustling districts in exchange for a smaller living space. Making this option available is likely to free up larger housing units whose size is more adequate for families—a demographic that the City is trying to better serve and retain.

Last, it is essential that the City of San Francisco continue to demonstrate leadership through creative approaches to meet the region's SB 375 targets. Encouraging innovative solutions to the overwhelming demand for housing in transit-rich and walkable areas by allowing for mini-efficiencies is one of the most practical ways to make it possible for the City to meet its Regional Housing Needs Assessment (RHNA) allocation numbers.

A number of West Coast cities, including San Jose, already allow for efficiency units that provide living space as small as 150 square feet. We encourage you to make this option available to San Francisco residents.

Sincerely,

Sandra Padilla

Land Use Program Director



<u>To</u>: Cc:

Bcc:

Subject: Fw: TransForm letter of support for allowing smaller efficiency units

---- Forwarded by Andres Power/BOS/SFGOV on 07/30/2012 09:30 AM -----

From:

Sandra Padilla <sandra@transformca.org>

To:

Andres.Power@sfgov.org, Scott.Wiener@sfgov.org

Cc: Date:

07/30/2012 08:26 AM

Subject:

TransForm letter of support for allowing smaller efficiency units

Hello Mr. Powers,

I am pleased to submit a letter of support from TransForm for Supervisor Scott Wiener's proposed legislation to reduce the minimum size of living space in efficiency apartments allowed in the City of San Francisco to 150 square feet, thus matching the California State minimum. Please find our letter attached.

Sincerely,

Sandra

-Make your community and commute better by taking action now.

Sandra Padilla, Land Use Program Director
TransForm
436 14th Street, Suite 600, Oakland, CA 94612
510.740.3150 x304
www.TransFormCA.org
www.facebook.com/TransFormCA
www.twitter.com/TransForm\_Alert



TransFormLetterofSupport.pdf



<u>To</u>:

BOS Constituent Mail Distribution,

Cc:

Subject: Attention Board of Supervisors

From:

<charleswesler@att.net>

To:

<board.of.supervisors@sfgov.org>,

Date:

07/24/2012 09:42 AM

Subject:

Attention Board of Supervisors

To: SF Board of Supervisors

Fm: Charles Esler

Re: Confidential/Personal

As a concerned citizen within the South of Market district. I had observed a security officer who is employed by the Presidero Knowlls School located on 10th Street, inappropriately addressing 2 homeless people sleeping on the church steps adjacent to there property. The security officer was poking them with some sort of object.

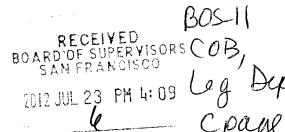
I had contact Jan Kim's office; and was connected with one of there legislative aids who took down my concern and also my personal/confidential contact information. My concern is that now the people I was complaining about now know my personal/confidential contact information.

In closing, I would like to point out that I have been trying to contact my district supervisor, to figure out of my information was released. Nobody from there office has contacted me back, therefore I am forwarding this general concern to all San Francisco boards members to fully address my concern and to have it posted within the communication page/log.

Thank you for your time and consideration in this matter. Please do not hesitate to contact me with any further questions and/or comments regarding this email.

**Charles Esler** 

<u>charleswesler@att.net</u> 415-861-5281





T 510.836.4200 F 510.836.4206 410 12th Street, Suite 250 Oakland, Ca 94607

www.lozeaudrury.com richard@lozeaudrury.com

#### BY ELECTRONIC MAIL AND U.S. MAIL

July 18, 2012

Ms. Angela Calvillo
Clerk of the Board of Supervisors
City of San Francisco
1 Dr. Carlton B. Goodlett Place, Rm. 244
San Francisco, CA 94102-4689
Email: angela.calvillo@sfgov.org;
joy.lamug@sfgov.org

Bill Wycko, Environmental Review Officer San Francisco Planning Department 1650 Mission St, Suite 400 San Francisco, CA 94103-2479 Bill.wycko@sfgov.org Office of the County Clerk
City and County of San Francisco
City Hall, Room 168
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4678
Phone: (415) 554-4950
Email: county.clerk@sfgov.org

Don Lewis, MEA
San Francisco Planning Department
1650 Mission St, Suite 400
San Francisco, CA 94103-2479
Don.lewis@sfgov.org

Clerk

San Francisco Recreation and Parks Commission McLaren Lodge, Golden Gate Park 501 Stanyan Street San Francisco, CA 94117-1898

RE: Beach Chalet Athletic Fields Renovation Project Final Environmental Impact Report (SCH 2011022005) and Project Approval (Planning Dept. Case No. 2010.0016E)

Dear Ms. Calvillo, County Clerk, Mr. Wycko, Mr. Lewis, and Clerk of the Recreation and Parks Commission:

I am writing on behalf of SF Ocean Edge (SFOE), the Sierra Club San Francisco Bay Chapter, the Golden Gate Audubon Society, Sunset Parkside Education and Action Committee (SPEAK), the Richmond Community Association (RCA), Golden Gate Park Preservation Alliance, and Katherine Howard, ASLA, and their thousands of members who live in the City and County of San Francisco, concerning the Environmental Impact Report (EIR) prepared for the Beach Chalet Athletic Fields Renovation project ("Project") (Planning Dept. Case No. 2010.0016E; SCH No. 2011022005).

The purpose of this letter is to notify the City and County of San Francisco ("City"), including its officers, directors, staff, agents, contractors, consultants, employees and associates, not to destroy, conceal, or alter any information or documents referring or related in any way to the Project.

As you are aware, it is possible that litigation may be filed concerning the Project. CEQA Section 21167.6(e) establishes a comprehensive set of documents which, at a minimum, are required by law to be included in the administrative record for any project under CEQA, and are required to be included in the record of proceedings for any subsequent litigation. Additionally, state law requires any and all documents, communications, correspondence, and other evidence that may be relevant to or discoverable in such a lawsuit to be preserved in anticipation of, and pending, litigation. In particular, the Public Records Act defines public writings (synonymous with public records) to include electronic writings, and, in correlation with other relevant state laws, requires cities to maintain copies of documents in its possession for a minimum of two (2) years. The California Court of Appeal has recently held that electronic mail messages are properly part of the administrative record in a CEQA action. *Citizens for Open Government v. City of Lodi ("Lodi")* (2012) 205 Cal.App.4th 296. If the City has a policy of routinely deleting e-mails, we request that you immediately cease and desist from any such document destruction.

A party, or anyone who anticipates being a party, to a lawsuit has a duty to preserve evidence. Cedars-Sinai Med. Ctr. v. Super. Ct. (1998) 18 C4th 1, 11-12; see Fujitsu v. Federal Express Corp. (2d Cir. 2001) 247 F3d 423, 436 ("The obligation to preserve evidence arises when the party has notice that the evidence is relevant to litigation or when a party should have known that the evidence may be relevant to future litigation."); Zubulake v. UBS Warburg LLC (SDNY 2003) 220 FRD 212, 216; Matthew Bender, CA E-Discovery and Evidence, Chapter 5.05. A party or anticipated party must retain all relevant documents in existence at the time the duty to preserve attaches, and any relevant documents created thereafter. Bender at Ch. 5.05; Zubulake, 220 FRD at 218.

As you may know, electronic and other information can easily be inadvertently destroyed, and the failure to take reasonable measures to preserve it pending the completion of the litigation can result in evidentiary, monetary, issue, contempt, or even terminating sanctions being imposed against the County. See Evid. Code § 413; Cal. Code Civ. Proc. § 2031.060(i); Cedars-Sinai Med. Ctr., 18 C4th at 11-12; Williamson v. Super. Ct. (1978) 21 Cal. 3d 829, 836 ("if [defendant] fails to produce evidence that would naturally have been produced he must take the risk that the trier of fact will infer, and properly so, that the evidence, had it been produced, would have been adverse."); Zubulake, 220 FRD at 216.

Accordingly, the City has, and has had throughout the Project consideration and approval process, a duty to preserve any and all documents, communications, correspondence, and other evidence that may be relevant to or discoverable in the instant lawsuit, and which may be required to be included in the administrative record for the suit, including but not limited to evidence stored in any form, whether paper, documentary, electronic, microfilm, and/or any other form generated by the County's computer systems or electronic devices that refers or relates in any way to the 1960 North Main Project. This information is highly relevant to the present litigation surrounding the Project and may be unavailable from any other source.

In order to prepare a legally valid record of proceedings in anticipated litigation challenging the Project, and to comply with anticipated discovery requests, the City must provide documentary and electronic evidence in its native format. The City will also need to provide electronic documents, along with the metadata or information about data that is contained in those electronic documents. Even where a copy of a document or file exists, the organizations will also seek the documents or files in their electronic format so that we also receive the information in the metadata.

Anticipated administrative record and discovery requests in the 1960 North Main litigation will likely include data on the City's hard drives, floppy disks, and backup files, and will include data not usually available to the ordinary computer user, such as deleted files and file fragments. In addition to preserving all paper files, maps, charts and documents, the electronic data and the storage devices in which they are kept that the City is obligated to maintain and preserve during the pendency of this case include all of the following data and devices:

- 1. Documents, communications, and correspondence directed to or received from the Project applicant, its officers, directors, staff, agents, contractors, consultants, employees and associates, or any related entities and individuals;
- 2. Electronic files, including deleted files and file fragments, stored in machinereadable format on magnetic, optical, or other storage media, including hard drives or floppy disks in the County's desktop computers, laptop computers, home personal computers, and the backup media used for each;
- 3. Electronic mail, both sent and received, internally or externally;
- 4. Telephone files and logs such as voicemail and universal mobile telecommunications system (UMTS) data;
- 5. Word processing files, including drafts and revisions;
- 6. Spreadsheets, including drafts and revisions;

- 7. Databases;
- 8. Electronic files in portable storage devices, such as floppy disks, compact disks, digital video disks, ZIP drives, thumb drives, or pen drives;
- 9. Computer-aided design files;
- 10. Presentation data or slide shows, such as PowerPoint;
- 11. Graphs, charts, and other data produced by project management software;
- 12. Data generated by calendaring, task management, and personal information management software, such as Microsoft Outlook;
- 13. Data created with the use of personal data assistants, such as PalmPilots, Blackberries, Treos, Motorola Q's, Sidekicks, Androids, I-Phones, etc.;
- 14. Data created with the use of document management software;
- 15. Data created with the use of paper and electronic mail logging and routing software;
- 16. Internet and web-browser-generated history files, caches, and "cookies" files generated at the workstation of each County employee and on any and all backup storage media;
- 17. Logs of network use by County employees, whether kept in paper or electronic format;
- 18. Copies of the County's backup tapes and the software necessary to reconstruct the data on those tapes on each and every personal computer or workstation and network server in the County's control and custody; and,
- 19. Electronic information in copiers, fax machines, and printers.

July 18, 2012 Document Preservation Notice Re Beach Chalet Project Page 5 of 5

Failure by the City to maintain such data may result in a request for terminating sanctions, monetary sanctions, adverse evidentiary presumptions, and/or all other appropriate relief. Please inform City staff of their duty to maintain this information immediately. Thank you for your prompt attention to this issue.

Sincerely,

LØZEAU DRURYLLP

Richard T. Drury

FILE 120681

BOS-11 COB

CAO C-Page



#### Budget & Legislative Analyst Memo re: Gross Receipts Tax

Ted.Egan, Ben.Rosenfield,

Severin Campbell to: Monique.Zmuda, Debbie.Toy, Angela Calvillo, Victor Young, Cheryl Adams,

07/30/2012 03:46 PM

Cc: Harvey Rose

I have attached our memo re: the gross receipts tax.

Severin Campbell Budget and Legislative Analyst's Office

(415) 553-4647 Final. Gross Receipts Tax.pdf

#### CITY AND COUNTY OF SAN FRANCISCO BOARD OF SUPERVISORS BUDGET AND LEGISLATIVE ANALYST

#### 390 Market Street Suite 1150 San Francisco CA 9/102

1390 Market Street, Suite 1150, San Francisco, CA 94102 (415) 552-9292 FAX (415) 252-0461

To: Supervisor Campos

From: Budget and Legislative Analyst

Date: July 30, 2012

Re: Proposed Gross Receipts Tax

#### SUMMARY OF REQUESTED ACTION

Your office requested that the Budget and Legislative Analyst provide (1) a description of the modified legislation to be submitted to the voters to implement a gross receipts tax to replace the current payroll tax; (2) an analysis of the revenue impact of the gross receipts tax compared to the current payroll tax; (3) an analysis of the proposed gross receipts tax by type of business; and (4) an analysis of the impact of the gross receipts tax and business registration fee on small businesses. This report addresses the specific questions your office put forward in that request.

#### **EXECUTIVE SUMMARY**

The City currently requires all businesses in San Francisco to pay business taxes, including (1) annual business registration fees, and (2) payroll taxes of 1.5% on all payroll in San Francisco exceeding \$250,000 annually. Sole proprietors, partnerships without employees, and businesses with payroll of \$250,000 annually or less are exempt from the payroll tax.

The proposed motion (Item 46, File 12-0681 on the Board of Supervisors agenda for July 31, 2012) would order the submission to the voters in the November 2012 election of an ordinance, amending the Business and Tax Regulations Code, to phase out the payroll tax and implement a gross receipts tax. Under the proposed ordinance, businesses would pay annual business registration fees and taxes based on gross receipts rather than payroll. Businesses with gross receipts of \$1,000,000 or less would be exempt from the gross receipts tax.

In order to ensure that total business tax revenues under the ordinance, including business registration fees and gross receipts tax revenues, remain the same as revenues that would have been generated if only the 1.5% payroll tax were in effect, businesses would pay both the gross receipts tax, at a progressively increasing rate, and the payroll tax, at a progressively reduced rate, during the five-year phase-in period from Calendar Year (CY) 2014 through CY 2018. The Controller would determine the payroll tax rate each year, which would be reduced annually from the existing 1.5% tax rate. The gross receipts tax rates would be increased each year, up to the maximum rates included in the proposed ordinance.

If annual revenues generated by the gross receipts tax in CY 2018 are less than designated by the ordinance, the payroll tax will not be fully phased-out. Both the gross receipts tax and the payroll tax would remain in effect in CY 2019 and subsequent years at the rates established in CY 2018. Conversely, if annual revenues generated by the gross receipts tax are sufficient to fully retire the payroll tax before 2018, the payroll tax would fully phase-out before CY 2018, and the gross receipts tax would be less than the maximum rate set in the ordinance.

# The proposed annual business registration fee significantly increases fee revenues compared to the current business registration fee, and increases the annual business registration fee for small businesses

Currently, businesses pay an annual business registration fee ranging from a minimum of \$25 to a maximum of \$500, based on the amount of their annual payroll, as shown in Table 1 below. Beginning in FY 2015-16, the minimum annual business registration fee would increase by \$65, from \$25 to \$90, an increase of 260% for all businesses except retail and wholesale businesses, for which the minimum annual business registration fee would increase by \$50 from \$25 to \$75, an increase of 200%.

Small businesses with an annual payroll of \$250,000 or less pay an annual business registration fee of \$63.54 on average under the current business registration fee. If the ordinance is approved by the San Francisco electorate, all businesses with annual gross receipts of \$1,000,000 or less would pay an estimated annual business registration fee of \$145.76 on average, an increase of \$82.22 or 129.4%.

Business registration fee revenues would make up a larger share of the total business tax revenues, including both the annual business registration fees and annual gross receipts taxes, under the proposed ordinance. Annual business registration fee revenues will increase by \$28,461,603, from \$8,716,000 in FY 2012-13 to \$37,177,603 in FY 2015-16, based on the Controller's estimates.

#### A larger number of businesses would pay the gross receipts tax compared to the payroll tax

As a result of the existing exemption from paying the payroll tax by businesses having an annual payroll of \$250,000 or less, currently approximately 8.4% of registered businesses, or 8,196 of 97,318 registered businesses in FY 2011-12, pay the payroll tax. Under the proposed ordinance, approximately 16.4% of registered businesses, or 15,553 of 94,559 businesses, would pay the gross receipts tax, based on the Controller's estimate. Therefore, an estimated 7,357, or 89.8%, more small businesses, which presently are not paying the payroll tax, would have to pay the gross receipts tax under the proposed ordinance.

# The City does not currently collect detailed gross receipts information from registered businesses, and therefore, estimates of revenues from gross receipts taxes are subject to error

The Controller projects that, based on U.S. Census Bureau and U.S. Bureau of Labor Statistics data, the gross receipts tax revenues should fully replace payroll tax revenues after the end of the five-year phase-in period in CY 2018. However, according to the Controller's Office, these estimates of gross receipts tax revenues "inherently involve some error".

## Some businesses will pay higher taxes under the proposed gross receipts tax while other businesses will pay lower taxes

The current annual business registration fee is \$25, \$150, \$250, or \$500, depending on the amount of the business' annual payroll. The proposed annual business registration fee ranges from \$75 to \$35,000, based on the type of business and amount of gross receipts.

The current payroll tax is a flat rate of 1.5% of payroll for all businesses having an annual payroll exceeding \$250,000. The proposed gross receipts tax contains seven different tax rate schedules by type of business or industry for all businesses having annual gross receipts exceeding \$1,000,000.

The impact of the proposed gross receipts tax varies by the type and size of business. As noted above, smaller businesses with annual gross receipts of \$1,000,000 or less will pay higher annual business registration fees under the proposed gross receipts tax than smaller businesses having an annual payroll of \$250,000 or less currently pay under the payroll tax. The amount of the proposed annual business registration fees and annual gross receipts taxes, compared to existing annual business registration fees and annual payroll taxes, to be paid by businesses with gross receipts exceeding \$1,000,000 varies significantly by amount of gross receipts and type of business.

#### LEGISLATION TO IMPLEMENT THE GROSS RECEIPTS TAX

The City currently requires all businesses in San Francisco to pay business taxes, including (1) annual business registration fees, and (2) payroll taxes of 1.5% on all payroll in San Francisco exceeding \$250,000. Sole proprietors, partnerships without employees, and businesses with payroll of \$250,000 or less are exempt from the payroll tax.

Prior to 2001, businesses paid either a payroll tax or a gross receipts tax, based on whichever amount was greater. In response to lawsuits filed by several businesses, the City revised the business tax, retroactive to January 2000, to require only the payroll tax.

The proposed motion would submit to the voters in the November 2012 election an ordinance to phase out the payroll tax and implement a gross receipts tax. According to the proposed ordinance:

- Businesses in San Francisco would pay an annual business registration fee, and a gross receipts tax as well as a payroll tax at a reduced rate through 2018. The rates of the combined taxes are set by formula to generate annual revenues equal to revenues that would have been generated if only the 1.5% payroll tax were in effect.
- The payroll tax would be phased out and the gross receipts tax would be phased in over a five-year period from Calendar Year (CY) 2014 through CY 2018. The proposed ordinance contains a formula by which the Controller would determine the payroll tax rate each year. The payroll tax rate would be reduced annually from the existing 1.5% tax rate, with the expectation that the payroll tax would be completely phased-out in CY 2018. The gross receipts tax rates would be increased each year according to a fixed schedule specified in the legislation, up to maximum rates included in the proposed ordinance.
- If annual revenues generated by the gross receipts tax and business registration fees in CY 2018 are less than the designated revenue gain plus the City's administrative costs in 2018, the payroll tax will not be fully phased-out. Both the gross receipts tax and the payroll tax would remain in effect in CY 2019 and subsequent years at the rates established in CY 2018. Conversely, if annual revenues generated by the gross receipts tax are sufficient to fully retire the payroll tax before 2018, the payroll tax would fully phase-out before CY 2018, and the gross receipts tax would be less than the maximum rate set in the ordinance.
- Small businesses with annual gross receipts of \$1,000,000 or less would be exempted from the gross receipts tax.
- Businesses with annual gross receipts of more than \$1,000,000 would pay a percentage tax on their gross receipts, depending on the type of business and volume of receipts, as discussed further below.
- Businesses that may currently exclude some payroll expense from the payroll tax, such as some biotechnology businesses, would be entitled to deduct the full value of that exclusion from their combined business taxes until the sunset date of the exclusion.

