

FILE NO. 121146

Petitions and Communications received from November 26, 2012, through December 3, 2012, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on December 11, 2012.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

*From Civil Service Commission, submitting their FY2011-2012 Annual Report. (1)

From Board of Appeals, submitting their FY2011-2012 Annual Report. (2)

From the Controller, regarding Government Barometer - September 2012 reports. (3)

From Phil Ting, submitting his letter of resignation. (4)

*From Planning, submitting publication, San Francisco Commerce & Industry Inventory 2011. Copy: Each Supervisor. (5)

From Controller, regarding memorandum on assessment of the San Francisco Municipal Transportation Agency's compliance with close-out procedures for the Metro East contract. (6)

From Clerk of the Board, regarding alleged violations of the Sunshine Ordinance and referrals from the Sunshine Ordinance Task Force. (7)

From Clerk of the Board, individuals who have submitted a Form 700 Statement: (8)
Stephany Ashley - Legislative Aide - Assuming
Lynne Howe - Legislative Aide - Assuming

From Ethics Commission, submitting notice per Campaign and Government Conduct Code, Section 1.174. (9)

From Elections, submitting certification of election results within the City and County of San Francisco. (10)

*From Controller, submitting FY2011-2012 Development Impact Report. (12)

From the Controller, regarding cigarette litter abatement fee adjustment. Copy: Each Supervisor. (13)

From Human Resources, regarding their response to the Merit Systems Services audit. (14)

From State Fish and Game Commission, submitting notice of receipt of petition to list Townsend's big-eared bat as threatened or endangered. Copy: Each Supervisor. (15)

From Aaron Goodman, regarding CEQA legislation. File No. 121019. (16)

From concerned citizens, regarding the Transit Impact Development Fee. File No. 120523. (17)

From concerned citizens, regarding Sharp Park. File No. 120619. 26 letters. (18)

From Allen Matkins, regarding property acquisition by Eminent Domain. File No. 121094. Copy: Each Supervisor, Legislative Clerk. (19)

From Allen Matkins, regarding property acquisition by Eminent Domain. File No. 121090. Copy: Each Supervisor, Legislative Clerk. (20)

From Anisha Shiao, regarding proposed restaurant on the Marina Green. File No. 120987. (21)

From concerned citizen, regarding anti-nudity ban. File No. 120984. (22)

From concerned citizens, regarding Charlie the dog. 2 letters. (23)

From Transportation, regarding the local bridge seismic retrofit projects programmed for delivery in FY2012-2013. Copy: Each Supervisor. (24)

From Coalition for San Francisco Neighborhoods, regarding Department of the Environment's use of the FY2012-2013 budget. (25)

From concerned citizen, regarding Academy of Art University. (26)

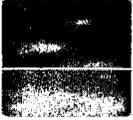
From concerned citizen, regarding Occupy Bernal meeting. (27)

From concerned citizen, regarding San Francisco Municipal Transportation Agency. (28)

From concerned citizen, regarding nude jogging. (29)

From concerned citizen, regarding North of Market/Tenderloin Community Benefit District's Annual Report. (30)

*(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.)



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: CSC Annual Report

From: "Johnston, Jennifer" <jennifer.johnston@sfgov.org>
To: "Calvillo, Angela" <angela.calvillo@sfgov.org>,
Date: 11/30/2012 03:35 PM
Subject: CSC Annual Report

Jennifer Johnston
Executive Officer
Civil Service Commission
25 Van Ness, Suite 720
San Francisco, CA 94102
Office: (415) 252-3250
Main: (415) 252-3247
Fax: (415) 252-3260



11-30-12 CSC Annual Report Transmittal Ltr - Calvillo.pdf



FY 2011-2012 Civil Service Commission Annual Report.pdf

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



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: FY 11-12 Annual Report for the Board of Appeals

From: "Goldstein, Cynthia" <cynthia.goldstein@sfgov.org>
To: Board of Supervisors <board.of.supervisors@sfgov.org>,
Date: 11/26/2012 03:33 PM
Subject: FY 11-12 Annual Report for the Board of Appeals

Please find attached a copy of the FY 2011-12 Annual Report for the Board of Appeals, submitted pursuant to the requirements of Charter Section 4.103.

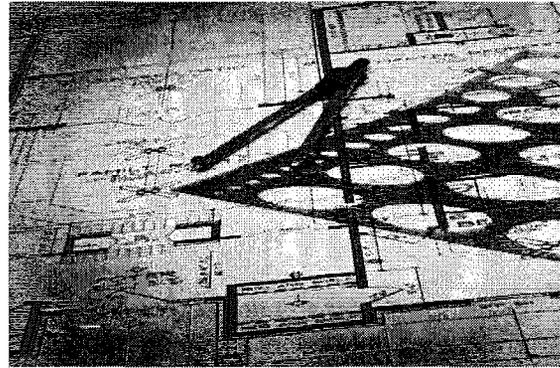
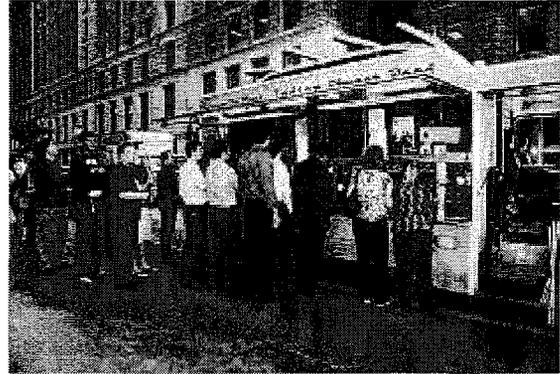
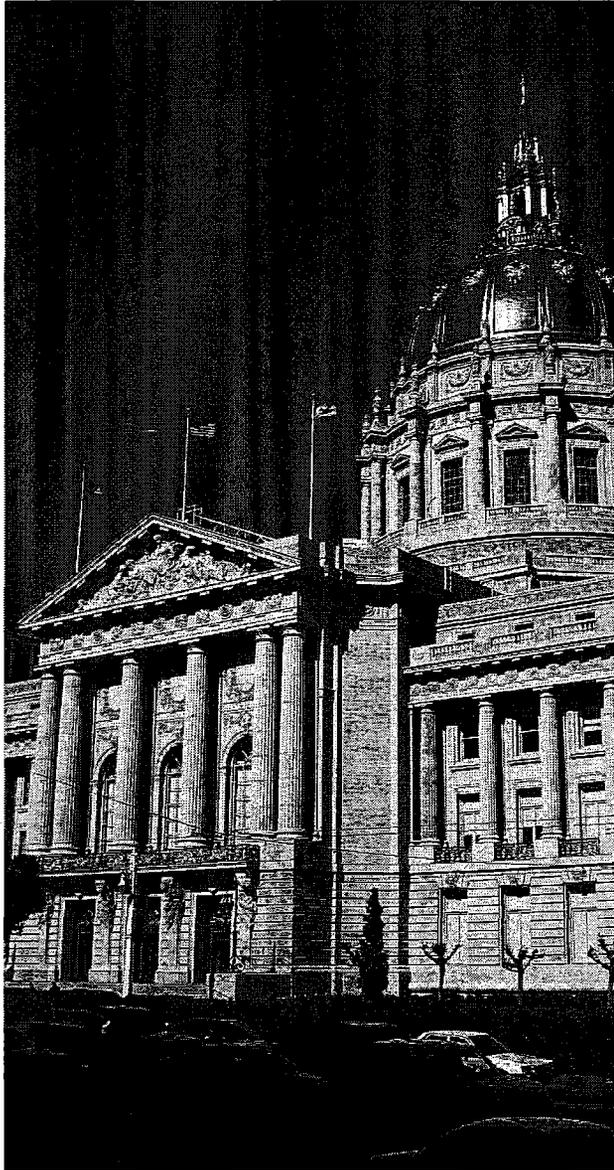
Thank you.

Cynthia G. Goldstein
Executive Director
San Francisco Board of Appeals
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San Francisco, CA 94103
phone: 415-575-6881
fax: 415-575-6885
www.sfgov.org



FY12 Annual Report (FINAL).pdf

CITY AND COUNTY OF SAN FRANCISCO
BOARD OF APPEALS



ANNUAL REPORT

July 1, 2011 – June 30, 2012

HIGHLIGHTS OF FISCAL YEAR 2011-12

CASES HEARD

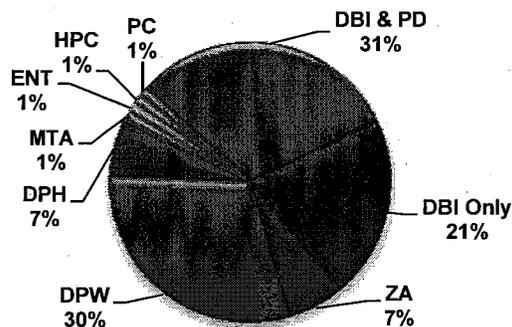
The Board held 25 regular meetings at which 114 matters were heard:

- 90 Appeals
- 15 Jurisdiction Requests
- 9 Rehearing Requests

CASE ORIGINATION

Nearly two-thirds (61%) of the appeals heard by the Board were land use related. These appeals stemmed from decisions made by the Department of Building Inspection (DBI), Planning Department (PD), Zoning Administrator (ZA), Planning Commission (PC) and Historic Preservation Commission (HPC). During the year, the Board also heard appeals of determinations made by the Department of Public Works (DPW), Department of Public Health (DPH), the Taxi Division of the Municipal Transportation Agency (MTA) and the Entertainment Commission (ENT).

The follow chart shows the percentage breakdown by the entity issuing the underlying determination being appealed:



Heard Appeals by Issuing Entity

BOARD ACTION

During the year, the Board overturned or modified 56 percent of the appeals heard and upheld 32 percent. Eight percent (8%) of the remaining appeals were pending at the close of the year and four percent (4%) were withdrawn.

APPEAL VOLUME

For the fourth year in a row, the Board's appeal volume was lower than the norm, down 30% when compared to the average number of appeals filed annually over the past ten years.

APPEAL TRENDS

In the wake of new food truck permitting legislation, the Board saw a marked increase in the number of appeals protesting Mobile Food Facility permits filed by restaurants and property owners located near the proposed truck stop.

BUDGET

For the first time since the nation's economic downturn began in 2008, the Board experienced a relatively stable budget year. Revenue came in close to projected levels (99%) despite the fact that no increases were made to the surcharge rates or filing fees. Filing fee collection was off by eleven percent, but given the small portion (5%) of the budget represented by these fees, this shortfall did not materially impact the Board's overall budget picture. In light of historic revenue challenges, reductions were made in expenditures. As a result, the Board ended the year with a surplus of over \$180,000.

ELECTION OF OFFICERS

Commissioner Kendall Goh served as President and Commissioner Michael Garcia as Vice President for the first half of the fiscal year. In January 2012, Commissioner Goh left the Board, Commissioner Garcia was elected President and Commissioner Chris Hwang elected Vice President. In May 2012, after Commissioner Garcia left the Board, Commissioner Hwang was elected President and Commissioner Frank Fung elected Vice President.

MISSION

Created under the San Francisco Charter of 1932, the Board of Appeals is a quasi-judicial body that provides the public with a final administrative review process for a wide range of City determinations. These determinations involve the granting, denial, suspension, revocation or modification of permits, licenses, and other use entitlements by various departments and other entities of the City & County of San Francisco.

As it processes, hears and decides cases, the Board of Appeals strives to provide an efficient, fair and expeditious public hearing and decision-making process before an impartial panel as the last step in the City's review process.

JURISDICTION

The Board's jurisdiction is derived from San Francisco Charter Section 4.106, portions of the San Francisco Business and Tax Regulations Code¹ and other City ordinances. Specific rights of appeal to the Board are also set forth in the Planning, Building, Plumbing, Electrical, Public Works, Police and Health Codes, among others.

The most common types of appeals heard by the Board involve:

- Building permits issued or denied by the Department of Building Inspection (DBI), including many that are subject to Planning Department review or result from discretionary review decisions of the Planning Commission
- Actions by the Zoning Administrator (ZA), including variance decisions, Letters of Determination, Stop Work Order Requests and Notices of Violation and Penalty
- Mobile food facility permits, wireless site permits and tree planting and removal permits issued by the Department of Public Works (DPW)
- Suspensions of Tobacco sales permits issued by the Department of Public Health (DPH)

Less common but routinely heard by the Board are appeals related to:

- DPH-issued permits for restaurants and massage, tattoo and body piercing establishments
- Taxi driving and medallion permits issued by the Municipal Transportation Agency
- DPW-issued permits for minor sidewalk encroachments
- DBI-issued electrical or plumbing permits
- Certificates of Appropriateness issued by the Historic Preservation Commission

Pursuant to the Charter, the jurisdiction of the Board of Appeals excludes permits issued by the Port Commission or the Recreation and Park Department or Commission, as well as appeals of building or demolition permits issued pursuant to a Conditional Use Authorization granted by the Planning Commission.² The Board has no authority to make amendments to the Planning Code or the Zoning Map and also does not hear appeals of criminal matters, or permits and licenses regulated by State or federal agencies.

¹ See Article 1, Section 8, et seq.

² Appeals of the underlying Conditional Use Authorization may be made to the Board of Supervisors but the building or demolition permit may not be appealed.

BOARD MEMBERSHIP

The Board of Appeals is comprised of five members appointed to staggered four-year terms. Three members are appointed by the Mayor and two by the President of the Board of Supervisors. All appointments are subject to the approval (by majority vote) of the full Board of Supervisors. Officers are elected for one-year terms at the first regular meeting held after January 15 each year.³ This year the Board experienced more turnover in membership than usual. Board members Kendall Goh and Michael Garcia resigned to pursue other interests and Mayoral appointee Rich Hillis' stay on the Board was shortened when he was selected by the Mayor to fill a vacant seat on the Planning Commission.

Current Board membership is as follows:

| Commissioner | Appointing Authority | Dates of Service |
|--|-----------------------------|---|
| Chris Hwang President, May 2012 – Present Vice President, January 2012 – May 2012 | Board of Supervisors | May 12, 2010 to July 1, 2014 |
| Frank Fung Vice President, May 2012 – Present President, January 2009 – January 2010 Vice President, March 2008 – January 2009 | Mayor | October 19, 2004 to July 1, 2016 January 30, 1986 to June 8, 1988 |
| Arcelia Hurtado | Board of Supervisors | September 12, 2012 to July 1, 2016 February 23, 2012 to July 1, 2012 |
| Ann Lazarus | Mayor | July 25, 2012 to July 1, 2014 |
| Vacant | Mayor | |

MEETINGS OF THE BOARD

During the fiscal year, the Board held 25 meetings for a total of 78 hours. One member was absent at eight of the meetings, giving the Board a 94% attendance record. In addition, there were eight meetings held at different times throughout the year when a seat on the Board was vacant.

In addition to the appeals heard at each meeting, the Board also:

- Elected officers (January 18, 2012 and May 30, 2012)
- Adopted the Board's first two-year budget, covering fiscal years 2012-13 and 2013-14 (February 15, 2012)
- Heard a presentation by the Department on the Status of Women and Police Department on the City's role in addressing human trafficking and the regulation of massage establishment permits (January 11, 2012)

³ Rules of the Board of Appeals, Article I, Section 1.

Regular meetings of the Board are held on Wednesday nights, starting at 5:00 p.m. in City Hall.⁴ Meetings of the Board are open to the public except as otherwise legally authorized and are conducted in accordance with the Rules of the Board of Appeals. Typically, the appellant will address the Board first, then the permit holder, the respondent department(s) and members of the public. An opportunity for rebuttal is given to the parties. Board meetings are broadcast live on San Francisco's government television station (SFGovTV), cable television channels 26 and 78, and may also be viewed by computer, live and on-demand at: http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=6. Closed captioning is provided for these broadcasts as well as in the City Hall hearing room during Board meetings. Meeting agenda and approved minutes are posted on the Board's website at: www.sfgov.org/boa.

APPEAL PROCESS

Appeals must be filed within the legally prescribed appeal period, which varies depending upon the underlying determination being appealed. For most matters, the appeal period is fifteen days from the date the determination is issued, but other appeal periods may apply (for example, variance decisions must be appealed within ten days, and appeals of Certificates of Appropriateness must be filed within thirty days). On occasion, and based on the vote of a supermajority of Board members, the Board may allow an appeal to be filed late. Most typically, late appeals are allowed when a City error has caused a would-be appellant to miss the appeal period.

When an appeal is filed, a briefing schedule is established, allowing the parties to submit written arguments and other evidence for the Board's consideration. Members of the public also may submit briefs, letters and other evidence in support of their position on an appeal. As a way of notifying the public about pending appeals, the Board mails out postcards to all property owners and occupants within a 150 foot radius of any property that is the subject of an appeal.⁵

After reviewing the written file, Board members conduct a public hearing on the appeal at which they consider the testimony of the parties (including the issuing department) and from interested neighbors and other members of the public. After deliberation, the Board may vote to uphold or overrule the underlying departmental determination, or may impose conditions on the determination.⁶

Conditions imposed by the Board are wide-ranging, and most typically include:

- Modifications to building plans, for example:
 - Adding a privacy screen such as lattice to a new deck to limit sightlines into neighboring windows

⁴ An annual meeting schedule is developed prior to the start of each calendar year and is available at the Board office and on the web at: <http://www.sfgov3.org/index.aspx?page=775>.

⁵ See San Francisco Business and Tax Regulations Code Article 1, §12.

⁶ On occasion, the Board will decide to continue a matter, typically to allow additional information to be prepared and submitted to the Board, or to give the parties time to negotiate a resolution. In rare instances a matter may be continued indefinitely (to the Board's "Call of the Chair" calendar) because an unknown amount of time is needed before the Board may move forward with a determination, for instance, to await the outcome of litigation affecting the subject matter of an appeal.

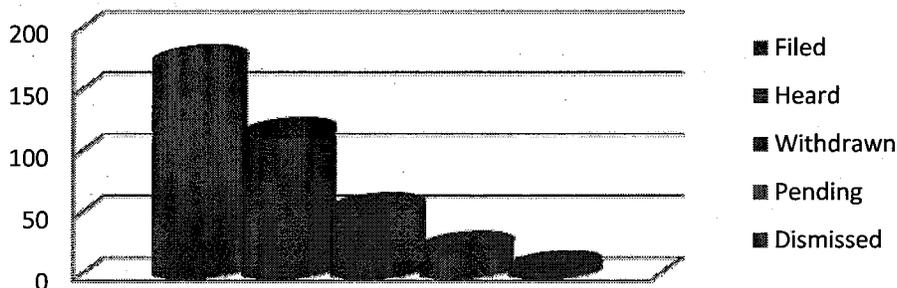
- Setting back a portion of an addition or other structure so it is further from a protesting neighbor's property line
- Obscuring glass in neighbor-facing windows
- Establishing 'good neighbor' policies such as limiting when construction may take place and how construction-related complaints will be handled
- Qualifications made to Zoning Administrator determinations, for example:
 - Requiring the filing of a Notice of Special Restrictions, in order to specify a limit on the number of dwelling units at a property
 - Limiting the type, location or hours of operation of a commercial use
- Changing the length of a suspension imposed on taxi driving or tobacco sales permits
- Limiting the items that may be sold by a food truck to avoid competition to neighboring restaurants
- Reducing penalties imposed for construction work performing without a permit
- Specifying the number or size of replacement trees when permitting trees to be removed

The Charter⁷ requires that a supermajority of Board members must agree in order to overturn or place conditions on a department's decision. When fully seated, this means four out of five votes are needed. If there is a vacancy on the Board, three votes are needed. A supermajority also is needed to grant a rehearing request or a request for late jurisdiction.

APPEAL EXPERIENCE

During the year, 173 new matters were filed with the Board: 148 appeals, 6 rehearing requests and 19 requests for late jurisdiction. The Board heard 114 matters: 90 appeals, 15 requests for late jurisdiction and 9 rehearing requests. Of the 114 matters heard, 92 were filed during the year and the remaining 22 had been filed previously. The eighty-one matters that were filed during the year but not heard were either withdrawn by the appellant (53), rejected by the Board⁸ (6) or were filed late enough in the year that they will be heard in the subsequent year (22).

Appeal Activity



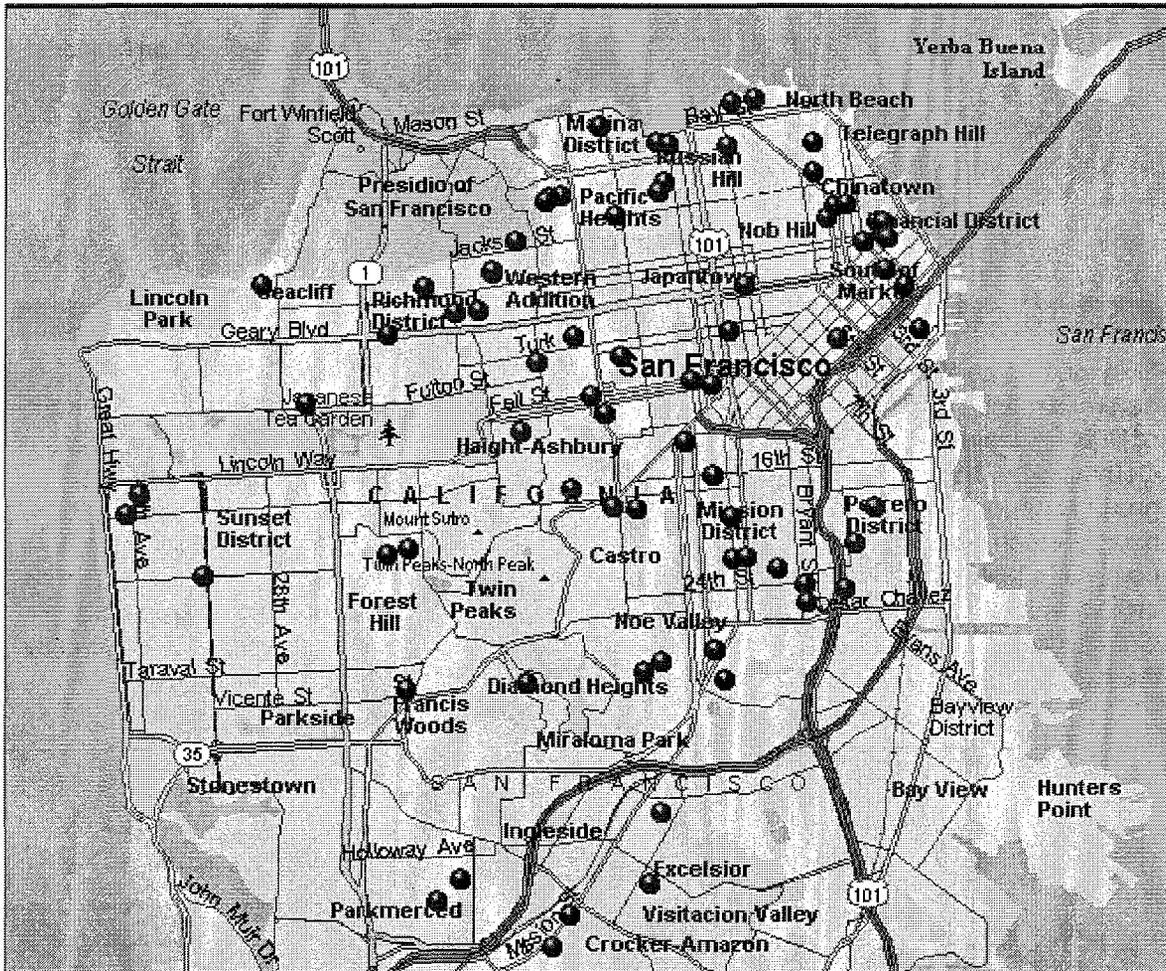
⁷ See San Francisco Charter Section 4.106(d).

⁸ Cases may be rejected after filing when further research determines that the Board lacks jurisdiction over the subject matter being appealed, for instance, where a Conditional Use Authorization was issued for a project related to a permit.

Geographic Distribution

As depicted on the map below, the Board heard appeals concerning properties located in a wide range of City neighborhoods. Properties in the Southern and Western portions of the City generated the fewest appeals, with the Northeast quadrant seeing the highest concentration of appeals heard.

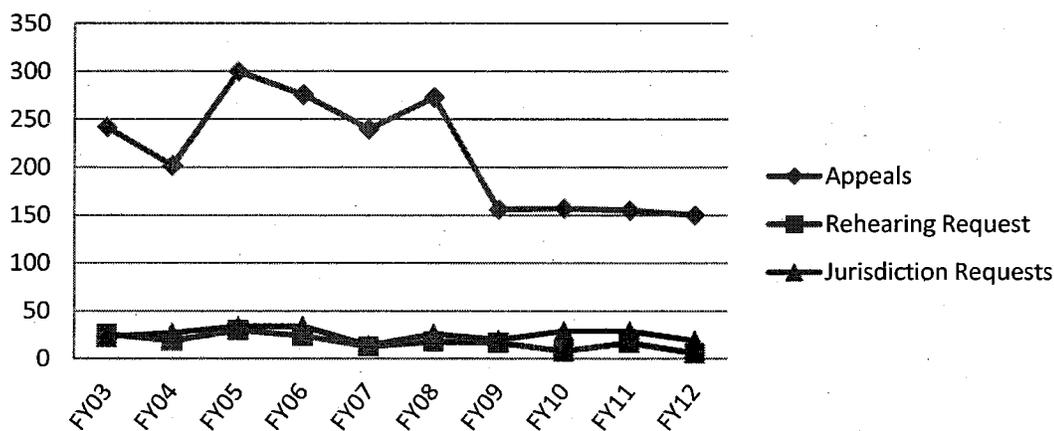
Location of Appeals Heard



Volume

Appeal volume dropped significantly starting in 2008, corresponding with the onset of the nation's economic downturn. As seen in the graph below, while the ten year average is 215 new appeals filed per year, in the past four years the rate of new appeals has hovered near 150, representing a 30% decline from the norm. The number of rehearing and jurisdiction requests, however, has remained relatively constant.