• Businesses that are the administrative offices of larger entities would pay a payroll tax of 1.4% rather than the gross receipts tax.

#### **Business Tax Registration Fee**

The proposed business registration fee significantly increases fee revenues compared to the current business registration fee, and increases the annual fee for small businesses

Currently, businesses pay an annual business registration fee ranging from \$25 to \$500, based on the amount of their annual payroll, as shown in the table below.

Table 1
Current Business Registration Fee

Payroll	Fee
\$0 to \$67	\$25
\$67 to \$666,666	\$150
\$666,667 to \$3,333,333	\$250
>\$3,333,333	\$500

Source: Business and Tax Regulations Code

Businesses with no employees and small businesses with payroll less than \$250,000 made up an estimated 91.6% of all registered businesses in San Francisco in FY 2011-12, and paid an estimated 73.9% of business registration fees, as shown in the table below.

Table 2
FY 2011-12 Business Registration Fees and Estimated Revenues<sup>1</sup>

Payroll	Annual Fee	Number of Businesses	Percent of Total	Estimated Fee Revenues	Percent of Total
\$0 to \$67	\$25	61,647	63.3%	\$1,541,175	20.1%
\$68 to \$250,000	\$150	27,475	28.2%	4,121,250	53.8%
Subtotal		89,122	91.6%	5,662,425	73.9%
\$250,001 to \$666,666	\$150	3,533	3.6%	529,950	6.9%
\$666,667 to \$3,333,333	\$250	3,455	3.6%	863,750	11.3%
> \$3,333,333	\$500	1,208	1.2%	604,000	7.9%
Subtotal		8,196	8.4%	1,997,700	26.1%
Total		97,318	100.0%	\$7,660,125	100.0%

Source: Treasurer/Tax Collector's Office

The proposed ordinance restructures the business registration fee to calculate the fee based on gross receipts rather than payroll. The current business registration fee would remain in effect in FY 2012-13, and a revised interim business registration fee based on gross receipts would be implemented for one-year in FY 2013-14. Beginning in FY 2014-15, the minimum business

<sup>&</sup>lt;sup>1</sup> Actual business registration fee revenues in FY 2011-12 differ from the amount in Table 2, which does not include prorated fees for businesses that registered for part of the year and late payment penalties.

registration fee would increase to \$90 for all businesses except retail and wholesale businesses, for which the minimum business registration fee would be \$75, as shown in the table below.

Table 3
Proposed Business Registration Fee
Beginning in FY 2014-15

Gross Receipts	Retail, Wholesale & Certain Services Fee	Other Businesses Fee
\$0 to \$100,000	\$75	\$90
\$100,001 to \$250,000	\$125	\$150
\$250,001 to \$500,000	\$200	\$250
\$500,001 to \$750,000	\$400	\$500
\$750,001 to \$1,000,000	\$600	\$700
\$1,000,001 to \$2,500,000	\$200	\$300
\$2,500,001 to \$7,500,000	′ \$400	\$500
\$7,500,001 to \$15,000,000	\$1,125	\$1,500
\$15,000,001 to \$25,000,000	\$3,750	\$5,000
\$25,000,001 to \$50,000,000	\$7,500	\$12,500
\$50,000,001 to \$100,000,000	\$15,000	\$22,500
\$100,000,001 to \$200,000,000	\$20,000	\$30,000
>\$200,000,000	\$30,000	\$35,000

Source: Proposed Ordinance

Under the proposed ordinance, small businesses are defined as businesses with annual gross receipts of \$1,000,000 or less. Under the current business registration fee, in which small businesses are defined as businesses with annual payroll of \$250,000 or less, small businesses pay an annual business registration fee of \$25 or \$150 based on the size of their payroll. Under the proposed ordinance, small businesses pay an annual business registration fee, ranging from \$75 to \$600 for retail and wholesale businesses, and from \$90 to \$700 for other businesses.

According to the Controller's estimates, 83.6% of businesses will have annual gross receipts of \$1,000,000 or less, as shown in the table below.

Table 4
Estimated Number of Businesses by Registration Fee Amount
Beginning in FY 2015-16

		<u> </u>		
	Nı			
Gross Receipts	Retail, Wholesale & Certain Services	Other Businesses	Total	Percent of Total Businesses
\$0 to \$100,000	9,831	51,270	61,101	64.6%
\$100,001 to \$250,000	773	4,099	4,872	5.2%
\$250,001 to \$500,000	1,071	5,132	6,203	6.6%
\$500,001 to \$750,000	760	2,694	3,454	3.7%
\$750,001 to \$1,000,000	812	2,605	3,416	3.6%
Subtotal	13,246	65,800	79,046	83.6%
\$1,000,001 to \$2,500,000	2,036	5,086	7,122	7.5%
\$2,500,001 to \$7,500,000	1,769	3,571	5,340	5.6%
\$7,500,001 to \$15,000,000	522	937	1,459	1.5%
\$15,000,001 to \$25,000,000	260	424	684	0.7%
-\$25,000,001 to \$50,000,000	140	359	499	0.5%
\$50,000,001 to \$100,000,000	95	200	295	0.3%
\$100,000,001 to \$200,000,000	25	67	92	0.1%
>\$200,000,000	10	54	64	0.1%
Subtotal	4,856	10,697	15,553	16.4%
Total Businesses	18,102	76,497	94,599	100.0%

Source: Controller

As shown in the table below, businesses with annual payroll of \$250,000 or less pay an annual business registration fee of \$63.54 on average under the current business registration fee. Businesses with annual gross receipts of \$1,000,000 or less would pay an estimated annual business registration fee of \$145.76 on average under the proposed business registration fee, an increase of \$82.22 or 129.4%.

Table 5
Average Annual Business Registration Fee Paid by Small Businesses
Under the Current and Proposed Fees

	Payroll \$250,000 or Less	Gross Receipts \$1,000,000 or Less	Increase/ (Decrease)	Percent
Fee (Weighted Average)	\$63.54	\$145.76	\$82.22	129.4%

Source: Budget and Legislative Analyst estimates

Under the proposed ordinance, annual business registration fee revenues will increase by \$28,461,603, from \$8,716,000 in FY 2012-13 to \$37,177,603 in FY 2015-16, based on the

Controller's estimates and shown in the table below. The share of business registration fee revenues paid by small businesses will decrease from 77.2%, as shown in Table 2 above, to 31.0%, as shown in the table below.

Table 6
Estimated Revenues by Registration Fee Amount
Beginning in FY 2015-16

		Total Revenues		
	Retail,			
	Wholesale &			Percent of
	Certain	Other		Total
Business Registration	Services	Businesses	Total	Revenues
\$0 to \$100,000	\$737,312	\$4,614,315	\$5,351,627	14.4%
\$100,001 to \$250,000	96,668	614,838	711,506	1.9%
\$250,001 to \$500,000	214,127	1,282,998	1,497,125	4.0%
\$500,001 to \$750,000	303,887	1,346,933	1,650,820	4.4%
\$750,001 to \$1,000,000	486,922	1,823,442	2,310,364	6.2%
Subtotal	1,838,916	9,682,526	11,521,442	31.0%
\$1,000,001 to \$2,500,000	407,183	1,525,702	1,932,885	5.2%
\$2,500,001 to \$7,500,000	707,528	1,785,551	2,493,079	6.7%
\$7,500,001 to \$15,000,000	586,991	1,405,122	1,992,113	5.4%
\$15,000,001 to \$25,000,000	975,909	2,120,324	3,096,233	8.3%
\$25,000,001 to \$50,000,000	1,048,769	4,486,052	5,534,821	14.9%
\$50,000,001 to \$100,000,000	1,426,346	4,490,320	5,916,666	15.9%
\$100,000,001 to \$200,000,000	498,590	1,997,805	2,496,395	6.7%
>\$200,000,000	292,085	1,901,884	2,193,969	5.9%
Subtotal	5,943,401	19,712,760	25,656,161	69.0%
Total Businesses	\$7,782,317	\$29,395,286	\$37,177,603	100.0%

Source: Controller

#### **Gross Receipts Tax**

#### A larger number of businesses would pay the gross receipts tax compared to the payroll tax

Currently, approximately 8.4% of registered businesses pay the payroll tax, while the percent of businesses that would pay the gross receipts tax is estimated by the Controller to increase to approximately 16.4%, as shown in the table below.

Table 7
Percent of Businesses Paying Gross Receipts Tax Compared to Payroll Tax

	Payro	ll Tax	Gross Receipts Tax		
	Number of Businesses	Percent of Total	Number of Businesses	Percent of Total	
Small Businesses with Payroll < \$250,001 or Gross Receipts < \$1,000,000	89,122	91.6%	79,045	83.6%	
Other Businesses	8,196	8.4%	15,553	16.4%	
Total Businesses	97,318	100.0%	94,599	100.0%	

Source: Controller and Treasurer/Tax Collector

Currently, businesses pay the same payroll tax rate of 1.5% for all payroll expenditures. Under the proposed gross receipts tax, the tax rate varies by type of business and amount of gross receipts, as shown in the table below.

Table 8
Proposed Gross Receipts Tax Rates

	Amount of Gross Receipts						
	\$0 to \$1,000,000	\$1,000,001 to \$2,500,000	\$2,500,001 to \$25,000,000	>\$25,000,00			
Retail, Wholesale, Services	0.075%	0.100%	0.135%	0.160%			
Manufacturing, Transport, Warehousing, IT, Biotechnology, Clean Technology, Food Services	0.125%	0.205%	0.370%	0.475%			
Real Estate, Rental & Leasing Services <sup>1</sup>	0.285%	0.285%	0.300%	0.300%			
Accommodations, Utilities, Arts, Entertainment, Recreation Construction	0.300%	0.325%	0.325% 0.400%	0.400% 0.450%			
Financial Services, Insurance, Professional, Scientific & Technical Services	0.400%	0.460%	0.510%	0.560%			
Private Education and Health Services, Administrative and Support Services, Miscellaneous Business Activities	0.525%	0.550%	0.600%	0.650%			

Source: Proposed Ordinance

# The City does not currently collect detailed gross receipts information from registered businesses, and therefore, estimates of revenues from gross receipts taxes are subject to error

The Controller projects that, based on U.S. Census Bureau and U.S. Bureau of Labor Statistics data, the gross receipts tax revenues should fully replace payroll tax revenues after the end of the five-year phase-in period in CY 2018. However, according to the Controller's Office, these estimates of gross receipts tax revenues "inherently involve some error".

Under the proposed ordinance, during the five-year phase-in period from CY 2014 through CY 2018, businesses will pay both a payroll tax, at a progressively reduced rate, and the gross receipts tax, at a progressively increasing rate. Beginning in 2014, the payroll tax will decrease and the gross receipts tax will increase. Beginning in 2015, a Controller's calculation will set the payroll tax rate to adjust for any variance in the previous year between gross receipts tax collections and foregone payroll tax revenue, to ensure that combined business tax revenues will equal what the City would have otherwise received from the 1.5% payroll tax.

<sup>&</sup>lt;sup>1</sup> The tax rate for Real Estate, Rental and Leasing services increases to 0.325% for gross receipts exceeding \$25 million in 2021.

The ordinance requires the Treasurer, Controller, and Chief Economist to jointly prepare an annual report to the Mayor and Board of Supervisors on the implementation of the gross receipts tax, beginning in 2015 and extending for five years. This report includes (1) projections of gross receipts tax revenue collection, (2) comparison of actual gross receipts tax revenues to projected revenues, and (3) an assessment of the impact of the gross receipts tax on businesses.

The share of business taxes paid by each type of business (by industry category) would remain approximately the same under the proposed gross receipts tax as under the existing payroll tax

The percentage share of payroll and gross receipt taxes paid by businesses by industry type, as estimated by the Controller, are shown in Table 9 below

Table 9
Percent of Businesses by Industry Category
Paying Gross Receipts Tax Compared to Payroll Tax

	FY 2010-11 Payroll Tax Revenues	Estimated Gross Receipts Tax Revenues
Industry		
Professional, Technical, Scientific	31%	31%
Finance, Insurance, Real Estate	23%	28%-
Trade and Transportation	13%	15%
Information	8%	6%
Construction and Manufacturing	7%	6%
Administrative and Support Services	6%	4%
Hospitality	6%	4%
Education and Health	3%	3%
Other Services	2%	2%
Arts and Recreation	1%	. 1%
Total	100%	100%

Source: Controller's Office of Economic Analysis July 18, 2012 Economic Impact Report

Some businesses will pay higher taxes under the proposed gross receipts tax while other businesses will pay lower taxes

The proposed new business registration fees and gross receipts tax change the current business registration fees and payroll tax by (1) calculating fees and taxes based on gross receipts rather than payroll, and (2) implementing a graduated rate structure.

The current business registration fee is \$25, \$150, \$250, or \$500, based on the amount of payroll. The proposed business registration fee ranges from \$75 to \$35,000, based on the type of business and amount of gross receipts.

The current payroll tax is a flat rate of 1.5% of payroll for all businesses with payroll greater than \$250,000. The proposed gross receipts tax varies by the type of business and amount of gross receipts for all businesses with gross receipts greater than \$1,000,000, as shown in Table 8 above.

Memo to Supervisor Campos July 30, 2012

Businesses with gross receipts of \$1,000,000 or less will generally pay higher business registration fees under the proposed gross receipts tax than businesses with payroll of \$250,000 or less currently pay under the payroll tax, as shown in Table 5 above.

The impact of the proposed gross receipts tax on businesses with gross receipts greater than \$1,000,000 varies by type of business and amount of gross receipts, as shown in Table 10 below.

Table 10
Sample Businesses' Registration Fee and Tax Payments under Proposed Gross Receipts Tax
Compared to Registration Fees and Tax Payments under Existing Payroll Tax

		Average		Payroll	Propos	ed Gross Red	ceipts Tax	Exi	sting Payroll	Тах		
Business Category	Type of Business	Annual Gross Receipts	Average Annual Payroll	as a Percent of Gross Receipts	Fee	Тах	Total	Fee	Tax	Total	Increase/ (Decrease)	Percent
Accommodation, Utilities, and	Fitness Center	\$1,555,566	\$457,919	29.4%	\$300	\$4,806	\$5,106	\$150	\$6,869	\$7,019	(\$1,913)	(27.3%)
Arts, Entertainment and Recreation	Hotel	\$10,000,000	\$2,960,000	29.6%	\$1,500	\$32,250	\$33,750	\$250	\$44,400	\$44,650	(\$10,900)	(24.4%)
Financial Services,	Law Offices	\$4,225,500	\$1,605,222	38.0%	_\$500	\$19,700	\$20,200	\$250	\$24,078	\$24,328	(\$4,128)	(17.0%)
Insurance, and Professional, Scientific and Technical Services	Large Engineering Firm	\$22,930,027	\$3,933,841	17.2% .	. \$5,000	\$115,093	\$120,093	\$500	\$59,008	\$59,508	\$60,586	101.8%
Manufacturing, Transportation and	Full Service Restaurant	\$1,045,530	\$342,914	32.8%	.\$300	\$1,343	\$1,643	\$150	\$5,144	\$5,294	(\$3,650)	(69,0%)
Warehousing, Information, Biotechnology, Clean Technology, and Food Services	Newspaper Publisher	\$10,404,800	\$3,167,725	30.4%	\$1,500	\$33,573	\$35,073	\$250	\$47,516	\$47,766	(\$12,693)	(26.6%)

Memo to Supervisor Campos July 30, 2012

## Table 10 (continued) Sample Businesses' Registration Fee and Tax Payments under Proposed Gross Receipts Tax Compared to Registration Fees and Tax Payments under Existing Payroll Tax

		Average		Payroll	Proposed Gross Receipts Tax			Existing Payroll Tax			_	
Business Category	iness Type of Annual Annual Percent	Tax	Total	Fee	Tax	Total	Increase/ (Decrease)	Percent				
Private Education and Health	Medical Office	\$1,568,868	\$690,862	44.0%	\$300	\$8,379	\$8,679	\$250	\$10,363	\$10,613	(\$1,934)	(18.2%)
Services, Administrative and Support Services, and Miscellaneous Business Activities	Large Diagnostic and Medical Group Practice	\$10,000,000	\$4,403,570	44.0%	\$1,500	\$58,500	\$60,000	\$500	\$66,054	\$66,554	(\$6,554)	(9.8%)
Real Estate and Rental and Leasing	Professional and Office Real Estate Leasing	\$2,961,388	\$399,317	13.5%	\$500	\$8,509	\$9,009	\$150	\$5,990	\$6,140	\$2,869	46.7%
Services	Industrial Real Estate Leasing	\$24,063,588	\$6,966,941	29.0%	\$5,000	\$71,816	\$76,816	\$500	\$104,504	\$105,004	(\$28,188)	(26.8%)
Retail Trade, Wholesale	Supermarket	\$4,495,653	\$521,496	11.6%	\$400	\$4,944	\$5,344	\$150	\$7,822	\$7,972	(\$2,628)	(33.0%)
Trade, and Certain Services	Large Drug Store	\$10,000,000	\$1,310,000	13.1%	\$1,125	\$12,375	\$13,500	\$250	\$19,650	\$19,900	(\$6,400)	(32.2%)

Source: Budget and Legislative Analyst's estimates, based on U.S. Census Bureau 2007 Economic Census data

#### SAN FRANCISCO PLANNING DEPAR

2012 JUL 25 PM 3: 28

### **Conditional Use Authorization Appeal** 3901 24th Street

San Francisco, CA 94103-2479

Suite 400

1650 Mission St.

Reception: 415.558.6378

415.558.6409

Planning Information: 415.558.6377

DATE:

July 20th, 2012

TO:

Angela Calvillo, Clerk of the Board of Supervisors

FROM:

John Rahaim, Planning Director - Planning Department (415) 558-6411

Tom Wang, Case Planner - Planning Department (415) 558-6335

RE:

File No. 120766, Planning Case No. 2011.1372C - Appeal of the approval

of .

Conditional Use Authorization for 3901 24th Street,

**HEARING DATE:** 

July 31st, 2012

ATTACHMENTS:

A. Executive Summary From Commission Packet B. Planning Commission's Motion No. 18648

PROJECT SPONSOR:

Michael Halow, 150 California Street, Suite 1400, San Francisco, CA

94111

APPELLANT:

Leslie Crawford, 4366 24th Street, San Francisco, Ca 94114

#### INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Commission's ("Commission") approval of the application for Conditional Use Authorization under Planning Code Sections 303 (Conditional Use Authorization), 728 49 (Financial service), and 790.110 (Service, Financial), to allow the establishment of a financial service (d.b.a. First Republic Bank) in a currently vacant ground floor commercial space at 3901 24th Street in the 24th Street-Noe Valley Neighborhood Commercial District and a 40-X Height and Bulk District ("the Project").