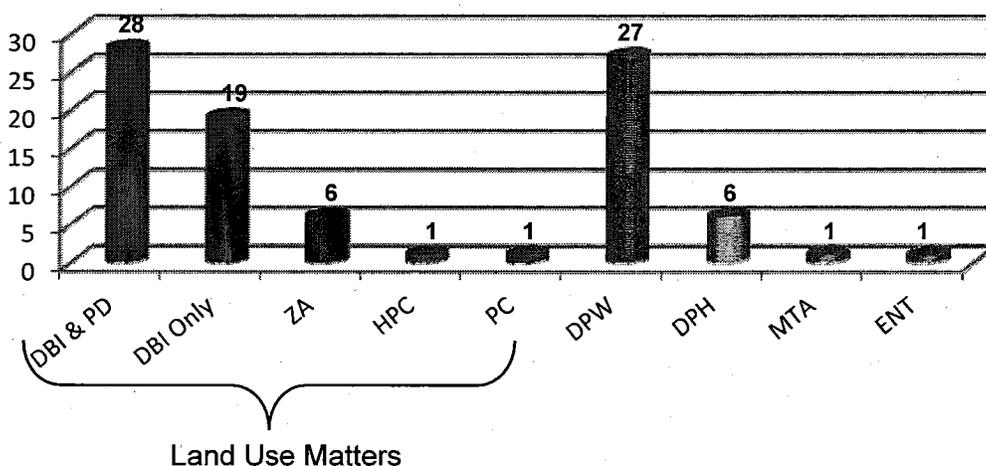
Number of Appeals Filed Over Time



Subject Matter

Sixty-one percent of the appeals heard during fiscal year 2011-12 were of land use determinations. These determinations were made by the Planning Department, Department of Building Inspection, Zoning Administrator, Planning Commission and Historic Preservation Commission. The Department of Public Works determinations comprise the next largest group of appeals (30%) and had the largest increase in appeal volume from the prior year, rising thirteen percent. Appeals from determinations of the Department of Public Health comprised just over six percent of total appeals heard (6.6%) and one appeal each was filed on determinations made by the Municipal Transportation Agency and the Entertainment Commission. The chart below illustrates the ninety appeals heard by the Board, identified by the department, Commission or other entity⁹ issuing the underlying determination.

Number of Appeals Heard by Issuing Entity



⁹ DBI = Department of Building Inspection; PD = Planning Department; ZA = Zoning Administrator; DPH = Department of Public Health; DPW = Department of Public Works; MTA = Municipal Transportation Agency Division of Taxis and Accessible Services; HPC = Historic Preservation Commission; PC = Planning Commission.

Department of Building Inspection and Planning Department

Just under one-third (31%) of the 90 appeals heard during the year stemmed from determinations made by the Department of Building Inspection (DBI) that also involved Planning Department review. These 28 appeals focused on both Planning Code and Building Code issues, and include:

- Twenty-six appeals protesting the issuance of a building permit
 - Protest appeals are often filed by neighbors concerned that proposed construction will infringe upon the enjoyment of their property. For instance, when a new deck may create sightlines into a neighbor's windows, or when a rear yard addition may obstruct the mid-block open space.
- Two appeals of denied building permits
 - Property owners appeal permit denials seeking permission for a project that has been disapproved by DBI and/or Planning. These disapprovals are often made by DBI at the request of the Planning Department, based on a determination that the proposed project is inconsistent with provisions of the Planning Code or Residential Design Standards.¹⁰

The Board upheld 21% (6) of these determinations and overruled 61% (17), placing conditions on the underlying permits in all of these cases. Of the remaining 18% (five cases) three appeals were pending at the close of the year, and two were withdrawn.

Department of Building Inspection Only

Nineteen appeals were heard of determinations made solely by the Department of Building Inspection:

- Eleven appeals protesting the issuance of a building, plumbing or electrical permit
- Six appeals protesting the imposition of penalties
 - Penalty appeals typically are filed by property owners who have been assessed fines for performing work without a permit or for exceeding the scope of a permit. In some cases, the Board reduces penalties where it finds that the property was purchased after the unpermitted work was performed or based on other extenuating circumstances.
- One appeal protesting the denial of a building permit
- One appeal protesting the suspension of a building permit

The Board upheld 26% (5) of the DBI determinations and overruled 63% (12), imposing conditions on ten of the overruled matters, six of which involved the reduction of penalties. The two remaining cases (11%) were pending at the close of the year.

¹⁰ The Residential Design Standards (formerly called the Residential Design Guidelines) promote residential building design that protects neighborhood character, preserves historic resources and promotes the goal of environmental sustainability.

Zoning Administrator

The Board heard six appeals of Zoning Administrator (ZA) determinations:

- Two appeals of Requests for Release of Suspension, protesting the lifting of suspensions placed on building permits where the Zoning Administrator determined the reasons for suspension had been satisfied
- Two appeals protesting Letters of Determination (LOD)
 - LODs are written interpretations of how certain sections of the Planning Code should be applied to specific factual situations at a specific property
- One appeal protesting the granting of a Variance involving a proposal to split a standard-sized lot into two lots
- One appeal of a Notice of Violation and Penalties, dealing with a project sponsor's failure to comply with the affordable housing requirements placed on a 54-unit residential development project

The Board upheld the determination of the Zoning Administrator in four cases (66%), overruled the ZA once (17%) (placing conditions on a Request for Release of Suspension) and the remaining case (17%) was pending at the close of the year.

Department of Public Works

Twenty-seven appeals were heard relating to determinations made by the Department of Public Works (DPW):

- Seventeen were of mobile food facility permits
 - Many of these appeals were filed by 'brick and mortar' restaurants and commercial property owners expressing concern about added competition for customers.
- Five were of tree removal permits
- Three were of wireless site permits
- Two were of a minor sidewalk encroachment permit

The Board upheld the DPW determination in six (22%) of these cases, and overruled 19 (70%), with conditions imposed in all but two of the overruled cases. Of the two remaining cases, one was withdrawn and the other was pending at the close of the fiscal year.

Department of Public Health

Six appeals were filed on determinations made by the Department of Public Health (DPH):

- One appeal was of the revocation of a permit to operate a restaurant, which the Board upheld
- The remaining five appeals were related to tobacco sales permits
 - Three of these were appealing a permit suspension resulting from the sale of tobacco to a minor that occurred as part of a joint DPH and San

Francisco Police Department operation that uses underage decoys attempting to buy cigarettes. The Board upheld the suspensions in these cases.

- The two other tobacco sales permit appeals were filed by a hookah lounge that had its tobacco sales permit suspended and later revoked for allowing smoking in an enclosed area. The Board upheld the suspension and the permit holder withdrew its appeal of the revocation.

Municipal Transportation Agency – Division of Taxis and Accessible Services

The Board heard one taxi-related appeal:

- The denial of a taxi medallion
 - The Board granted this appeal and overturned the MTA, awarding the taxi medallion to the appellant.

Historic Preservation Commission

The Board decided its first appeal of a decision by the Historic Preservation Commission during the year:

- The denial of a Certificate of Appropriateness sought for the reconstruction of a landmarked carriage house located behind a landmarked home originally constructed in 1885
 - The HPC's denial was based on an assessment that the proposal would not appropriately reflect the historicism of the main house. The case was initially heard in the prior fiscal year but continued to allow the parties more time to work with Planning Department staff to come up with a mutually agreeable design. When no compromise was reached, the Board decided the case, upholding the HPC determination.

Planning Commission

There was one Planning Commission decision appealed to the Board:

- A Planning Commission Motion that revoked the office space allocation previously granted to a downtown office building development project
 - The entitlement was originally granted in 1989 but the project was never developed. The Board upheld the Planning Commission's decision.

Entertainment Commission

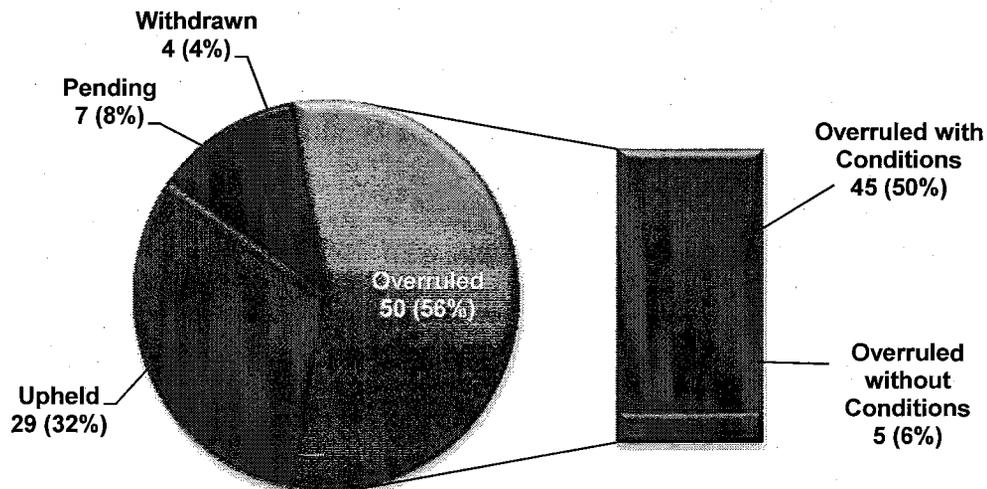
The Board heard one appeal of an Entertainment Commission determination:

- An extended hours permit allowing a fast food restaurant to stay open until 4:00 a.m.
 - The appeal was filed by neighborhood associations concerned about late night disruptions. The Board upheld the permit and in its decision, encouraged the Entertainment Commission to conduct a public hearing after six months to review the operation of the permit and the permit holder's compliance with the permit's security conditions.

Action Taken

Of the ninety appeals heard, the Board upheld the underlying departmental decision in 29 cases and overruled the department in 50 cases. Conditions were imposed by the Board in 45 of the departmental determinations it overruled. Four cases were withdrawn, and one was dismissed due to lack of jurisdiction. The remaining seven cases were pending at the close of the fiscal year.

Outcome of Appeals Heard



Other Matters Heard

In addition to appeals, the Board routinely considers Rehearing Requests and Jurisdiction Requests.

Rehearing Requests

Once an appeal is heard and decided by the Board, the parties associated with the case have ten days within which they may request that the Board reconsider its decision.¹¹ Pursuant to the Board's Rules, upon the vote of a supermajority of Board members, a motion for rehearing may be granted based on a showing that "new or different material facts or circumstances have arisen" since the Board's consideration of the matter that, if known at the time, "could have affected the outcome of the original hearing."¹² The Board considered nine rehearing requests during the fiscal year; one (11%) was granted, six (67%) were denied and the remaining two (22%) were pending at the close of the year.

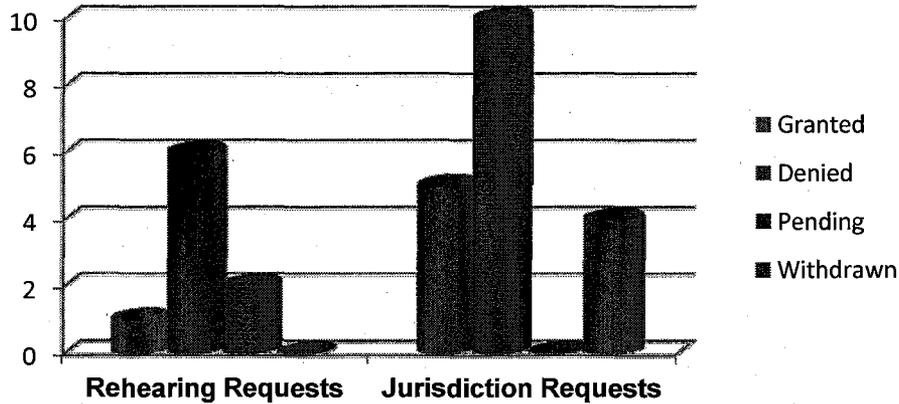
Jurisdiction Requests

The Board may allow an appeal to be filed after the relevant appeal period has expired where the reason for the failure to file on time is due to some error on the part of the

¹¹ See, S. F. Business and Tax Regulations Code, Article 1, §16; and Rules of the Board of Appeals, Article V.9.

¹² Rules of the Board of Appeals, Article V.9(b).

City.¹³ For example, allowing late jurisdiction might be considered where the City failed to issue notice to neighbors of a permit application or issuance where that notice is required by the Building or Planning Code, or where notice was issued but did not accurately describe what is being permitted. By granting a Jurisdiction Request, the Board provides the requestor with a new five-day appeal period within which to file an appeal. Again, a supermajority of votes is needed for such a request to be granted. Nineteen jurisdiction requests were filed with the board during the year. Board considered fifteen of these requests; five (26%) of which were granted and ten (53%) were denied. The remaining four (21%) requests were withdrawn prior to hearing.



Call of the Chair

During the year, the Board continued its effort to reduce the number of matters pending on its Call of the Chair calendar. The Call of the Chair calendar is used to place cases on hold because some factor suggests that the matter is best decided at a later time. Typical reasons include allowing related litigation to resolve, providing time for the parties to seek other necessary approvals or review from the City, and when the parties ask for an extended stay of the proceedings in order to attempt a negotiated resolution of the underlying dispute.

Eight of the 28 cases sitting on the Board's Call of the Chair calendar at the start of the fiscal year have since been resolved. The remaining 20 cases include twelve that are pending due to ongoing litigation, six awaiting action by the appellant (e.g., to decide what changes to make to a project) and two awaiting changed circumstances (e.g., for a tenant to move out of a unit or for a temporarily disabled taxi medallion applicant to be able to drive more hours).¹⁴

LITIGATION

Parties dissatisfied with a Board determination may seek further review and relief in Superior Court. During the year, the following appeals were the subject of new or ongoing court proceedings:

¹³ See, *Franklin v. Steele*, 131 Cal. App. 3d 558 (1982); Rules of the Board of Appeals, Article V.10.

¹⁴ Two new cases were sent by the Board to its Call of the Chair calendar since the fiscal year ended, bringing the number of pending matters to 22.

- **Clear Channel Outdoor, Inc. v. Board of Appeals of the City & County of San Francisco**
 - **PENDING.** A challenge was filed to the issuance of a permit to reconstruct a sign located at 2283-2297 Market Street. Clear Channel filed a permit application to remove a billboard. The permit was issued, and the property owner appealed. On October 28, 2008, the Board granted the appeal, revoked Clear Channel's permit and authorized a revision of the building permit to allow the property owner to reinstall a billboard. The City won this case on demurrer at the trial court. On February 25, 2011, the Court of Appeal reversed the trial court, in part, concluding that Clear Channel had standing to challenge the Board's decision to overturn its permit, but not its decision to grant the property owners the right to reinstall and maintain a sign on their property. Clear Channel has not yet indicated whether it intends to pursue this ruling further.

- **50 Beale Street LLC v. City & County of San Francisco, et. al.**
 - **SETTLED.** This lawsuit challenged the Board's decision on April 20, 2011 to uphold a Planning Commission Motion allowing a reduced setback on a proposed 24-story office building at 350 Mission Street. The case was settled with no liability to the City.

- **Fisherman's Wharf Community Benefit District v. City & County of San Francisco, et. al.**
 - **NEW.** A challenge was filed to the Board's decision on April 12, 2012 to overturn the Department of Public Works and issue a mobile food facility permit to Ola's Exotic Coffee & Tea OakBBQ to operate a food cart serving coffee and tea at 2801 Leavenworth Street. Briefing and a hearing on the merits have not yet been scheduled.

- **Robert Michael Friedman v. San Francisco Taxi Commission, et. al.**
 - **PENDING.** This lawsuit challenges the Board's decision on July 23, 2008 to uphold the Taxi Commission's revocation of a taxi driver permit and taxi medallion. A hearing in Superior Court has not yet been scheduled.

- **Friends of the Landmark Filbert Street Cottages, et. al., v. City & County of San Francisco, et. al.**
 - **PENDING.** This case challenges, among other matters, the Board's denial on March 16, 2011 of late jurisdiction on three permits for a project that was given Conditional Use Authorization by the Planning Commission. The City prevailed at the trial court level. Petitioners appealed. The matter has yet to be briefed or heard by the Court of Appeal.

- **Wes Hollis v. San Francisco Municipal Transportation Agency, et. al.**
 - **DISMISSED.** A challenge was filed to the Board's decision on August 18, 2010 to revoke Mr. Hollis' color scheme permit and to suspend his taxi medallion for one year. The MTA had revoked both entitlements and the Board overturned the MTA with respect to the medallion, suspending it instead. This matter was dismissed in March 2012 due to the death of the petitioner.

- **NextG Networks of California, Inc. v. City & County of San Francisco, et. al.**
 - **PENDING.** This case challenges the Board's decision on April 20, 2011 to revoke a wireless site permit issued by the Department of Public Works to a telecommunications services provider. After the Superior Court refused to grant NextG's application for a temporary restraining order, NextG appealed. On July 18, 2011, the City filed a motion to dismiss the appeal along with its opposition to NextG's petition to enjoin the City from removing the wireless facility at issue pending resolution of the underlying lawsuit. On September 29, 2011, the Court of Appeal granted NextG's request for a stay, which prevented DPW from requiring NextG to remove the facility. Briefing and a hearing on the merits have not yet been scheduled.

- **Nob Hill Association, et. al., v. City & County of San Francisco, et. al.**
 - **PENDING.** This lawsuit challenges the Board's decision on January 13, 2010 that effectively affirmed a Letter of Determination issued by the Zoning Administrator stating that the existing entertainment-related use of the California Masonic Memorial Temple is a lawful non-conforming use and that the operators of the Temple may apply for a conditional use authorization which could intensify the entertainment-related use of the property. On June 29, 2011, the Superior Court issued a decision overturning the Board's decision that the proposed renovation of the Masonic Memorial Temple could be approved through conditional use authorization. The City and Masonic Temple have appealed and the appeal has been fully briefed. A date for oral argument has not yet been set by the Court.

- **San Francisco Architectural Heritage v. City & County of San Francisco, et. al.**
 - **PENDING.** A challenge was filed to the Board's decision on April 15, 2010 to uphold the issuance of permits that allow the demolition of the building located at 1450 Franklin Street and the construction of a new 13-story mixed-use project at that site. This project was part of a Redevelopment Agency Plan that expired shortly before the Board heard this appeal. The developer filed a demurrer, which the City joined; a hearing date is pending.

- **SF Coalition for Children's Outdoor Play, Education and the Environment v. City and County of San Francisco, et. al.**
 - **NEW.** This lawsuit challenges the environmental determination associated with the coastal zone permit upheld by the Board on September 13, 2012. The permit was issued in conjunction with the proposed renovation of the athletic fields at the western end of Golden Gate Park. A briefing and hearing schedule has not yet been issued.

- **Greg Schoepp, dba Bay Area Compassion Health Care Center v. City & County of San Francisco, et. al.**
 - **UPHELD.** This case challenged the Board's decision on February 9, 2011 to deny a building alteration permit for the construction of a medical cannabis dispensary. In February 2012 the Superior Court denied the writ petition and upheld the Board's decision. No appeal was filed and this decision is now final.

- **350 Beach LLC v. City & County of San Francisco, et. al.**
 - **UPHELD.** This lawsuit challenges the Board's decision on March 3, 2010 to uphold a Zoning Administrator Letter of Determination regarding a Notice of Special Restrictions recorded against the petitioner's property that requires the provision of parking for the benefit of a neighboring property. On August 23, 2011, the Superior Court denied the writ petition finding that the Board did not abuse its discretion and relied on substantial evidence when it upheld the Zoning Administrator's decision. Judgment was entered in January 2012 and the appeal period expired with no appeal filed.

- **Tu Lam v. San Francisco Municipal Transportation Agency, et. al.**
 - **PENDING.** A challenge was filed to the Board's decision on May 29, 2009 to revoke Mr. Lam's taxi driving permit and taxi medallion. On December 7, 2009, the Court denied the petitioner's request for a stay of the revocation of his driving permit and medallion while his legal claims are pending. A hearing on the merits of the underlying writ petition has not yet been scheduled.

- **Winfield Design International, Inc. v. San Francisco Planning Department, et. al.**
 - **PENDING.** A lawsuit was filed challenging the Board's November 29, 2011 decision to uphold a Zoning Administrator Notice of Violation and Penalty that found a residential development project at 3000-23rd Street (aka 2690 Harrison St.) in violation of the Planning Code due to its non-compliance with Conditional Use requirements that the project provide seven Below Market Rate housing units. The City won on a demurrer in Superior Court and the plaintiffs have appealed. A briefing and hearing schedule is pending. *Note:* the Board of Appeals is not a named defendant in this action.

BUDGET

In fiscal year 2011-12, the Board experienced its first year of relative financial stability after three years of budgetary challenges. With revenues coming in closer to projections than in the recent past, and with continued cautious spending, the Board was able to close the year with a significant surplus.

The Board's budget is derived from two sources. The majority (95%) comes from surcharges placed on permit applications for those types of permits that have a recent history of being appealed to the Board.¹⁵ The remainder (5%) comes from fees paid by individuals, community groups and businesses at the time a new appeal is filed.¹⁶ Legislation allows for the adjustment of the surcharge rates each year, if necessary to provide sufficient income to cover the Board's actual operating expenses.¹⁷ Any

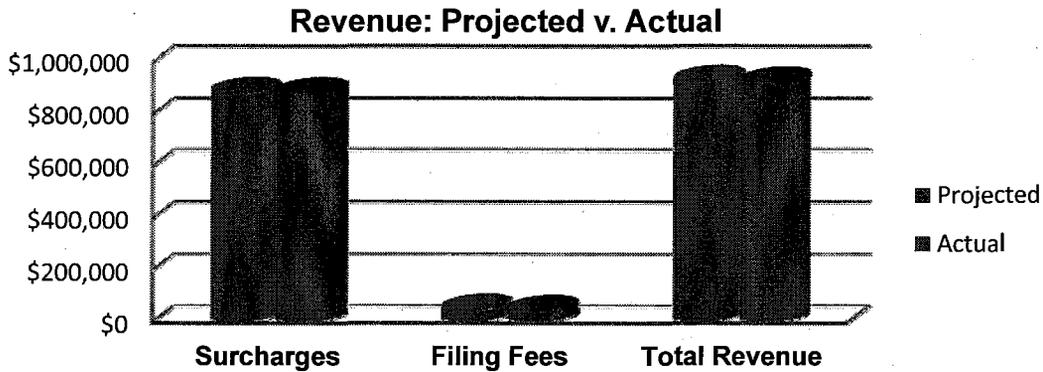
¹⁵ Surcharges are calculated by (1) determining the number of appeals filed in the prior fiscal year that originated with actions taken by each funding department, (2) applying the percentage of appeals for each department to the Board's budget to determine the dollar amount each funding department should contribute, and (3) dividing this dollar amount by the anticipated number of appealable permits issued by each funding department.

¹⁶ The Board's fees are found in S.F. Business and Tax Regulations Code Article 1, Section 8.

¹⁷ San Francisco Administrative Code Chapter 10G.

adjustment to filing fees also must be done by legislative action. With the expectation that the nation's continuing economic recovery would increase permit application volume throughout the City, no increases were made to the Board's surcharge rates. No changes were made to the filing fees as well.

The Board's revenue budget of \$925,289 was based on projected surcharge revenue of \$879,252 and filing fee revenue of \$46,037. As depicted below, the Board ended the year having realized \$919,454 in total revenue (99% of projected); with \$878,358 from surcharges (reflecting an \$894 or .1% shortfall) and \$41,096 from filing fees (reflecting a \$4,941 or 11% shortfall). On balance, this left the Board with a revenue deficit of \$5,835, which is less than one percent of its projected revenue budget (.6%).



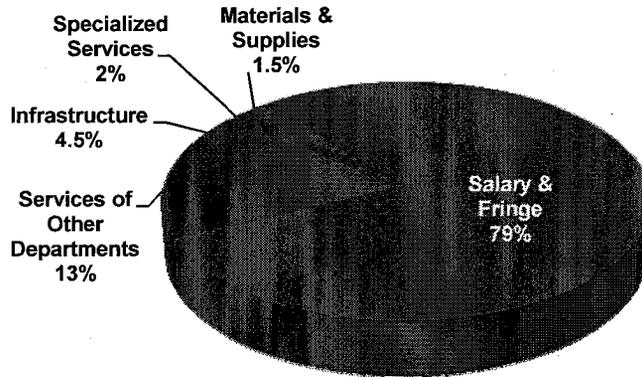
This revenue deficit is significantly smaller than those of the past three years, down from six percent (\$52,802) in fiscal year 2010-11, nine percent (\$71,805) in fiscal year 2009-10 and from sixteen percent (\$125,949) in 2008-09.

With the revenue shortfall experience of the past three years in mind, the Board took steps throughout the year to limit its expenditures whenever possible, in order to hedge against a possible deficit. When a member of the Board's staff took a six month leave of absence, the position was left unfilled in order to recoup available salary savings. Since appeal volume continued to be lower than average, the Board was able to reduce spending on neighborhood notification services and other non-personnel expenses associated with the processing of appeals. Decreased appeal volume also allowed the Board to reduce its utilization of services provided by other City departments, including the services of the Department of Technology personnel involved with recording and broadcasting Board meetings, as well as the services of the City Attorney. Overall, expenses were reduced by 20% (\$186,765). Offset by the revenue shortfall described above, these savings allowed the Board to end the year with a surplus of \$180,930.

As the chart below reflects, over three-quarters (79% or \$585,039) of the Board's total expenditures of \$738,524 were used to pay for the salaries and fringe benefits of its employees. Thirteen percent (\$94,256) paid for services provided by other City departments, including advice and assistance provided by the City Attorney, the broadcasting and closed captioning of Board meetings by the Department of Technology's SFGovTV services, and support provided by the Department of Technology for the Board's computer systems and website. The expenditures for infrastructure costs such as rent, phones and the rental of a photocopier, represented 4.5% (\$33,491) of the Board's total expenditures. Two percent (\$14,639) paid for

specialized services such as those of a contractor who researches and prepares the neighborhood notification labels, couriers delivering meeting materials to Board members, and interpreters who attend Board meetings to assist limited-English speaking individuals. Materials and supplies represented 1.5% (\$11,099) of the Board's expenditures, paying for commodities such as postage, paper and other office supplies.

Expenditures by Category

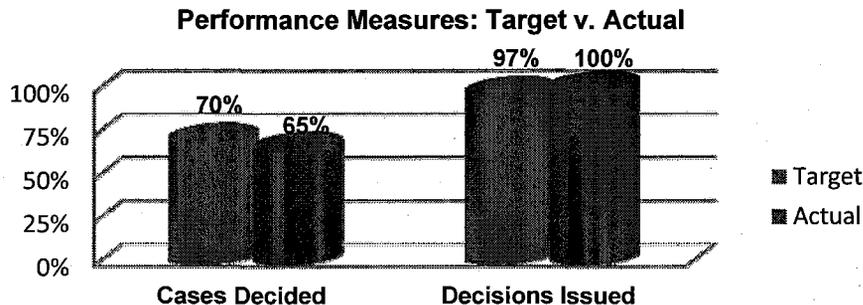


PERFORMANCE MEASURES

All City departments are required to report on specific statistical measures as a way of assessing and reporting on performance. The two measures unique to the work of the Board of Appeals look at the time it takes for the Board to decide cases and issue written decisions.

The speed at which the Board decides cases is measured by looking at how often cases are decided within 75 days of filing. Before the start of the year, a seventy percent target was set for this measure. In fact, the Board decided 65% of its caseload within the stated timeframe. In most instances, when cases are decided beyond the 75 day window, the delay is a result of continuances requested by the parties to allow time for settlement negotiations or further case preparation. In some cases, Board decisions are delayed when additional evidence is needed in order for the Board to make a fully informed decision, for instance, when a permit holder fails to provide architectural plans and the Board cannot accurately assess the impact of a project without them.

The Board's second performance measure looks at how often written decisions are released within 15 days of final Board action. The Board was able to release all written decisions within this timeframe, exceeding the 97% target to reach 100%.

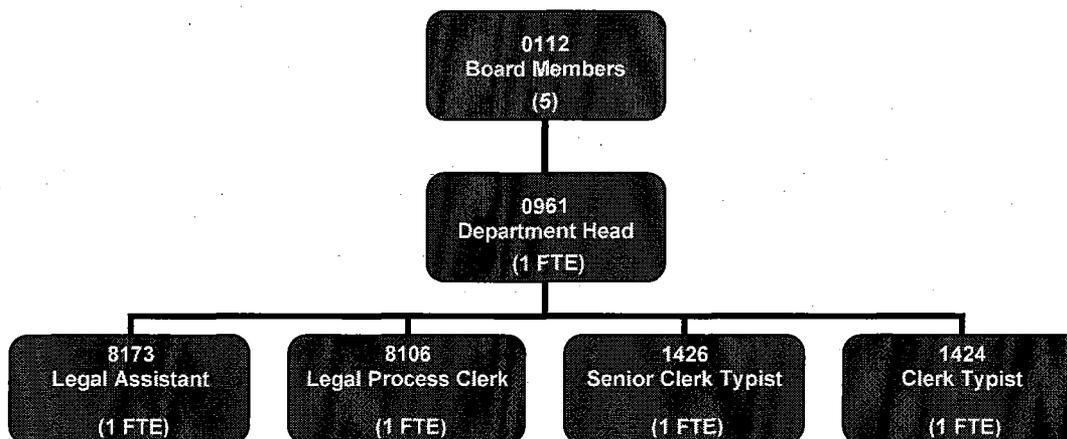


BOARD STAFF

The work of the Board is supported by an Executive Director, Legal Assistant, two Clerk Typists and a Legal Process Clerk. Staff is responsible for managing many facets of the appeal process, from the intake of new appeals to the preparation of the Board's Notices of Decision which articulate the final determination made by the Board members at hearing. Given the complexity of many of the appeals heard by the Board, it is common for voluminous filings to be submitted by the parties, including written argument, architectural plans, statements and studies prepared by experts and comments from members of the public. Staff tracks these documents as they move through the appeal process, ensuring that each Board member is given the materials needed to decide the matters presented at each meeting.

In addition to their usual responsibilities, the clerks at the Board have been engaged in an ongoing project to capture Board decisions in an electronic format. Working backward from the present, Board decisions are being scanned and shared with the Planning Department for inclusion in the City's on-line Property Information Map.¹⁸ Depicted below is the Board's current organization structure:

Organizational Chart



IMPROVEMENTS TO INFRASTRUCTURE

During fiscal year 2011-2012, the Board continued to look for ways to increase the accessibility of its services to the public and to improve its operating systems:

- The Board took advantage of the City's new "Smart PDF" system, which replaces static forms with forms that can be filled out on line, and where appropriate, submitted online as well.
- The Board continued to create electronic versions of historical Board decisions for public access and inclusion in the Planning Department's Property Information Map.

¹⁸ This online database may be found on the internet at: <http://ec2-50-17-237-182.compute-1.amazonaws.com/PIM/?address=&x=57&y=17>.



Issued: Controller's Office Government Barometer -- September 2012
Reports, Controller

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

The Office of the Controller has issued the Government Barometer September 2012 to share key performance and activity information with the public in order to increase transparency, create dialog, and build the public's confidence regarding the City's management of public business. The report lists measures in major service areas, such as public safety, health and human services, streets and public works, public transit, recreation, environment, and customer service. Recent data and trend information are included. This is a recurring report - the December 2012 report is scheduled to be issued in late January 2013

Please note that we have shifted the report from a bi-monthly to quarterly reporting schedule. Additionally, we have made several updates to the barometer format to improve the functionality and accessibility of its contents.

To view the full report, please visit our website at: <http://co.sfgov.org/webreports/details.aspx?id=1501>

You can also access the report on the Controller's website (www.sfcontroller.org) under the News & Events section and on the Citywide Performance Measurement Program website (www.sfgov.org/controller/performance) under the Performance Reports section.

For more information please contact:

Office of the Controller

City Services Auditor Division
Phone: 415-554-7463
Email: CSA.ProjectManager@sfgov.org

This is a send-only email address.

Thank you.

City and County of San Francisco

Office of the Controller – City Services Auditor

GOVERNMENT BAROMETER

September 2012



November 21, 2012

**CONTROLLER'S OFFICE
CITY SERVICES AUDITOR**

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

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

About the Government Barometer:

The purpose of the Government Barometer is to share key performance and activity information with the public in order to increase transparency, create dialog, and build the public's confidence regarding the City's management of public business. The report lists measures in major service areas, such as public safety, health and human services, streets and public works, public transit, recreation, environment, and customer service. This is a recurring report. The December 2012 report is scheduled to be issued in late January 2013.

For more information, please contact the Office of the Controller, City Services Auditor Division.

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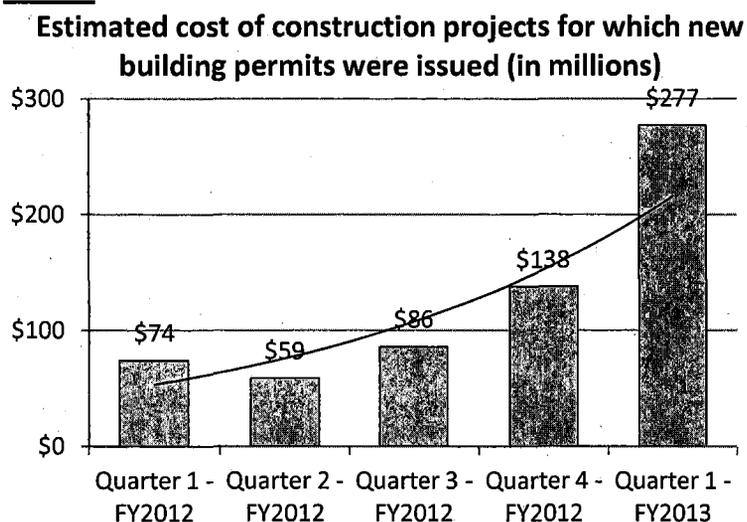
Government Barometer – September 2012

Summary

The Office of the Controller's Citywide Performance Measurement Team has updated the format and issuance schedule for the Government Barometer. Significant changes include the following:

- The format of the Government Barometer has shifted from a bi-monthly to a quarterly reporting format. Period-to-period calculations have been updated to reflect this change.
- Several new measures have been included and outdated measures have been removed.
- Trend lines have been added to each measure in order to provide visual representations of both period-to-period and year-to-year data trends.
- In addition to a highlighted measure from the Government Barometer, featured city highlights will be included to provide information on current issues and trends not included in the Barometer.

Measure Highlight – Estimated Cost of Construction Projects for which New Building Permits were Issued

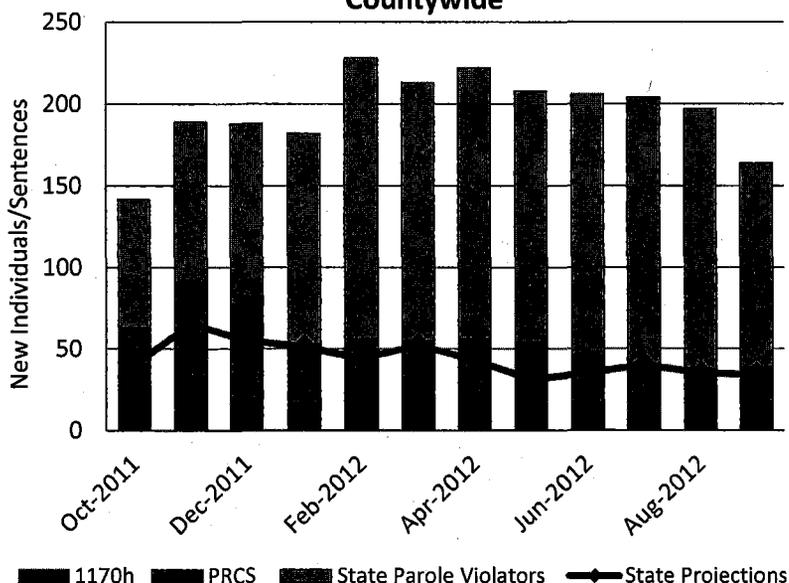


The average value of construction projects for which new building permits were issued during the current quarter equals \$277.4 million. This figure is an increase of 207% from the prior year when the average value equaled \$74.1 million and 65% from the previous quarter with construction costs of \$137.7 million. During the current quarter, the three largest projects are two apartment complexes and one office building valued at \$140.7, \$98.1, and \$100.2 million respectively.

Featured City Highlight – New Individuals Processed Under the Public Safety Realignment Act of 2011

The Public Safety Realignment Act of 2011 (AB 109) transferred responsibility for many individuals convicted of lower-level felony offenses from the State to Counties. Major changes enacted include: 1) 1170h, which includes individuals convicted of certain felonies being sentenced to local jail and/or probation rather than state prison; 2) Post Release Community Supervision (PRCS), which includes releasing individuals from state prison to probation supervision rather than state parole; or 3) State Parole Violators, which include individuals that violate the terms of their state parole and are sentenced to local jail rather than to state prison. The actual number of new individuals processed under AB 109 exceeds state projections by roughly 75 percent on average, and the majority of new individuals to date are State Parole Violators.

Individuals Newly Processed Under AB 109 Countywide



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| Activity or Performance Measure | Rolling | Prior | Current | Period-to-Period | | Year-to-Year | |
|---|---------|---------|---------------|------------------|-------|--------------|-------|
| | Yearly | Period | Period | % Change | Trend | % Change | Trend |
| Average | Average | Average | Average | % Change | Trend | % Change | Trend |
| Public Safety | | | | | | | |
| Total number of serious violent crimes reported (homicide, forcible rape, robbery, and aggravated assault, per 100,000 population) | 67.2 | 66.1 | 65.4 | -1.1% | | -2.8% | |
| Total number of serious property crimes reported (burglary, larceny-theft, motor vehicle theft, and arson, per 100,000 population) | 365.4 | 365.5 | 403.3 | 10.3% | | 22.6% | |
| → The total number of serious property crimes reported (burglary, larceny-theft, motor vehicle theft, and arson, per 100,000 population) has increased by 10.3% from the previous quarter and 22.6% from the same quarter the previous year. | | | | | | | |
| Percentage of fire/medical emergency calls responded to within 5 minutes | 90.2% | 89.6% | 91.1% | 1.6% | | -0.7% | |
| Average daily county jail population | 1,553 | 1,557 | 1,531 | -1.7% | | 5.0% | |
| Total active probationers | 6,061 | 6,046 | 5,925 | -2.0% | | -5.2% | |
| → The total active probationers decreased by 5.2% compared to the same quarter the previous year. Although the Public Safety Realignment Act of 2011 (highlighted on cover) led to an increase in a portion of the probation population; the overall probationer population has decreased due to several factors including reduced crime levels and diversion programs that keep offenders off probation. | | | | | | | |
| Percentage of 9-1-1 calls answered within 10 seconds | 88% | 87% | 88% | 0.8% | | -1.5% | |
| Average 9-1-1 daily call volume | 1,487 | 1,507 | 1,520 | 0.9% | | 5.6% | |
| → The average 9-1-1 daily call volume has increased by 5.6% from the same quarter the previous year. | | | | | | | |
| Health and Human Services | | | | | | | |
| Average daily population of San Francisco General Hospital | 394 | 397 | 374 | -5.9% | | -8.0% | |
| → The average daily population of San Francisco General Hospital has decreased by 5.9% since the previous quarter and by 8% compared to the same quarter the previous year. | | | | | | | |
| Average daily population of Laguna Honda Hospital | 752 | 755 | 757 | 0.3% | | 0.9% | |
| Total number of Healthy San Francisco participants | 46,482 | 46,713 | 47,705 | 2.1% | | 7.0% | |
| New patient wait time in days for an appointment at a DPH primary care clinic | 24 | 23 | 27 | 17.4% | | -18.2% | |
| → Department of Public Health (DPH) new patient wait time increased 17.4% from the previous quarter (an average of 4 extra days). The recent increase in patient wait time is a result of the implementation of electronic medical records systems at primary care clinics. During the training and transitioning phase, physician productivity levels decreased. Nonetheless, the electronic medical records system is predicted to decrease wait times for patients in the long term. | | | | | | | |



| Activity or Performance Measure | Rolling | Prior | Current | Period-to-Period | | Year-to-Year | |
|---|---------|---------|---------------|------------------|----------|--------------|-------|
| | Yearly | Period | Period | % Change | Trend | % Change | Trend |
| Average | Average | Average | % Change | Trend | % Change | Trend | |
| Current active CalWORKs caseload | 4,626 | 4,572 | 4,540 | -0.7% | | -8.6% | |
| Current active County Adult Assistance Program (CAAP) caseload | 7,042 | 7,093 | 6,822 | -3.8% | | -7.5% | |
| <p>→ The current active County Adult Assistance Program (CAAP) caseload of the Human Service Agency (HSA) has decreased by 3.8% from the previous quarter. This decrease is a twofold result of individuals moving out of the service area once they can no longer receive benefits and a concerted effort of HSA to transition people from CAAP to Supplemental Security Income. This transition is favorable for both San Francisco and its recipients as the stipend is larger and originates from a federal fund.</p> | | | | | | | |
| Current active Non-Assistance Food Stamps (NAFS) caseload | 27,802 | 27,913 | 27,761 | -0.5% | | 0.8% | |
| Percentage of all available homeless shelter beds used | 96% | 97% | 97% | -0.3% | | 2.3% | |
| Average nightly homeless shelter bed use | 1,089 | 1,098 | 1,096 | -0.2% | | 1.8% | |
| Total number of children in foster care | 1,093 | 1,086 | 1,096 | 0.9% | | -6.8% | |
| Streets and Public Works | | | | | | | |
| Volume of graffiti (public) | 1,012 | 884 | 955 | 8.0% | | -17.8% | |
| Volume of graffiti (private) | 1,082 | 973 | 995 | 2.2% | | -20.7% | |
| Volume of pothole repair requests | 1,122 | 1,055 | 884 | -16.2% | | -22.9% | |
| <p>→ The number of pothole repair requests has decreased by 16.2% since the previous quarter, and by 22.9% since the same period the previous year.</p> | | | | | | | |
| Volume of street cleaning requests | 5,132 | 5,086 | 5,737 | 12.8% | | -5.2% | |
| <p>→ The volume of street cleaning requests received by the Department of Public Works has increased by 12.8% since the previous quarter. Subsequently, the percentage of street cleaning requests responded to within 48 hours by DPW has decreased by 12.2% over the same period of time.</p> | | | | | | | |
| Percentage of street cleaning requests responded to within 48 hours | 89.4% | 93.0% | 81.7% | -12.2% | | -4.1% | |

City and County of San Francisco
 Controller's Office
 Government Barometer
 September-12



| Activity or Performance Measure | Rolling | Prior | Current | Period-to-Period | | Year-to-Year | |
|---|---------|---------|----------------|------------------|-------|--------------|-------|
| | Yearly | Period | Period | % Change | Trend | % Change | Trend |
| Average | Average | Average | Average | | | | |
| Percentage of graffiti requests on public property responded to within 48 hours | 85.6% | 94.0% | 95.9% | 2.0% | | 61.6% | |
| <p>→ The percentage of graffiti requests on public property responded to within 48 hours by the Department of Public Works (DPW) has increased by 61.6% since the same period the previous year. This increase is a result of the reorganization and reallocation of DPW resources as well as the hiring of more staff to support graffiti removal.</p> | | | | | | | |
| Percentage of pothole requests repaired within 72 hours | 91.6% | 91.0% | 95.2% | 4.7% | | 10.7% | |
| Public Transit | | | | | | | |
| Percentage of Muni buses and trains that adhere to posted schedules | 63.6% | 61.0% | 58.7% | -3.9% | | -18.7% | |
| <p>→ The percentage of Muni buses and trains that adhere to posted schedules demonstrates a decline of 3.9% from the previous quarter and 18.7% since the same quarter the previous year. SFMTA has updated their methodology for calculating schedule adherence and therefore previous quarters represent the previous methodology. The SFMTA is in the process of updating historical performance data using the updated methodology.</p> | | | | | | | |
| Average daily number of Muni customer complaints regarding safety, negligence, discourtesy, and service delivery | 44.0 | 42.6 | 48.0 | 12.7% | | 6.3% | |
| <p>→ The average daily number of customer complaints regarding safety, negligence, discourtesy, and service delivery provided by SFMTA has increased by 12.7% since the last quarter.</p> | | | | | | | |
| Recreation, Arts, and Culture | | | | | | | |
| Average score of parks inspected using park maintenance standards | 90.5% | 89.1% | 91.2% | 2.4% | | 1.3% | |
| Total number of individuals currently registered in recreation courses | 10,675 | 11,342 | 11,936 | 5.2% | | 6.5% | |
| Total number of park facility (picnic tables, sites, recreation facilities, fields, etc.) bookings | 6,105 | 7,338 | 6,265 | -14.6% | | -2.4% | |
| <p>→ The total number of park facility (picnic tables, sites, recreation facilities, fields, etc) bookings have decreased by 14.6% since the last quarter. The change is likely due to timing of registrations or seasonality factors.</p> | | | | | | | |
| Total number of visitors at public fine art museums (Asian Art Museum, Legion of Honor, and de Young) | 140,504 | 150,663 | 143,790 | -4.6% | | -21.9% | |
| <p>→ The total number of visitors at public fine art museums (Asian Art Museum, Legion of Honor, and de Young) decreased by 4.6% from the previous quarter. This decrease in visitors can be attributed to the spike in museum attendance during the summer tourist season and a designated extra free museum day which occurred during the previous quarter.</p> | | | | | | | |
| Total circulation of materials at main and branch libraries | 930,273 | 947,730 | 970,323 | 2.4% | | 4.1% | |



| Activity or Performance Measure | Rolling | Prior | Current | Period-to-Period | | Year-to-Year | |
|---|---------|---------|---------|------------------|-------|--------------|-------|
| | Yearly | Period | Period | % Change | Trend | % Change | Trend |
| Average | Average | Average | Average | | | | |
| Environment, Energy, and Utilities | | | | | | | |
| Average monthly energy usage per SFPUC street light (in million kilowatt hours) | 50.2 | 49.3 | 51.1 | 3.7% | | N/A | |
| Percent of energy supplied by SF Water Power Sewer from emissions-free and renewable sources | 98% | 100% | 96% | -3.6% | | N/A | |
| Per capita water sold to San Francisco residential customers (gallons per capita per day) | 50.3 | 50.5 | 50.6 | 0.3% | | 1.3% | |
| <p>→ The per capita water sold to San Francisco residential customers by the Public Utilities Commission (PUC) has been incrementally rising since January 2012, demonstrating that declining water consumption trends are beginning to level.</p> | | | | | | | |
| Average monthly water use by City departments (in millions of gallons) | 120.7 | 122.4 | 128.1 | 4.7% | | 10.1% | |
| <p>→ The average monthly water usage by City department (in millions of gallons) has increased by 4.7%, or 5.7 million gallons, since the previous quarter and 10.1%, or 11.8 million gallons, since the prior year. This trend is a result of increased consumption of municipal irrigation water usage, potentially a consequence of drier seasonal weather during the summer months compared to the previous year.</p> | | | | | | | |
| Average monthly energy usage by City departments (in million kilowatt hours) | 72.5 | 72.6 | 72.1 | -0.7% | | -0.8% | |
| Average workday tons of trash going to primary landfill | 1421.2 | 1432.0 | 1438.7 | 0.5% | | 13.0% | |
| <p>→ Average workday tons of trash going to primary landfill has increased by 0.5%, or 6.7 tons, since the last quarter and 13%, or 165.1 tons, since the same quarter the previous year.</p> | | | | | | | |
| Percentage of curbside refuse diverted from landfill | 59.4% | 60.2% | 59.9% | -0.5% | | 0.3% | |
| Permitting and Inspection | | | | | | | |
| Value (estimated cost, in millions) of construction projects for which new building permits were issued | \$127.5 | \$137.7 | \$227.4 | 65.1% | | 206.7% | |
| <p>→ The value (estimated cost, in millions) of construction projects for which new building permits were issued increased by 206.73% since the previous year's quarter. The total value average of construction projects in the current period is \$227.4 million with a single project valued at 140.8 million during August 2012 alone.</p> | | | | | | | |
| Percentage of all building permits involving new construction and major alterations review that are approved or disapproved within 90 days | 66% | 69% | 66% | -3.4% | | 16.4% | |
| Percentage of categorical exemptions reviewed within 45 days | 81% | N/A | 81% | N/A | | N/A | |

City and County of San Francisco
 Controller's Office
 Government Barometer
 September-12



| Activity or Performance Measure | Rolling Yearly | Prior Period | Current Period | Period-to-Period | | Year-to-Year | |
|--|----------------|--------------|----------------|------------------|-------|--------------|-------|
| | Average | Average | Average | % Change | Trend | % Change | Trend |
| Percentage of life hazard or lack of heat complaints responded to within one business day | 95% | 94% | 100% | 6.0% | | 23.5% | |
| <p>→ The percentage of life hazard or lack of heat complaints responded to within one business day by the Department of Building Inspection has increased by 6% since the previous quarter.</p> | | | | | | | |
| Percentage of customer-requested construction permit inspections completed within two business days of requested date | 98% | 98% | 98% | -0.3% | | 0.3% | |
| Customer Service | | | | | | | |
| Average daily number of 311 contacts, across all contact channels | 6,541 | 6,266 | 5,667 | -9.6% | | -28.3% | |
| <p>→ The average daily number of 311 contacts, across all contact channels, decreased for the eighth consecutive month. Since the previous quarter, the average daily number of contacts has decreased by 9.6 percent. This decrease can be attributed to the decrease in calls regarding Muni service as smart phones and increased data sharing with 511 has made Muni arrival time more widely available.</p> | | | | | | | |
| Percentage of 311 calls answered by call takers within 60 seconds | 74% | 75% | 70% | -6.0% | | 0.7% | |

Notes:

Beginning in July 2012, the Government Barometer will be issued four times a year. Each report will include new data from the prior three months. The Rolling Yearly Average is the average of monthly values for the most recent month and 11 months prior (e.g., the average of October 2011 to September 2012). The Prior Period Average value reflects the average of the three months prior to the Current Period (e.g. for the September 2012 report, April, May and June 2012). The year-to-year change reflects the change since the same period last year (e.g., Jul-Sept 2012 compared to Jul-Sept 2011). Trend lines are made up of monthly data provided by departments. The scale of the trend lines can give the appearance of major changes to small fluctuations. For additional detail on measure definitions and department information, please review the Government Barometer Measure Details on the Controller's Office website. Values for prior periods (e.g. April 2012 or June 2011) may be revised in this report relative to their original publication.