This response addresses the appeal ("Appeal Letter") to the Board filed on July 12th, 2012 by Leslie Crawford, owner of 4366 24th Street. The Appeal Letter referenced the proposed project in Case No. 2011.1372C.

The decision before the Board is whether to uphold or overturn the Planning Commission's approval of Conditional Use Authorization to allow the establishment of a financial service (d.b.a. First Republic Bank) in a currently vacant ground floor commercial space at 3901 24th Street.

#### SITE DESCRIPTION & PRESENT USE

The Property is on the southwest corner of 24th and Sanchez streets, Lot 001 in Assessor's Block 6508, within the 24th Street -- Noe Valley Neighborhood Commercial District and a 40-X Height and Bulk District. The Property measures 25 feet wide on 24th Street and 80 feet deep along Document is available at the



3 Youth Commission items: Support of Affordable Housing Trust Fund; Resolution urging City & County action on City College crisis; SF Chronicle op-ed on free MUNI

Youthcom to: Mayor Edwin Lee, BOS-Supervisors

07/24/2012 11:21 AM

natalieberg, dranitagrier, chris.jackson415, miltonmarks, sn, jrizzo, Cc: lawrencewong168, wwalker1, pfisher, Angela Calvillo, Jeff Buckley, Jason Elliott, Nicole Wheaton, Hydra Mendoza, Gillian Gillett

## YOUTH COMMISSION MEMORANDUM

TO:

Honorable Mayor Edwin M. Lee

Honorable Members, Board of Supervisors

CC:

Honorable Members, San Francisco Community College District Board of Trustees

Dr. Pamila Fisher, Interim Chancellor, City College of San Francisco

Angela Calvillo, Clerk of the Board

Jeff Buckley, Senior Advisor to the Mayor

Jason Elliott, Mayor's Director of Legislative & Government Affairs Nicole Wheaton, Commissions & Appointments, Mayor's Office

Hydra Mendoza, Mayor's Families & Children Advisor Gillian Gillett, Mayor's Transportation Policy Advisor

FROM:

Youth Commission

DATE:

Tuesday, July 24, 2012

RE:

3 Youth Commission items: Support of Affordable Housing Trust Fund; Resolution urging City &

County action on City College crisis; SF Chronicle op-ed as free MUNI for low-income youth

comes to a head

At our special meeting of July 16, 2012, the Youth Commission unanimously adopted a motion to support Board of Supervisors' file no. 120554 – Affordable Housing Trust Fund and Housing Production Incentives.

The Commission urges the Mayor and the Board to assure that proper policies and programs are in place such that the money set aside in the Housing Trust Fund is used to address the following four needs:

To produce more affordable housing for public system-involved transitional aged youth, who are at significant risk of homelessness; to provide renters, who constitute a majority of the city's population, with assistance; to create a pipeline between renting and homeownership; and, ultimately, to keep low-and moderate-income native San Franciscans in San Francisco—that is, to prevent them from being priced out of the city.

The Youth Commission also adopted a resolution (attached) at our July 16 meeting, calling on the Mayor and the Board of Supervisors to support City College of San Francisco (CCSF) as it grapples with the recent devastating report from the Accrediting Commission for Community and Junior Colleges (ACCJC).

The resolution "encourages the Mayor and Board of Supervisors to consider, in particular, the feasibility of lending in-kind technical support (perhaps with Controller's Office staff) to CCSF, their administration, and the Community College District Board, in order to assist in the efforts of CCSF to move towards resolving the ACCJC concerns detailed in their report by the October 15, 2012 deadline."

As the Youth Commission, the Free MUNI for Low-income Youth Coalition (<a href="https://www.freemuniforyouth.tumblr.com">www.freemuniforyouth.tumblr.com</a>) and the City Family seek funding from the regional Metropolitan Transportation Commission (MTC) for a 22-month pilot program of free MUNI for low-income youth, Youth Commission Chairwoman Leah LaCroix and a counterpart from the Oakland Youth Commission authored <a href="https://two.univ.com/the-two-univ.co

Please don't hesitate to contact the Youth Commission with any questions. Thank you very much.

San Francisco Youth Commission City Hall, room 345 (9am-6pm) (415) 554-6254 www.sfgov.org/yc

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below. http://www.sfbos.org/index.aspx?page=104

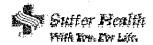


1112--15--Supporting City College of San Francisco.doc



Memo to MO & BOS re HTF, City College, Free MUNI op-ed (7-24-2012).doc

File# 120549;



SUTTER HEALTH OFFICE OF THE GENERAL COUNSEL

633 FOLSOM STREET, FL 7

SAN FRANCISCO, CA 94107 PHONE: (415) 600-6796

ONE: (415) 600-6796 VV. c FAX: (415) 600-6749

July 23, 2012

Mayor Edwin Lee City and County of San Francisco Mayor's Office City Hall, Room 200 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102

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

Re: CPMC's Pending Application for Approval of its Long Range Development

Dear Honorable Mayor Edwin Lee and President David Chiu,

I am legal counsel for CPMC. At your respective invitations, CPMC is agreeable to participating in a process of discussions regarding CPMC's pending application for approval of its Long Range Development Plan. CPMC hopes that such a process will quickly lead to consensus on the project sufficient to secure its approval. CPMC appreciates the opportunity to meet; it is willing to meet without preconditions. However, we acknowledge that there is value in defining the parameters or elements of a proposed process. Certain parameters to a process are suggested by President Chiu in his letter to Dr. Browner dated July 13, 2012. We appreciate these suggestions, and we propose certain clarifications and revisions as set forth below. Also, we are willing to consider other variations and alternatives.

- 1. The parties to and participants in the proposed process are CPMC and the City, including, the Mayor and the Board of Supervisors. Frequent regular meetings among the parties shall be scheduled, with the meetings to begin as soon as possible.
- 2. CPMC agrees to share with representatives of the Board of Supervisors the same financial documents it shared with the Mayor's staff, subject to the same conditions.
- 3. If the Mayor or the Board of Supervisors are of the view that the acceptability of a negotiated term in the Development Agreement depends on CPMC's financial information, CPMC agrees to consider a request for such information with an open mind and in good faith, with the goal of agreeing to share relevant financial information with a mutually agreed third party expert, so long as proprietary information can be protected. CPMC reserves the right to decide what to produce. The Mayor and Board of Supervisors reserve the right to be dissatisfied with CPMC's decision and to not agree on a particular term, if there is inadequate financial disclosure. In general, subject to rules of reason and relevance, and subject to the protection of proprietary information, CPMC's recognizes the importance of "financial transparency."
- 4. The parties will consider a mediator or facilitator if the parties are close to achieving final agreement, but are unable to bridge a remaining gap, and if the parties mutually agree that such a

third party would be helpful to reaching a resolution.

- 5. CPMC representatives with decision making authority shall regularly attend the meetings.
- 6. Discussions are limited to issues in the Development Agreement or issues related to the environmental review. The parties will make a good faith effort to focus on a limited number of dispositive issues and to define these issues early on in the process. While any party can propose changes to the Development Agreement, it is not the intent of the parties to "renegotiate" all the terms of the Development Agreement. Issues that are the subject of or could be the subject of collective bargaining are not part of the discussions.
- 7. The Mayor and the Board of Supervisors represent the community and the public interest, and, of course, the Mayor and the Board have direct communications with community groups, community representatives and other organizations. In addition, regarding CPMC's project, there have been many public hearings and extensive input from community groups and others. Accordingly, we believe that participation in the process should be limited to CPMC representatives and City representatives from the Mayor's office and the Board of Supervisors.
- 8. Parties shall set a mutually agreed date certain (we propose October 1) at which the proposed Development Agreement and all related entitlement issues shall proceed to a final "up or down" vote. This deadline may only be continued by mutual agreement. It is the intent to assure an "up or down" vote on the agreed date, whether or not this process has been completed to the satisfaction of all parties.

No party is legally bound until definitive agreements are signed and approved by respective governing boards. Any party may terminate its participation in the discussions at any time without cause. Participation in the above process or whatever process is ultimately followed does not commit any participant to any specific agreement terms or particular outcomes.

Thank you for your consideration of CPMC's project to build two new seismically safe hospitals in San Francisco. We appreciate this opportunity to work together.

Yours truly,

Michael A. Duncheon

Vice President & Regional Counsel, West Bay Region

cc: Charles Sullivan, Deputy City Attorney
City and County of San Francisco City Attorney's Office

Ken Rich, Office of Economic and Workforce Development

Judson True, Legislative Aide to Board of Supervisors President David Chiu



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One Ferry Building . Suite 200 main: 415.391.4800 San Francisco, California 94111-4213

fax: 415.989.1663 web: www.coblentzlaw.com

Joshua R. Steinhauer Direct Dial: 415.772.5782 ioshua@coblentzlaw.com

July 30, 2012

#### **VIA MESSENGER**

Re:

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

> California Pacific Medical Center - Long Range Development Plan ("LRDP") EIR Appeal - File No. 120549; Planning Department Case No. 2005.0555E

Dear Ms. Calvillo, President Chiu, and Members of the Board of Supervisors:

I am writing on behalf of CPMC to respond to questions raised at the July 17, 2012 hearing on the appeal of the Planning Commission's certification of the EIR for the CPMC LRDP.

An EIR is a disclosure document. It provides information to the public and decision-makers concerning the environmental effects of a project. It does not approve or reject any portion of the project or project alternatives analyzed in the EIR. This EIR, which has been over three years in the making, far exceeds the informational requirements of the California Environmental Quality Act ("CEQA").

The EIR is more than an adequate and complete information document in compliance with the purposes and requirements of CEQA. The EIR analyzes the project's potential environmental impacts in depth, using conservative assumptions and robust methodologies developed with the guidance and expertise of the Planning Department's Environmental Planning staff. In response to various public comments received after publication of the Draft EIR, the Final EIR Comments and Responses document ("C&R Document") provided several supplemental analyses that validated the methodology and conclusions reached in the Draft EIR.

The comments and questions raised by the Board at the July 17 EIR appeal hearing are, for the most part, the same as those previously raised by Appellants. As such, those comments were addressed by the Planning Department ("Department") in its prior written responses, including the C&R Document (March 29, 2012) and the Responses to the Appeal and Responses to Late Comments document (July 9, 2012).



Angela Calvillo, President David Chiu, and Members of the Board of Supervisors July 30, 2012
Page 2

The Board's comments are also addressed in detail by the Department in its memorandum dated July 30, 2012.

The answers to questions raised by the Board at the July 17 EIR appeal hearing may be summarized as follows:

#### **Transportation**

- Reasonable adjustment of peak hour factor. The peak hour factor was reasonably adjusted consistent with standard practices in San Francisco in preparing EIRs, including, for example, the recent EIRs for the Transbay Center District, Park Merced, Treasure Island and Bayview-Hunter's Point, to reflect more consistent congestion throughout the peak hour as forecasted traffic volumes increase. Peak hour factor adjustments in these circumstances are also common practice in other jurisdictions, and are consistent with Caltrans policies. For more detailed responses, please see, e.g., the Planning Department's Responses TR 1-9 and TR 1-10 to the Appeal.<sup>1</sup>
- Reasonable Trip Assignments. The EIR's assumptions regarding the number of vehicles that would be added to Tenderloin area streets and that would, in particular, be added to the 7th/Market intersection, are reasonable. With respect to the so-called "one additional vehicle" at that intersection, the comments mistakenly refer to the number of trips that would be added to only one movement at the intersection, rather than to all of the vehicles at the intersection as a whole. The Draft EIR analysis was validated by a supplemental sensitivity analysis which demonstrated that changing the analysis to assume a greater number of peak hour trips through the SOMA and Tenderloin areas would not result in any additional significant impacts. For a more detailed response, please see, e.g., the Planning Department's Response to Late Comment 5-9.
- Use of best available transit data. The detailed 2006 Muni ridership data used in the baseline for analyzing transit impacts represented the only, most complete and detailed data set available at the time the EIR was prepared. The analysis

<sup>&</sup>lt;sup>1</sup> Appellants rely on vague, unsupported statements by their traffic consultant, Tom Brohard, and "several" of his unnamed "well-respected colleagues", including one unidentified colleague who reportedly told him that Caltrans does not allow such adjustments; a statement which is contradicted by Caltrans' written guidelines for transportation analyses.



Angela Calvillo, President David Chiu, and Members of the Board of Supervisors July 30, 2012 Page 3

has since been validated using 2011 Muni ridership data demonstrating that transit effects were not understated. For a more detailed response, please see, e.g., the Department's Response TR 1-6 to the Appeal.

- Inclusion of an enhanced TDM program. CPMC's enhanced transportation demand management ("TDM") program is designed to reduce single occupancy vehicle use by 15% in the aggregate system-wide. Its implementation was made a specifically enforceable condition of approval by the Planning Commission for the Cathedral Hill, St. Luke's, and Davies Campuses. The TDM plan is described in Appendix F of the C&R Document and Response TR-37. For a more detailed response, please see, e.g., the Department's Responses TR 1-7 and TR 1-8 to the Appeal.
- Reasonable emergency vehicle access. The EIR fully analyzed the potential for impacts to emergency vehicle access and determined that emergency vehicles would not have difficulty accessing the proposed Cathedral Hill Hospital, even during peak traffic periods.<sup>2</sup>
- Flexible "mitigation" fee would not constitute appropriate mitigation under CEQA. A suggestion was made that a supplemental or "flexible" traffic mitigation fee, as described in the SFCTA's July 11, 2012 memorandum to President David Chiu, might be imposed to be paid in the event of unforeseen traffic problems in the area. An additional transportation fee, however, is not appropriate for this project because, as described in the EIR, there are no roadway improvements that could be funded to further mitigate impacts of the LRDP.<sup>3</sup> Further, it should be noted

<sup>&</sup>lt;sup>2</sup> Fewer than 1.5 Code 3 transports (*i.e.*, transports associated with a potential risk to human life warranting the use of lights and sirens) are anticipated to be routed to the Cathedral Hill Campus each day, and the majority of intersections in the Campus vicinity would operate acceptably even during peak periods. The EIR's conclusion regarding emergency vehicle access considers the location of the proposed campus (more central than the facilities it would replace and on two major transportation corridors), the protocols used by emergency vehicles in choosing travel routes and destinations during periods of congestion, that most emergency transports would occur during non-commute hours, that emergency vehicles can navigate opposite the flow of traffic, and that they will be able to use the BRT lanes. For a more detailed response, please see, e.g., the Department's Response TR 1-3 to the Appeal.

<sup>&</sup>lt;sup>3</sup> The limitations of the urban streetscape in the area around the Cathedral Hill Campus are unlike the situation at Treasure Island, where a supplemental fee was imposed. Further, contrary to Appellants' claim that there will be 30 traffic impacts (footnote continued)



Angela Calvillo, President David Chiu, and Members of the Board of Supervisors July 30, 2012
Page 4

that the project already includes substantial transit-related mitigation fees and additional fees (such as a parking fee) to be paid to SFMTA under the draft Development Agreement.

• Reasonable parking plan. The proposed parking at the Cathedral Hill Campus is within the maximum allowed under the Planning Code and is below the projected parking demand. For a more detailed response, please see, e.g., Response TR-69 in the C&R Document. The parking proposal compares favorably (i.e., less than) other hospitals in the area.<sup>4</sup>

#### Population, Employment and Housing

- <u>EIR properly analyzed potential population, employment and housing impacts</u>. The EIR's analysis of population, employment and housing impacts uses the same methodology (determining whether resulting growth would fall within the City's planned-for projections) consistently used by the City on other projects. For a more detailed response, please see, e.g., the Department's Responses PH 1-1 and PH 1-2 to the Appeal.
- <u>VNSUD requirements were analyzed</u>. The project's relationship to the 3:1 ratio requirement of residential to net new non-residential in the Van Ness SUD was analyzed in the Final EIR.<sup>5</sup> For a more detailed response, please see, e.g., the Department's Response PH 1-2 to the Appeal and Responses to Late Comments 5-7 through 5-9.

associated with the Cathedral Hill Campus, the EIR found that only 2 intersections would be impacted in the near-term, one additional intersection under 2030 cumulative conditions, and five transit lines.

<sup>&</sup>lt;sup>4</sup> See project EIRs for San Francisco General Hospital, UCSF at Mission Bay and Kaiser hospital.

<sup>&</sup>lt;sup>5</sup> The C&R Document at Response LU-21, provides a detailed analysis of the housing that otherwise could be generated on the Cathedral Hill Campus under two different code-complying scenarios. It also determined that the LRDP would not impede the City's ability to meet the residential development goals for the Van Ness corridor. <a href="Id">Id</a>. It should be remembered that the Cathedral Hill Hospital site was not considered available for housing in the 1987 Van Ness Area Plan EIR, and none of the Cathedral Hill Campus sites were considered available for housing in the City's 2009 Housing Element. See, e.g., Responses 2-14 and 5-7 in the Department's Late Letter Responses.



Angela Calvillo, President David Chiu, and Members of the Board of Supervisors July 30, 2012 Page 5

### **Alternatives**

- Reasonable range of alternatives was analyzed. The over-400-page Alternatives chapter provides meaningful analysis of a reasonable range of project alternatives, including Alternative 3A (*i.e.*, increased development at the St. Luke's Campus and a reduced-size Cathedral Hill Hospital). For a more detailed response please see, e.g., the Department's Responses ALT 1-1 through ALT 1-3 to the Appeal.
- Appropriate project objectives were considered. The project objectives are appropriate for a project of this nature. They include objectives related to the need to meet state seismic safety deadlines, maintain uninterrupted health care for CPMC patients during construction, replace St. Luke's as a community hospital, and meet the policy guidance of the Blue Ribbon Panel and Health Commission. The objectives did not preclude consideration of a reasonable range of project alternatives, including Alternative 3A. For a more detailed response please see, e.g., the Planning Department's Response ALT 1-3 to the Appeal.
- The EIR did not reject alternative 3A. The EIR does not reject Alternative 3A as infeasible, but simply explains that it would not meet all of the project objectives to the same extent as the proposed project. For a more detailed response please see, e.g., the Department's Responses ALT 1-2 and ALT 1-3 to the Appeal.
- <u>3A Plus was adequately considered</u>. Any environmental impacts associated with "3A Plus" (similar to 3A but with a different mix of services) were adequately analyzed by the EIR's review of Alternative 3A. CEQA does not require that an EIR analyze every possible variant to a proposed alternative. For a more detailed response please see, e.g., the Department's Responses ALT 1-1, ALT 1-2, and ALT 1-4 to the Appeal.

<sup>&</sup>lt;sup>6</sup> Even if the project objective that has apparently raised the most concern from appellants, *i.e.*, consolidating Women's and Children's Center services into one centralized acute care hospital, were not considered, the EIR and the Planning Commission's CEQA findings identify several other project objectives that would not be met under Alternative 3A to the same extent as under the proposed project.



Angela Calvillo, President David Chiu, and Members of the Board of Supervisors July 30, 2012
Page 6

# **Environmental Setting/Regional Setting**

• Health care services information provided. The EIR provides more information on non-CEQA issues, such as health care, than any other EIR for a hospital or medical center project of which we are aware. CEQA does not require that the EIR include a baseline analysis of citywide or regional health care service delivery systems, absent evidence that the proposed LRDP would contribute to changes in such services in a manner that would cause a physical effect on the environment. No such evidence has been provided by appellants.<sup>7</sup>

# **Project Description**

• <u>LRDP project analyzed</u>. There has been no change in CPMC's proposed project for purposes of analysis in the EIR. The EIR should be affirmed based on the adequacy of the analysis of the CPMC proposed LRDP project. Questions that the Board may wish to resolve regarding project entitlements do not affect the existence or adequacy of the EIR's project description.

We urge you to deny the appeal and affirm the Planning Commission's certification of the EIR. Review and decisions on land use entitlements for the project are separate from the adequacy of the EIR.

Respectfully, Jahren Sterlamer

Joshua R. Steinhauer

cc: Mayor Edwin M. Lee

Dr. Warren Browner, California Pacific Medical Center

Michael A. Duncheon, Vice President & Regional Counsel, Sutter West Bay

Hospitals

<sup>&</sup>lt;sup>7</sup> Please see detailed responses in the Department's Responses HC 1-2 and HC 1-3 to the Appeal and the Department's Health Care Major Responses in the C&R Document; and please see also the July 16, 2012, letter from Sutter West Bay Hospitals' Vice President and Regional Counsel, Michael Duncheon, for additional details regarding appellants specious, non-CEQA claims regarding Sutter Health's activities in other regional jurisdictions.

Fili 120549 BOS-11 COB CAO, C-Page



Fw: Letters re: CPMC

Angela Calvillo to: Rick Caldeira

07/30/2012 11:18 AM

For the file please

---- Forwarded by Angela Calvillo/BOS/SFGOV on 07/30/2012 11:22 AM ----

From:

Judson True/BOS/SFGOV

To:

BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV

Cc:

Angela Calvillo/BOS/SFGOV@SFGOV, Board of Supervisors/BOS/SFGOV@SFGOV

Date:

07/27/2012 04:26 PM

Subject:

Letters re: CPMC

Dear Supervisors and Aides:

Please find attached two letters related to CPMC.

Best, Judson



Letter to CPMC from Sup David Chiu 7-27-2012.pdf



Followup Leter to Mayor Lee and Supervisor Chiu dtd July 26 2012 (00251524).PDF

Judson True Office of Supervisor David Chiu City Hall, Room 264 San Francisco, CA 94102 415.554.7451 desk 415.554.7454 fax

# Fresident, Board of Supervisors District 3 第三區 市參事會主席



City and County of San Francisco 三藩市市及縣政府

# DAVID CHIU 邱信福

July 27, 2012

Mr. Michael A. Duncheon Vice President & Regional Counsel, West Bay Region Sutter Health Office of the General Counsel 633 Folsom Street, FL 7 San Francisco, CA 94107

Dear Mr. Duncheon,

Thank you for your letter of July 26 to Mayor Lee and to me, in which you agree to engage a mediator as soon as possible and to set the date for an "up or down" vote on your proposed entitlements no later than November 20, 2012.

I appreciate our renewed dialogue over the last few weeks, and I welcome Sutter/CPMC's apparent good faith as we develop parameters for substantive discussion of your Long Range Development Plan.

That said, I do need to make one clarification regarding yesterday's letter. In it, you state your understanding that I had found acceptable the process described in your July 23 letter, other than the two issues described above. This is incorrect.

While I did value your constructive suggestions about parameters for our upcoming talks, I believe that a mediator can best help us address remaining challenges such as achieving a mutually acceptable level of financial transparency, establishing the scope of our subject matter, and determining the role of community representatives in the process.

I want to emphasize my appreciation for the progress we have made recently, and I look forward to our ongoing collaboration.

Sincerely,

David Chiu

cc:

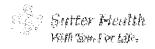
Mayor Edwin M. Lee

Members, Board of Supervisors Clerk, Board of Supervisors

and Chin

Ken Rich, Office of Economic and Workforce Development

Charles Sullivan, Deputy City Attorney



# SUTTER HEALTH OFFICE OF THE GENERAL COUNSEL 633 FOLSOM STREET, FL 7 SAN FRANCISCO, CA 94107

PHONE: (415) 600-6796 FAX: (415) 600-6749

July 26, 2012

Mayor Edwin Lee City and County of San Francisco Mayor's Office City Hall, Room 200 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102

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

Re: CPMC's Pending Application for Approval of its Long Range Development

Dear Honorable Mayor Edwin Lee and President David Chiu,

Based on communications from your staff, Ken Rich and Judson True, I understand that the process described in my letter dated July 23 is acceptable, except for two points: your preference is that the parties agree to a mediator as soon as possible at the inception of the process, and, secondly, you propose that at the date for an "up or down" vote on the Development Agreement, and all related entitlements, be set for not later than November 20, 2012. Both of these suggestions are acceptable to CPMC. One possible mediator has been suggested. We would like the parties to develop some additional candidates and then we can jointly select one.

Thank you for your willingness to engage in the proposed process and for the opportunity to work together on this important project.

Yours truly,

Michael A. Duncheon

Vice President & Regional Counsel, West Bay Region

cc: Charles Sullivan, Deputy City Attorney

City and County of San Francisco City Attorney's Office

Ken Rich, Office of Economic and Workforce Development

Judson True, Legislative Aide to Board of Supervisors President David Chiu



To:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: File 120732: Support for Michael Antonini Re-Appointment to Planning Commission

From:

Kevin Reed <kevinreed@thegreencross.org>

To:

Board.of.Supervisors@sfgov.org,

Date:

07/24/2012 11:52 AM

Subject:

Support for Michael Antonini Re-Appointment to Planning Commission

July 24, 2012

San Francisco Board of Supervisors City Hall, Room 244 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94202 Via Email to: Board.of.Supervisors@sfgov.org

Support for Michael Antonini Re-Appointment to Planning Commission

#### Dear Supervisors:

On behalf of The Green Cross, it is my pleasure to write this letter in strong support of Michael Antonini's appointment to another term with the San Francisco Planning Commission.

Despite the sacrifices to his practice and his family, Dr. Antonini has proven himself a dedicated public servant. His tenure with the Commission provides a unique perspective coupled with institutional perspective. During my many appearances before the Commission, I can say without hesitation that Dr. Antonini always prepared thoughtful questions that decidedly cut to the heart of the matter. qualities serve to underscore his fiercely independent spirit, as evidenced by his fair and balanced voting record. Despite the fact Dr. Antonini and I did not always find ourselves on the same side of an issue, I believe his service and expertise has contributed to unbelievable growth in San Francisco in smart and responsible ways.

I was surprised to read about the controversy surrounding his re-appointment to the Commission, for reasons that remain entirely unclear. Nonetheless, I thought it was important to send this letter if for no other reason to remind the Board that a servant's heart come in all shapes, sizes, colors, classes, and creeds. We should celebrate Dr. Antonin's excellent record of service and reappointment him to another term.

I urge you to support Dr. Antonini's appointment to another term with the San Francisco Planning Commission. To discuss this matter, you are welcome to contact me directly at 415-648-4420, alternatively you can send an email to KevinReed@TheGreenCross.org.

Sincerely,

Kevin Reed

President | The Green Cross 1230 Market Street #419 San Francisco, CA 94102

Mobile: 1.415.846.7671 Office: 1.415.648.4420 Fax: 1.415.431.2420

Email: kevinreed@thegreencross.org

Web: www.thegreencross.org

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To:

BOS Constituent Mail Distribution.

Cc:

Bcc:

Subject: File 120732: Support for Dr. Michael Antonini on Planning Commission

From:

Mike Aldrich <MRA.StoneDragon@comcast.net>

To:

Supervisors Board of <board.of.supervisors@sfgov.org>,

Cc:

Mar Eric <Eric.L.Mar@sfgov.org>, Farrell Mark <Mark.Farrell@sfgov.org>, Chiu Matt <mattc@medicalcannabisassociation.org>, Chu Carmen <Carmen.Chu@sfgov.org>, Olague Christina < Christina Olague@sfgov.org>, Kim Jane < Jane.Kim@sfgov.org>, Elsbernd Sean <sean.elsbernd@sfgov.org>, Wiener Scott <Scott.Wiener@sfgov.org>, Campos David <a href="mailto:</a> <a href=" <John.Avalos@sfgov.org>, Antonini Michael <wordweaver21@aol.com>, Aldrich Michelle <mcaGiraffe@comcast.net>, Reed Kevin <KevinReed@thegreencross.org>, Pearson Erich

<epearsonsf@gmail.com>

Date:

07/23/2012 04:30 PM

Subject:

Support for Dr. Michael Antonini on Planning Commission

Support for Dr. Michael Antonini

From Michael R. Aldrich, Ph.D., medical marijuana activist

July 23, 2012

San Francisco Board of Supervisors

City Hall, Room 244

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94202

Board.of.Supervisors@sfgov.org

Dear Supervisors:

I am writing in support of the reappointment of Dr. Michael Antonini to the Planning Commission. Dr. Antonini is a very important voice on the Planning Commission. He is one of the most intelligent and diligent members of the Commission, and although I do not always agree with his viewpoints, I feel that his perspective is very important. I have observed the Commission in action many times, particularly when issues related to medical marijuana are concerned. Dr. Antonini listens carefully to all presenters to the Commission and usually has a question or comment that's right on the point being discussed. His mind is not already made up. It is vital to have diverse opinions on the Planning Commission, and I strongly urge you to reappoint Dr. Antonini for another 4 years of benefit to the City and County we love so well.

Cordially,

Michael R. Aldrich, Ph.D.

2755 Franklin Street #7

San Francisco, CA 94123

(415) 776-7949

 $\underline{MRA.Stonedragon@comcast.net}$ 

Cc: each Supervisor



<u>To</u>:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: File 120732: please do not approve Comm. Antonini for the PLanning Commission

From:

"Gregory Miller" <howmiller@earthlink.net>

To:

<howmiller@earthlink.net>,

Date:

07/30/2012 02:11 PM

Subject:

please do not approve Comm. Antonini for the PLanning Commission

### Supervisor,

Please do not approve Commissioner Antonini for the Planning Commission. He is anti-neighborhood and anti-park.

Thank you.

**GP Miller** 

San Francisco

FILE | 20726

RECEIVED
BOARD OF SUPERVISORS CAD, C-Page
SAMERANCISCO

2812 JUL 30 PM 4: 21

FROM:
Mary Miles
Attorney at Law for
Coalition for Adequate Review
364 Page St., #36

San Francisco, CA 94102

(415) 863-2310

TO:

Angela Calvillo, Clerk, Honorable David Chiu, President, and Members of the San Francisco Board of Supervisors

DATE: July 30, 2012

#### PUBLIC COMMENT

on

BOARD AGENDA ITEMS 49, 50, 51, 52 on "Appeal of the Historic Preservation Commission's Decision Granting Certificate of Appropriateness for City Landmarks No's. 257 (Richardson Hall), 258 (Woods Hall), and 259 (Woods Hall Annex) -55 Laguna Street] Board of Supervisors' Meeting of July 31, 2012 Board of Supervisors File No's.: 120726, 120727, 120728, 120721

The Board should sustain the Appeal of the May 16, 2012 decisions of the Historic Preservation Commission upholding a Certificate of Appropriateness and a Motion on "Identification and Delegation of Scopes of Work Determined to be Minor Alterations Pursuant to City Charter Section 4.135 For Approval, Modification, or Disapproval of an Administrative Certificate of Appropriateness by the Planning Department," for the reasons stated in the attached Comment submitted to that Commission.

The proposed Project has changed significantly from that previously proposed, and now involves destruction of a National Historic District including several landmarks of great historic and architectural merit and character on 5.8 acres of public land with 150 years of historic public use. Contrary to Project documents, the Certificate of Appropriateness does not propose to rehabilitate or restore structures, but to gut and destroy them, destroying with it the entire Historic District. The Project proposes to construct several ugly box structures that are much higher, denser, bulkier, and architecturally incompatible with the Historic District and surrounding areas. Since the Project proposes federal funding and since it affects a federally-recognized National Historic District, any Project approval, including the Certificate of Appropriateness had to be preceded by environmental review under the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), which has not been done. The decision of the Historic Preservation Commission thus violated these federal statutes as well as the California Environmental Quality Act, all requiring environmental review before any Project approvals, and must be reversed and set aside.

For the foregoing and other reasons described in the attached, the Board should sustain the Appeal and should reverse the decisions of the Historic Preservation Commission and set aside the "Certificate of Appropriateness."

Please deliver a copy of this Comment to each Member of the Board, and place a copy in the Board File(s) on this Project.

SIGNED,

Mary/Miles

Attorney at Law

ATTACHMENT: Public Comment of Mary Miles, May 16, 2012

# Mary Miles

From:

"Mary Miles" <page364@earthlink.net>

To:

"Charles Chase" <c.chase@argsf.com>; "Courtney Damkroger" <cdamkroger@hotmail.com>; "Karl Hasz" <karlhasz@gmail.com>; "Alan Martinez" <awmartinez@earthlink.net>; "Diane Matsuda" <diane@johnburtonfoundation.org>; "Richard Johns" <RSEJohns@yahoo.com>; "Andrew Wolfram"

<andrew.wolfram@perkinswill.com>; "John Rahaim" <john.rahaim@sfgov.org>

Sent:

Tuesday, May 15, 2012 1:28 PM

Subject: Public Comment, Historic Preservation Commission, May 16, 2012, Items 6 and 7; Case 2012.0033A

and "Motion XXXX"

FROM:
Mary Miles
Attorney at Law
for
Coalition for Adequate Review
364 Page St., #36
San Francisco, CA 94102
(415) 863-2310

TO:

John Rahaim, Director of Planning; and Members of the Historic Preservation Commission San Francisco Planning Department 1650 Mission St., 4th Floor San Francisco, CA 94103

RE: Hearing, May 16, 2012, ITEMS 6 AND 7; on Certificate of Appropriateness; Case No. 2012.0033A, "55 Laguna LP/Wood Partners" and "Motion No. XXXX" on "Identification and Delegation of Scopes of Work Determined to be Minor Alterations Pursuant to City Charter Section 4.135 For Approval, Modification, or Disapproval of an Administrative Certificate of Appropriateness by the Planning Department"

### PUBLIC COMMENT

This is Public Comment on the above-described Items on the Agenda of the Meeting of the Historic Preservation Commission. Since no other address is given for that Planning Department entity, please assure that this Comment has been forwarded to all members of that Commission and that it has been placed in the files of the above-labeled Project.

The Commission is without authority to consider a certificate of appropriateness as described, or to take any other action to approve the Project or any part of it, because environmental review of the Project has not been completed, including a Draft Environmental Impact Statement ("DEIS") identifying and analyzing direct and cumulative impacts of the Project on historic resources and their significance, and other significant impacts.

The entire Project must be reviewed under the National Historic Preservation Act and National Environmental Policy Act, because it proposes demolishing and altering of the federally designated National Historic District known as the San Francisco State Teacher's College National Historic District. Environmental review is required both because of the status of the entire property as a National Historic District and because the proposed Project is to be federally funded in whole or part, requiring federal environmental review. No approvals, including the proposed action on a certificate of appropriateness, may be lawfully adopted without first completing and fully considering a legally adequate DEIS, which

has not occurred.

Contrary to the incorrect and misleading Agenda description, the proposed Project does not involve "rehabilitation" but instead complete gutting, alteration, and changing the historic use from public/educational to private residential, along with demolition of historic resources and buildings not even mentioned in the defective description. The proposed Project is not a "rehabilitation" under any cognizable legal definition relevant to historic resources. The proposed Project will surely have significant impacts on the Historic District and its significance, historic use, and integrity, since the Project proposes to destroy the federally designated District.

The Department's May 8, 2012 "Addendum" does not comply with the requirements of the National Environmental Policy Act ("NEPA"), the National Historic Preservation Act ("NHPA"), or the California Environmental Quality Act ("CEQA"), and/or the Secretary of the Interior's Standards for the Treatment of Historic Properties, which do not permit the proposed Project. The May 8, 2012 "Addendum" has no legal status under NEPA/NHPA, and may not be used to justify any approval of the Project or any part of it.

Further, the Commission may not lawfully approve part of a project under a claimed "Addendum" to a previous Environmental Impact Report, for many reasons, including but not limited to the following:

- 1. Approval of a Certificate of Appropriateness for all or part of the Project or any other Project approval must be preceded by legally adequate environmental review of the whole Project, which has not occurred. Previous review under the California Environmental Quality Act ("CEQA") cannot satisfy the requirement of review under the National Environmental Policy Act ("NEPA") and the National Historic Preservation Act ("NHPA"), and does not apply to the Project now proposed.
- 2. The May 8, 2012 "Addendum to Environmental Impact Report" ["Addendum"] and the previous EIR fail to acknowledge the historic status and significance of the entire Project as a federally designated Historic District; fail to identify, analyze, and lawfully mitigate impacts of the proposed Project on the historic resources and their significance; fail to identify, analyze and mitigate cumulative impacts of the proposed Project on local, regional, and statewide historic resources, and other significant impacts of the Project; and failed to propose mitigations required by law. The "Addendum" has no legal status under NEPA/NHPA, and does not comply with those laws or with CEQA.
- 3. The May 8, 2012 Addendum does not satisfy the requirements of CEQA, because: a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report, and require a DEIS under NEPA/NHPA; and b) Substantial changes have occurred with respect to the circumstances under which the Project is being undertaken, which require major revisions in the environmental impact report, and require a DEIS under NEPA/NHPA; and c) New information, which was not known when the environmental impact report was certified as complete, is now available, including the status of the Project as a federally designated National Historic District; the proposed federal funding of the proposed Project; and substantial changes to the Project description and environmental impacts. The May 8, 2012 Addendum does not acknowledge these changes and new facts, but misleads decisionmakers and the public by pretending they do not exist. In any event, an addendum has no legal status and is void and a nullity, since it cannot satisfy NEPA/NHPA and the requirement to prepare a DEIR under federal law.

Other reasons why approving a certificate of appropriateness would be an abuse of discretion and failure to proceed as required by law include but are not limited to:

4. Piecemealing of approval and/or implementation of the Project and its environmental review is an

abuse of discretion and failure to proceed as required by law under NEPA/NHPA or CEQA. Both the proposal to approve a certificate of appropriateness for only part of the Project, and the implication of the "Addendum" that only those parts of the Project are historic landmarks is unlawful. Segmenting the Project and its environmental review into parts is an abuse of discretion and failure to proceed under the above-described laws. The Project and the State Teacher's College National Historic District include the entire property not just the three buildings proposed for drastic alteration. The environmental review that must precede any administrative approval of the Project must include the whole Project, not just part of it. Further, the "mitigations" proposed in the "Addendum" do not comply with those statutes or with the Secretary of the Interior's Standards for the Treatment of Historic Properties. This is not a "local" Project, but is of regional, statewide, and national significance.