To prepare this report, the Citywide Performance Measurement Program has used performance data supplied by City Departments. The Departments are responsible for ensuring that such performance data is accurate and complete. Although the Citywide Performance Measurement Program has reviewed the data for overall reasonableness and consistency, the Program has not audited the data provided by the Departments.



Fw: Resignation Letter

Angela Calvillo to: BOS-Supervisors
BOS-Legislative Aides, Madeleine Licavoli, Peggy Nevin,
Cc: Deborah.Landis, Rick Caldeira, Jon Givner, "Harvey Rose",
"Rosenfield, Ben", Monique.Zmuda

11/26/2012 04:58 PM

Dear Board Members,

Attached is the resignation letter from Assessor Phil Ting, Effective December 3, 2012, Deputy Assessor-Recorder Zoon Nguyen will serve until a successor has been appointed in accordance with the City's Charter.

Angela Calvillo
Clerk of the Board

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548

----- Forwarded by Angela Calvillo/BOS/SFGOV on 11/26/2012 04:54 PM -----

From: Phil Ting/ASRREC/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV,
Cc: Tara.Sullivan@sfgov1.onmicrosoft.com, Steve Kawa/MAYOR/SFGOV@SFGOV, Mayor Edwin Lee/MAYOR/SFGOV@SFGOV
Date: 11/26/2012 04:36 PM
Subject: Resignation Letter

Dear Madame Clerk of the Board,

Please find attached my letter of resignation.

Thanks,

Phil Ting



Resignation Letter Phil Ting.pdf

Phil Ting
Assessor-Recorder
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
phone: (415) 554-4999
fax: (415) 554-5553

OFFICE OF THE ASSESSOR-RECORDER
SAN FRANCISCO



PHIL TING
ASSESSOR-RECORDER

November 26, 2012

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

Dear Ms. Calvillo,

As of December 3, 2012, I will vacate the Office of the Assessor-Recorder to become the State of California, Assembly District 19 Representative. I thank you and the people of San Francisco for allowing me to serve as the Assessor-Recorder of the City and County of San Francisco.

Over the last 7 years, the Assessor-Recorder's Office has increased the gross local roll year after year and captured additional revenue through supplementals and escapes, allowing the City to balance its budget and protect vital City services from cuts. We have continued to help homeowners and tenants facing foreclosure through our Notice of Default letters and proactively accommodated property owners who request language services. In addition, our staff has closed a record number of AAB Appeals and increased efforts to audit under-reported and un-recorded transfer tax transactions. I am proud of my tenure in the Assessor-Recorder's Office and thank my staff for their continued dedication.

At the Assessor-Recorder's Office, there are three Deputy Assessor-Recorders and therefore three second-in-command personnel. The Charter does not specify who is in charge in the event the Assessor-Recorder is absent or unavailable. In January 2006, during my first year as the Assessor-Recorder, I appointed Zoon Nguyen to serve as the Deputy Assessor-Recorder overseeing the Recorder Division and Business Personal Property Division. In addition, she has also served as my Chief Administrative Officer and successfully managed other units within the Assessor-Recorder's Office. Hence, since that time, and in that capacity, she has acted as my second-in-command.

Therefore, if as of December 3, 2012 my successor has not been appointed and assumed office in accordance with the City's Charter, then, consistent with California Government Code section 24105, I intend that Ms. Nguyen continue to serve as Deputy Assessor-Recorder and have all of the authority and be subject to all of the obligations and penalties as the Assessor-Recorder during the period from when I vacate the office of Assessor-Recorder until my successor assumes that office. This designation will ensure that the Assessor-Recorder's Office continues to function appropriately and in compliance with applicable laws during any such interim period.

OFFICE OF THE ASSESSOR-RECORDER
SAN FRANCISCO



PHIL TING
ASSESSOR-RECORDER

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Ting".

Phil Ting
Assessor-Recorder

cc: Mayor Ed Lee
cc: City Attorney Dennis Herrera



**SAN FRANCISCO
PLANNING DEPARTMENT**

BOS-11
e page

RECEIVED
BOARD OF SUPERVISOR
SAN FRANCISCO

MEMO

2012 NOV 28 PM 3: 58

AK

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Notice of Electronic Transmittal

HARD COPY - available in
clerk's office

**Planning Department Publication
San Francisco Commerce & Industry Inventory 2011
(Published April 2012)**

DATE: November 26, 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, *San Francisco Commerce & Industry Inventory 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 *Commerce & Industry Inventory 2011 (published November 2012)*.

A hard copy of this document will be sent to the Clerk of the Board on Tuesday, November 27, 2012 (enclosed with this Hard Copy of the Electronic Transmittal).

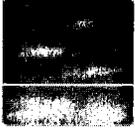
Additional hard copies may be printed from the digital copy (address below), or requested from Scott Edmondson, Planning Department, 415-575-6818 or scott.edmondson@sfgov.org.

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

- <http://www.sf-planning.org/modules/showdocument.aspx?documentid=8937>

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

5



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Issued: Memorandum on Assessment of the San Francisco Municipal Transportation Agency's Compliance With Close-out Procedures for the Metro East Contract

From: "Reports, Controller" <controller.reports@sfgov.org>
To: "ed.reiskin@sfmta.com" <ed.reiskin@sfmta.com>,
Cc: "Vincent.harris@sfmta.com" <Vincent.harris@sfmta.com>, "Sakelaris, Kathleen" <kathleen.sakelaris@sfmta.com>, "Farhangi, Shahnam" <shahnam.farhangi@sfmta.com>, "Rosenfield, Ben" <ben.rosenfield@sfgov.org>, "Zmuda, Monique" <monique.zmuda@sfgov.org>, "Lane, Maura" <maura.lane@sfgov.org>, "Wu, Monica (CON)" <monica.wu@sfgov.org>, "deRosa, Mark" <mark.p.delarosa@sfgov.org>, "Licko, Deric" <deric.licko@sfgov.org>, "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>, "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-CCSF Dept Heads <con-ccsfdeptheads.bp2ln@sfgov.microsoftonline.com>, CON-Finance Officers <confinanceofficers.bp2ln@sfgov.microsoftonline.com>, CON-EVERYONE <con-everyone.bp2ln@sfgov.microsoftonline.com>
Date: 11/28/2012 11:35 AM
Subject: Issued: Memorandum on Assessment of the San Francisco Municipal Transportation Agency's Compliance With Close-out Procedures for the Metro East Contract
Sent by: "Chapin-Rienzo, Shanda" <shanda.chapin-rienzo@sfgov.org>

Good Morning Mr. Reiskin:

The Office of the Controller's City Services Auditor Division (CSA) today issued a memorandum on its assessment of the San Francisco Municipal Transportation Agency's compliance with close-out procedures for the Metro East contract. The assessment found that the San Francisco Municipal Transportation Agency complied with all close-out procedures, but did not document final completion of the project. Furthermore, the contract lacks some important close-out procedures for inspections, and some of the procedures are unclear or contain unnecessary detail.

To view the full memorandum, please visit our website at:
<http://sfcontroller.org/Modules/ShowDocument.aspx?documentid=3764>

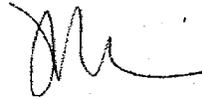
This is a send-only email address.

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.



MEMORANDUM

TO: Edward D. Reiskin, Director of Transportation
San Francisco Municipal Transportation Agency

FROM: Tonia Lediju, Director of City Audits
City Services Auditor Division 

DATE: November 28, 2012

SUBJECT: Assessment of the San Francisco Municipal Transportation Agency's
Compliance With Close-out Procedures for the Metro East Contract

EXECUTIVE SUMMARY

Although the San Francisco Municipal Transportation Agency (SFMTA) complied with all close-out procedures for its construction and equipment contract with Cal State Constructors, Inc., the contractor for the Metro East project, SFMTA did not document final completion of the project, the contract lacks some important close-out procedures for inspections, and some of the procedures are unclear or contain unnecessary detail. SFMTA concurs with the three findings, and agrees to implement all of the related seven recommendations.

BACKGROUND, OBJECTIVES & METHODOLOGY

Background

In accordance with the Office of the Controller's City Services Auditor Division (CSA) work plan for fiscal year 2012-13, CSA assessed SFMTA's compliance with construction contract close-out procedures as part of CSA's ongoing program of assessing compliance with contract close-out procedures in various departments of the City and County of San Francisco (City) each quarter.

SFMTA operates the surface transportation network in San Francisco, which encompasses pedestrians, bicycling, transit, traffic, and parking, and also regulates the taxi industry. SFMTA's Municipal Railway, known as Muni, is the largest transit system in the Bay Area and seventh largest in the nation, serving more than 200 million customers a year. SFMTA is organized into several divisions under the Director of Transportation. The Capital Programs & Construction

Division is the subject of this assessment. The division's mission is to improve the City's transportation infrastructure by managing the capital improvement programs for all city transportation initiatives to support San Francisco's needs as the City changes and grows, including engineering and constructing improvements to the City's transportation infrastructure.

The Metro East project (Contract No. 1232) was designed to undertake construction and provide equipment for the newly built Muni Metro East Light Rail Vehicle Maintenance and Operations Facility, including:

- Demolishing and salvaging existing facilities and equipment.
- Removing and disposing of material.
- Modifying existing facilities to accommodate newly installed wheel-truing equipment.
- Providing additional accessory equipment.
- Testing all new equipment and training staff.

The contractor selected for this project was Cal State Constructors, Inc. The project started on July 27, 2009, and SFMTA deemed it substantially complete within the time limit of 540 calendar days, on January 18, 2011. The contractor completed the project work on May 17, 2011, and SFMTA approved final close-out of the project on September 21, 2011. The project's final construction cost was \$4,063,262, or \$469,338 less than the original contract amount of \$4,532,600, due to a change order SFMTA approved on August 31, 2011, to adjust final quantities of materials. SFMTA processed final payment on November 10, 2011, and approved the release of the final retention payment on November 14, 2011.

Contract close-out formally ends the construction phase of a capital project and ensures that all contractual and legal obligations have been fulfilled before final payment is released to the contractor. Ensuring compliance with all close-out procedures assures the City that the contractor has used city resources appropriately and has completed the work in accordance with contract terms.

Objectives and Methodology

The objectives of the assessment were to determine whether:

- SFMTA adequately oversaw compliance with the close-out procedures in the contract for the Metro East project.
- The contractor complied with the contract's close-out procedures.

To achieve the objectives, CSA:

- Reviewed SFMTA's procedures for contract close-out.
- Developed a checklist of requirements for all phases of close-out based on SFMTA's required procedures.
- Reviewed close-out documentation provided by SFMTA.
- Determined whether each requirement was met or did not apply to the project based on documentation provided by SFMTA.

- Compared SFMTA's close-out procedures to those used by the Department of Public Works (DPW).
- Reviewed relevant best practices documents.

CSA selected the Metro East project for assessment from among all of SFMTA's capital projects completed during the period chosen for the assessment, which covered fiscal years 2009-10 through 2011-12. CSA divided the projects into locally-funded and federally-funded, and selected the Metro East project from the locally-funded group. CSA discussed the close-out process and specific close-out requirements with key SFMTA staff. CSA obtained from SFMTA documentation that procedures were followed for substantial completion, final completion, and close-out of the project.

RESULTS

Finding 1 – SFMTA did not formally document final completion of the Metro East project.

The close-out documents SFMTA provided include no formal documentation of the project's final completion. The final punch list work was completed on February 28, 2011, and the contractor's final project schedule indicates final completion on May 17, 2011. A June 6, 2011, SFMTA memo to the file indicates that the contract work is accepted and complete for close-out. However, no acknowledgement of final completion on a specific date is contained in the close-out binder, as was done for substantial completion, consistent with the contract.

Issuing a notice of final completion is a best practice that confirms that all outstanding work necessary for final completion as described in the contract has been completed, a practice that is followed by other city departments. For example, the DPW construction contract requires documentation of final completion as a condition for processing the final payment. DPW is responsible for delivering major capital projects on behalf of city agencies, and is recognized as a city leader in the delivery of both buildings and facilities.

Although the contract's close-out procedures for final completion do not specifically require that the City document final completion or issue a certificate of final completion, the contract's special provisions indicate that the work remaining after substantial completion must be completed within 120 days or liquidated damages of \$500 per day apply. Without formal documentation of the final completion date, it is unclear whether liquidated damages to the City apply.

The construction manager stated that it is SFMTA's practice not to delay final completion for minor corrections needed, because the final payment will not be processed until the work is fully accepted as complete. SFMTA stated that the work for the Metro East project was, in fact, completed on May 17, 2011, and included a new memo to the project file retroactively documenting this as the final completion date.

Recommendations

The San Francisco Municipal Transportation Agency should:

1. Ensure that final completion is documented for every contract.
2. For future contracts, add to the close-out section of its construction contracts a requirement that final completion be formally documented.

Finding 2 – Some important close-out procedures for inspections are not included in the Metro East contract, and SFMTA does not use a close-out checklist.

The close-out procedures for substantial completion and final completion do not require the contractor to request an inspection or the City to conduct one to determine the completion status. Requiring formal documentation of inspections and completion of work is a best practice, and requiring formal documentation of inspection readiness is a practice used by DPW that could enable SFMTA to avoid unnecessary re-inspection of project progress. This documentation also provides the City with evidence to request reimbursement of the cost of re-inspections from the contractor, if necessary, and to defend the City against any unwarranted construction claims.

For the Metro East contract, SFMTA stated that the field acceptance testing that took place on December 23, 2010, served as the substantial completion inspection. The project team also stated that the request for substantial completion inspection is generally made by mutual understanding with the resident engineer, who has been working with the contractor. Verbal or other undocumented approval, however, could result in disagreement between the contractor and the City regarding completion of a particular requirement.

Procedural steps are required to ensure successful completion of the project, and failure to follow all required steps could cause an important procedure or requirement to be overlooked. SFMTA does not use a close-out checklist to ensure that all procedures have been completed. Creating a checklist of required procedures and documentation is a best practice for contract close-out, and would assist SFMTA staff in ensuring that all applicable close-out procedures in the contract are completed and documented.

Recommendations

The San Francisco Municipal Transportation Agency should:

3. Develop and implement a checklist of required close-out procedures and documentation.
4. For future contracts, add to the close-out section of its contracts procedures requiring documentation that the contractor requested and City performed inspections for substantial completion and final completion.

Finding 3 – Some of the Metro East contract's close-out procedures are unclear, and some portions of the close-out section contain unnecessary detail.

The close-out procedures contain some unclear requirements or contain unnecessary detail.

For example:

- It is unclear if demonstrating the operation of installed systems and completion of training are requirements for substantial completion or final completion.
- It is unclear how the required pre-final inspection relates to the inspection to determine if the work is substantially complete.
- The close-out procedure for providing operational and maintenance data for operating diagrams contains unnecessary detail.

Operation of Installed Systems and Completion of Training

It could be reasonable to require before substantial completion or final completion that the contractor demonstrate the proper and complete operation of all installed systems and equipment, and train city staff on its proper use, function, and maintenance. According to SFMTA, the field acceptance testing for the Metro East project conducted on December 23, 2010, before substantial completion, satisfied the requirement to demonstrate the proper operation of the system. However, the contract is not clear if this testing is a requirement for substantial completion or final completion.

The training the contractor was to conduct is required in two places in the contract, both for substantial completion and for final completion. According to SFMTA, training for the Metro East project was completed on January 3, 2011, before substantial completion, except for one item which was delayed to January 24, 2011, due to staff availability. However, to determine whether the project was substantially completed within the period specified in the contract (where liquidated damages of \$3,000 per day apply), the contract is not clear as to when the training must be completed.

Pre-Final Inspection and Substantial Completion Inspection

The contract's pre-final inspection requirements state, in part, that:

- The contractor must certify that the work is substantially complete and ready for inspection.
- The resident engineer must inspect the work to determine whether it is ready.
- If applicable, the contractor must correct any deficiencies before the resident engineer can consider the work ready for substantial completion.

According to SFMTA, for the Metro East contract the factory acceptance testing that occurred in Albany, New York, on August 24 and 25, 2010 qualifies as the pre-final inspection and the field acceptance testing that occurred on December 23, 2010 qualifies as the substantial completion inspection. However, as noted in Finding 2, the contract does not require an inspection to determine whether to issue a Notice of Substantial Completion. The contract's close-out section

for substantial completion refers to re-checking the work if the resident engineer does not consider it to be substantially complete, but does not mention any required initial inspection. Furthermore, the pre-final inspection procedure states that the contractor must consider the work to be substantially complete at the time of the pre-final inspection. Thus, the contract does not clearly indicate the difference between the pre-final inspection and substantial completion inspection, and, if they are different, does not require documentation of satisfactory completion of the pre-final inspection to clearly establish contractor compliance.

Unnecessary Detail

The close-out procedure for providing operational and maintenance data for operating diagrams is unnecessarily detailed. Because the contract close-out section is a list of requirements for closing out the work, the lengthy details in the operational and maintenance data procedure would be better contained in contract Section 01784, which specifies the requirements, format, and content of submittals for operations and maintenance manuals. SFMTA concurs that these specifications could be in another section of the contract.

Recommendations

For future contracts, the San Francisco Municipal Transportation Agency should:

5. Clarify the contract procedures for completion of training and starting of systems to indicate whether these procedures must be completed before substantial completion or final completion.
6. Clarify the contract procedures for pre-final inspection to indicate if this inspection is the same as or separate from an inspection to determine substantial completion and, if different, to include a procedure to document satisfactory completion of pre-final inspection.
7. Revise the contract procedures in Section 01700 for provision of operational and maintenance data to remove excessive detail and instead refer to the appropriate section of the contract where those specifications are detailed.

SFMTA's response is attached. CSA will work with SFMTA to follow up on the status of the recommendations made in this memorandum. CSA extends its appreciation to you and your staff who assisted with this project. If you have any questions or concerns, please contact me at (415) 554-5393 or tonia.lediju@sfgov.org.

cc: SFMTA
Vincent Harris
Shahnam Farhangi
Kathleen Sakelarlis

Controller

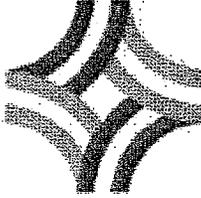
Ben Rosenfield

Monique Zmuda

Mark de la Rosa

Deric Licko

ATTACHMENT: DEPARTMENT RESPONSE



November 19, 2012



Tonia Lediju, Director of City Audits
City Services Auditor Division
Office of the Controller
City Hall, Room 476
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

*Re: Assessment of the San Francisco Municipal Transportation Agency's
Compliance with Close-out Procedures for the Metro East Wheel Truing
Machine, Blowdown Equipment, Rail Car Mover, and Miscellaneous
Equipment Contract*

Dear Ms. Lediju:

We are in receipt of the Draft Assessment Report for the subject contract. We concur with the findings and recommendations.

SFMTA has already taken steps to modify some of its practices after receipt of this report. Our current efforts revolve around codifying these practices through updating our procedures and resulting modifications to our contract specifications.

The attached report contains our response and suggested action plans related to the recommendations made in your report.

We would like to thank you for the review and the many valuable recommendations for improving our closeout process.

Please contact Vince Harris, Director of Capital Programs and Construction Division at (415) 701-4260 if you have any questions regarding this response.

Sincerely,

Edward D. Reiskin
Director of Transportation

cc: Vincent J. Harris
Kathleen Sakelaris

Edwin M. Lee, Mayor

Tom Nolan, Chairman

Cheryl Brinkman,
Vice-Chairman

Leona Bridges, Director

Malcolm Heinicke, Director

Jerry Lee, Director

Joël Ramos, Director

Cristina Rubke, Director

Edward D. Reiskin
Director of Transportation

One South Van Ness Avenue
Seventh Floor
San Francisco, CA 94103

Tele: 415.701.4500

www.sfmta.com

RECOMMENDATIONS AND RESPONSES

| Recommendation | Responsible Party | Response |
|--|---|---|
| <p>The San Francisco Municipal Transportation Agency should:</p> <p>1. Ensure that final completion is documented for every contract.</p> | San Francisco Municipal Transportation Agency | <p>SFMTA concurs with the recommendation.</p> <p>SFMTA will revise the Project Operations Manual (POM) section 6.0 Construction Engineering to add a procedure for contract closeout including requirements for documentation of final completion by the first quarter of 2013.</p> |
| <p>2. For future contracts, add to the close-out section of its construction contracts a requirement that final completion be formally documented.</p> | San Francisco Municipal Transportation Agency | <p>SFMTA concurs with the recommendation.</p> <p>SFMTA will revise Specification Section 01770: Contract Closeout as described under item #3 below, and will incorporate final completion requirements into SFMTA contracts by the second quarter of 2013.</p> |
| <p>3. Develop and implement a checklist of required close-out procedures and documentation.</p> | San Francisco Municipal Transportation Agency | <p>SFMTA concurs with the recommendation.</p> <p>SFMTA will add a checklist for Section 01770 to the contract by the first quarter of 2013.</p> <p>SFMTA will revise the Project Operations Manual (POM) section 6.0 Construction Engineering to add a procedure for contract closeout by the second quarter of 2013.</p> |

| Recommendation | Responsible Party | Response |
|---|--|--|
| <p>4. For future contracts, add to the close-out section of its contracts procedures requiring documentation that the contractor requested and City performed inspections for substantial completion and final completion.</p> | <p>San Francisco Municipal Transportation Agency</p> | <p>SFMTA concurs with the recommendation.</p> <p>SFMTA will modify Section 01770 by the first quarter of 2013 to require the contractor to provide written documentation to the City requesting inspections for verification of Substantial and Final Completion. The Engineer will send a written certification that the work is complete and issue a Notice of Substantial Completion and Notice of Final Completion.</p> <p>Also see #3 above for POM update.</p> |
| <p>For future contracts, the San Francisco Municipal Transportation Agency should:</p> <p>5. Clarify the contract procedures for completion of training and starting of systems to indicate whether these procedures must be completed before substantial completion or final completion.</p> | <p>San Francisco Municipal Transportation Agency</p> | <p>SFMTA concurs with the recommendation.</p> <p>SFMTA will revise the POM section 6.0 Construction Engineering, procedure 6.5 Substantial Completion by the second quarter of 2013 to clarify the procedures for completion of training and starting of systems.</p> <p>Future contracts will clarify the timing for completion of both training and startup as per established procedures.</p> |

| Recommendation | Responsible Party | Response |
|---|---|---|
| 6. Clarify the contract procedures for pre-final inspection to indicate if this inspection is the same as or separate from an inspection to determine substantial completion, and if different, to include a procedure to document satisfactory completion of pre-final inspection. | San Francisco Municipal Transportation Agency | SFMTA concurs with the recommendation. Future contracts will be revised by the first quarter of 2013 to clarify that pre-final inspection and re-inspections are the inspections to determine substantial completion. |
| 7. Revise the contract procedures in Section 01700 related to provision of operational and maintenance data to remove excessive detail and instead refer to the appropriate section of the contract where those specifications are detailed. | San Francisco Municipal Transportation Agency | SFMTA concurs with the recommendation. Beginning in the second quarter of 2013, the detailed operational and maintenance data currently in Section 01770-A.4 will be moved to Section 01784: Operations and Maintenance Manuals and Section 01580: Identification Systems. |

BOARD of SUPERVISORS



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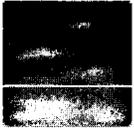
MEMORANDUM

Date: November 28, 2012
To: Honorable Members, Board of Supervisors
From:  Angela Calvillo, Clerk of the Board
Subject: Ethics Commission – Approval of regulations regarding handling of complaints alleging violations of the Sunshine Ordinance and referrals from the Sunshine Ordinance Task Force

On November 27, 2012, the Clerk's Office received the attached document from the Ethics Commission approving regulations governing the Ethics Commission's handling of complaints alleging violations of the Sunshine Ordinance and referrals from the Sunshine Ordinance Task Force.

Under the San Francisco Charter Section 15.102, regulations adopted by the Ethics Commission become effective 60 days after the date of its adoption unless before the expiration of the 60-day period, January 26, 2013, two thirds of all Members of the Board of Supervisors vote to veto the regulation.

Due to the Winter Recess, please notify me in writing by **5:00 pm, Friday, December 7, 2012**, if you wish to hold a hearing on this matter,



To:
Cc:
Bcc:
Subject: Regulations governing the handling of complaints of violations of Sunshine Ordinance or referrals from Sunshine Ordinance Task Force

From: John St.Croix/ETHICS/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV,
Cc: Andrea Ausberry/BOS/SFGOV@SFGOV
Date: 11/27/2012 05:27 PM
Subject: Fw: Regulations governing the handling of complaints of violations of Sunshine Ordinance or referrals from Sunshine Ordinance Task Force

Hi Angela:

At its meeting last night, the Ethics Commission approved, by a series of 5-0 votes, regulations governing the Ethics Commission's handling of complaints alleging violations of the Sunshine Ordinance and referrals from the Sunshine Ordinance Task Force. These regulations are the culmination of work since 2009 of the Commission, with input from members of the public and the Task Force.

Regulations adopted by the Commission become effective 60 days after the date of their adoption unless before the expiration of the 60-day period two-thirds of all members of the Board of Supervisors vote to veto them. Charter section 15.102.