- 5. The Project's significant impacts and cumulative impacts have not been identified, analyzed and mitigated in any environmental document. The proposed mitigations in the "Addendum" do not lawfully mitigate the impacts of the Project. Again, this is not a "rehabilitation" but is a demolition and complete change of historic use that does not comply with the requirements of CEQA/NEPA/NHPA or the Secretary of Interior's standards.
- 6. This commenter asked for but did not receive copies of the lead agency's files containing the plans for proposed alterations of the entire property, including the entire National Historic District, the historic buildings and other structures proposed for demolition and alteration, which are not addressed in the addendum, and architectural renderings of all areas of the Project and surroundings. The withholding of these documents is also an abuse of discretion, since they must be included in any accurate, complete, and finite Project description to enable analysis of the Project's environmental impacts and meaningful participation by the public.

Neither you as decisionmakers nor the public have received adequate information, including a DEIS, to approve the Project or any part of it. That essential information must be publicly circulated before any decision is made to approve the Project or any part of it.

For these and other reasons, any administrative or other approval of the Project or, as proposed here, any part of it, would be an abuse of discretion and failure to proceed as required by law. The Commission should therefore reject the proposed action to approve a certificate of appropriateness, and should not consider such action until and unless full environmental review has first been conducted in compliance with NEPA/NHPA and CEQA, and full compliance has been achieved.

7. The Agenda also contains an Item 7, proposing a "Motion XXXX" adopting administrative procedures for determining whether to issue certificates of appropriateness, criteria for doing so, and delegation of authority to do so. Since the proposed Motion allows piecemealed approval of "minor work" within a single project that includes "major work" affecting historic resources, it does not comply with NEPA/NHPA, CEQA, and the Secretary of Interior's Standards for the Treatment of Historic Properties. Such administrative procedures should not conflict with those statutes or regulations for any reason. Additionally, such procedures may not in any way be preempted by other statutes or regulations. Without compliance with these laws, the Commission may not lawfully adopt the proposed Motion, and should therefore reject it.

Please distribute this Comment to all members of the Commission. Please also place me on all notice lists and provide advance notice of any actions on the above-described Project and its environmental review.

Sincerely, Mary Miles



Attorneys At Law

Russ Building / 235 Montgomery Street San Francisco / CA 94104

T.415.954.4400 / F 415.954.4480 ŵww.fbm.com

STEVEN L. VETTEI svettel@fbm.com

File 120726 Leg Clurk COB, cpage

D 415.954.4902

July 26, 2012

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

Re:

File No.120726

55 Laguna Certificates of Appropriateness

Opposition to Appeal by Save the Laguna Street Campus

Hearing: July 31, 2012

Dear President Chiu and Supervisors:

I am writing on behalf of Openhouse, Mercy Housing California and Wood Partners, the project sponsors of the 55 Laguna Street project, in opposition to the appeal filed by Cynthia Servetnick of Save the Laguna Street Campus ("SLSC"). SLSC is requesting that this Board overturn three Certificates of Appropriateness ("C/A's") issued by the Historic Preservation Commission ("HPC") on May 16, 2012 in its Motion No. 0157. The three C/A's approved alterations to Richardson Hall (Landmark #256) to convert it to affordable senior housing welcoming to the LGBT senior community to be owned and operated by Openhouse and Mercy Housing California; convert Woods Hall (Landmark #257) to rental family apartments; and convert Woods Hall Annex (Landmark #258) to a community center, all as components of the larger 55 Laguna project.

**Background.** The 55 Laguna project, which was approved by the Planning Commission and this Board in 2008 following certification of a comprehensive EIR, includes 330 rental apartments (including on-site BMR units), 110 affordable senior apartments and a senior activities center to be operated by Openhouse, public open space and community facilities, and retail space in seven (7) new buildings and the three (3) rehabilitated landmarks on the two-block former UC Berkeley Extension Campus in Hayes Valley. Earlier, in 2007, this Board landmarked Richardson Hall, Woods Hall and Woods Hall Annex, but declined to landmark the entire site, as requested by SLSC.

Dissatisfied with those decisions, SLSC succeeded in having the entire site listed on the National Register of Historic Places as the San Francisco State Teacher's College National Register Historic District (which the EIR acknowledged) and then sued the City in 2008 to

overturn the 2008 project approvals. Both the San Francisco Superior Court and the California Court of Appeal rejected SLSC's claims and upheld the City's EIR and project approvals, and the National Register listing does not prevent implementation of the project as approved.

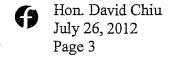
On August 16, 2012, the Planning Commission will consider some modifications to the prior approvals to authorize a redesigned site plan and architectural treatment for the seven (7) new buildings. On July 18, 2012, the HPC adopted a resolution generally supporting the new site plan and new building designs with some modifications, and also voted to support the Mayor's Office of Housing's National Environmental Policy Act ("NEPA") analysis and Memorandum of Understanding ("MOH") under Section 106 of the National Historic Preservation Act, actions necessary for MOH to use federal funds to support the affordable senior housing units.

The Appeal Has No Merit. SLSC fails to explain the grounds for its appeal in its one-sentence appeal letter dated June 15, 2012, and as of July 25 had not filed any briefing despite the Board's rule that appellants file briefs eight (8) days before a hearing. Nonetheless, we will attempt to respond to SLSC's appeal. We also join in the comprehensive Response filed by the Planning Department on July 23, 2012.

SLSC offers no substantive objection to the alterations to the three landmark buildings authorized by the HPC. SLSC does not object to alterations to the three landmarks approved by the HPC on May 16. Nor does SLCS indicate that those alterations could have any adverse effects on the landmarks. Attached hereto are drawings showing the minor exterior alterations to the three landmarks approved by the HPC.

The HPC also imposed numerous conditions of approval on the C/A's to assure conformance with Planning Code Art. 10 and the Secretary of the Interior's standards during the rehabilitation work. The 11 conditions are set forth on pages 2-3 of HPC Motion No. 0157. For example, these include the project team's continuous commitment to work with its preservation architect, Page & Turnbull, to comply with Mitigation Measure HR-3 of the EIR. That measure calls for a preservation architect to "assist with ensuring the compatibility of the new structures with the NR historic district and the retained individual historic resource buildings ... so as not to detract from the character of the NR historic district or the setting of the retained individual historic resource buildings." In addition, the rehabilitation work is subject to the other four Historic Resources Mitigation Measures set forth in the Final EIR and imposed in 2008 during the project's first approvals. SLCS does not object to these conditions or claim they are inadequate.

2. The HPC did not have jurisdiction to consider other issues during its C/A deliberations. The HPC only had permit jurisdiction over alterations to the three landmark buildings. *Planning Code* §1006.6(c). Listing in the National Register of the entire site did not confer any additional jurisdiction on the HPC (other than commenting on the MOH's NEPA/Section 106 document) or any additional regulatory restrictions on the City. While MOH is required to complete a NEPA analysis before using federal funds to support the affordable senior housing, that federal requirement does not alter the City's local land use

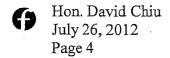


regulations. Accordingly, the C/A applications, hearing and decision by the HPC on May 16 were properly limited to the alterations proposed to the three landmarks.

SLSC claims that the HPC neglected to consider how the project might adversely affect the San Francisco State Teacher's College National Register Historic District, but does not explain how under Article 10 of the Planning Code, the HPC's decision regarding the three landmarks could have reached this more general matter. (The 2008 EIR did consider this issue, concluded that the project will by necessity adversely affect the National Register historic district, and the City accordingly adopted a Statement of Overriding Benefits overriding those impacts in 2008.) Further, SLSC does not provide grounds for its implied assumption that the HPC had jurisdiction to consider the 55 Laguna project "as a whole" during its deliberations on the appropriateness of the alternations to the three landmark buildings.

- 3. The HPC Did Consider the Broader 55 Laguna Project During its Deliberations on July 18, 2012. Ordinance No. 66-08, which amended the General Plan as part of the 2008 project approvals, requires the HPC to provide a recommendation to the Planning Commission on the compatibility of the seven (7) new buildings with the three (3) landmarks. On July 18, 2012, the HPC held a hearing on that issue and adopted a motion setting forth those recommendations. The HPC found the new buildings generally compatible with the landmarks and requested two design modifications, both of which the Planning Commission will consider on August 16. Accordingly, SLSC's desire for the HPC to weigh in the modified design for the entire site has occurred.
- 4. The HPC Did Consider the NEPA/Section 106 Documentation During its Deliberations on July 18, 2012. SLSC also claims that the HPC's C/A decisions were premature in that they did not consider MOH's concurrent NEPA/Section 106 documentation needed for its federal funding decisions. These issues were properly addressed by the HPC on July 18, 2012, as well. During that hearing, the HPC did consider the project as a whole, commented on and recommended approval of MOH's NEPA/Section 106 review, including one additional mitigation measure proposed by MOH. Moreover, this NEPA/Section 106 review process is not required for consideration by the HPC or any other local agency of how locally designated landmarks are altered. As more fully explained in the Planning Department's July 23, 2012, response to SLSC's appeal, approval of a C/A is not a "federal undertaking" subject to NEPA or Section 106. Accordingly, there was no reason for the HPC (or this Board on appeal) to delay its consideration of the C/A's until MOH completes it NEPA/Section 106 documentation.

SLSC is Alone in Attempting to Derail the 55 Laguna Project. SLSC, in particular Ms. Servetnick, is unrelenting in its continuing attempts to derail the 55 Laguna project despite its widespread support, unanimous approvals by the Planning Commission and Board of Supervisors in 2008, unanimous approval by the HPC in 2012, and validation by the courts. The 55 Laguna project will bring needed affordable senior housing welcoming to LGBT seniors, Openhouse's senior activities center, rental apartments with on-site BMR units, and



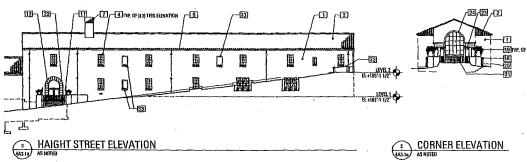
public amenities including a new park, community garden, community center and retail space to a currently vacant, blighted and inward-looking former college campus. The project is well-designed in compliance with the Market and Octavia Plan and the Planning Code, respects existing neighborhood character, does not adversely affect the character of the Lower Haight and Hayes Valley neighborhoods and adaptively reuses three City landmarks in conformance with Article 10 and the Secretary of the Interior's Standards.

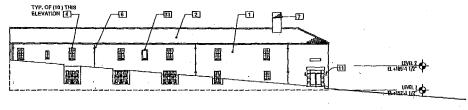
We request that the Board reject SLSC's appeal so that rehabilitation of the three City landmarks may move forward. Please contact me or any other member of our team prior to July 31 if we can provide you with any other information.

teven L. Vettel

cc: Cynthia Servetnick, Save the Laguna Street Campus Marlena Byrne, Deputy City Attorney Shelley Caltagirone, Planning Department Seth Kilbourn, Openhouse Brian Pianca and Tovey Giezentanner, Wood Partners Ramie Dare, Mercy Housing California Elisa Hernandez Skaggs, Page & Turnbull







BUCHANAN STREET ELEVATION
AS NOTED

# 55 LAGUNA

SAN FRANCISCO, CA

# BARARCHITECTS

543 Howard Street, San Francisco, CA 94105, T. 415 293 5700, F. 415 293 5701 WWW.BARARCH.COM



#### EXTERIOR ELEVATIONS GENERAL NOTES

- (E) FINISHES TO REMAIN UNLESS OTHERWISE NOTED.
- REPAIR (E) CEMENT PLASTER CRACKS, SPALLS, HOLES FROM REMOVED MECHANICAL & ELECTRICAL DEVICES, AND ALL OTHER CEMENT SECTION #1.
- repair (e) windows as indicated in window schedule and window repair specification.
- REFURBISH EXISTING GUTTERS AS INDICATED IN
- SEE CIVIL AND LANDSCAPE DRAWINGS FOR SITE GRADING.

- (E) CEMENT PLASTER
- (E) CLAY TILE ROOF.
- 3 (E) NON-HISTORIC ALUM. WINDOW
- (E) HISTORIC WOOD WINDOW
- REPLACE (E) NON HISTORIC ALUM, WINDOW WITH (M) WOOD WINDOW TO MATCH HISTORIC WOOD WINDOW
- IFI CHIMNEY EXHAUST
- (E) MECHANICAL EXHAUST & RETAINING WALL
- (N) RAMP, SEE LANDSCAPE & CIVIL DWGS.
- (N) EXTERIOR WALL MYD. LIGHT
- (N) DECORATIVE METAL GATE, SEE LANDSCAPE DRAWIN

- (N) WOOD WINDOW WITH LOWERED SILL, SIMILAR TO ADJACENT, DRIGINAL WINDOWS
- JEJ LOUVER, SEE WINDOW SCHEDULE
- ΠŹ (N) 000R
- 18
- (E) HISTORIC URN, PROTECT GURING DEMOLITION &

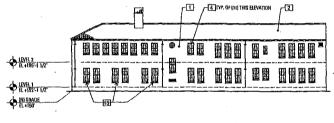
- (E) HISTORIC LOBBY TO BE RETAINED, INCLUDING PLAN CONFIGURATION, AND EXPOSED DAFTERS AND PUBLISS
- (E) HISTORIC ARCHED NICHE & HONIC COLUMNS
- (ELHISTORIC BAY WINDOW TO REMAIN
- (E) ARCHED ENTRY W/ COLUMNS & CAPITALS TO REMARK
- (E) BAY WINDOW TO REMAIN
- (N) ALUMINUM WINDOWS IN (E) OPENINGS, WITH SIMILAR OPERATION AS CURRENT WINDOWS.
- [33] (N) SINGLE LITE WOOD WINDOW

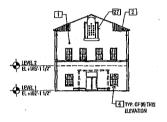
**WOODS HALL BUILDING 4a** 

**EXTERIOR ELEVATIONS** 

07.10.2012

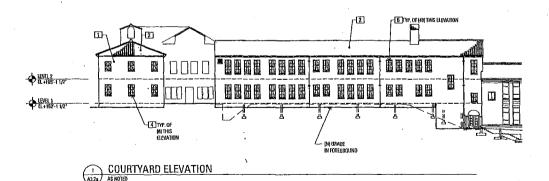
4A3.1a











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REPAIR (E) CEMENT PLASTER CRACKS, SPALLS, HOLES FROM REMOVED MECHANICAL & ELECTRICAL DEVICES, AND ALL OTHER CEMENT PLASTER REQUIRING PATCHING. SEE SPEC.

EXTERIOR ELEVATIONS

GENERAL NOTES

REPAIR IEI WINDOWS AS INDICATED IN WINDOW SCHEDULE AND WINDOW REPAIR SPECIFICATION.

(E) FINISHES TO REMAIN UNLESS OTHERWISE NOTED.

REFURBISH EXISTING GUTTERS AS INDICATED IN

SEE CIVIL AND LANDSCAPE DRAWINGS FOR SITE GRADING.

SHEET NOTES

(E) CEMENT PLASTER

(E) CLAY TILE ROOF.

(E) NON-HISTORIC ALUM, WINDOW.

(E) HISTORIC WOOD WINDOW.

REPLACE (E) NON HISTORIC ALUM, WINDOW WITH (N) WOOD WINDOW TO MATCH HISTORIC WOOD WINDOWS.

TZUAHXA YAMMUN IAL

(N) HAMP, SEE LANDSCAPE & CIVIL DWGS.

IN) DECORATIVE BAIL

INI DECORATIVE METAL GATE, SEE LANDSCAPE DRAWINGS

(N) ENCLOSED PATIO W/ METAL GATE

(N) WOOD WINDOW WITH LOWERED SILL, SIMILAR 15 TO ADJACENT, ORIGINAL WINDOWS

(E) LOUVEN, SEE WINDOW SCHEOULE 16

[17]

(E) HISTORIC URN. PROTECT DURING DEMOLITION & CONSTRUCTION 19

(E) LOW WALL W/ NEW OPENING

REFURBISH (E) DECORATIVE METAL GRULL

22

(E) IKSTORIC LOBBY TO BE RETAINED, INCLUDING PLAN CONFIGURATION, AND EXPOSED RAFIERS AND PUBLINS

REFURBISH (E) HISTORIC LIGHT FIXTURES

(E) HISTORIC ARCHED NICHE & IONIC COLUMNS

(E) HISTORIC BAY WINDOW TO REMAIN

(E) ARCHED ENTRY W/ COLUMNS & CAPITALS TO REMAIN

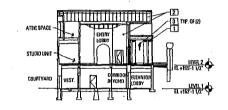
IEI BAY WINDOW TO REMAIN

(N) ALUMINUM WINDOWS IN (E) OPENINGS, WITH SIMILAR OPERATION AS CURRENT WINDOWS.

33 IN SINGLE LITE WOOD WINDOW

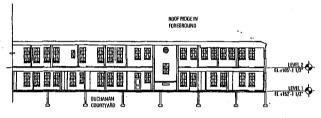
**WOODS HALL BUILDING 4a EXTERIOR ELEVATIONS** 

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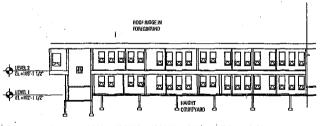


SECTION THROUGH LOBBY

A323 AS NOTED



2 SECTION THROUGH BUCHANAN STREET CORRIDOR AS NOTED



SECTION THROUGH HAIGHT STREET CORRIDOR
AS NOTED

55 LAGUNA

SAN FRANCISCO, CA

# **WOODS HALL BUILDING 4a SECTIONS**

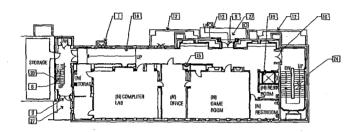
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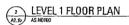
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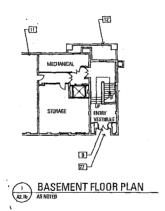
(E) FINISHES TO REMAIN UNLESS DTHERWISE NOTED,

REFURBISH (E) HISTORIC LIGHT FIXTURES

4A3.3a







55 LAGUNA

SAN FRANCISCO, CA

#### FLOOR PLAN GENERAL NOTES

- A. NOTES INDICATE (N) WORK UNLESS OTHERWISE NOTED.
- B. INSTALL BATT IMSULATION FOR SOUND ATTENUATION AT ALL (IN) PARTITIONS AND AT ALL (E) PARTITIONS (AND PORTIONS THERE OF THAT ARE OPENED DURING CONSTRUCTION, SEE SPECIFICATION
- C. ALL DOORS ARE (N) UNLESS OTHERWISE NOTED.
- SHEET NOTES I. (E) LIGHT WELL 2. (E) FOUNDATION 3. IN SEPARATION WALL BETWEEN ANNEX AND WOODS HALL 4. NOT USED 6. 7, NOT USED 8. IE) EXHAUST CHIMNEYS & RETAINING WALL 13. 14. (E) RAMI NOT USED [0.] IF: WINDOW 21 27 LEVEL LANDING @ ENTRY

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WOODS HALL ANNEX BUILDING 4b BASEMENT & LEVEL 1 FLOOR PLAN

FLOOR PLAN GENERAL NOTES

- A. NOTES INDICATE (N) WORK UNLESS OTHERWISE NOTED.
- B. INSTALL DATT INSULATION FOR SOUND ATTENUATION AT ALL (N) PARITHONS AND AT ALL (E) PARITHONS (AND PORTIONS THERE OF THAT ARE OPERED DURING CONSTRUCTION. SEE SPECIFICATION
- C. ALL DOORS ARE IN) UNLESS OTHERWISE NOTED.

SHEET NOTES

- Ž. JEJ TOUNDATION
- 3. IN SEPARATION WALL BETWEEN ANNEX AND WOODS HALL
- 4. NOT USED
- 5. NOT USED
- 7.

- (E) EXHAUST CHIMNEYS & RETAINING WALL

- (E) FOUNTAIN
- (N) HOLD-OPEN DOORS 16.
- 17. NOT USED
- 18. (E) WINDOW
- 19.
- 21. NOT USED

- (C) HISTORIC MURAL BY REUBEN KADISH

LEGEND



WOODS HALL ANNEX BUILDING 4b **LEVEL 2 FLOOR PLAN** 

55 LAGUNA

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07.10.2012



- INSPECT IEI FLASHING AT BASE OF ALL ROOFTOP PROTRUSION, HEPAIR AS REQUIRED.
- REMOVE (E) CLAY THE & SALVAGE FOR REUSE. INSPECT (E) PLYWOOD SUBSTRATE FOR CODE COMPLIANCE. INSTALL IN! MEMBRANE. REINSTALL (E) CLAY THE PER SPECHICATIONS REPLACE BROKEN TIKE WITH (N) TO MATCH (E).

- 3 (F) CHIMNEY EXHAUST
- (E) MECHANICAL EXHAUST & RETAINING WALL BELOW

55 LAGUNA

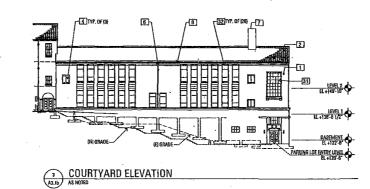
SAN FRANCISCO, CA

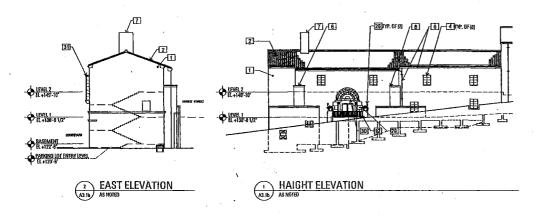
**WOODS HALL ANNEX BUILDING 4b ROOF PLAN** 

BARARCHITECTS









EXTERIOR ELEVATIONS

GENERAL NOTES . IE) FINISHES TO REMAIIN UNLESS OTHERWISE NOTED.

REPAIR (E) CEMENT PLASTER CRACKS, SPALLS, HOLES FROM BEMOVEO MECHANICAL & ELECTRICAL DEVICES, AND ALL OTHER CEMENT

REPAIR (E) WINDOWS AS INDICATED IN WINDOW SCHEDULE AND WINDOW REPAIR SPECIFICATION.

REFURBISM EXISTING GUTTERS AS INDICATED IN SPECIFICATION #.

SEE CIVIL AND LANDSCAPE DRAWINGS FOR SITE GRADING.

(E) CEMENT PLASTER

(E) CLAY TILE ROOF. 2

(E) NON-HISTORIC ALUM. WINDOW

REPLACE (E) NON HISTORIC ALUM, WINDOW WITH (N) WOOD WINDOW TO MATCH HISTORIC WOOD WINDO

(E) MECHANICAL EXHAUST & RETAINING WALL

(N) HAMP. SEE LANDSCAPE & CIVIL DWGS

INI EXTERIOR WALL MTG. LIGHT

INI DECORATIVE METAL GATE, SEE LANDSCAPE DRAWINGS

14 INI ENCLOSED PATIO W/ METAL GATE

(N) WOOD WINDOW WITH LOWERED SILL, SIMILAR TO ADJACENT, ORIGINAL WINDOWS

[16]

17

18

(E) FRSTORIC URN, PROTECT BURING DEMOLITION & CONSTRUCTION

(E) LOW WALL W/ NEW OPENING

[2] REFURBISH (E) DECORATIVE METAL GRILL

22

IEI HISTORIC PILASTERS

IF) HISTORIC LOBBY TO BE RETAINED, INCLUDING PLAN

REFUNDISH (E) HISTORIC LIGHT FIXTURES

29

LE) ARCHED ENTRY W/ COLUMNS & CAPITALS TO REMAIN

IN) ALUMINUM WINDOWS IN (E) OPENINGS, WITH SIMILAR OPERATION AS CURRENT WINDOWS.

33 (N) SINGLE LITE WOOD WINDOW

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SAN FRANCISCO, CA

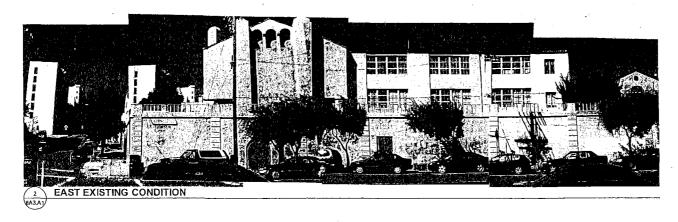
**WOODS HALL ANNEX BUILDING 4b EXTERIOR ELEVATIONS** 

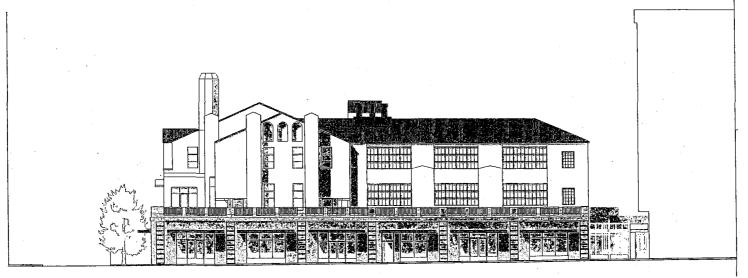
BARARCHITECTS



07.10.2012

10070





MATERIAL LIST

- 1 (E) CEMENT PLASTER
- 2 (E) HISTORIC METAL WINDOWS TO REMAIN
- 3a (N) ALUMINUM WINDOW IN HISTORIC OPENING 3b (N) ALUMINUM WINDOW IN (E) OPENING
- 3c (N) ALUMINUM WINDOW IN (N) OPENING
- 4 (N) ALUMINUM STOREFRONT SYSTEM
- 5 (E) HISTORIC METAL GUARDRAIL TO REMAIN
- 6 (N) METAL GUARDRAIL
- 7 (N) METAL CANOPY
- 8 (E) MISSION TILE ROOF
- 9 (N) EXTERIOR DOOR
- 10 (N) WALL TO MATCH (E)
- 11 (N) SPANDREL PANEL
- 12 (E) METAL CAP
- 13 (E) LOUVERED VENT

EAST EXTERIOR ELEVATION SCALE: 3/16" = 1'-0"



55 LAGUNA

SAN FRANCISCO, CA

Richardson Hall - Building 6

**East Elevation** 

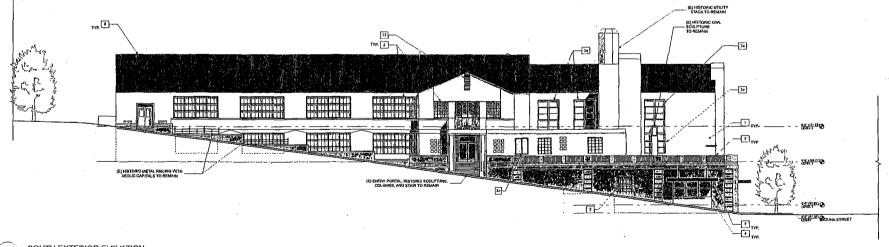












SOUTH EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

55 LAGUNA SAN FRANCISCO, CA

Richardson Hall - Building 6

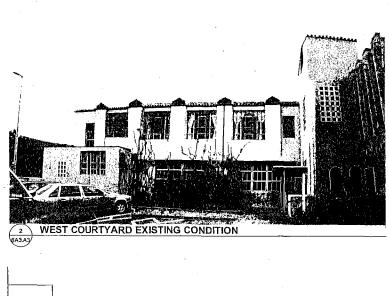
**South Elevation** 

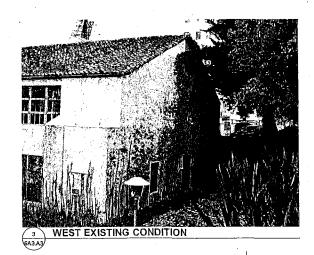
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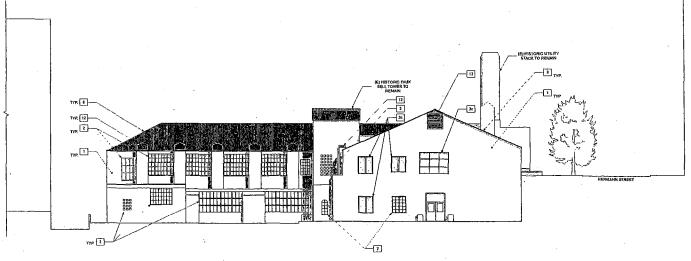












#### MATERIAL LIST

- 1 (E) CEMENT PLASTER
- [2] (E) HISTORIC METAL WINDOWS TO REMAIN 3a (N) ALUMINUM WINDOW IN HISTORIC OPENING
- 3b (N) ALUMINUM WINDOW IN (E) OPENING
- 3c (N) ALUMINUM WINDOW IN (N) OPENING
- (N) ALUMINUM STOREFRONT SYSTEM
- (E) HISTORIC METAL GUARDRAIL TO REMAIN
- 8 (N) METAL GUARDRAIL
- 7 (N) METAL CANOPY
- 8 (E) MISSION TILE ROOF
- 9 (N) EXTERIOR DOOR
- 10 (N) WALL TO MATCH (E) 11 (N) SPANDREL PANEL
- 12 (E) METAL CAP
- 13 (E) LOUVERED VENT

WEST EXTERIOR ELEVATION SCALE: 3/16" = 1'-0"



55 LAGUNA

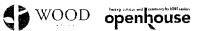
SAN FRANCISCO, CA

Richardson Hall - Building 6

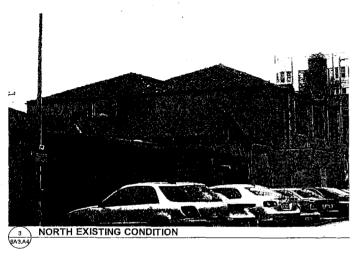
West Elevation

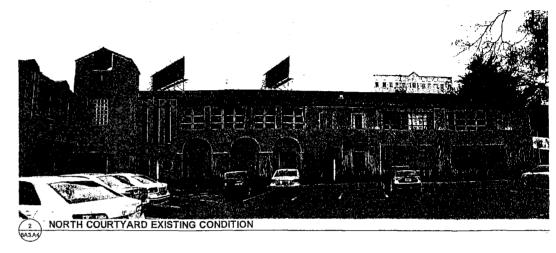












MATERIAL LIST

(E) CEMENT PLASTER

3c (N) ALUMINUM WINDOW IN (N) OPENING

6 (N) METAL GUARDRAIL

7 (N) METAL CANOPY

8 (E) MISSION TILE ROOF

9 (N) EXTERIOR DOOR

10 (N) WALL TO MATCH (E)

11 (N) SPANDREL PANEL

12 (E) METAL CAP [13] (E) LOUVERED VENT

> NORTH EXTERIOR ELEVATION SCALE: 3/1β" = 1'-0" SAN FRANCISCO, CA 55 LAGUNA

Richardson Hall - Building 6

**North Elevation** 

— 🗓 m

,—**3** 

VAN METER Williams Pollack#









To:

Joy Lamug/BOS/SFGOV, Nicole Lyshorn/BOS/SFGOV,

Cc:

Bcc:

File 120726; Supplemental Documentation Re: Appeal of CofA Nos. 257, 258, & 259;

Subject: Richardson Hall, Woods Hall, & Woods Hall Annex at 55 Laguna Street [File No. 120726,

Planning Case No. 2012.0033A1

From:

Cynthia Servetnick < cynthia.servetnick@amail.com>

To:

David.Chiu@sfgov.org, "Supervisor Eric L. Mar" < Eric.L.Mar@sfgov.org>,

Malia.Cohen@sfgov.org, scott.wiener@sfgov.org, Mark.Farrell@sfgov.org, "Carmen.Chu" <Carmen.Chu@sfgov.org>, jane.kim@sfgov.org, "Sean.Elsbernd" <Sean.Elsbernd@sfgov.org>,

Supervisor David Campos <a href="mailto:david.campos@sfgov.org">david.campos@sfgov.org</a>, John.Avalos@sfgov.org,

Christina.Olaque@sfgov.org, Board.of.Supervisors@sfgov.org,

Cc:

"Molins, Ernest" < Ernest. Molins@hud.gov>, "Woodward, Lucinda" < lwoodward@parks.ca.gov>,

ddutschke@parks.ca.gov, rnelson@achp.gov, ljohnson@achp.gov, "marlena.byrne"

<marlena.byrne@sfgov.org>, "Steven L. Vettel" <svettel@fbm.com>, Eugene.Flannery@sfgov.org,

Shelley P Caltagirone <Shelley.Caltagirone@sfgov.org>, Tim Frye <Tim.Frye@sfgov.org>, Save\_UCBE\_Laguna\_St\_Campus <Save\_UCBE\_Laguna\_St\_Campus@yahoogroups.com>, sfpreservationconsortium <sfpreservationconsortium@yahoogroups.com>, Mike Buhler

<mbuhier@sfheritage.org>

Date:

07/31/2012 09:50 AM

Subject: Supplemental Documentation Re: Appeal of CofA Nos. 257, 258, & 259: Richardson Hall, Woods

Hall, & Woods Hall Annex at 55 Laguna Street [File No. 120726, Planning Case No. 2012.0033A]

Honorable President Chiu and Members of the Board:

Attached for your reference please find links to the below-listed supplemental documentation regarding our appeal of the Historic Preservation Commission's approvals of Certificate of Appropriateness Nos. 257, 258 & 259: Richardson Hall, Woods Hall, & Woods Hall Annex at 55 Laguna Street [File No. 120726, Planning Case No. 2012.0033A].

Sincerely,

Cynthia Servetnick, Director Save the Laguna Street Campus

Supplemental Documentation:

218 Buchanan St. Addendum to 55 Laguna St. EIR https://www.box.com/shared/static/857c79c399e25391efff.pdf

AR-M550U 20120511 103603 CLG Agreement https://www.box.com/shared/static/364d3fe8c4f2830252ed.pdf

Citywide Affordable Housing Loan Program https://www.box.com/shared/static/08bae512c563297ef622.pdf

HPC Charter Amend FINAL (6th Draft) 7-29-08 https://www.box.com/shared/static/bc9488f2c8499574c375.pdf

HPC Transcript 5-16-12 https://www.box.com/shared/static/f50b8975165b483f6132.pdf

Lippe Letter to BOS 3-31-08 https://www.box.com/shared/static/9b4bee8bdld6abe27222.pdf

Miles Comment 5-16-12

https://www.box.com/shared/static/3bd6dac44b36a8d0fe70.pdf

Openhouse Loan Approval https://www.box.com/shared/static/8760afb667e46095da4b.pdf

PAFINAL

https://www.box.com/shared/static/9317ad6605089f22a9b7.pdf

StLSC Email to HPC 5-16-12 https://www.box.com/shared/static/la84fffdld467754b5be.pdf



Outcome Re: Appeal of CofA Nos. 257, 258, & 259: Richardson Hall, Woods Hall, & Woods Hall Annex at 55 Laguna Street [File No. 120726, Planning Case No. 2012.0033A]

David.Chiu, Supervisor Eric L. Mar,
Cynthia Servetnick to: Malia.Cohen, scott.wiener, Mark.Farrell,
Carmen.Chu, jane.kim, Sean.Elsbernd,
"Molins, Ernest", "Woodward, Lucinda", ddutschke, rnelson,

08/02/2012 08:59 AM

"Molins, Ernest", "Woodward, Lucinda", ddutschke, rnelson,
Cc: ljohnson, "marlena.byrne", "Steven L. Vettel", Eugene.Flannery,
Shelley P Caltagirone, Tim Frye, Save\_UCBE\_Laguna\_St\_Campus,

#### F.Y.I.

On Tuesday, July 31, 2012, the San Francisco Board of Supervisors voted 10-0 to uphold the Historic Preservation Commission's Certificates of Appropriateness for Wood Partners, Mercy Housing California and openhouse's 55 Laguna Mixed Use Project on leased land from the University of California within the San Francisco State Teacher's College National Register Historic District. Save the Laguna Street Campus' testimony follows:

July 31, 2012

San Francisco Board of Supervisors Agenda Items 49, 50, 51 and 52: Appeal of the Historic Preservation Commission Approvals of the Certificates of Appropriateness for San Francisco Landmark Nos. 257 (Richardson Hall), 258 (Woods Hall) and 259 (Woods Hall Annex) at 55 Laguna Street [BOS File Nos. 120726, 120727, 120728, and 120729]

Testimony of Mike Boyd, Member, Save the Laguna Street Campus - Appellant

#### Bullet Points Follow:

- 1) For your reference, additional background documents were sent to the Board via email this morning.
- 2) The project approval process is "piece-mealed" and precludes a comprehensive analysis of alternatives and mitigation under the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA).
- 3) The issuance of the Certificates of Appropriateness (CofAs) is premature because the State Historic Preservation Officer (SHPO) has not commented on the 55 Laguna Mixed Use Project (Project) via the Section 106 process, specifically, but not limited to:
- The treatment of the sliced-wall between Richardson Hall Annex and the proposed openhouse building (Richardson Hall)
- The unnecessary demolition of the community theater in Richardson Hall; and
- The art preservation/mitigation.
- 4) This is one project and the impacts to the entire San Francisco State Teacher's College National Register Historic District (National Register District) should be considered as a whole in addition to the Area of Potential Effect (APE).
- 5) The Environmental Assessment (EA) has not been issued yet and the

following alternatives have not been evaluated under NEPA:

- The Project as analyzed in the 2008 EIR affords the option of retaining Middle Hall reducing impacts to the National Register District;
- The "No Project Alternative;" and
- The reuse of the buildings by the University of California retaining the integrity of the National Register District per J. Kevin Hufferd. See "Lippe Letter to BOS 3-31-08."
- 6) Any changes to the local landmarks recommended by the SHPO, the Advisory Council on Historic Preservation (ACHP) or via the NEPA process would require amendments to the CofAs to ensure consistency.
- 7) The May 8, 2012 California Environmental Quality Act (CEQA) addendum does not address changes to the Project as a whole and does not satisfy the requirements of NEPA/NHPA when combined with the 2008 Environmental Impact Report (EIR).
- 8) The CofAs are discretionary decisions/entitlements/project approvals.
- 9) The Project cannot be found compatible with the National Register District when it will adversely impact it causing the District to no longer be eligible for listing because it will lose its integrity.
- 10) Per the "Historic Preservation Commission (HPC) Transcript 5-16-12," last minute changes to the CofA drawings and specifications were distributed at the approval hearing that the HPC and the public did not have the opportunity to review in advance.
- 11) Finally, the Friends of 1800 initiated the nomination of the San Francisco State Teacher's College Historic District to the National Register in 2006. Save the Laguna Street Campus (StLSC), a California Nonprofit Public Benefit Corporation, took over the nomination process and raised the remaining funds to pay historians Vincent Marsh and Carol Roland-Nawi to complete the work which resulted in listing in January 2008. The former Landmarks Preservation Advisory Board (LPAB) voted in favor of listing the District in the National Register and over 800 signatures were collected supporting the preservation and adaptive reuse of the District in compliance with the Secretary of the Interior's Standards.