Please let me know if you have questions.

Thanks.

jsc

John St. Croix
Executive Director, San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220



San Francisco, CA 94102-6053 [Sunshine.Enforcement.Regulations.doc](#)

**San Francisco
Ethics Commission**



**25 Van Ness Ave., Suite 220
San Francisco, CA 94102
Phone 252-3100 Fax 252-3112**

ETHICS COMMISSION REGULATIONS FOR VIOLATIONS OF THE SUNSHINE ORDINANCE

Effective Date: _____, 2013

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CHAPTER ONE

I. PREAMBLE

Pursuant to San Francisco Charter, section 15.102, the San Francisco Ethics Commission promulgates these Regulations in order to ensure compliance with the San Francisco Sunshine Ordinance, San Francisco Administration Code, section 67.1, et seq. These Regulations shall apply to complaints alleging violations of the Sunshine Ordinance. All complaints alleging violations of conflict of interest, campaign finance, lobbyist, campaign consultant or other governmental ethics laws shall be handled separately under the Ethics Commission's Regulations for Investigations and Enforcement Proceedings.

II. DEFINITIONS

For purposes of these Regulations, the following definitions shall apply:

- A. "Brown Act" means California Government Code section 54950, et seq.
- B. "Business day" means any day other than a Saturday, Sunday, City holiday, or a day on which the Commission office is closed for business.
- C. "California Public Records Act" means California Government Code section 6250, et seq.
- D. "City" means the City and County of San Francisco.
- E. "City officer" means any officer identified in San Francisco Administrative Code Section 1.50, as well as any City body composed entirely of such officers.
- F. "Commission" means the Ethics Commission.
- G. "Complaint" means a Task Force referral or a referral from the Supervisor of Records, a written document submitted directly to the Ethics Commission alleging a violation of the Sunshine Ordinance, or a matter initiated by Ethics Commission staff alleging a violation of the Sunshine Ordinance.
- H. "Complainant" means a person or entity that initiated a matter with the Task Force, Supervisor of Records, or Commission alleging a violation of the Sunshine Ordinance. "Complainant" shall also mean the Commission if the matter was initiated by Commission staff.
- I. "Custodian" means a City officer or employee having custody of any public record.

J. "Day" means calendar day unless otherwise specifically indicated. If a deadline falls on a weekend or City holiday, the deadline shall be extended to the next business day.

K. "Deliver" means transmit by U.S. mail or personal delivery to a person or entity. The Commission, the Executive Director, the Task Force, a Respondent, or the Complainant receiving material may consent to any other means of delivery, including delivery by e-mail or fax. In any proceeding, the Commission Chairperson may order that the delivery of briefs or other materials be accomplished by e-mail.

L. "Elected official" shall mean the Mayor, a Member of the Board of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender, a Member of the Board of Education of the San Francisco Unified School District, and a Member of the Governing Board of the San Francisco Community College District.

M. "Executive Director" means the Executive Director of the Commission or the Executive Director's designee.

N. "Exculpatory information" means information tending to show that the Respondent has not committed the alleged violation(s).

O. "Order of Determination" means: 1) an order from the Task Force that forms the basis of a show cause hearing for Task Force referrals made under Sunshine Ordinance section 67.30(c); or 2) a final recommendation issued by the Task Force, made pursuant to Sunshine Ordinance section 67.34, that a willful violation of the Sunshine Ordinance by an elected official or department head occurred.

P. "Public Records" means records as defined in section 6252(e) of the California Public Records Act, which includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics, and/or Sunshine Ordinance section 67.20(b).

Q. "Referral" means a document from the Task Force or Supervisor of Records to the Commission finding a violation of the Sunshine Ordinance.

R. "Respondent" means a City officer or City employee who is alleged or identified in a complaint to have committed a violation of the Sunshine Ordinance.

S. "Sunshine Ordinance" means San Francisco Administrative Code section 67.1, et seq.

T. "Task Force" means the Sunshine Ordinance Task Force, established by San Francisco Administrative Code section 67.30.

U. “Willful violation” means an action or failure to act with the knowledge that such act or failure to act was a violation of the Sunshine Ordinance.

CHAPTER TWO

I. REFERRALS TO THE ETHICS COMMISSION

A. Matters to be heard in a Show Cause Hearing.

1. Under this Chapter, the Ethics Commission will conduct a Show Cause Hearing on any referral, as defined by these Regulations, finding:
 - a. willful violations of the Sunshine Ordinance by City officers and employees (other than elected officials or department heads), or
 - b. non-willful violations of the Sunshine Ordinance by elected officials, department heads, or City officers and employees.
2. Complaints alleging willful violations of the Sunshine Ordinance against elected officials and department heads shall be handled pursuant to Chapter Three of these regulations.

B. Scheduling of Show Cause Hearing.

1. After receipt of a referral, the Commission shall schedule a Show Cause Hearing on the matter at the next regular Ethics Commission meeting, provided that the Show Cause Hearing can be scheduled pursuant to the agenda and notice requirements as set forth in Sunshine Ordinance section 67.7 and the Brown Act.
2. In the event that four or more Commissioners will not be present at the scheduled Show Cause Hearing, the Commission may reschedule or continue to the next practicable regular Ethics Commission meeting.

II. SHOW CAUSE HEARING

A. Public Hearing. The Show Cause Hearing shall be open to the public.

B. Standard of Proof. The Respondent(s) shall have the burden to show that he or she did not commit a violation of the Sunshine Ordinance.

C. Hearing Procedures.

1. Each Respondent and Complainant may speak on his or her own behalf, subject to the following time limits: Respondent shall be permitted a five-minute statement; Complainant shall be permitted a five-minute statement; and Respondent shall be permitted a three-minute rebuttal. At his or her discretion, the Commission Chairperson may allow additional testimony and may extend the time limit for the parties.

2. Unless otherwise decided by the Commission, formal rules of evidence shall not apply to the hearing. Each Respondent and Complainant may submit any documents to the Commission to support his or her position. Each party's written submission shall not exceed five pages, excluding supporting documents. Any documents so provided shall also be provided to the opposing party and shall be delivered to the Commission no later than five days prior to the scheduled hearing. Upon mutual consent of the Complainant(s), Respondent(s), and the Executive Director, a response may be distributed by e-mail. Commissioners may question each party or any other person providing testimony regarding the allegations. The Respondent(s) and Complainant(s) may not directly question each other.

3. If either party fails to appear and the Commission did not grant the party a continuance or reschedule the matter under Chapter IV, section I.E, then the Commission may make a decision in the party's absence.

D. Deliberations and Findings.

1. The Commission shall deliberate in public. Public comment on the matter shall be allowed at each hearing, in accordance with the Sunshine Ordinance and the Brown Act.

2. To determine that a violation of the Sunshine Ordinance did not occur, the Commission must conclude that, based on a preponderance of the evidence, the Respondent did not commit a violation of the Sunshine Ordinance. The Commission shall consider all the relevant circumstances surrounding the case.

3. The votes of at least three Commissioners are required to make a finding that a Respondent has not committed a violation of the Sunshine Ordinance. The finding that a Respondent did or did not commit a violation of the Sunshine Ordinance shall be supported by findings of fact and conclusions of law and shall be based on the entire record of the proceedings.

E. Ethics Commission Orders.

1. If the Commission finds that a Respondent committed a violation of the Sunshine Ordinance, the Commission may issue orders requiring any or all of the following:

a. the Respondent(s) to cease and desist the violation and/or produce the public record(s); and/or

b. the Executive Director to post on the Ethics Commission's website the Commission's finding that the Respondent(s) violated the Sunshine Ordinance; and/or

c. the Executive Director to issue a warning letter to the Respondent and inform the Respondent's appointing authority of the violation.

2. After making its decision, the Commission will instruct staff to prepare a written order reflecting the Commission's findings. The Chairperson shall be authorized to approve and sign the Commission's written order on behalf of the full Commission.

3. After issuing an order or instructing the Executive Director to act, or upon a finding of no violation, the Commission will take no further action on the matter.

F. Public Announcement.

Once the Commission determines that the Respondent did or did not commit a violation of the Sunshine Ordinance, the Commission will publicly announce this conclusion. The Commission's announcement may, but need not, include findings of law and fact.

CHAPTER THREE

I. COMPLAINTS ALLEGING WILLFUL VIOLATIONS OF THE SUNSHINE ORDINANCE BY ELECTED OFFICIALS OR DEPARTMENT HEADS OR COMPLAINTS FILED DIRECTLY WITH THE ETHICS COMMISSION ALLEGING VIOLATIONS OF THE SUNSHINE ORDINANCE.

A. Matters heard under this Chapter.

1. Pursuant to Sunshine Ordinance, section 67.34, the Ethics Commission shall handle complaints alleging violations of the Sunshine Ordinance by an elected official or department head.

2. Pursuant to Sunshine Ordinance, section 67.35(d), if the District Attorney and/or Attorney General take no action for 40 days after receiving notification of a custodian's failure to comply with an order made pursuant to Sunshine Ordinance section 67.21(d) or (e), then the person who made the public record request may file a complaint directly with the Ethics Commission relating to that failure to comply.

3. Ethics Commission staff may initiate a complaint to allege a violation of the Sunshine Ordinance against any City officer or City employee.

4. This Chapter will govern:

a. referrals alleging willful violations of the Sunshine Ordinance against an elected official or department head, and

b. complaints initiated under subsections A.2 or A.3 alleging violations of the Sunshine Ordinance by any City officer or employee.

5. Any referral that does not allege a willful violation of the Sunshine Ordinance against an elected official or a department head shall be handled pursuant to Chapter Two of these regulations.

B. Scheduling of Hearing.

1. When the Executive Director receives a referral alleging a willful violation of the Sunshine Ordinance against an elected official or a department head, or when the Executive Director receives a complaint filed under subsection A.2, or when staff initiates a complaint under subsection A.3, the Executive Director shall, within 15 business days of the conclusion of his or her investigation, schedule a public hearing at the next regular meeting of the Commission, unless impracticable, provided that the hearing can be scheduled pursuant to the agenda and notice requirements as set forth in Sunshine Ordinance section 67.7 and the Brown Act.

2. Within 15 business days of the conclusion of his or her investigation, the Executive Director shall issue a written notice and his or her report and recommendation pursuant to Chapter Three, section II.C, to each Commission member, each Respondent, and each Complainant, including the date, time and location of the hearing.

3. In the case of a referral, the Executive Director also shall provide a courtesy notice and a copy of the report and recommendation to the referring body.

II. INVESTIGATION AND RECOMMENDATION

A. Factual Investigation.

Upon receipt of a complaint, the Executive Director shall conduct a factual investigation. The Executive Director's investigation may include, but shall not be limited to, interviews of the Respondent(s) and any witnesses, as well as the review of documentary and other evidence. The investigation shall be concluded within 30 days following the Executive Director's receipt of the complaint. The Executive Director may extend the time for good cause, including but not limited to: staffing levels; the number of other pending complaints under these Regulations or the Ethics Commission Regulations for Investigations and Enforcement Proceedings; other Ethics Commission proceedings; other staffing needs associated with pending campaigns; or the cooperation of witnesses, Complainants or Respondents. If the Executive Director extends the time for the investigation to conclude, his or her reasons for the extension shall be included in the report to the Ethics Commission.

B. Subpoenas.

During an investigation, the Executive Director may compel by subpoena the testimony of witnesses and the production of documents relevant to the investigation.

C. Report and Recommendation.

1. After the Executive Director has completed his or her investigation, the Executive Director shall prepare a written report and recommendation summarizing his or her factual and legal findings. The recommendation shall contain a summary of the relevant legal provisions and the evidence gathered through the Commission's investigation. To support the report and recommendation, the Executive Director may submit evidence through declaration. The report and recommendation shall not exceed ten pages excluding attachments.

2. The report shall recommend one of the following:

a. that Respondent(s) willfully violated the Sunshine Ordinance;

- b. that Respondent(s) violated the Sunshine Ordinance but the violation was not willful; or
- c. that Respondent(s) did not violate the Sunshine Ordinance.

D. Response to the Report and Recommendation.

1. Each Complainant and Respondent may submit a written response to the Director's report and recommendation. The response may contain legal arguments, a summary of evidence, and any mitigating or aggravating information. In support of the response, each Complainant and Respondent may submit evidence through declaration. The response shall not exceed ten pages excluding attachments.
2. If any Complainant or Respondent submits a response, he or she must deliver the response to all parties no later than five business days prior to the date of the hearing. The Complainant or Respondent must deliver eight copies of the response to the Executive Director, who must then immediately distribute copies of the response(s) to the Commission and any other Complainant or Respondent. Upon mutual consent of the Complainant(s), Respondent(s), and the Executive Director, a response may be distributed by e-mail.

III. PUBLIC HEARING

A. General Rules and Procedures.

1. The hearing shall be open to the public.
2. Each Complainant and Respondent may speak on his or her own behalf, subject to the following time limits: Complainant shall be permitted a ten-minute statement; Respondent shall be permitted a ten-minute statement; and Complainant shall be permitted a five-minute rebuttal. At his or her discretion, the Commission Chairperson may allow additional testimony and may extend the time limit for the parties.
3. Unless otherwise decided by the Commission, formal rules of evidence shall not apply to the hearing. Commissioners may question each party regarding the allegations. The Respondent(s) and Complainant(s) may not directly question each other.
4. If either party fails to appear and the Commission did not grant the party a continuance or reschedule the matter under Chapter IV, Section I.E, then the Commission may make a decision in the party's absence.
5. Except when a complaint is staff-initiated or initiated pursuant to section 67.35(d), the Executive Director's role at the hearing will be limited to providing the report containing the legal and factual basis for his or her recommendation to the Commission and to respond to questions from the Commissioners.

B. Deliberations and Findings.

1. The Commission shall deliberate in public. Public comment on the matter shall be allowed at each hearing, in accordance with the Sunshine Ordinance and the Brown Act.
2. In determining whether a violation of the Sunshine Ordinance occurred, the Commission must conclude that, based on a preponderance of the evidence, the Respondent committed a violation of the Sunshine Ordinance. The Commission shall consider all the relevant circumstances surrounding the case.
3. The votes of at least three Commissioners are required to make a finding that a Respondent has committed a willful violation of the Sunshine Ordinance or that a Respondent has committed a non-willful violation of the Sunshine Ordinance. The finding of a willful violation or non-willful violation of the Sunshine Ordinance shall be supported by findings of fact and conclusions of law and shall be based on the entire record of the proceedings.

C. Ethics Commission Orders.

1. If the Commission finds that an elected official or a department head willfully violated the Sunshine Ordinance, the Commission shall so inform the Respondent's appointing authority, or the Mayor if Respondent is an elected official. In addition, the Commission may issue orders requiring any or all of the following if it finds that an elected official, a department head, or any City officer or City employee committed a violation of the Sunshine Ordinance:
 - a. the Respondent to cease and desist the violation and/or produce the public record(s); and/or
 - b. the Executive Director to post on the Ethics Commission's website the Commission's finding that the Respondent violated the Sunshine Ordinance; and/or
 - c. the Executive Director to issue a warning letter to the Respondent and inform the Respondent's appointing authority, or the Mayor if the Respondent is an elected official, of the violation.
2. After making its decision, the Commission will instruct staff to prepare a written order reflecting the Commission's findings. The Chairperson shall be authorized to approve and sign the Commission's written order on behalf of the full Commission.
3. After issuing an order or instructing the Executive Director to act, the Commission will take no further action on the matter.

D. Finding of No Violation.

If the Commission determines that there is insufficient evidence to establish that the Respondent has committed a violation of the Sunshine Ordinance, the Commission shall publicly announce this fact. The Commission's announcement may, but need not, include findings of law and fact. Thereafter, the Commission will take no further action on the matter.

CHAPTER FOUR

I. MISCELLANEOUS PROVISIONS

A. Ex Parte Communications.

Once a complaint is filed with the Commission, no Commissioner shall engage in oral or written communications outside of a Commission meeting regarding the merits of the complaint with the Commission's staff, the Respondent(s), the Complainant(s), any member of the Task Force, the Supervisor of Records, any member of the public, or any person communicating on behalf of the Respondent(s), Complainant(s), the Supervisor of Records, or any member of the Task Force, except for communications, such as scheduling matters, generally conducted between a court and a party appearing before that court.

B. Access to Complaints and Related Documents and Deliberations.

Complaints, investigative files and information contained therein, shall be disclosed as necessary to the conduct of an investigation or as required by the California Public Records Act or the San Francisco Sunshine Ordinance. In order to guarantee the integrity of the investigation, internal notes taken by the Executive Director or his or her staff regarding complaints shall not be disclosed until the Commission has issued its final decision following the hearing.

C. Oaths and Affirmations.

The Commission may administer oaths and affirmations.

D. Selection of Designee by the Executive Director.

Whenever the Executive Director designates an individual other than a member of the Commission staff to perform a duty arising from the Charter or these Regulations, the Executive Director shall notify the Commission and the public of the designation no later than the next business day.

E. Extensions of Time and Continuances.

1. Any Respondent or Complainant may request the continuance of a hearing date in writing. The requester must deliver the written request to the Commission Chairperson, and provide a copy of the request to all other parties no later than ten business days before the date of the hearing. The Commission Chairperson shall have the discretion to consider untimely requests. The Commission Chairperson shall approve or deny the request within five business days of the submission of the request. The Commission Chairperson may grant the request upon a showing of good cause.

2. The Commission or the Commission Chairperson may reschedule a hearing at their discretion for good cause.

At any time a hearing is placed on an agenda regarding a matter under Chapter II or III of these Regulations, four or more members must be in attendance. Otherwise, the hearing shall be continued to the next regular Ethics Commission meeting, unless impracticable.

F. Place of Delivery.

1. Whenever these Regulations require delivery to the Commission, its members, or the Executive Director, delivery shall be effected at the Commission office.
2. Whenever these Regulations require delivery to a Respondent or Complainant, delivery shall be effective and sufficient if made by U.S. mail, personal delivery or any other means of delivery agreed upon by the parties under Chapter One, section II, subsection K, to an address reasonably calculated to give notice to and reach the Respondent or Complainant.
3. Delivery is effective upon the date of delivery, not the date of receipt.
4. Delivery of documents to the Commission may be conducted via electronic mail after a written request is made and approved by the Executive Director.

G. Page Limitations and Format Requirements.

Whenever these Regulations impose a page limitation, a "page" means one side of an 8½ inch by 11 inch page, with margins of at least one inch at the left, right, top and bottom of the page, typewritten and double-spaced in no smaller than 12 point type. Each page and any attachments shall be consecutively numbered.

H. Conclusion of Hearing.

For the purposes of these Regulations, a hearing concludes on the date on which the Commission announces its decision.

I. Complaints alleging both Sunshine Violations and Violations Handled Under the Ethics Commission's Regulations for Investigations and Enforcement Proceedings.

If a complaint alleges both violations of the Sunshine Ordinance and violations handled under the Ethics Commission's Regulations for Investigations and Enforcement Proceedings, the allegations involving violations of the Sunshine Ordinance shall be handled separately under these Regulations. Staff shall initiate a complaint of the alleged violations of the Sunshine Ordinance under Chapter Three, Section I.A.3 of these Regulations.

J. Certification by participating Commissioner if he or she did not attend proceedings held under Chapter II or III in their entirety.

Each Commissioner who participates in a decision, but who did not attend the hearing in its entirety, shall certify on the record that he or she personally heard the testimony (either in person or by listening to a tape or recording of the proceeding) and reviewed the evidence, or otherwise reviewed the entire record of the proceedings.

II. SEVERABILITY

If any provision of these Regulations, or the application thereof, to any person or circumstance, is held invalid, the validity of the remainder of the Regulations and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

BOARD of SUPERVISORS

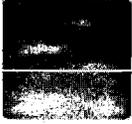


City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

Date: November 29, 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 individual has submitted a Form 700 Statement:

Stephany Ashley – Legislative Aide - Assuming
Lynne Howe - Legislative Aide - Assuming



To:
Cc:
Bcc:
Subject: Notice per Section 1.174 Campaign and Governmental Conduct Code

From: John St.Croix/ETHICS/SFGOV
To: David Chiu/BOS/SFGOV@SFGOV, Eric L Mar/BOS/SFGOV@SFGOV, Mark Farrell/BOS/SFGOV@SFGOV, Carmen Chu/BOS/SFGOV@SFGOV, Christina Olague/BOS/SFGOV@SFGOV, Jane Kim/BOS/SFGOV@SFGOV, Sean Elsbernd/BOS/SFGOV@SFGOV, Scott Wiener/BOS/SFGOV@SFGOV, David Campos/BOS/SFGOV@SFGOV, Malia Cohen/BOS/SFGOV@SFGOV, John Avalos/BOS/SFGOV@SFGOV,
Cc: Angela Calvillo/BOS/SFGOV@SFGOV
Date: 11/30/2012 01:01 PM
Subject: Notice per Section 1.174 Campaign and Governmental Conduct Code

Please see attached press release. I am forwarding it to you per the regulations governing Sec. 1.174.

Please let me know if you have any questions.

John St. Croix
Executive Director, San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220



San Francisco, CA 94102-6053cert of election - Chris Jackson 11.2012.doc



ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

PRESS RELEASE

BENEDICT Y. HUR
CHAIRPERSON

JAMIENNE S. STUDLEY
VICE-CHAIRPERSON

BEVERLY HAYON
COMMISSIONER

DOROTHY S. LIU
COMMISSIONER

PAUL A. RENNE
COMMISSIONER

JOHN ST. CROIX
EXECUTIVE DIRECTOR

Contact:

John St. Croix
(415) 252-3100

For release:

November 30, 2012

SAN FRANCISCO ETHICS COMMISSION ANNOUNCES THAT CHRIS JACKSON MAY NOT BE ISSUED A CERTIFICATE OF ELECTION DUE TO HIS FAILURE TO FILE CAMPAIGN DISCLOSURE REPORTS

The San Francisco Ethics Commission today announced that, pursuant to San Francisco Campaign and Governmental Conduct Code ("C&GC Code") section 1.174, Chris Jackson, an incumbent who was re-elected as a member of the Board of Trustees for the San Francisco Community College District, may not be issued a certificate of election because he has failed to file campaign disclosure statements.

Under section 1.174, the Director of Elections shall not issue any certificate of election "to any candidate until all of the candidate's campaign declarations, statements, or reports required under State and local law have been filed." C&GC Code § 1.174. Under both state and local law, until they terminate, candidate committees must file periodic campaign finance statements to disclose their contributions and expenditures. See Cal. Gov't Code § 84100 et seq. and C&GC Code § 1.106.

According to the records of the Ethics Commission, Mr. Jackson opened his campaign committee on April 10, 2012. Since opening his committee, Mr. Jackson has not filed any of the campaign statements required by state and local law. Despite receiving two written notices from the Commission, his committee failed to file its semi-annual statement covering the period of January 1 – June 30, 2012. As a candidate appearing on the November 2012 ballot, Mr. Jackson was also required to file a pre-election statement for the period July 1 – September 30, 2012, and a second pre-election statement for the period October 1 – 20, 2012; Mr. Jackson's committee also failed to file those statements. Depending on the activities of the committee, other disclosure statements may also have been required.

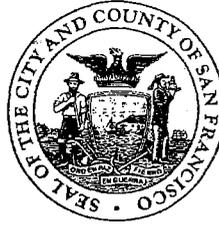
In addition, Mr. Jackson has not satisfied the requirement that he complete a training on campaign finance requirements offered by the Commission prior to the election. C&GC Code § 1.107. He did not respond to reminders from the Commission staff about completing the required training. Nor did he respond to staff's notification about a late fee for a late-filed Statement of Economic Interests (Form 700). Finally, Mr. Jackson has unpaid late fees arising from his prior campaign's failure to file campaign statements on a timely manner. The collection of those late fees has been referred to the Bureau of Delinquent Revenues at the Office of the Treasurer and Tax Collector.

On November 7, 2012, the Commission issued a warning letter to Mr. Jackson about the deficiencies described above, and he has yet to respond. In addition to failing to respond to written notices, Mr. Jackson has not responded to a number of phone calls and messages.

#

The Ethics Commission, established in November 1993, serves the public, City employees and officials and candidates for public office through education and enforcement of ethics laws. Its duties include: filing and auditing of campaign finance disclosure statements, lobbyist and campaign consultant registration and regulation, administration of the public financing program, whistleblower program, conflict of interest reporting, investigations and enforcement, education and training, advice giving and statistical reporting.

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Orig: Log Dep
e: COB
John Arntz
Director
Cpages

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BOARD OF SUPERVISORS
SAN FRANCISCO

2012 NOV 27 AM 9:31

November 21, 2012

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

**November 6, 2012 Consolidated General Election
Certification of Election Results within the City and County of San Francisco**

I, John Arntz, Director of Elections of the City and County of San Francisco, certify that I have canvassed the votes cast at the Consolidated General Election held on Tuesday, November 6, 2012 within the City and County of San Francisco, in the manner required by Division 15 of the California Elections Code.

I certify that I began the canvass on Wednesday morning, November 7, 2012 and as a result of the tabulation of all votes recorded, present a complete record entitled "San Francisco Official Statement of Vote – Consolidated General Election – November 6, 2012." I also declare that the number of ballots in said election was 364,875.

On this day, November 21, 2012 at 4:18 p.m., I certify that the results of each of the races as shown in the following Final Summary Report of the Consolidated General Election of November 6, 2012 are true and correct.