Additional Documentation Follows:

StLSC Testimony 7-31-12

https://www.box.com/shared/static/d73c27609da1c45600ee.pdf

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55 Laguna Appeal Response Final
https://www.box.com/shared/static/e0ec971366abf3e31e0d.pdf
2012-07-26 Letter to SF BOS re 55 Laguna Certificates of Appropriateness
https://www.box.com/shared/static/fa0ca4f35f97cbad4ec5.pdf
Attachment A
https://www.box.com/shared/static/b248dc73fbc4c7896f9c.pdf
Attachment B
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Attachment C
https://www.box.com/shared/static/e1b0a35c4cdf0b3e206a.pdf
On Tue, Jul 31, 2012 at 9:50 AM, Cynthia Servetnick
<cynthia.servetnick@gmail.com> wrote:
> Honorable President Chiu and Members of the Board:
> Attached for your reference please find links to the below-listed
> supplemental documentation regarding our appeal of the Historic
> Preservation Commission's approvals of Certificate of Appropriateness
> Nos. 257, 258 & 259: Richardson Hall, Woods Hall, & Woods Hall Annex
> at 55 Laguna Street [File No. 120726, Planning Case No. 2012.0033A].
> Sincerely,
> Cynthia Servetnick, Director
> Save the Laguna Street Campus
> Supplemental Documentation:
> 218 Buchanan St. Addendum to 55 Laguna St. EIR
> https://www.box.com/shared/static/857c79c399e25391efff.pdf
> AR-M550U 20120511 103603 CLG Agreement
> https://www.box.com/shared/static/364d3fe8c4f2830252ed.pdf
> Citywide Affordable Housing Loan Program
> https://www.box.com/shared/static/08bae512c563297ef622.pdf
> HPC Charter Amend FINAL (6th Draft) 7-29-08
> https://www.box.com/shared/static/bc9488f2c8499574c375.pdf
> HPC Transcript 5-16-12
> https://www.box.com/shared/static/f50b8975165b483f6132.pdf
> Lippe Letter to BOS 3-31-08
> https://www.box.com/shared/static/9b4bee8bdld6abe27222.pdf
> Miles Comment 5-16-12
> https://www.box.com/shared/static/3bd6dac44b36a8d0fe70.pdf
> Openhouse Loan Approval
> https://www.box.com/shared/static/8760afb667e46095da4b.pdf
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> StLSC Email to HPC 5-16-12 > https://www.box.com/shared/static/la84fffdld467754b5be.pdf

<u>To</u>:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: Shootings and killings on San Bruno Avenue.

From:

Francisco Da Costa <fdc1947@gmail.com>

To:

"\"David Campos\"" <David.Campos@sfgov.org>, Malia Cohen <Malia.Cohen@sfgov.org>, Greg

Suhr <greg.suhr@sfgov.org>, Edwin Lee <Edwin.Lee@sfgov.org>, John Loftus <John.Loftus@sfgov.org>, David Chiu <David.Chiu@sfgov.org>, SFBOS BOS

<board.of.supervisors@sfgov.org>,

Date:

08/01/2012 07:27 AM

Subject:

Shootings and killings on San Bruno Avenue.

#### David:

You better sit down with Malia Cohen who has not represented District 10. We now have serious shootings and killings over spilling into District 9 - following the new SF District boundaries - to keep the boundaries exact.

As I have been saying NOT anyone can represent.

Malia Cohen is only good at running her mouth and finding photo opportunities to have her mug displayed in the Main Media.

Malia made a big deal about Stop and Frisk. But, she has not initiated nor invested in meaningful Community Policing. Right now; by not performing in District 10 - she with intent - because of her ineptness - is adversely impacting District 9 in a big way.

David you better sit down with this woman and discuss with her - what is she doing to curtail crime in a meaningful way - community policing - she personally walking the streets and talking to her constituents and the lackeys that support her to receive grants.

Right now all she does is pussyfooting - but not for long. People are fed up with her.

The Portola District has thousands of home owners who have been paying millions in dollars in taxes. We want to protect our Quality of Life - and not encourage "thugs" to rule our lives.

Some of us - have kept crime at bay. In the last 9 months - crimes of all sorts have increased.

Not too long ago - a shooting in broad daylight by the Walgreens by Felton Street and San Bruno Avuenue - now this one at night around 10:30 pm - on San Bruno the 3000 Block.

Before Malia Cohen heads somewhere for some vacation - which she is prone to grab - given the

slightest opportunity. Malia Cohen simply cannot represent decent people more families with children. Her

mind set favors corruption of the highest order. And more she is inept, shallow, and spineless.

Francisco Da Costa

Director

**Environmental Justice Advocacy** 



# Adverse Public Comment Not Included in Board Agenda Packet Re: Planning Code Amendments Creating a New Definition of Student Housing [BOS File 111374]

David.Chiu, Supervisor Eric L. Mar,

Cynthia Servetnick to: Malia.Cohen, scott.wiener, Mark.Farrell,

07/31/2012 09:54 PM

Carmen.Chu, jane.kim, Sean.Elsbernd, Cc: Alisa.Miller, AnMarie Rodgers, BOS SOTF, sfpreservationconsortium

Honorable President Chiu and Members of the Board:

The below adverse public comment was not included in the 7/31/12 Board Agenda Packet for the Planning Code Amendments Creating a New Definition of Student Housing sponsored by Supervisor Scott Wiener [BOS File 111374] per:

http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/bosagendas/materials/bag073112 111374.pdf

Linda Chapman of the Coalition for San Francisco Neighborhoods and Nob Hill Neighbors spoke against the ordinance. Were there other adverse written public comments that did not make it into the Board Agenda Packet? If so, they should be posted as correspondence to the Board so that the public can easily understand the objections.

Sincerely,

Cynthia Servetnick District 3 Resident

[NOTE: Cross Reference Sunshine Ordinance Task Force hearing on Case 12027: SF Preservation Consortium v. Supervisor Wiener which was filed by Cynthia Servetnick, eGroup Moderator and has been postponed for three months without explanation.]

----Original Message-----

From: CYN

To: Supervisor Eric L. Mar

To: Malia.Cohen@sfgov.org

To: scott.wiener@sfgov.org

Cc: Alisa.Miller@sfgov.org

Cc: David.Chiu@sfgov.org

Cc: Christina.Olague@sfgov.org

Cc: Mark.Farrell@sfgov.org

Cc: Carmen.Chu

Cc: jane.kim@sfgov.org

Cc: Sean. Elsbernd

Cc: Supervisor David Campos

Cc: John.Avalos@sfgov.org

Cc: dean@tenantstogether.org

Cc: ted@sftu.org

Cc: Calvin Welch

Subject: Planning Code Amendments Creating a New Definition of Student

Housing [BOS File 111374]

Sent: Jul 23, 2012 12:38 AM

Chair Mar and Honorable Supervisors Cohen and Wiener:

While Supervisor Wiener's proposed student housing ordinance

encourages post-secondary schools to build student housing limiting competition with affordable housing demand for City residents, it still allows the unnecessary limited conversion of existing dwelling units into student housing.

The ordinance amends Section 317 of the Planning Code to permit conversion of residential units into student housing if the residential use is on a lot directly adjacent to the post-secondary educational institution provided the lot has been owned by said institution for at least ten years as of the effective date of the ordinance, or as of August 10, 2010, it was owned, operated or otherwise controlled by said institution that had an Institutional Master Plan on file with the Planning Commission where the occupancy by those other than students at that date was less than 20% of the total occupants.

This exception, along with the proposed definition of student housing to include small efficiency dwellings with individual kitchens and bathrooms in addition to group housing, place residential buildings and Single Room Occupancy hotels adjacent to institutions such as the Academy of Art University at risk of conversion to non-rent-controlled student housing. Students are currently able to rent such units. Given the scarcity of this type of affordable housing stock, no conversions should be permitted. The proposed ordinance effectively "spot zones" ever-widening student housing zones adjacent to post-secondary educational institutions—this loophole should be eliminated.

Sincerely,

Cynthia Servetnick District 3 Resident



111374: Student Housing-- Amend ordinance to eliminate "Grandfathering" Li Chapman

Scott.Weiner@sfgov.org, david.chiu@sfgov.org, Eric.L.Mar@sfgov.org, Malia.Cohen@sfgov.org, Christina.Olague@sfgov.org, David.Campos@sfgov.org, John.Avalos@sfgov.org, Jane.Kim@sfgov.org, Carmen.Chu@sfgov.org, Sean.Elsbernd@sfgov.org, Mark.Farrell@sfgov.org, Board.of.Supervisors@sfgov.org 07/29/2012 11:57 PM

Cc:

"Andres.Power@sfgov.org", "judson.true@sfgov.org", "amy.chan@sfgov.org", "john.rahaim@sfgov.org"

Hide Details

From: Li Chapman < licwa@yahoo.com > Sort List...

To: "Scott.Weiner@sfgov.org" <Scott.Weiner@sfgov.org>, "david.chiu@sfgov.org"

<david.chiu@sfgov.org>, "Eric.L.Mar@sfgov.org" <Eric.L.Mar@sfgov.org>,

"Malia.Cohen@sfgov.org" < Malia.Cohen@sfgov.org>, "Christina.Olague@sfgov.org"

<Christina.Olague@sfgov.org>, "David.Campos@sfgov.org" <David.Campos@sfgov.org>,

"John.Avalos@sfgov.org" < John.Avalos@sfgov.org>, "Jane.Kim@sfgov.org"

<Jane.Kim@sfgov.org>, "Carmen.Chu@sfgov.org" <Carmen.Chu@sfgov.org>,

"Sean.Elsbernd@sfgov.org" <Sean.Elsbernd@sfgov.org>, "Mark.Farrell@sfgov.org"

<Mark.Farrell@sfgov.org>, "Board.of.Supervisors@sfgov.org".

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

Cc: "Andres.Power@sfgov.org" < Andres.Power@sfgov.org>, "judson.true@sfgov.org"

<judson.true@sfgov.org>, "amy.chan@sfgov.org" <amy.chan@sfgov.org>,

"john.rahaim@sfgov.org" <john.rahaim@sfgov.org>

Please respond to Li Chapman < licwa@yahoo.com>

FOR: Board of Supervisors FROM: Linda Chapman

Please amend the ordinance to eliminate grandfathering Art Institute-- or other heretofore unauthorized removal of existing housing from protections of the city's rent control law, or residential hotel conversion controls.

The Student Housing ordinance was recommended by the Land Use Committee with most damaging amendments eliminated -- except for the "grandfather" provision t hat Hiroshi Fukuda and I objected to for CSFN.

We were assured just one building qualifies-- and Planning Commissioners directed the exemption for the Art Institute (on Nob Hill like AAU "student housing"). Supervisor Weiner's office and the planner clarified that they did what the commission directed for the Art Institute.

Hiroshi asked how do you know other buildings don't fit the definition devised to grandfather one-- you discovered this one when the school brought it to your attention.

If "one"-- it is arbitrary to exempt one building owner, one institution arguing it is "old" and "nonprofit." Art Institute "converted" existing housing like AAU-- but says it had an Institutional Master Plan in place earlier.

The building identified "Art Institute" looks like a hotel. Robert Garcia believed it was a residential hotel.

How are protections for rent control and permanent residency in a residential hotel affected in this case?

Student tenancies can qualify as residential use (contrast to prohibited tourist use). No objections were raised to students renting protected units. The intent is to stop institutions arranging exclusive use for students, precluding other residents, and precluding permanent residence for everyone.

The ordinance should protect existing housing, and promote housing construction or reuse commercial buildings.

How is a "grandfather" amendment to remove any building from protected rental housing stock consistent with the intent? How is it justified by a school filing its Institutional Master Plan before AAU?

### Otherwise, can a nonprofit agency later appeal a "Student Housing" permit, in spite of the ordinance?

- 1. For example, could one successfully argue the exemption contravened other laws: provisions for residential rent control and eviction protections-- in the general ordinance and the residential hotel protection law, both intended to allow permanent residence (absent a just cause for eviction)?
- 2. If residential hotel units are removed from housing protected by rent control, available for the public (including students) to establish permanent residence, how is the requirement to replace SRO units obviated?
- 3. What became of previous residents of a building claimed for student housing-- if not unlawful eviction?

Filing an IMP does not confer a right to "convert" residential hotels to exclusive student use. If a residential hotel changed to student use, how were replacement units provided?

Institutions acquired no right-- but arranged rentals to evade renter protection laws and seemed to contravene fair housing laws with practices that exclude renters based on age or family status. Even religious institutions that managed housing for young urban women were required to stop making tenants leave at 35, or had to accept men.

### Parallel loss of housing stock: short-term rentals--

It is appropriate to eliminate "grandfather" provisions from the Student Housing law because of a parallel situation where dwelling units were withdrawn from the supply of rent controlled housing with no public process to confer entitlement. It is a bad precedent to allow grandfathering for Student Housing, while this situation is unresolved.

- 1. The ordinance passed to protect dwelling units from commercial use for tourists and business travelers was eviscerated by a deputy city attorney, after approved by BOS (two occasions), and no successful court challenge. Later amendment of the defective Code section was so ineffective that 1000's of dwelling units continued to operate as short-term rentals, and more turned into transient use.
- 2. "Conversions" occurred with no public notice, no public process.
- 3. No law or procedure conferred entitlement.
- 4. "Conversion" contravened the rent law.
- 5. A commercial use violates zoning where a hotel-like use is prohibited or requires C.U. authorization.
- 6. These businesses evade a transient tax, and unfairly compete with hotels that have labor contracts and pay the tax.

### Linda Chapman

1316 Larkin St 94109 516-5063 cell



<u>To:</u>

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: For BOS package SEPT 4, 2012

Winchell Quock <winchellq@sbcglobal.net>

To: Board.of.Supervisors@sfgov.org,

Date:

From:

08/27/2012 11:57 AM

Subject: For BOS package SEPT 4, 2012

August 27, 2012

Dear San Francisco Board of Supervisors,

Greetings from the University Terrace Neighborhood.

Except for Section 317(b)(1)(ii) the New Definition of Student Housing Ordinance generally improves San Francisco. To make the Ordinance more fair the object of Section 317(b)(1)(ii) should be changed from "facility" to "housing" because

- 1. "Housing" is more specific and therefore more in keeping with "very limited" amendments as written on Page 5 of the Planning Commission Resolution No. 18652 and transmitted on June 29, 2012 by the Planning Department. "Housing" is also more in keeping with the intent for "extremely limited" amendments as voiced by Supervisor Wiener at the San Francisco Planning Commission hearing of May 17, 2012.
- 2. The entirety of San Francisco enjoys prohibitions against conversions into Student Housing except for areas primarily near University of San Francisco (USF). It is only fair that amendments be limited to "housing" instead of "facility" so that neighborhoods near USF can also benefit from the prohibition of conversions.
- 3. At the Land Use Committee meeting of July 23, 2012, the USF attorney stated that they wanted flexibility in the amendment. However, this USF goal for flexibility is contrary to the stated intent of the amendment. Such flexibility is also contrary to the San Francisco policy of protecting existing housing and neighborhoods.

Please, for Section 317(b)(1)(ii) of the New Definition of Student Housing Ordinance, please consider and change "facility" to "housing".

Thank you for your consideration.

Jeanne Quock San Francisco resident File 111374 cpage, Alisa

From: Miriam Goldstein

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**DEPARTMENT OF BUILDING INSPECTIONS DELINQUENT CHARGES (Dated: 29-JUN-12)** 