Ballot Measures

Following are the vote counts within the City and County of San Francisco for each of the **statewide propositions**.

I certify that on **Proposition 30**, Temporary Taxes to Fund Education. Guaranteed Local Public Safety Funding. Initiative Constitutional Amendment, the following votes were cast:

| | | |
|-----|---------|--------|
| YES | 268,726 | 77.16% |
| NO | 79,532 | 22.84% |

I certify that on **Proposition 31**, State Budget. State and Local Government. Initiative Constitutional Amendment and Statute, the following votes were cast:

| | | |
|-----|---------|--------|
| YES | 108,099 | 34.28% |
| NO | 207,266 | 65.72% |

I certify that on **Proposition 32**, Political Contributions by Payroll Deduction. Contributions to Candidates. Initiative Statute, the following votes were cast:

| | | |
|-----|---------|--------|
| YES | 94,659 | 27.95% |
| NO | 244,016 | 72.05% |

I certify that on **Proposition 33**, Auto Insurance Companies. Prices Based on Driver's History of Insurance Coverage. Initiative Statute, the following votes were cast:

| | | |
|-----|---------|--------|
| YES | 92,809 | 28.02% |
| NO | 238,384 | 71.98% |

I certify that on **Proposition 34**, Death Penalty. Initiative Statute, the following votes were cast:

| | | |
|-----|---------|--------|
| YES | 239,425 | 70.11% |
| NO | 102,055 | 29.89% |

I certify that on **Proposition 35**, Human Trafficking. Penalties. Initiative Statute, the following votes were cast:

| | | |
|-----|---------|--------|
| YES | 238,995 | 72.13% |
| NO | 92,349 | 27.87% |

I certify that on **Proposition 36**, Three Strikes Law. Repeat Felony Offenders. Penalties. Initiative Statute, the following votes were cast:

| | | |
|-----|---------|--------|
| YES | 281,443 | 84.53% |
| NO | 51,504 | 15.47% |

I certify that on **Proposition 37**, Genetically Engineered Foods. Labeling. Initiative Statute, the following votes were cast:

| | | |
|-----|---------|--------|
| YES | 230,657 | 68.17% |
| NO | 107,695 | 31.83% |

I certify that on **Proposition 38**, Tax to Fund Education and Early Childhood Programs. Initiative Statute, the following votes were cast:

| | | |
|-----|---------|--------|
| YES | 117,802 | 35.70% |
| NO | 212,211 | 64.30% |

I certify that on **Proposition 39**, Tax Treatment for Multistate Businesses. Clean Energy and Energy Efficiency Funding. Initiative Statute, the following votes were cast:

| | | |
|-----|---------|--------|
| YES | 244,489 | 75.69% |
| NO | 78,511 | 24.31% |

I certify that on **Proposition 40**, Redistricting, State Senate Districts, Referendum, the following votes were cast:

| | | |
|-----|---------|--------|
| YES | 250,075 | 81.13% |
| NO | 58,174 | 18.87% |

Following are the vote counts for each of the **local ballot measures** for which the Board of Supervisors, as required by California Elections Code section 15400, declares the results.

District Measure

I certify that **Proposition A**, City College Parcel Tax, **passed** with an affirmative vote of only 242,410 (Yes: 242,410 and No: 90,134), more than the 66 2/3% affirmative votes required.

Bond Measure

I certify that **Proposition B**, Clean and Safe Neighborhood Parks Bond, **passed** with an affirmative vote of only 242,404 (Yes: 242,404 and No: 93,735), more than the 66 2/3% affirmative votes required.

Charter Amendments

I certify that **Proposition C**, Housing Trust Fund, **passed** with an affirmative vote of only 211,674 (Yes: 211,674 and No: 113,214), more than the 50%+1 majority votes required.

I certify that **Proposition D**, Consolidating Odd-Year Municipal Elections, **passed** with an affirmative vote of only 263,642 (Yes: 263,642 and No: 53,252), more than the 50%+1 majority votes required.

Ordinances

I certify that **Proposition E**, Gross Receipts Tax, **passed** with an affirmative vote of only 223,887 (Yes: 223,887 and No: 92,577), more than the 50%+1 majority votes required.

I certify that **Proposition F**, Water and Environment Plan, **failed** with an affirmative vote of only 249,304 (Yes: 74,885 and No: 249,304), less than the 50%+1 majority votes required.

Declaration of Policy

I certify that **Proposition G**, Policy Opposing Corporate Personhood, **passed** with an affirmative vote of only 260,595 (Yes: 260,595 and No: 61,181), more than the 50%+1 majority votes required.

Elective Offices

Following are the vote counts within the City and County of San Francisco for each of the **elective offices** on the November 6, 2012 ballot.

I certify that in the contest for **President and Vice President**, the total number of votes cast for each candidate was:

| | | |
|--|---------|--------|
| BARACK OBAMA / JOSEPH BIDEN (DEM) | 301,723 | 83.40% |
| MITT ROMNEY / PAUL RYAN (REP) | 47,076 | 13.01% |
| JILL STEIN / CHERI HONKALA (GRN) | 5,494 | 1.52% |
| GARY JOHNSON / JAMES P. GRAY (LIB) | 4,096 | 1.13% |
| ROSEANNE BARR/CINDY SHEEHAN (PF) | 1,897 | 0.52% |
| THOMAS HOEFLING / ROBERT ORNELAS (AI) | 439 | 0.12% |
| QUALIFIED WRITE-IN - RON PAUL AND ANDREW NAPOLITANO | 347 | 0.10% |
| QUALIFIED WRITE-IN - ROSS C. "ROCKY" ANDERSON AND LUIS J. RODRIGUEZ | 86 | 0.02% |
| QUALIFIED WRITE-IN - STEPHEN DURHAM AND CHRISTINA LOPEZ | 28 | 0.01% |
| QUALIFIED WRITE-IN - JAMES HARRIS AND ALYSON KENNEDY | 10 | 0.00% |
| QUALIFIED WRITE-IN - STEWART ALEXANDER AND ALEX MENDOZA | 6 | 0.00% |
| QUALIFIED WRITE-IN - JERRY WHITE AND PHYLLIS SCHERRER | 5 | 0.00% |
| QUALIFIED WRITE-IN - VIRGIL GOODE AND JAMES CLYMER | 2 | 0.00% |
| QUALIFIED WRITE-IN - SHEILA "SAMM" TITTLE AND MATTHEW ALLEN TURNER | 0 | 0.00% |
| UNQUALIFIED WRITE-IN | 586 | 0.16% |

I certify that in the contest for **United States Senator**, the total number of votes cast for each candidate was:

| | | |
|------------------------|---------|--------|
| DIANNE FEINSTEIN (DEM) | 305,126 | 88.52% |
| ELIZABETH EMKEN (REP) | 39,589 | 11.48% |

I certify that in the contest for **United States Representative, District 12**, the total number of votes cast for each candidate was:

| | | |
|--------------------|---------|--------|
| NANCY PELOSI (DEM) | 253,709 | 85.08% |
| JOHN DENNIS (REP) | 44,478 | 14.92% |

I certify that in the contest for **United States Representative, District 14**, the total number of votes cast for each candidate was:

| | | |
|-----------------------------------|--------|--------|
| JACKIE SPEIER (DEM) | 28,475 | 82.41% |
| DEBORAH (DEBBIE) BACIGALUPI (REP) | 6,076 | 17.59% |

I certify that in the contest for **State Senate, District 11**, the total number of votes cast for each candidate was:

| | | |
|--------------------------|---------|--------|
| MARK LENO (DEM) | 275,989 | 85.07% |
| HARMEET K. DHILLON (REP) | 48,455 | 14.93% |

I certify that in the contest for **State Assembly, District 17**, the total number of votes cast for each candidate was:

| | | |
|----------------------|---------|--------|
| TOM AMMIANO (DEM) | 161,124 | 86.23% |
| JASON P. CLARK (REP) | 25,728 | 13.77% |

I certify that in the contest for **State Assembly, District 19**, the total number of votes cast for each candidate was:

| | | |
|----------------------|--------|--------|
| PHIL TING (DEM) | 72,920 | 57.69% |
| MICHAEL BREYER (DEM) | 53,469 | 42.31% |

I certify that in the contest for **BART Director, District 7**, the total number of votes cast for each candidate was:

| | | |
|----------------------|--------------|---------------|
| LYNETTE SWEET | 8,716 | 54.78% |
| ZAKHARY MALLETT | 4,203 | 26.41% |
| MARIA ALEGRIA | 1,306 | 8.21% |
| MARGARET L. GORDON | 1,599 | 10.05% |
| UNQUALIFIED WRITE-IN | 88 | 0.55% |

I certify that in the contest for **BART Director, District 9**, the total number of votes cast for each candidate was:

| | | |
|-----------------------|---------------|---------------|
| TOM RADULOVICH | 88,115 | 73.92% |
| LUKE LUCAS | 17,785 | 14.92% |
| PETER KLIVANS | 12,574 | 10.55% |
| UNQUALIFIED WRITE-IN | 730 | 0.61% |

Following are the vote counts for each of the **local candidates** for which the Board of Supervisors, as required by California Elections Code section 15400, declares the results.

I certify that in the contest for **Member, Board of Education**, the total number of votes cast for each candidate was:

| | | |
|-------------------------|----------------|---------------|
| SANDRA LEE FEWER | 128,500 | 16.94% |
| JILL WYNNS | 106,531 | 14.04% |
| RACHEL NORTON | 102,033 | 13.45% |
| MATT HANEY | 100,552 | 13.25% |
| KIM GARCIA-MEZA | 59,930 | 7.90% |
| SHAMANN WALTON | 58,194 | 7.67% |
| SAM RODRIGUEZ | 50,554 | 6.66% |
| GLADYS SOTO | 49,839 | 6.57% |
| BEVERLY HO-A-YUN POPEK | 36,059 | 4.75% |
| VICTORIA LO | 35,779 | 4.72% |
| PAUL ROBERTSON | 29,562 | 3.90% |
| UNQUALIFIED WRITE-IN | 1,164 | 0.15% |

I certify that in the contest for **Member, Community College Board**, the number of votes cast for each candidate was:

| | | |
|-------------------------|----------------|---------------|
| STEVE NGO | 103,030 | 14.63% |
| RAFAEL MANDELMAN | 96,053 | 13.64% |
| NATALIE BERG | 95,259 | 13.53% |
| CHRIS JACKSON | 91,069 | 12.93% |
| AMY BACHARACH | 90,485 | 12.85% |
| RODRIGO SANTOS | 56,755 | 8.06% |
| NATE CRUZ | 55,426 | 7.87% |
| WILLIAM WALKER | 49,430 | 7.02% |
| HANNA LEUNG | 47,643 | 6.77% |
| GEORGE VAZHAPPALLY | 17,904 | 2.54% |
| UNQUALIFIED WRITE-IN | 1,168 | 0.17% |

I certify that in the contest for **Member, Board of Supervisors, District 1**, the total number of first-choice votes cast for each candidate was:

| | | |
|----------------------|---------------|---------------|
| ERIC MAR | 15,266 | 53.50% |
| DAVID E. LEE | 11,019 | 38.62% |
| SHERMAN R. D'SILVA | 2,152 | 7.54% |
| UNQUALIFIED WRITE-IN | 96 | 0.34% |

I certify that in the contest for **Member, Board of Supervisors, District 3**, the total number of first-choice votes cast for each candidate was:

| | | |
|----------------------|---------------|---------------|
| DAVID CHIU | 17,700 | 75.42% |
| F. JOSEPH BUTLER | 2,685 | 11.44% |
| MARC BRUNO | 1,984 | 8.45% |
| WILMA PANG | 1,033 | 4.40% |
| UNQUALIFIED WRITE-IN | 68 | 0.29% |

I certify that in the contest for **Member, Board of Supervisors, District 5**, the total number of first-choice votes cast for each candidate was:

| | | |
|---------------------------|--------------|---------------|
| LONDON BREED | 9,794 | 27.87% |
| CHRISTINA OLAGUE | 6,939 | 19.75% |
| JOHN RIZZO | 5,667 | 16.13% |
| JULIAN DAVIS | 5,318 | 15.14% |
| THEA SELBY | 4,733 | 13.47% |
| DANIEL EVERETT | 1,308 | 3.72% |
| ANDREW "ELLARD" RESIGNATO | 777 | 2.21% |
| HOPE JOHNSON | 486 | 1.38% |
| UNQUALIFIED WRITE-IN | 115 | 0.33% |

I further certify in the contest of **Member, Board of Supervisors, District 5** that after processing ranked-choice votes as required by San Francisco Charter section 13.102, the following candidate received a majority of the votes from the continuing ballots:

LONDON BREED

I certify that in the contest for **Member, Board of Supervisors, District 7**, the total number of first-choice votes cast for each candidate was:

| | | |
|-----------------------------|--------------|---------------|
| NORMAN YEE | 9,142 | 29.18% |
| F.X. FRANCIS XAVIER CROWLEY | 7,723 | 24.65% |
| MICHAEL GARCIA | 5,489 | 17.52% |
| JOEL ENGARDIO | 4,163 | 13.29% |
| ROBERT J. SQUERI | 1,538 | 4.91% |
| JULIAN P. LAGOS | 1,086 | 3.47% |
| ANDREW BLEY | 824 | 2.63% |
| LYNN GAVIN | 716 | 2.29% |
| GLENN ROGERS | 595 | 1.90% |
| UNQUALIFIED WRITE-IN | 58 | 0.19% |

I further certify in the contest of **Member, Board of Supervisors, District 7** that after processing ranked-choice votes as required by San Francisco Charter section 13.102, the following candidate received a majority of the votes from the continuing ballots:

NORMAN YEE

I certify that in the contest for **Member, Board of Supervisors, District 9**, the total number of first-choice votes cast for each candidate was:

| | | |
|----------------------------------|---------------|---------------|
| DAVID CAMPOS | 24,044 | 95.08% |
| QUALIFIED WRITE-IN - BUD RYERSON | 181 | 0.72% |
| UNQUALIFIED WRITE-IN | 1,063 | 4.20% |

I certify that in the contest for **Member, Board of Supervisors, District 11**, the total number of first-choice votes cast for each candidate was:

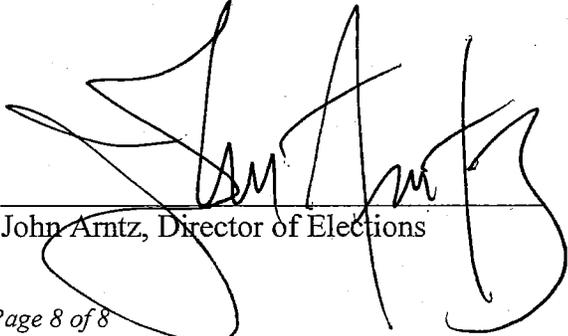
| | | |
|----------------------|---------------|---------------|
| JOHN AVALOS | 17,748 | 94.25% |
| UNQUALIFIED WRITE-IN | 1,083 | 5.75% |

I certify that for the offices of **Superior Court Judge for the City and County of San Francisco**, the following persons shall be declared elected in lieu of holding an election per California Elections Code section 8203:

| | |
|----------------------|---------|
| MICHAEL I. BEGERT | SEAT 1 |
| ANGELA BRADSTREET | SEAT 2 |
| ANDREW Y.S. CHENG | SEAT 3 |
| JAMES P. COLLINS | SEAT 4 |
| SAMUEL K. FENG | SEAT 5 |
| CURTIS E.A. KARNOW | SEAT 6 |
| KATHLEEN KELLY | SEAT 7 |
| CYNTHIA MING-MEI LEE | SEAT 8 |
| MARLA J. MILLER | SEAT 9 |
| JEFFREY S. ROSS | SEAT 10 |
| LILLIAN K. SING | SEAT 11 |
| DONALD J. SULLIVAN | SEAT 12 |
| MONICA F. WILEY | SEAT 13 |

In witness whereof I hereby affix my hand and seal this 21st day of November 2012.




John Arntz, Director of Elections

Consolidated Presidential General Election

City and County of San Francisco

OFFICIAL STATEMENT OF VOTE

Tuesday, November 6, 2012



Published by:

Department of Elections

City and County of San Francisco

Consolidated Presidential General Election

City and County of San Francisco

OFFICIAL STATEMENT OF VOTE

Tuesday, November 6, 2012



Published by:

Department of Elections

City and County of San Francisco



FY 2011-12 Development Impact Fee Report dated November 30, 2012

Toy, Debbie

to:

Calvillo, Angela, Nevin, Peggy, BOS-Supervisors, BOS-Legislative Aides, Kawa, Steve, Leung, Sally, Howard, Kate, Drexler, Naomi, Falvey, Christine, Elliott, Jason, Campbell, Severin, Newman, Debra, Rose, Harvey, Rosenfield, Ben, Zmuda, Monique, Lane, Maura, CON-CCSF Dept Heads, CON-Finance Officers, sfdocs@sfpl.info, gmetcalf@spur.org
11/30/2012 09:46 AM

Cc:

"Sandler, Risa", "Wang, Caylin", "Levenson, Leo"

Hide Details

From: "Toy, Debbie" <debbie.toy@sfgov.org> Sort List...

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

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Cc: "Sandler, Risa" <risa.sandler@sfgov.org>, "Wang, Caylin" <caylin.wang@sfgov.org>,"

"Levenson, Leo" <leo.levenson@sfgov.org>

The Office of the Controller has issued the FY 2011-12 Development Impact Fee Report, which includes development fees collected and expended during FY 2011-12, cumulative revenues and expenditures over the life of each fee, and the fee schedule effective January 1, 2013.

To view the full report, please visit our website at: <http://co.sfgov.org/webreports/details.aspx?id=1503>

For questions about the report, please contact Citywide Revenue Manager Michelle Allersma at Michelle.Allersma@sfgov.org or 415-554-4792.

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



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

COB. BOS-11,

Ben Rosenfield *cpages*
Controller

Monique Zmuda
Deputy Controller

TO: The Honorable Board of Supervisors
Clerk of the Board

FROM: Ben Rosenfield, Controller *BR*

CC: Department of Public Works
Office of the Treasurer and Tax Collector

DATE: November 30, 2012

SUBJECT: Cigarette Litter Abatement Fee Adjustment, Effective January 1, 2013

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PN

Section 105.3(f) of the San Francisco Administrative Code states that no later than December 1, 2010, and every year thereafter, the Controller shall adjust the Cigarette Litter Abatement Fee without further action by the Board of Supervisors.

Effective January 1, 2013, the Fee shall remain at the rate of \$0.20 per pack of cigarettes for all cigarette sales within the geographic limits of the City.

As shown in the attachment, the maximum permissible fee level calculated in accordance with the provisions of Administrative Code Section 105.3(f)(1) would be an increase to \$0.25 per pack.

The fee will remain at its current level to ensure that the City does not recover an amount greater than its mitigation costs, as well as for administrative convenience. We will review additional data available in November 2013 and adjust the fee at that time if appropriate.

If you have any questions regarding this notice, please contact me or Leo Levenson at (415) 554-4809.

Attachment: Adjusted Maximum Permissible Cigarette Litter Abatement Fee Level Calculation

Table A-1 provides detail on the maximum permissible fee level calculation.

Table A-1. Adjusted Maximum Permissible Fee Level Calculation

| | Rate Effective 1/1/12 | Rate Effective 1/1/13 |
|---|--------------------------|--------------------------|
| Cigarette Packs Purchased in SF | 13,454,559 | 12,794,917 |
| Cigarette Litter Mitigation Costs | | |
| Dept of Public Works (1) | \$ 3,127,480 | \$ 3,336,888 |
| Public Education Costs | 100,000 | 70,627 |
| Administrative Costs | 396,651 | 327,419 |
| Subtotal | 3,624,131 | 3,734,934 |
| Total Cigarette Litter Mitigation Costs Adjusted for 13.8% In-migration | \$ 3,124,001 | \$ 3,219,513 |
| Total Cigarette Litter Mitigation Costs per Pack | \$ 0.23 | \$ 0.25 |

(1) DPW cigarette litter mitigation costs equal the total Litter Cost Estimate multiplied by Tobacco Product Litter (TPL) Share of Litter of 22%.

Adjustments to the prior calculation are based on the following:

- Litter abatement costs for the Department of Public Works (DPW) increased from \$14.2 million to \$15.2 million to reflect DPW's reported actual FY 2011-12 costs. These costs exclude estimated cleanup costs for leaves and other organic materials as well as the cost of the Department's mechanical sweeping, illegal dumping cleanup, and graffiti abatement programs. The share of litter attributable to tobacco products (TPL Share of Litter) of 22% is applied to this total to calculate eligible costs. The source of this 22% figures is the data collected in the 2009 (Regular) Streets Litter Audit and the 2009 SuperSite audit, as calculated by HDR/BVA Associates in 2010.
- Public education and outreach costs for the Department of Public Works (DPW) in FY 2011-12 of \$70,627 include staff outreach to merchants in commercial corridors.
- Administrative costs decreased by \$69K to reflect the reported FY 2011-12 costs incurred by the Office of the Treasurer and Tax Collector to administer the fee.
- The estimated number of cigarette packs purchased annually in San Francisco was revised downward from 13.5 million to 12.8 million to reflect the change in revenue received between FY 2010-11 and FY 2011-12. To calculate the FY 2011-12 estimate, three quarters of FY 2011-12 fee collections data from the Treasurer and Tax Collector were annualized after excluding late fees, penalties, and interest. The adjusted revenue figure was divided by \$0.20 to arrive at an estimated 11.6 million packs purchased. This estimate was then increased by 1.2 million packs to account for the estimated number of packs sold by license holders who have not yet responded to the Tax Collector's billing.

For the purposes of this analysis, we assumed that these non-responders sold the same number of packages as the average entity that remitted the fee.

- The in-migration rate (i.e. the proportion of cigarette litter on San Francisco streets and sidewalks attributable to cigarettes purchased outside of San Francisco but brought in and littered here) remains 13.8% per the declaration of nexus study consultant in litigation during FY 2010-11.

To: BOS-Supervisors
Subject: CCSF DHR response to MSS audit
Attachments: MSSAuditResponseFinal11-29-12.pdf

From: Gard, Susan
Sent: Monday, December 03, 2012 11:47
To: Kelly, Naomi; Calvillo, Angela; Rhorer, Trent; Roye, Karen
Cc: Buick, Jeanne
Subject: CCSF DHR response to MSS audit

Ladies and Gentleman,

Attached please find the Department of Human Resources response to the Merit Systems Services audit of the City's personnel management system conducted by CPS HR Consulting. This letter addresses all issues except one, which is the use of certain classes in exempt positions at HSA and DCSS. Karen Hill and Bob Thomas did provide input on this response and have each received a copy.

Please let me know if you have any questions.

Susan Gard
Chief of Policy
City and County of San Francisco
Human Resources Department
415.551.8942



Nov. 29, 2012

CPS HR Consulting
Merit System Services
241 Lathrop Way
Sacramento CA 95815

RE: **Response to Merit System Services Report of Findings received Oct. 29, 2012**

Dear Mr. Burkett, Ms. Schoffel, Ms. Bentley and Mr. DeSousa:

This letter responds to your audit of the City and County of San Francisco's Personnel Management Program, which is detailed in the Report of Findings the City received Oct. 29, 2012. Each of the areas you identified in your audit as not meeting California Local Agency Personnel Standards (LAPS), with the City's accompanying response, is laid out below:

I. Posting for open exams—Response due in 30 days:

Per LAPS Section 17111, "basic recruitment efforts for entry into the career service shall include posting of examination announcements in appropriate public places for a minimum of five working days to ensure an adequate number of candidates will apply." While the Civil Service Rules do note posting requirements for promotional examinations, the Rules are silent as related to open exam announcements (See Section 110.2 of the Rules). **As such, the City's Civil Service Commission Rules must be amended to reflect the required minimum posting period of five (5) working days for all job announcements. The City is to submit an action plan within 30 days of receiving the final report.**

The City and County of San Francisco (CCSF) strives to keep all examination announcements open for at least seven days, with five days being the minimum timeframe. The Department of Human Resources (DHR) has communicated this policy to City analysts responsible for recruitment, and the subject is covered in analyst training conducted by DHR.

Civil Service Rules (noted below) require that all promotive applicants be given a minimum of 10 calendar days to file an application. However, Civil Service Rules do not currently address minimum *posting or filing periods* for job announcements involving open competitive examinations or examinations processed via Position Based Testing. **In January 2013, the Executive Officer of the Civil Service Commission will submit for the Commission's review and approval a revision to Rule 110 that will provide for a minimum five-day posting period for entry-level examinations.**

Current Civil Service Rules:**Sec. 110.3 Promotional Examinations**

Examination announcements for a promotional examination shall be posted on the official bulletin board for a minimum period of ten (10) calendar days.

Examination announcements for promotional examinations shall be distributed to all City and County departments. Appointing officers shall make reasonable efforts to properly notify employees.

Sec. 110.17 Notice of Examinations

Official notice of examinations will be posted. Notice of promotional examinations will be posted for a minimum period of ten (10) calendar days.

Request(s) for notice of filing dates for entrance examinations may be filed in the Department of Human Resources. Notification cards shall be mailed at the inquirer's risk.

Sec. 110.26 Notice of Promotional Examinations

When examinations for promotion are to be held, the Department of Human Resources shall give notice thereof to all persons in positions entitling them under the Civil Service Commission Rules, to participate in such examination, by posting information thereof on the bulletin board of the Department of Human Resources for a period of ten (10) days and notifying the office, agency, or department concerned.