**Board of Supervisors Regular Meeting of 31-JUL-2012** 

Sorted by Alpha by Address City-Wide

Date Range: 21-MAY-2011-18-MAY-2012

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LINE	BLOCK	LOT	DIST.	NUMBER	STREET NAME	FEE	INTEREST	SUBTOTAL	CHARGE	TOTAL
1	5322-	001	10	4801 ·	03RD ST	\$ 1,208.00	\$ 120.80	\$ 1,328.80	\$ 187.00	\$ 1,515.80
2	5322·	· 001·	10	4801 ·	03RD ST	\$ 1,165.50	\$ 116.55	\$ 1,282.05	\$ 187.00	\$ 1,469.05
3	4967·	016	10	6299 ·	03RD ST	\$ 1,090.00	\$ 109.00	\$ 1,199.00	\$ 187.00	\$ 1,386.00
4	1848	049	5	1406 ·	06TH AV	\$ 1,135.00	\$ 113.50	\$ 1,248.50	\$ 187.00	\$ 1,435.50
5	3755∙	216·	6	370 ·	07TH ST	\$ 1,050.00	\$ 105.00	\$ 1,155.00	\$ 187.00	\$ 1,342.00
- 6	3755∙	137·	6	397 •	08TH ST	\$ 901.00	\$ 90.10	\$ 991.10	\$ 187.00	\$ 1,178.10
7	3729	078∙	6	229 ·	09 ST	\$ 1,077.00	\$ 107.70	\$ 1,184.70	\$ 187.00	\$ 1,371.70
8	3729∙	078∙	6	227 ·	09TH ST	\$ 1,077.00	\$ 107.70	\$ 1,184.70	\$ 187.00	\$ 1,371.70
9	2037A-	004∙	7	1737 -	12TH AV	\$ 1,678.00	\$ 167.80	\$ 1,845.80	\$ 187.00	\$ 2,032.80
10	2037A·	005	7	1743 ·	12TH AV	\$ 1,380.50	\$ 138.05	\$ 1,518.55	\$ 187.00	\$ 1,705.55
11	1529.	001	1	411 ·	15TH AV	\$ 553.00	\$ 55.30	\$ 608.30	\$ 187.00	\$ 795.30
12	2803∙	Ó10·	8	4152 ·	23RD ST	\$ 1,038.00	\$ 103.80	\$ 1,141.80	\$ 187.00	\$ 1,328.80
13	1569	014B·	1	689 ·	26TH AV	\$ 946.00	\$ 94.60	\$ 1,040.60	\$ 187.00	\$ 1,227.60
14	6564-	034	8	4 <b>03</b> 5 ·	26TH ST	\$ 1,378.00	\$ 137.80	\$ 1,515.80	\$ 187.00	\$ 1,702.80
15	6635∙	022-	9	14 16·	30TH ST	\$ 1,102.00	\$ 110.20	\$ 1,212.20	\$ 187.00	\$ 1,399.20
16	1719-	002B·	4	1261	31ST AV	\$ 1,099.00	\$ 109.90	\$ 1,208.90	\$ 187.00	\$ 1,395.90
17	2308	022	4	2278 ·	42ND AV	\$ 1,397.00	\$ 139.70	\$ 1,536.70	\$ 187.00	\$ 1,723.70
18	2308	022	4	2278 -	42ND AV	\$ 1,097.00	\$ 109.70	\$ 1,206.70	\$ 187.00	\$ 1,393.70
19	1811·	025-	4	1486 ·	43RD AV	\$ 1,208.00	\$ 120,80	\$ 1,328.80	\$ 187.00	\$ 1,515.80
20	2305.	046	4	2200 -	45TH AV	\$-1,227.00	\$ 122.70	\$ 1,349.70	\$ 187.00	\$ 1,536.70
21	1808	038	4	1446 ·	46TH AV	\$ 1,071.00	\$ 107.10	\$ 1,178.10	\$ 187.00	\$ 1,365.10
22	3568⋅	034	6	168 ·	ALBION ST	\$ 1,760.50	\$ 176.05	\$ 1,936.55	\$ 187.00	\$ 2,123.55
23	2610	041	8	109 ·	ALPINE TR	\$ 1,411.00	\$ 141.10	\$ 1,552.10	\$ 187.00	\$ 1,739.10
24	6689	016	8	277 ·	ARLINGTON ST	\$ 2,148.00	\$ 214.80	\$ 2,362.80	\$ 187.00	\$ 2,549.80
25	1223-	014	5	442 446	ASHBURY ST	\$ 2,136.00	\$ 213.60	\$ 2,349.60	\$ 187.00	\$ 2,536.60
26	0459-	007·	2	1598 ·	BAY ST	\$ 1,312.00	\$ 131.20	\$ 1,443.20	\$ 187.00	\$ 1,630.20
27	1089	003	1	141 ·	BLAKEST	\$ 1,038.00	\$ 103.80	\$ 1,141.80	\$ 187.00	\$ 1,328.80
28	5375·	020	10	170 -	BOUTWELL ST	\$ 1,397.50	\$ 139.75	\$ 1,537.25	\$ 187.00	\$ 1,724.25
29	0955∙	002	2	2655 ·	BRODERICK ST	\$ 1,420.50	\$ 142.05	\$ 1,562.55	\$ 187.00	\$ 1,749.55
30	6491·	012	11	795 ·	BRUNSWICK ST	\$ 1,496.00	\$ 149.60	\$ 1,645.60	\$ 187.00	\$ 1,832.60
31	3762∙	011	6	518 ·	BRYANT ST	\$ 2,053.00	\$ 205.30	\$ 2,258.30	\$ 187.00	\$ 2,445.30
32	0771.	025	5	1010 1030-	BUCHANAN ST	\$ 371.00	\$ 37.10	\$ 408.10	\$ 187.00	\$ 595.10
33	0850	012	5	301 ·	BUCHANAN ST	\$ 1,326.00		\$ 1,458.60	\$ 187.00	\$ 1,645.60
34	0850	012			BUCHANAN ST		\$ 132.60			\$ 1,645.60
35	0820-	026	5	629 ·	BUCHANAN ST	<del></del>	\$ 137.80			\$ 1,702.80
35	1654	044	1	1045 ·	CABRILLO ST	·- ·	\$ 123.40		\$ 187.00	\$ 1,544.40
37	7047-	036	11		CAINE AV		\$ 150.80		\$ 187.00	\$ 1,845.80
38	7047	036	11		CAINE AV		\$ 138.05		\$ 187.00	\$ 1,705.55
39	7047-	036	11	77 ·	CAINE AV		\$ 126.60	\$ 1,392.60		\$ 1,579.60
40	2690	003	8	106 ·	CASELLI AV		\$ 198.95		\$ 187.00	\$ 2,375.45
41	6752	021	11		CAYUGA AV		\$ 99.65	<del></del>	\$ 187.00	\$ 1,283.15
42	1221.	023	5		CENTRAL AV	\$ 1,096.00			\$ 187.00	\$ 1,392.60
43	6913·	026	7		CERRITOS AV		\$ 118.45	\$ 1,302.95		\$ 1,489.95
44	6744 <sub>:</sub>	016	8		CHENERY ST		\$ 135.55	\$ 1,491.05		\$ 1,678.05
45	2660∙	017	8		CLAYTON ST		\$ 28.60		\$ 187.00	\$ 501.60
46	2660-	017	8		CLAYTON ST	<u> </u>	\$ 90.10		\$ 187.00	\$ 1,178.10
47	3729	048	6		CLEMENTINA ST		\$ 41.35	\$ 454.85		\$ 641.85
48	3729·	048	6	744 746	CLEMENTINA ST	\$ 371.00	\$ 37.10	\$ 408.10	\$ 187.00	\$ 595.10



<u>To</u>:

BOS Constituent Mail Distribution.

Cc:

Bcc:

Cub:

Subject: Eastern Neighborhoods Area Plans Public Benefits Financing

From:

Claudia Flores/CTYPLN/SFGOV BOS-Legislative Aides/BOS/SFGOV,

To: Cc:

Mathew Snyder/CTYPLN/SFGOV@SFGOV

Date:

08/16/2012 12:36 PM

Subject:

Eastern Neighborhoods Area Plans Public Benefits Financing

#### Dear Aides-

Attached please find a letter from the Eastern Neighborhoods Citizen's Advisory Committee (EN CAC) members regarding Public Benefits Financing in the adopted Eastern Neighborhoods Area Plans. A hard copy is being sent today through the mail to the Mayor and the Clerk of the Board.

For questions please contact EN CAC staff Mathew.Snyder@sfgov.org or 415-575-6891.

Regards,

Claudia



IFD Letter August 2012 FINAL v2.pdf

Claudia Flores, Planner San Francisco Planning Department 1650 Mission St, 4th Floor SF, CA 94103 [P] 415-558-6473 [F] 415-558-6409 Claudia.Flores@sfgov.org

BOS-11, Electronically RECEIVED BOARD OF SUPERVISORS SAN FRANCISCO

2012 AUG 17 PH 3: 43

LK

Eastern Neighborhoods Community Advisory Committee c/o San Francisco Planning Department 1650 Mission Street, Fourth Floor San Francisco, CA 94103

August 16, 2012

Mayor Edwin M. Lee City Hall, Room 200 1 Dr. Carlton B Goodlett Pl. San Francisco, CA 94103

Members of the Board of Supervisors City Hall 1 Dr. Carlton B Goodlett Pl. San Francisco, CA 94103

Subject: Eastern Neighborhoods Area Plans Public Benefits Financing

Dear Mayor Lee and Members of the Board of Supervisors:

The Board of Supervisors adopted the Eastern Neighborhoods Area Plans (EN Area Plans, Ordinance No. 297-08) including Public Benefit impact fees (Ordinance No. 298-08) in December 2008. As you know, the EN Plans rezoned portions of the largely industrial neighborhoods of the Mission, Eastern South of Market Area, Central Waterfront, and Showplace Square/ Potrero Hill to promote a balanced mix of residential and commercial development.

Prior to the EN Plans adoption, both the community and staff worked together on a Public Infrastructure Needs Assessment specifically analyzing open space and streetscape improvements, transit improvements, community facilities, local and neighborhood serving businesses, and affordable housing. The City estimated that the projected cost of the public infrastructure component needed to support both residential and commercial growth was in the range of \$244M to \$395M and further estimated that Public Benefit Fees would only meet 30% of the \$395 million to 50% of \$244 million. In addition, the use of Public Benefit Fees is limited by state law to infrastructure needs only and to address impacts from new development vs. existing infrastructure deficiencies. Other existing sources are projected to meet an additional 12% of these costs, which left a significant funding gap of approximately \$100 to \$234 Million.

The Board of Supervisors, therefore, directed the Capital Planning Committee of the City to establish the Eastern Neighborhoods Infrastructure Finance Working Group (ENIFWG - Resolution No. 510-08) to recommend funding strategies

required to fund the \$100 to \$234 Million infrastructure funding gap. The ENIFWG included representatives from the Planning Department; the Office of Economic and Workforce Development; the Mayor's Office of Public Policy and Finance; the Controller's Office, Office of Economic Analysis; Department of Public Works, Division of Finance and Budget; Office of the City Administrator, Capital Planning Program; and three members of the public.

In July 2009, approximately 6 months after the EN Plans Adoption, the ENIFWG produced a formal report titled "Strategies for Funding Public Improvements in the Eastern Neighborhood Area Plans" which report has been presented to both the Planning Commission and the Board of Supervisors. Importantly the Report makes a number of recommendations including: (a) Implement a Tax Increment Financing (TIF) Tool and a Land Secured Funding Tool (CFD); (b) Adopt a Clear Policy to Guide Use of a TIF in the EN Plan area; and, (c) Commission a Consultant Study to Inform the Formation of an IFD and CFD.

At recent EN CAC meetings, staff presented projections for Public Benefit Fees based on the EN application pipeline and expected applications beyond the pipeline. Roughly \$8,576,200 is expected through FY 2014 and roughly \$38,265,700 is expected through FY 2019.

It is clear based on the above staff estimates that there are insufficient funds to support the implementation of the Public Infrastructure component of the EN Plans without implementing the strategies recommended by the ENIFWG. Furthermore, there are numerous EN pipeline projects expected to break ground in the near future, so the use of a TIF tool is strategically important now to avoid forgoing the tax increment that will result from construction of the various projects. Specifically, the EN CAC recommends the following action to support fund needed to implement the public infrastructure component of the EN Plans:

- (a) Implement a Tax Increment Financing (TIF) Tool or other funding mechanisms as recommended by the ENIFWG back in 2009;
- (b) Adopt a Clear Policy to Guide Use of a TIF in the EN areas; and,
- (c) Commission a Consultant Study to Inform the Formation of an EN IFD or other finance tools to help fund the significant infrastructure funding gap in the Eastern Neighborhoods.

We urge the City to consider the above action steps immediately. Please let us know if you have any questions or comments. Please direct any correspondence to Mat Snyder, the staff planner assigned to the EN CAC. Mat can be reached at 415-575-6891 or <a href="mathew.snyder@sfgov.org">mathew.snyder@sfgov.org</a>.

### August 16, 2012

Subject: Eastern Neighborhoods Area Plans Public Benefits Financing

Respectfully Submitted,

Chris Block

EN CAC Chairperson

Kate Sofis

EN CAC Vice-Chairperson

cc: EN CAC Members

Mat Snyder, Planner, Planning Department



<u>To</u>: Cc:

Bcc:

Subject: Joint Biotech Annual Report

From:

Angela D'Anna/ASRREC/SFGOV Angela Calvillo/BOS/SFGOV@SFGOV

To: Cc:

Florence.Mar@sfgov.microsoftonline.com, David.Augustine@sfgov.microsoftonline.com, Zoon Nguyen/ASRREC/SFGOV@SFGOV

Date:

08/23/2012 01:09 PM

Subject:

Joint Biotech Annual Report

### Angela,

Attached is the Assessor-Recorder and Treasure/Tax Collector's joint annual report for the Biotech exclusions. Thanks!



Biotech Joint Report 2011.pdf

Take Care,

Angela D'Anna Policy Director Office of Assessor-Recorder Phil Ting City & County of San Francisco

Office: 415-554-7434 Fax: 415-554-5553

Email: Angela.DAnna@sfgov.org

# OFFICE OF THE ASSESSOR-RECORDER



# Office of the Treasurer & Tax Collector

August 20, 2012

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

Subject: 2011 Assessor-Recorder and Tax Collector Joint Report on Biotechnology Exclusion

Dear Ms. Calvillo,

The Assessor-Recorder and the Tax Collector, pursuant to Section 906.1(g) of the San Francisco Business and Tax Regulations Code, herewith submit the joint annual report of increases in property taxes resulting from biotechnology businesses location, relocation or expansion to or within the City and County of San Francisco.

This report summarizes the number of biotechnology businesses receiving the payroll expense tax exclusion, the amounts of payroll expense tax excluded, and the property taxes paid by these businesses for 2011.

The Office of the Assessor-Recorder has no record of secured property ownership for any of the businesses which have received the biotechnology exclusion since 2004. Under Proposition 13 tenancy changes are not reassessable events. There is currently no secured property tax increase that resulted from the reassessment of a building that included tenants claiming the biotechnology payroll expense tax exclusion.

Schedule A of this report summarizes the business personal property that was subject to taxation under Section 201 of California's Revenue and Taxation Code for the businesses that received the biotechnology payroll expense tax exclusion in 2011. The businesses that received the biotechnology payroll expense tax exclusion in 2011 have a total of \$1,078,444 in business personal property taxes.

Schedule B of this report summarizes the business personal property that was subject to taxation for tax years 2006 through 2010 for all businesses receiving the biotechnology payroll expense tax exclusion. The businesses that received the biotechnology payroll expense tax exclusion for tax years 2006 through 2010 paid a total of \$2,696,657 in business personal property taxes.

If you have any questions regarding this report, please contact Zoon Nguyen with the Office of the Assessor-Recorder at (415) 554-5575 or David Augustine of the Office of the Treasurer & Tax Collector at (415) 554-7601.

Very truly yours.

Deputy Assessor-Recorde

Jose Cisneros

San Francisco Public Library

Attachments

David Augustine

Interim Tax Administrator

# Assessor-Recorder and Tax Collector Joint Report on Biotechnology Exclusion For Calendar Year 2011

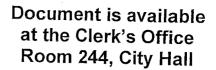
### Schedule A

Year	Number of Businesses Claiming Biotechnology Payroll Expense Tax Exclusion	Payroll Expense Tax Excluded	Total Business Personal Property Reported	Resulting Personal Property Taxes
2011	27	_ \$1,363,728	\$92,033,089	\$1,078, <del>444</del>

# Assessor-Recorder and Tax Collector Joint Report on Biotechnology Exclusion For Calendar Years 2006 Thru 2010

### Schedule B

Year	Number of Businesses Receiving Biotechnology Payroll Expense Tax Exclusion	Payroll Expense Tax Excluded	Total Business Personal Property Reported	Resulting Personal Property Taxes Paid
2006	6	\$251,954	\$4,424,515	\$63,007
2007	7	\$319,123	\$7,566,077	\$90,894
2008	9	\$370,261	\$9,823,127	\$112,082
2009	11	\$896,856	\$112,029,761	\$1,302,906
2010	22	\$1,132,047	\$97,305,225	\$1,127,768
Total	L - 1 - 35 - 35 - 35 - 35 - 35 - 35 - 35	9 82970:241 - 1		THE REPORT OF THE PARTY OF THE





To: Cc: Bcc:

Subject: emailing out the annual report

From:

"Kronenberg, Anne" <anne.kronenberg@sfgov.org>

To:

DEM-2Disaster Council <dem2disastercouncil.bp2ln@sfgov.microsoftonline.com>,

DEM-DEC-8238 Dispatchers <a href="mailto:com">demdec8238dispatchers.p2ln@sfgov.microsoftonline.com</a>, DEM-DEC-8239 & 8240 <a href="mailto:com">demdec8239&8240.bp2ln@sfgov.microsoftonline.com</a>, DEM-Everyone

<demeveryone.bp2ln@sfgov.microsoftonline.com>, DEM-i30 Van Ness Internal <demi30vannessinternal.bp2ln@sfgov.microsoftonline.com>, DEM-Sheriff-Group <demsheriffgroup.bp2ln@sfgov.microsoftonline.com>, DEM-UASI Admin Group

<demuasiadmingroup.bp2ln@sfgov.microsoftonline.com>, DEM-UASI Approval Authority

Members and Alternates

<demuasiapprovalauthoritymembersandalternates.bp2ln@sfgov.microsoftonline.com>, DEM-UASI

BayRICS-JPA <demuasibayricsjpa.bp2ln@sfgov.microsoftonline.com>

Date:

08/27/2012 11:40 AM

Subject:

FW: emailing out the annual report

DEM Staff and Friends - I am pleased to present the Fiscal Year 2011-2012 Annual Report for the Department of Emergency Management. This has been an exciting year for DEM: we answered over 1 million calls to 9-1-1, coordinated emergency planning for the America's Cup, led development of the BayRICS public safety communications system, and used innovative technology to improve public preparedness. We are very proud of our accomplishments in the past year and welcome your review.

Warmly,

Anne

Anne Kronenberg
Executive Director
Department of Emergency Management
1011 Turk Street
San Francisco, CA 94102
415-558-2745 (office)
415-558-3893 (fax)
Anne.Kronenberg@sfgov.org

http://www.sfdem.org/modules/showdocument.aspx?documentid=1440

San Francisco, CA 94102

т 415.554.3155

F 415.554.3161

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

TTY 415.554.3488

August 23, 2012

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

San Francisco

Water Power Sewer

Services of the San Francisco Public Utilities Commission

\$24,040,000 Public Utilities Commission of the City and County of RE: San Francisco, San Francisco Water Revenue Bonds, 2012 Series D

Pursuant to Board Resolution No. 151-12, adopted on May 1, 2012, I am submitting the enclosed Savings Report, as prepared by our financial advisor, Montague DeRose & Associates, and the final Official Statement for the abovereferenced bond issue (the "Series 2012 D Water Bonds"). The following is excerpted from Board Resolution No. 151-12 setting forth the requirements of this submittal:

The Board further authorizes and approves the issuance by the Commission of Refunding Bonds, without limitation as to principal amount, in one or more series and on one or more dates, at a maximum rate or rates of interest not to exceed twelve percent (12%) per annum, provided that each such Refunding Bond issue is permitted under the applicable policies and procedures of the City and authorized by either (A) Section 9.109 of the Charter, (B) Proposition E of 2002 or (C) Proposition A of 2002 (including related ordinances and resolutions of the Board). The Refunding Bonds may be issued as tax-exempt bonds or taxable bonds, or any combination thereof. Refunding Bonds authorized hereunder shall be subject to the further following conditions, that: (i) 3% net present value savings or greater is achieved to ensure ratepayer savings; (ii) a cumulative limit of \$500 million of refunded principal is not exceeded by the Commission with respect to the Water Enterprise, beginning with refundings made after July 1, 2012; (iii) this authorization is subject to a 5-year term through June 30, 2017, at which time this Board may consider an extension; principal payments and term may be adjusted, where permitted under federal and state tax law, only if and when the underlying capital asset funded through said refunded bonds has a matching or greater useful asset life than the refunded term; and (v) the Commission shall within 30 days of any refunding executed provide a savings report (that reflects at least a 3% net present value savings for ratepayers) to the Board together with a copy of the final Official Statement.

The Series 2012 D Water Bonds are refunding bonds issued by the San Francisco Public Utilities Commission ("Commission") under the authority granted under Section 9.109 of the Charter of the City and Board Resolution

Edwin M. Lee Mayor

Anson Moran President

**Art Torres** Vice President

Ann Moller Caen Commissioner

Francesca Vietor Commissioner

Vince Courtney Commissioner

**Ed Harrington** General Manager





To:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: existing mural on Bernal Heights Library

From:

Elise Genolio < lise415@gmail.com>

To:

mayoredwinlee@sfgov.org,

Cc:

joaquin.torres@sfgov.org, David.Campos@sfgov.org, Board.of.supervisors@sfgov.org,

libraryusers2004@yahoo.com, sblackman@sfpl.org, tom.decaigny@sfgov.org

Date: 08/26/2012 01:53 PM

Subject:

This is to everyone who has something to do with the existing mural on Bernal Heights Library. We the people of this neighborhood want the mural to be restored and refreshed not destroy. Someone already authorized the painting over of the mural on Andover st without the consent of the community. While the painting of the mural maybe easier, it is not what this community wants!!! The mural represents the history of this neighborhood. This city is full of murals, in every neighborhood you drive down, it is the signature of San Francisco. So why would you destroy the murals in our neighborhood??? Below is a list of people who are against the destruction of the mural on Bernal Heights Library:

Marcella Genolio 146 Bonview St 415-282-9869 146 Bonview St 415-504-0264 Elise Gianoglio Rachel Rice 146 Bonview St 415-282-9869 Larry Genolio 1663 Church St 415-648-5105 Maria Genolio 1663 Church St 415-648-5105 Carmen Gallegos 148 Moultrie st 415-648-5390 Elsie Gallegos 148 Moultrie st 415-648-5390