II. Oversight for delegation agreements—Response due in 30 days:

The Human Resources Department does not currently have a systematic audit system in place to monitor the decentralized activities within the Department of Human Services. **In order to confirm compliance with the LAPS standards, the City is to submit an action plan within 30 days of receiving the final report. The action plan is to include a strategy or plan to increase the level of oversight and review of delegated responsibilities** as outlined in the Delegation Agreement between the Department of Human Resources and Department of Human Services.

DHR has entered into delegation agreements that allow decentralized agencies to perform human resources functions. The current delegation agreements do provide for auditing of recruitments and examinations performed by the decentralized agencies. Currently, targeted or discretionary reviews of recruitments and examinations are conducted by DHR when a specific risk or concern is identified, and this most frequently occurs in association with a complaint or protest filed in response to a decentralized agency's recruitment or examination. In such cases, DHR contacts the decentralized agency to obtain all relevant information, independently assesses the issue(s), and determines the merits of the complaint or protest.

DHR also reviews every announcement posted by decentralized agencies to ensure compliance with established standards associated with the announcement type (PBT, CCT, CBT), minimum qualifications, special conditions, desirable qualifications, appeal rights, selection procedure(s) specified and corresponding language, etc. This work is allocated so that each designated central

DHR personnel analyst is responsible for reviewing the announcements issued by a particular decentralized agency or set of agencies.

While the current delegation agreements do provide for comprehensive reviews, many of the Class Based Testing Delegation Agreements are up to 15 years old and the Position Based Testing Delegation Agreements are almost seven years old. It is appropriate to update them at this time to address procedures, guidelines and consequences associated with non-compliance, so that accountability for outcomes is built into the agreements themselves.

The first step toward implementing a systematic audit system of decentralized recruitment and assessment activities will be to revisit the actual delegation agreements currently in place to assess them for needed revisions.

In addition to the targeted audits previously discussed, which are based on complaints, DHR's revisions to the delegation agreements will include periodic audits based on performance. While DHR will monitor examinations administered by all decentralized agencies to some extent, its systematic review will focus more often on those agencies where targeted reviews have revealed the greatest risks or concerns. For example, those decentralized agencies that tend not to receive complaints, protests or appeals with regard to their selection procedures may be asked to provide job analyses, materials, test statistics, etc. for one examination developed and administered in a given year. On the other hand, those agencies with less stellar histories may be asked to submit such documentation for different examinations on a quarterly basis.

Audits will comprehensively examine the job analysis, job analysis-test linkage, test component weights, and the overall validity of the selection process, as well as the accuracy, completeness and appropriateness of scoring procedures/processes, including cut-off scores, inter-rater reliability, etc. The evaluations will address key standards, policies and procedures associated with exam development, administration and scoring. Reviews may be conducted on-site or off-site. DHR will recommend corrective or remedial measures, and provide recommendations and consultation as appropriate. Additionally, the sampling of examinations will focus on the work of newly hired personnel analysts who develop and administer examinations for decentralized agencies. In this way, DHR can help ensure the skill set of the analysts at decentralized agencies is at a level that will preclude problems.

It should be noted that, under its Charter Authority, the San Francisco Civil Service Commission (CSC) also conducts audits and inspections of merit system examinations and announcements every fiscal year and prepares a written report outlining the subject/issue of the review, an analysis, and a summary of the findings. For example, in Fiscal Year 2011-12, the CSC's Audit Program consisted of seven reviews of announcements/selection processes conducted by six departments. Of course, the objective of these audits is to assess whether departments are compliant with Civil Service Commission Rules that govern announcements, applicant examinations, certifications, etc. as components of the selection and hiring process for City and County permanent civil service positions.

III. Appointments from Eligible Lists LAPS Section 17112 (c)—Response due in 30 days:

Per LAPS Section 17112(c), “appointments to permanent service positions shall be made through selection from appropriately ranked eligible lists. Appointment procedures may not allow appointment either beyond the top ten eligibles or the top ten percent of eligibles or the top predetermined score group of those on an eligible list who are willing to accept the conditions of employment.” While the City is to be commended to making strides to ensure that Rule of the List is no longer an option for miscellaneous positions, provisions for Rule of the List continue to be reflected within the Management Agreement. In that there are positions within this contract covered under LAPS, this is a clear violation of the LAPS standards. **As such, the City is to provide MSS with an action plan within 30 days of receiving the final report to reflect intended changes to the Rules and MEA contract.**

CCSF and the Municipal Executives’ Association (MEA) are in agreement regarding dispensing with use of the “Rule of the List.” CCSF DHR and MEA leadership have agreed that the City may proceed to implement its plan to apply the “Rule of 10 Scores” as the default for appointments for MEA-covered classifications.

IV. Provisional Appointments—Response due in 90 days:

While the City has made significant improvements in reducing the number of provisional appointments, the Charter, Section 10.105 includes a subsection specifically stating the following: “Provisional appointments for classified positions for which no eligible list exists shall not exceed three years.” As such, and as previously stated in the August 1999 formal report of audit findings, the three year limitation does not meet the LAPS compliance standards, which notes that “non-status appointments shall not be used as a way of defeating the purpose of the career service and shall have a reasonable amount time limit...reasonable time limit is one year.” **Further, while the audit team recognizes the efforts needed to change language in the Charter, the verbiage does not meet the spirit of the LAPS requirements, and as such, an action plan within 90 days of receiving the final report of findings to include how such language may be modified, is required.** As noted in the body of the report, an acceptable alternative to changing the Charter language would be to establish an administrative policy which limits the duration of provisional appointments to one year (at least in the two covered departments). A commitment to work towards such a practice on a city-wide basis should be part of the action plan.

In an ongoing effort to ensure City employees are appointed through a merit-based system, individual CCSF departments and agencies are not permitted to hire employees provisionally unless they receive prior approval from DHR. As a general practice, DHR does not approve provisional appointments if an eligible list for the class in question is expected to be issued within six months of the request. This practice has substantially reduced the overall number of provisional employees within CCSF.

DHR will continue to apply this general practice to the covered departments—Human Services Agency (HSA) and Child Support Services (CSS). As a point of clarity, CSS does not have any provisional appointments.

However, **DHR will establish and issue an administrative policy effective July 1, 2013 that limits the duration of provisional appointments made in HSA and CSS on or after that date to one year.** Provisional appointments in these two agencies will be tracked and monitored so as not to exceed the one year timeframe. Compliance with this administrative policy will also serve as a condition for DHR to approve these department's future requests to make provisional appointments.

V. Employment Covered and Exempted from Standards LAPS Section 17200—Response due in 90 days:

These standards apply to personnel engaged in the administration of federally aided programs which by law or regulation require a merit system of personnel administration that meets standards published by the United States Office of Personnel Management.

The following positions are exempt in the Human Services Agency: Department Head V; Department Head III; Deputy Director IV; Deputy Director III; Manager VI; Manager II; Manager I.

The Following positions are exempt in the Department of Child Support Services: Department Head; Deputy Director; Manager I; Executive Secretary I.

The classifications of Manager VI, Manager II, Manager I, and Executive Secretary I in the two covered departments, do not meet the standard for exemption. The City is to submit an Action Plan within 90 days of receipt of the Final Report outlining the process and plan as to how the City and County will comply with the requirements as outlined in LAPS, Section 17200 (b).

The City will respond to the single outstanding question regarding use exemptions in HSA and CSS within 90 days of the date the Report of Findings was received.

Sincerely,



Micki Callahan
City and County of San Francisco
Human Resources Director

CC: Jennifer Johnston, Executive Officer
Civil Service Commission

BOS-11 page

Commissioners
Jim Kellogg, President
Discovery Bay
Michael Sutton, Vice President
Monterey
Daniel W. Richards, Member
Upland
Richard Rogers, Member
Santa Barbara
Jack Baylis, Member
Los Angeles

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

Fish and Game Commission



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2012 NOV 30 PM 3:19

AK

November 28, 2012

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Receipt of Petition to list the Townsend's big-eared bat (*Corynorhinus townsendii*) as threatened or endangered under the California Endangered Species Act. This notice will appear in the California Regulatory Notice Register on November 30, 2012.

Sincerely,

Sheri Tiemann
Sheri Tiemann
Staff Services Analyst

Attachment

Commissioners
Jim Kellogg, President
Discovery Bay
Michael Sutton, Vice President
Monterey
Daniel W. Richards, Member
Upland
Richard Rogers, Member
Santa Barbara
Jack Baylis, Member
Los Angeles

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

Fish and Game Commission



CALIFORNIA FISH AND GAME COMMISSION NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on November 1, 2012 received a petition from the Center for Biological Diversity to list the Townsend's big-eared bat (*Corynorhinus townsendii*) as threatened or endangered under the California Endangered Species Act.

Townsend's big-eared bats require a range of habitats for various parts of their life history, including summer roosts (maternity roosts), hibernacula, and foraging habitat.

Pursuant to Section 2073 of the Fish and Game Code, on November 9, 2012 the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. It is anticipated that the Department's evaluation and recommendation relating to the petition will be received by the Commission at its March, 2013 Commission meeting. Interested parties may contact Dr. Eric Loft, Wildlife Branch, Department of Fish and Game, 1812 Ninth Street, Sacramento, CA 95811, or telephone (916) 445-3555 for information on the petition or to submit information to the Department relating to the petitioned species.

November 20, 2012

Fish and Game Commission

Sonke Mastrup
Executive Director



To: BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,
Cc:
Bcc:
Subject: File 121019 - CEQA Legislation - Item 21 Planning Commission (Nov.29th) - (Memo - A.Goodman)

From: Aaron Goodman <amgodman@yahoo.com>
To: planning@rodneyfong.com, cwu.planning@gmail.com, richhillissf@yahoo.com, hs.commish@yahoo.com, Mooreurban@aol.com, plangsf@gmail.com, wordweaver21@aol.com, bill.wycko@sfgov.org, jonas.ionin@sfgov.org, Rick.Crawford@sfgov.org, Kevin.Guy@sfgov.org, joy.navarrete@sfgov.org, Sophie.Hayward@sfgov.org, john.rahaim@sfgov.org,
Cc: andrew.wolfram@perkinswill.com, Tina.Tam@sfgov.org, karlhasz@gmail.com, Tim.Frye@sfgov.org, Sophie.Hayward@sfgov.org, john.rahaim@sfgov.org, RSEJohns@yahoo.com, c.chase@argsf.com, cdamkroger@hotmail.com, awmartinez@earthlink.net, diane@JohnBurtonFoundation.org, board.of.supervisors@sfgov.org
Date: 11/29/2012 11:34 AM
Subject: CEQA Legislation - Item 21 Planning Commission (Nov.29th) - (Memo - A.Goodman)

SF Planning Commissioners (cc: SF Historic Preservation Commissioners & SFBOS)

I am writing to you regarding the Thursday Nov. 29th Planning Commission Item #21 CEQA changes proposed by Superintendents' appeals on the Parkmerced proposal, SFSU-CSU Masterplan, and Merced Branch Library project.

Many projects have not properly been noticed for example all the projects above and thus eliminated stakeholder process the Planning Department and most notification changes submitted were not properly updated and corrected at the planning commission.

Projects such as the demolition of the Frederick Burke Elementary School and sale, were notified by a "water-logged" information sheet.

Projects such as the Merced Branch Library did NOT include many neighborhoods like Parkmerced and surrounding neighborhoods.

Many suggestions for alternatives and project suggested changes were not integrated or shown as significant alternatives.

Many changes on the Parkmerced project were done 11th hour, including David Chiu's "development agreements" which were not discussed.

Having this discussion at the end of the year consistently has been a blatant PATTERN by city agencies to remove public input intentionally to circumvent attendance. Ex: SFSU-Masterplan, Parkmerced Vision, Merced Branch Library

Many Planning Staff members do NOT have adequate intimate knowledge of neighborhoods nor ability to discern architectural impacts. We should not presume that one planner assigned to a project has ANY knowledge about a specific impact a project has (Ex: Appleton conceptual level of the design, waste sustainability wise due to demo vs. adaptive re-use on some of these projects, and typically have any large-concept generating solutions to issues such as mass-transit, fair-share impact fees and solution terms of Transit impacts and alternative solutions. Sometimes by seeing multiple projects trickle in, outside people such as citizens and community groups. These ideas should not be eliminated by planning but welcomed.

Too often during the hearing process individuals were given time only AFTER planning had presented well over an hour consistently limited and not allowed to speak due to delaying the hearing through breaks, and holding them late into the night.

The process is already skewed to the developers and cities favor.

There should not be any push through to limit or change the ability of individuals nor groups from commenting and appeals. Appeals are not taken lightly by individuals nor residents, as it is a time-consuming and long-winded effort in terms of money. I oppose the CEQA proposed changes by Supervisor Wiener based solely on personal experience in the cities convoluted. Please make sure that PLANNING is inclusive of rights to the individual and community groups to ensure that our voice is not silenced by the developer's oiled machinery.....

Sincerely

Aaron Goodman
25 Lisbon St. SF, CA 94112



To: BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,
Cc:
Bcc:
Subject: File 120523: SFTRU letter of support for TIDF

From: Thea Selby <thea@nextstepsmarketing.com>
To: eric.mar@sfgov.org, mark.farrell@sfgov.org, david.chiu@sfgov.org, carmen.chu@sfgov.org,
christina.olague@sfgov.org, jane.kim@sfgov.org, sean.elsbernd@sfgov.org,
Scott.Wiener@sfgov.org, david.campos@sfgov.org, Malia.Cohen@sfgov.org,
john.avalos@sfgov.org,
Cc: SFTRU Exec Board <executiveboard@sftru.org>, Andres.Power@sfgov.org, ed.lee@sfgov.org,
roberta.boomer@sfgov.org, Board.of.Supervisors@sfgov.org, ed.reiskin@sfmta.com
Date: 11/29/2012 01:56 PM
Subject: SFTRU letter of support for TIDF

Hello, San Francisco Supervisors.

Attached is a letter of support from the San Francisco Transit Riders Union for the TIDF. We hope this will help in your quest to get the funding so very necessary to help public transit thrive in San Francisco.

Please let us know if you have any questions.

Best regards,

Thea

Thea Selby
415 773 1841
thea@nextstepsmarketing.com



=SFTRU Letter of Support to BOS for TIDF.pdf



SAN FRANCISCO TRANSIT RIDERS UNION

P.O. Box 193141, San Francisco, CA 94119

www.sftru.org

November 27, 2012

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

Dear Supervisors:

The San Francisco Transit Riders Union (SFTRU) strongly urges you to support the TIDF legislation requiring larger non-profits to be included under the updated TIDF.

San Francisco proudly declares itself a "Transit First" city and the SFTRU supports this mission. At the heart of this declaration is the belief that a reliable, affordable and safe transportation system is essential to a thriving, democratic city. For years many new development projects haven't paid for the increasing burdens they place on the City's transportation system. Yet, these developments have relied on public transit to carry employees, customers and service recipients to and from these developments. This is not putting transit first; it's putting development first.

SFTRU supports all non-profit services. Some of the City's biggest institutions – and some of the projects that place the biggest burden on the transportation system – operate as non-profits. In fact, non-profit institutions represent 20% of all projected development activity. The burden those projects place on the transportation system has never been addressed and everyone in San Francisco pays the price for that. TIDF will address this deficiency.

A few points of clarification:

1. The TIDF only applies to net new development. This means a building can be torn down and a new one can be put up in its footprint, and as long as the new building has less or the same square footage as the old building, then TIDF doesn't apply. If the building adds new square footage, the TIDF only applies to these additional square feet. This isn't about punishing non-profits who want to renovate an existing space or build a new development within the footprint of an old building; it's about making organizations who build larger and more expansive

campuses and buildings accountable for the added strain being imposed on our transportation system.

2. Most small social service providers don't build new developments; they lease or renovate space, so they will not be affected by this change.
3. Most small non-profits would be exempt even if they did build a space.
4. Non-profit proposed buildings in process now will be grandfathered in, so will be exempt from this change through December 2013. This gives new large non-profit plans plenty of time to budget for the reasonable additional expense.

For the reasons stated above, we strongly urge you to support the TIDF with the inclusion of large non-profit new buildings proposed after January 2014. This, in conjunction with the monies from the Vehicle License Fee, will aid San Francisco in closing the gap on the SFMTA budget and will move us towards a reliable, affordable and safe public transit system attractive and available for all.

Sincerely,



Thea Selby

Corresponding Secretary

San Francisco Transit Riders Union

cc: Mayor Ed Lee
San Francisco Municipal Transportation Authority Board of Directors
Ed Reiskin, SFMTA Director of Transportation
José Luis Moscovich, SFCTA Executive Director

NOTT (Non-profits Opposed to the Transit Tax)
235 Montgomery Street, 12th Floor
San Francisco, CA 94104 - 3120

File 120523
cpa ge

November 27, 2012

The Honorable David Chiu, President
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room #244
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 NOV 27 PM 2:47
AK

RE: FILE #120523; Vote No on TIDF Update Legislation Unless Amended to Remove TSP Elements, Including Elimination of Non-profit Exemption

Dear President Chiu and Members of the Board:

A broad coalition of non-profit service providers (see list of organizations below) do not support the Transit Impact Development Fee (TIDF) update legislation as currently drafted. We are gravely concerned that elements of the forthcoming Transportation Sustainability Program (TSP), especially elimination of the non-profit fee exemption, have been selectively imbedded in the TIDF update legislation. Elimination of the non-profit exemption has not been considered through a thorough and transparent process and is not good public policy.

The undersigned requests the Supervisors vote NO on the TIDF update legislation (File #120523) when it comes before you on December 4, 2012, unless the legislation is amended to delete the elimination of the non-profit exemption. If the Board is intent on approving this ordinance as drafted, we request that a Committee of the Whole be calendared for your meeting of December 4th so the non-profit community can voice its concerns in a public hearing.

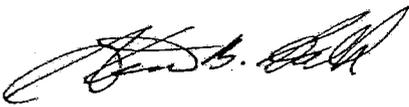
We make this request for several reasons:

1. The TSP is currently undergoing environmental review, therefore elements of the TSP do not belong in the pending TIDF legislation, which has been updated every 5 years with no material policy or programmatic changes. Many non-profit providers were caught by surprise to discover elimination of the non-profit fee exemption in the TIDF update legislation, and are only now beginning to understand the potential impacts to their organizations. This and other elements including reduction of square footage and policy credits, for example, are very complex and the timeline too short to evaluate the costs and implications for our diverse sector. Organizations that will be impacted need to participate in a transparent process that fully vets the proposed policy changes as part of next year's TSP public review.
2. There are many questions regarding the proposed fee structure in the TIDF update legislation. Why is there no distinction made between nonprofit and for-profit institutions? How were the fees for each service sector derived from the nexus study? Why are some nonprofit institutions that have been excluded in the past, including educational and cultural institutions for example, included in the proposed new fee structure but those related to housing are not? Why are small for-profit businesses given access to fee credits but nonprofits are not? Given that many hospitals will have completed planned construction by 2014, where will the majority of the budgeted nonprofit transit fee revenues come from? The information provided to us generates more questions than answers and creates a lack of clarity as to what exactly the Board will be voting on at its meeting December 4th.
3. We as a coalition, representing many of the City's foremost nonprofit housing, education and health care institutions believe strongly that imposing transit fees on nonprofit providers will be detrimental to the financial sustainability of organizations already struggling to provide services to those most in need. Thirty years ago policymakers chose to impose

transit fees on new commercial development to offset the associated costs to the city's public transportation systems. Nonprofits were exempted from these fees in part because it was recognized that the financial burden would reduce services nonprofits provide. The elimination of the nonprofit fee exemption opens the door to other taxes and fees on nonprofits, and implies that the City values transit over healthcare, social services, education, religion and culture. Further, it creates a misguided fiscal policy where providers with City funding may resort to using funds from one city department to pay the fees assessed by another city department.

Unless the Board of Supervisors is willing to amend the legislation by separating the TSP elements from the TIDF update and voting only on the latter on December 4th, we the undersigned urge the Board to vote NO on the TIDF update legislation. Further, if the Board moves ahead with a vote on the legislation as currently drafted, we request that it convene a Committee of the Whole and hold a public hearing on this very significant and potentially destructive change to city policy.

Sincerely,



Steve Falk, President and CEO
San Francisco Chamber of Commerce

On behalf of:

Dignity Health
Hospital Council of Northern and Central California
San Francisco Human Services Network
Chinese Hospital
Chinatown Community Development Center
San Francisco Community Clinic Consortium
NICOS Chinese Health Coalition
Kaiser Permanente
Council of Community Housing Organizations
GLIDE Memorial United Methodist Church and Foundation
San Francisco Medical Society
University of San Francisco
St. Mary's Medical Center
Tenderloin Neighborhood Development Corporation
Fine Arts Museums of San Francisco
St. Francis Memorial Hospital
Women's Community Clinic
Chinese Community Healthcare Association
North East Medical Services
Planned Parenthood Shasta Pacific
Center for Youth Wellness
Richmond Area Multi-Services, Inc. (RAMS, Inc.)

cc: Distribute to each member of the Board of Supervisors
✓ Clerk of the Board of Supervisors
Mayor Ed Lee

From: Calvillo, Angela
To: Miller, Alisa
Subject: File No. 120619

From: Marylene (Lynn) Williams [<mailto:lynnbud@sbcglobal.net>]
Sent: Sunday, December 02, 2012 4:44 PM
Subject: File No. 120619

Dear Mayor Lee and Supervisors,

To my amazement, I recently heard that there is a consideration to reopen the Environmental Review process of the City's Sharp Park Plan. It was my understanding that this issue had been resolved. Re-opening this issue for further study seems like a tremendous waste of time.

Please give you consideration for a "NO" vote on File No. 120619.

Thank you,

Charles Sandkulla
1230 Cortez Ave.
Burlingame, CA 94010
lynnbud@sbcglobal.net

From: Calvillo, Angela
To: BOS-Supervisors
Subject: FW: Sharpe Park

From: Michael Dineen [mailto:mikedn49@comcast.net]
Sent: Monday, December 03, 2012 10:12 AM
To: Calvillo, Angela
Subject: Sharpe Park

Dear Supervisors,

I support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park Golf Course, while at the same time protecting the environment by recovering frog and snake habitat in the golf course's wetlands.

I urge you to vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Park and Planning Departments to start over on the Environmental Review process for the City's Sharp Park plan. This would mean a colossal waste of more than 4 years of public time, money, and effort that has gone into the Sharp Park plan. We cannot afford such public waste.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Yours truly,

Michael Dineen
2295 31st Ave

From: Calvillo, Angela
To: Miller, Alisa
Subject: File 120619

From: Patton Lee [mailto:dailyhacker@sbcglobal.net]
Sent: Sunday, December 02, 2012 5:38 AM
To: Calvillo, Angela
Subject:

Dear Clerk of the Board,

I support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park Golf Course, while at the same time protecting the environment by recovering frog and snake habitat in the golf course's wetlands.

I urge you to vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Park and Planning Departments to start over on the Environmental Review process for the City's Sharp Park plan. This would mean a colossal waste of more than 4 years of public time, money, and effort that has gone into the Sharp Park plan. We cannot afford such public waste.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Yours truly,

Patton Lee

1123 Valencia Way

Pacifica

dailyhacker@sbcglobal.net

From: Calvillo, Angela
To: Miller, Alisa
Subject: File 120619: Sharp Park Resolution

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

From: Julie [mailto:julie_g@earthlink.net]
Sent: Saturday, December 01, 2012 5:59 PM
To: ed.lee@sfgov.org; Chiu, David; Elsbernd, Sean; Olague, Christina; Calvillo, Angela; Miller, Alisa; Mar, Eric (BOS); Wiener, Scott; Cohen, Malia; Richard Harris
Subject: Re: Sharp Park Resolution

Honorable Mayor Ed Lee and Board of Supervisors:

I am writing to urge you to vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Park and Planning Departments to start over on the Environmental Review process for the City's Sharp Park plan. This would be a waste of more than 4 years of public time, money, and effort that has gone into the review of the Sharp Park plan.

I strongly support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park Golf Course, while at the same time protecting the environment by recovering frog and snake habitat in the golf course's wetland areas. Golfers, frogs and snakes have and can co-exist in the same region.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Sincerely,

R. Julie Gonzalez
155 Whitney Street
San Francisco, CA 94131
415-648-3165
julie_g@earthlink.net

From: Julie [julie_g@earthlink.net]
Sent: Saturday, December 01, 2012 5:59 PM
To: ed.lee@sfgov.org; Chiu, David; Elsbernd, Sean; Olague, Christina; Calvillo, Angela; Miller, Alisa; Mar, Eric (BOS); Wiener, Scott; Cohen, Malia; Richard Harris
Subject: Re: Sharp Park Resolution

Honorable Mayor Ed Lee and Board of Supervisors:

I am writing to urge you to vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Park and Planning Departments to start over on the Environmental Review process for the City's Sharp Park plan. This would be a waste of more than 4 years of public time, money, and effort that has gone into the review of the Sharp Park plan.

I strongly support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park Golf Course, while at the same time protecting the environment by recovering frog and snake habitat in the golf course's wetland areas. Golfers, frogs and snakes have and can co-exist in the same region.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Sincerely,

R. Julie Gonzalez
155 Whitney Street
San Francisco, CA 94131
415-648-3165
julie_g@earthlink.net

From: Butch Larroche [venkman62@yahoo.com]
Sent: Monday, December 03, 2012 9:25 AM
To: Calvillo, Angela; Elsbernd, Sean; Chiu, David; ed.lee@sfgov.org; Cohen, Malia; Wiener, Scott; Mar, Eric (BOS); Miller, Alisa
Subject: Re: Sharp Park Sneak Attack!!!

San Francisco Board of Supervisors
Land Use and Economic Development Committee alisa.miller@sfgov.org
Supervisor Eric Mar Eric.L.Mar@sfgov.org
Supervisor Scott Weiner scott.wiener@sfgov.org
Supervisor Malia Cohen malia.cohen@sfgov.org
Re: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR
File No. 120619

Land Use Committee Hearing December 3 , 2012

Dear Supervisors,

I support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park Golf Course, while at the same time protecting the environment by recovering frog and snake habitat in the golf course's wetlands.

I urge you to vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Park and Planning Departments to start over on the Environmental Review process for the City's Sharp Park plan. This would mean a colossal waste of more than 4 years of public time, money, and effort that has gone into the Sharp Park plan. We cannot afford such public waste.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Hello Supervisors, thank you for your time. One important thing to remember here is that Plater and his crew are once again arguing against their own argument. They say Sharp Park GC costs the city money. We all now this is not true, however, how much more money will it cost to separate Sharp Park from the current plan and to start over? Please think about that before taking any action!!

Butch Larroche
Sharp Park GC President

cc: Mayor Ed Lee ed.lee@sfgov.org
President of the Board David Chiu david.chiu@sfgov.org
Supervisor Sean Elsbernd sean.elsbernd@sfgov.org
Clerk of the Board of Supervisors angela.calvillo@sfgov.org

SHARP PARK GOLF CLUB



From: Art Zendarski [art@zendarski.com]
Sent: Saturday, December 01, 2012 7:28 AM
To: Miller, Alisa
Cc: ed.lee@sfgov.org; Chiu, David; Elsbernd, Sean; Calvillo, Angela
Subject: Re: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR File No.

File: 120619

Dear Ms. Miller,

I support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park Golf Course.

I urge you to vote "NO" on the Sharp Park resolution, File No. 120619.

Sincerely,

Art Zendarski
1591 Jackson St. Suite 2
San Francisco, CA 94109

T 415-775-6111
F 415-775-6112

File 120619

From: Dave Wisnia [davewisnia@yahoo.com]
Sent: Saturday, December 01, 2012 2:09 PM
To: Butch Larroche; Calvillo, Angela; Elsbernd, Sean; Chiu, David; ed.lee@sfgov.org; Cohen, Malia; Wiener, Scott; Mar, Eric (BOS); Miller, Alisa
Subject: Re: Sharp Park Sneak Attack!!!

San Francisco Board of Supervisors
Land Use and Economic Development Committee alisa.miller@sfgov.org
Supervisor Eric Mar Eric.L.Mar@sfgov.org
Supervisor Scott Weiner scott.wiener@sfgov.org
Supervisor Malia Cohen malia.cohen@sfgov.org
Re: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR
File No. 120619
Land Use Committee Hearing December 3 , 2012

Dear Supervisors,

I support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park Golf Course, while at the same time protecting the environment by recovering frog and snake habitat in the golf course's wetlands.

I urge you to vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Park and Planning Departments to start over on the Environmental Review process for the City's Sharp Park plan. This would mean a colossal waste of more than 4 years of public time, money, and effort that has gone into the Sharp Park plan. We cannot afford such public waste.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Time and money would be better spent on improving the golf course experience, thereby creating more revenue to the City of San Francisco.

~~The people behind the attacks on GOLF COURSES in general are like the "tail wagging the dog"!!!~~

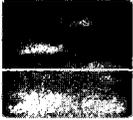
It's about time you say enough to these special interest minorities. Put this to rest once and for all PLEASE
!!!!!!!!!!!!!!!

Yours truly,
David Wisnia
2399 Valleywood Dr
San Bruno, Ca 94066

cc: Mayor Ed Lee ed.lee@sfgov.org
President of the Board David Chiu david.chiu@sfgov.org
Supervisor Sean Elsbernd sean.elsbernd@sfgov.org
Clerk of the Board of Supervisors angela.calvillo@sfgov.org

SHARP PARK GOLF CLUB





To: Alisa Miller/BOS/SFGOV,
Cc:
Bcc:
Subject: File 120619: Sharp Park Communications

From: Cheryl Yoes <cherylyoes@aol.com>
To: alisa.miller@sfgov.org, Eric.L.Mar@sfgov.org, scott.wiener@sfgov.org, mailia.cohen@sfgov.org,
Cc: ed.lee@sfgov.org, david.chiu@sfgov.org, sean.elsbernd@sfgov.org, angela.calvillo@sfgov.org
Date: 11/29/2012 03:01 PM
Subject: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR File No. 120619

November 29, 2012

San Francisco Board of Supervisors
Land Use and Economic Development Committee alisa.miller@sfgov.org
Supervisor Eric Mar Eric.L.Mar@sfgov.org
Supervisor Scott Weiner scott.wiener@sfgov.org
Supervisor Malia Cohen malia.cohen@sfgov.org

Re: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR
File No. 120619
Land Use Committee Hearing December 3 , 2012

Dear Supervisors,

I support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park Golf Course, while at the same time protecting the environment by recovering frog and snake habitat in the golf course's wetlands.

I urge you to vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Park and Planning Departments to start over on the Environmental Review process for the City's Sharp Park plan. This would mean a colossal waste of more than 4 years of public time, money, and effort that has gone into the Sharp Park plan. We cannot afford such public waste.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Yours truly,
Pete and Cheryl Yoes
1704 Palmetto Avenue
Pacifica, CA 94044
(650) 359-5380

cc: Mayor Ed Lee ed.lee@sfgov.org
President of the Board David Chiu david.chiu@sfgov.org
Supervisor Sean Elsbernd sean.elsbernd@sfgov.org
Clerk of the Board of Supervisors angela.calvillo@sfgov.org

From: Ken Reed <runkenrun@aol.com>
To: alisa.miller@sfgov.org, Eric.L.Mar@sfgov.org, scott.wiener@sfgov.org, malia.cohen@sfgov.org,
Cc: ed.lee@sfgov.org, david.chiu@sfgov.org, sean.elsbernd@sfgov.org, angela.calvillo@sfgov.org,
info@sfpublishgolf.com
Date: 11/29/2012 03:31 PM
Subject: Sharp Park File No. 120619 - Land Use Committee

San Francisco Board of Supervisors
Land Use and Economic Development Committee alisa.miller@sfgov.org

Supervisor Eric Mar Eric.L.Mar@sfgov.org
Supervisor Scott Weiner scott.wiener@sfgov.org
Supervisor Malia Cohen malia.cohen@sfgov.org

Re: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR
File No. 120619
Land Use Committee Hearing December 3 , 2012

Dear Supervisors,

I support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park Golf Course, while at the same time protecting the environment by recovering frog and snake habitat in the golf course's wetlands.

Please vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Park and Planning Departments to start over on the Environmental Review process for the City's Sharp Park plan. This would mean a colossal waste of more than 4 years of public time, money, and effort that has gone into the Sharp Park plan. We cannot afford such public waste.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Yours truly,

Kenneth Reed
367 Byxbee St
San Francisco, CA 94132
runkenrun@aol.com

cc: Mayor Ed Lee ed.lee@sfgov.org
President of the Board David Chiu david.chiu@sfgov.org
Supervisor Sean Elsbernd sean.elsbernd@sfgov.org
Clerk of the Board of Supervisors angela.calvillo@sfgov.org

Ken Reed
runkenrun@aol.com

From: "Norman Lew, Esq." <lewfongleung@aol.com>
To: <alisa.miller@sfgov.org>, <Eric.L.Mar@sfgov.org>, <scott.wiener@sfgov.org>, <malia.cohen@sfgov.org>,
Cc: <ed.lee@sfgov.org>, <david.chiu@sfgov.org>, <sean.elsbernd@sfgov.org>, <angela.calvillo@sfgov.org>
Date: 11/29/2012 03:37 PM
Subject: Re: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR

Dear San Francisco Board of Supervisors,

Please find attached my letter of November 29, 2012 regarding the Land Use Committee Hearing on December 3, 2012, File No. 120619.

Please vote NO on resolution to sever Sharp Park from natural areas EIR.

Very truly yours,

Norman Lew

Law Offices of Lew, Fong, Leung, Lee & Chan, APC
456 Montgomery Street, Suite 700
San Francisco, CA 94104-1280
(415) 781-8251
(415) 434-3748 (fax)



San Francisco Board of Supervisors. ReLand Use Hearing December_3_2012.pdf

From: John Mendoza <John.Mendoza@unionbank.com>
To: "alisa.miller@sfgov.org" <alisa.miller@sfgov.org>, "Eric.L.Mar@sfgov.org" <Eric.L.Mar@sfgov.org>, "scott.wiener@sfgov.org" <scott.wiener@sfgov.org>, "malia.cohen@sfgov.org" <malia.cohen@sfgov.org>,
Cc: "ed.lee@sfgov.org" <ed.lee@sfgov.org>, "david.chiu@sfgov.org" <david.chiu@sfgov.org>, "sean.elsbernd@sfgov.org" <sean.elsbernd@sfgov.org>, "angela.calvillo@sfgov.org" <angela.calvillo@sfgov.org>
Date: 11/29/2012 06:43 PM
Subject: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR

File No. 120619
Land Use Committee Hearing December 3 , 2012
Dear Supervisors,

I support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park Golf Course, while at the same time protecting the environment by recovering frog and snake habitat in the golf course's wetlands.

I urge you to vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Park and Planning Departments to start over on the Environmental Review process for the City's Sharp Park plan. This would mean a colossal waste of more than 4 years of public time, money, and effort that has gone into the Sharp Park plan. We cannot afford such public waste.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Yours truly,

John A. Mendoza, CTP
Vice President/Relationship Manager
Labor Management Deposit Services
350 California St Suite H-1040
San Francisco CA 94104

P-415-705-7112
F-415-705-7111

john.mendoza@unionbank.com

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Thank you.

From: "Jason Blasi" <blasigolf@gmail.com>
To: <scott.wiener@sfgov.org>, <Eric.L.Mar@sfgov.org>, <alisa.miller@sfgov.org>, <malia.cohen@sfgov.org>
Cc: <ed.lee@sfgov.org>, <david.chiu@sfgov.org>, <sean.elsbernd@sfgov.org>, <angela.calvillo@sfgov.org>, <richard@erskinetulley.com>
Date: 11/29/2012 06:55 PM
Subject: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR

Dear Supervisors,

I am a golf course architect who has studied the Sharp Park golf course over several years, including the site history, the architecture, the environmental and habitat issues, drainage patterns and much more. I have toured the course with a variety of consultants, all working to find the right ways to SAVE the golf course and enhance frog and snake habitat in the golf course's wetlands. There is no doubt that this can be done.

It has come to my attention that Supervisor Olague has proposed a resolution that would ignore years of studies and require the City's Rec & Park Departments to start over on the Environmental Review process for the Department's Sharp Park Habitat Restoration plan, which would greatly enhance habitat for endangered species, while keeping the 18-hole course open.

Please recognize that Sharp Park is an internationally-known, architecturally significant public golf course, built in the early 1930's by history's greatest golf architect, Alister MacKenzie. This is a San Francisco public architectural treasure, and should be recognized and treated as such by the City's leaders. It is also "the poor man's Pebble Beach," a recreational field for common people of all income levels, walks of life, ethnicities, genders, and persuasions. It is worth saving.

Supervisor Olague's proposed Resolution would require the City to start over on the Sharp Park habitat recovery plan -- thereby wasting 4-plus years of study, planning, consultants, department staff time, and consultants fees. The waste of time, money, and effort would be colossal. It would also delay by years the City's efforts to improve natural habitat at Sharp Park while saving the golf course.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Best regards,

Jay Blasi

**117 Naramore Lane
Los Gatos, CA 95032
650.575.2419
blasigolf@gmail.com**

From: "Courtney Conlon" <courtney@pacificachamber.com>
To: <alisa.miller@sfgov.org>, "Eric.L." <Mar@sfgov.org>, <scott.wiener@sfgov.org>

Cc: <malia.cohen@sfgov.org>, <ed.lee@sfgov.org>, <david.chiu@sfgov.org>, "Adrienne Tissier" <ATissier@smcgov.org>, <pete128@comcast.net>, "Mary Ann Nihart" <mnihart@pacbell.net>, "Len Stone" <lenstonepacifica@gmail.com>, "Ginny Jaquith" <ginnyj@telis.org>, <suedigre@gmail.com>, <sean.elsbernd@sfgov.org>, <christina.olague@sfgov.org>, <angela.calvillo@sfgov.org>, <Phil.Ginsburg@sfgov.gov>
Date: 11/29/2012 08:49 PM
Subject: re: Pacifica Chamber of Commerce Letter to SF Supervisors, Opposing Olague's Resolution (00002868)

Good Evening Chairman Mar and Supervisors Cohen and Wiener:

Please find attached letter from the Pacifica Chamber of Commerce regarding our strong opposition to Supervisor Olague's Sharp Park Resolution, File No. 120619.

If you so choose, kindly respond that you are in receipt of our email and attachment.

Respectfully submitted,

Courtney Conlon, CEO



PACIFICA
CHAMBER OF COMMERCE
NAVIGATOR CENTER

Courtney Conlon, CEO
Pacifica Chamber of Commerce
225 Rockaway Beach Ave. Suite 1
Pacifica, CA 94044
Phone: 650.355.4122
Fax: 650.355.6949
courtney@pacificachamber.com
www.pacificachamber.com
www.visitpacifica.com



DOC112912-11292012201030.pdf

From: lopezjk@comcast.net
To: angela.calvillo@sfgov.org, david.chiu@sfgov.org, sean.elsbernd@sfgov.org, ed.lee@sfgov.org, alisa.miller@sfgov.org, malia.cohen@sfgov.org, scott.wiener@sfgov.org, Eeic.L.Mar@sfgov.org,
Date: 11/29/2012 09:48 PM
Subject: Fwd: Sharp Park Sneak Attack!!!

From: "Butch Larroche" <venkman62@yahoo.com>
To: lopezjk@comcast.net

Sent: Thursday, November 29, 2012 10:40:51 AM
Subject: Sharp Park Sneak Attack!!!

SHARP PARK GOLF CLUB

Dear Public Golf Alliance Members:

Please attend, Monday, Dec. 3, 1 p.m. at SF City Hall, Room 250 (the Supervisors' Legislative Chamber at top of the grand staircase), the continued public hearing by the Land Use Committee on the most recent Anti-Sharp Park Golf resolution, sponsored by Supervisor Olague. Members of the Land Use Committee are: Supervisors Eric Mar, Scott Weiner, and Malia Cohen.

The Olague Resolution would sever Sharp Park from the ongoing Natural Areas Environmental Impact Report process, and require San Francisco to start over with its Sharp Park planning. What a waste! The City has better uses for its limited financial resources.

This will continue the Land Use Committee public hearing that began Nov. 19. If you haven't yet, please send an e-mail to Committee members, and send us a copy; we will collect the e-mails and deliver hard copies to the Committee at the public meeting. Be certain to put your own home address and phone number on your e-mail comment. See a draft of such an e-mail, below. But use your own words.

RSVP: Please let us know if you will be able to attend. We will meet you outside the Supervisors' chambers at 12:40 p.m. Circulate this to your friends, and bring 2 friends to the hearing. Thanks. Save Sharp Park!

Thank you.

San Francisco Public Golf Alliance
Richard Harris

Sample E-Mail

San Francisco Board of Supervisors
Land Use and Economic Development Committee alisa.miller@sfgov.org
Supervisor Eric Mar Eric.L.Mar@sfgov.org
Supervisor Scott Weiner scott.wiener@sfgov.org
Supervisor Malia Cohen malia.cohen@sfgov.org

Re: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR
File No. 120619

Land Use Committee Hearing December 3 , 2012

Dear Supervisors,

I support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park Golf Course, while at the same time protecting the environment by recovering frog and snake habitat in the golf course's wetlands.

I urge you to vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Park and Planning Departments to start over on the Environmental Review process for the City's Sharp Park plan. This would mean a colossal waste of more than 4 years of public time, money, and effort that has gone into the Sharp Park plan. We cannot afford such public waste.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Yours truly, Joseph Lopez 1340 Crespi, Pacifica, jlopez@comcast.net

[your name, address, phone number, and e-mail address]

cc: Mayor Ed Lee ed.lee@sfgov.org
President of the Board David Chiu david.chiu@sfgov.org
Supervisor Sean Elsbernd sean.elsbernd@sfgov.org

Clerk of the Board of Supervisors angela.calvillo@sfgov.org

From: Patton Lee <dailyhacker@sbcglobal.net>
To: Butch Larroche <spgc@sharpparkgc.com>, alisa.miller@sfgov.org, Eric.L.Mar@sfgov.org,

Cc: scott.wiener@sfgov.org, malia.cohen@sfgov.org,
ed.lee@sfgov.org, david.chiu@sfgov.org, angela.calvillo@sfgov.org
Date: 11/30/2012 06:29 AM
Subject: Sharp Park Golf Course

Dear Supervisors,

I support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park Golf Co and snake habitat in the golf course's wetlands.

I urge you to vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Par process for the City's Sharp Park plan. This would mean a colossal waste of more than 4 years of public time, i such public waste.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Yours truly,

Patton Lee
1123 Valencia Way
Pacifica, Ca. 94044
650 359-7084
dailyhacker@sbcglobal.net

From: Marty Cerles <mcerles@bestwesternlighthouse.com>
To: "alisa.miller@sfgov.org" <alisa.miller@sfgov.org>,
Cc: "eric.l.mar@sfgov.org" <eric.l.mar@sfgov.org>, "scott.wiener@sfgov.org" <scott.wiener@sfgov.org>, "malia.cohen@sfgov.org" <malia.cohen@sfgov.org>, "ed.lee@sfgov.org" <ed.lee@sfgov.org>, "david.chiu@sfgov.org" <david.chiu@sfgov.org>, "sean.elsbernd@sfgov.org" <sean.elsbernd@sfgov.org>, "angela.calvillo@sfgov.org" <angela.calvillo@sfgov.org>, "info@spublicgolf.com" <info@spublicgolf.com>
Date: 11/30/2012 08:04 AM
Subject: FW: Resolution to Sever Sharp Park from the Natural Areas EIR

**Re: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR
File No. 120619
Land Use, etc. Committee Hearing December 3, 2012,**

Dear Supervisors,

I support the San Francisco Rec & Park Department's plan to save the historic and popular

Sharp Park Golf Course, while at the same time protecting the environment by recovering frog and snake habitat in the golf course's wetlands.

Please vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Park and Planning Departments to start over on the Environmental Review process for the City's Sharp Park plan (overwhelmingly endorsed by the Rec & Park citizens advisory committee and unanimously adopted by the Rec & Park Commission in December, 2009). Supervisor Olague's Resolution would mean a colossal waste of public time, money, and effort that has gone into the Sharp Park plan. We cannot afford such public waste -- especially not now, in hard economic times, when we need to spend public money carefully.

The City's Sharp Park plan is the result of more than a dozen public meetings in both San Francisco and Pacifica since April, 2009, by several San Francisco public agencies, including the Rec & Park Commission and its citizens advisory committee ("PROSAC"), the SF Public Utilities Commission (on the related issue of the Sharp Park Recycled Water Project), and the Board of Supervisors and its City Audit and Neighborhood Services and Government Audit and Oversight committees.

Sharp Park has been part of the Significant Natural Areas Management Plan since the initial draft plan in 1995. The golf course was very explicitly the subject of the Environmental Impact public "scoping" written comments and public meetings in both San Francisco and Pacifica in May, 2009, and again in both public testimony and written comment to the Planning Commission on the Draft Environmental Impact Report in 2011 and 2012.

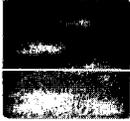
All of this represents thousands of hours of paid consultants' time public agency staff time over many years, and yet more thousands of hours of individual citizens' time in submitting written comments and appearing at the public hearings. Supervisor Olague's Resolution would let all of this money, time, and effort go to waste.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Yours truly,

Marty Cerles
General Manager
BEST WESTERN PLUS Lighthouse Hotel
Tel: 650-355-6300
E-mail: mcerles@bestwesternlighthouse.com
Website: www.bestwesternlighthouse.com

cc: Mayor Ed Lee ed.lee@sfgov.org
President of the Board David Chiu david.chiu@sfgov.org
Supervisor Sean Elsbernd sean.elsbernd@sfgov.org
Clerk of the Board of Supervisors angela.calvillo@sfgov.org



To: BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,
Cc:
Bcc:
Subject: File 120619: Sharp Park communications

From: SFASIA@aol.com
To: angela.calvillo@sfgov.org,
Date: 11/30/2012 10:57 AM
Subject: Fwd: Sharp Park

From: SFASIA@aol.com
To: alisa.miller@sfgov.org, Eric.L.Mar@sfgov.org, scott.weiner@sfgov.org, malia.cohen@sfgov.org,
ed.lee@sfgov.org, david.chiu@sfgov.org, sean.elsbernd@sfgov.org, angela.cavillo@sfgov.org
CC: info@sfpublishgolf.com
Sent: 11/29/2012 1:53:05 P.M. Pacific Standard Time
Subj: Fwd: Sharp Park

Dear Addressees:

Unfortunately I will not be in San Francisco on December 3rd and will not be able to attend this meeting. I fully support the San Francisco Public Golf Alliance on this issue and urge you to vote "No". It would be very costly to go back and start this process again. The City, various stakeholders and the Alliance were very close to a mutually beneficial and workable resolution to this issue.

Please excuse the Fwd: message as I do not have time to redraft personalized e-mails.

John F. Hentz
11 Sylvan Drive San Francisco, CA 94132
Phone: 415 713 8335 (Cell)
Residence: 415 564 7355
For identification purposes:
Director - Lakeshore Acres Improvement Club
Former member - San Francisco Civil Grand Jury
Former member - Citizens General Obligation Oversight Committee

From: info@sfpublishgolf.com
To: sfasia@aol.com
Sent: 11/29/2012 12:17:01 P.M. Pacific Standard Time
Subj: Sharp Park Sneak Attack Redux: Please attend continued SF Supervisors hearing Monday, Dec. 3, 1 p.m. at SF City Hall

Dear Public Golf Alliance Members:

Please attend, Monday, Dec. 3, 1 p.m. at SF City Hall, Room 250 (the Supervisors' Legislative Chamber at top of Committee on the most recent Anti-Sharp Park Golf resolution, sponsored by Supervisor Olague. Members Malia Cohen.

The Ologue Resolution (see text of the Resolution here) would sever Sharp Park from the ongoing Natural A start over with its Sharp Park planning. What a waste! The City has better uses for its limited financial resou

This will continue the Land Use Committee public hearing that began Nov. 19. If you haven't yet, please send e-mails and deliver hard copies to the Committee at the public meeting. Be certain to put your own home add e-mail, below. But use your own words.

RSVP: Please let us know if you will be able to attend. We will meet you outside the Supervisors' chambers a Thanks. Save Sharp Park!

Thank you.

San Francisco Public Golf Alliance

Richard Harris

Sample E-Mail

San Francisco Board of Supervisors

Land Use and Economic Development Committee alisa.miller@sfgov.org

Supervisor Eric Mar Eric.L.Mar@sfgov.org

Supervisor Scott Weiner scott.wiener@sfgov.org

Supervisor Malia Cohen malia.cohen@sfgov.org

Re: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR

File No. 120619

Land Use Committee Hearing December 3 , 2012

Dear Supervisors,

I support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park frog and snake habitat in the golf course's wetlands.

I urge you to vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's R Review process for the City's Sharp Park plan. This would mean a colossal waste of more than 4 years of pul cannot afford such public waste.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Yours truly,

[your name, address, phone number, and e-mail address]

cc: Mayor Ed Lee

ed.lee@sfgov.org

President of the Board David Chiu david.chiu@sfgov.org

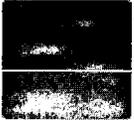
Supervisor Sean Elsbernd sean.elsbernd@sfgov.org

Clerk of the Board of Supervisors angela.calvillo@sfgov.org

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We are on Twitter ([@SFPublicGolf](#)), [Facebook](#)
Contact us at info@sfpag.com

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If you received this email as a forward, and would like to subscribe, please contact info@sfpag.com



To: BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,
Cc:
Bcc:
Subject: File 120619: Sharp Park communications received

From: ronan erickson <rjerrickson@sbcglobal.net>
To: Eric Mar <Eric.L.Mar@sfgov.org>, Scott Weiner <scott.wiener@sfgov.org>, Malia Cohen <malia.cohen@sfgov.org>,
Cc: Ed Lee <ed.lee@sfgov.org>, David Chiu <david.chiu@sfgov.org>, Sean Elsbernd <sean.elsbernd@sfgov.org>, Angela Calvillo <angela.calvillo@sfgov.org>
Date: 11/29/2012 10:30 AM
Subject: No on File No. 120619 - Sharp Park

Dear Sir/Madam

I am a resident of San Francisco for 69 years and I play golf at Sharp Park. I support the SF "Rec and Park Dept. to save Sharp Park golf Course.

Please vote NO on the Sharp Park resolution #120619 and put our monies to better use. We need to preserve the golf course and protect our environment.

Residence: 2699 Bryant Street.

Ronan Erickson
Centerstone Realty
1965 Market Street
San Francisco, CA 94103
DRE#01194879
O-415/626-9944
Fax-415/626-9835
C-415/740-9563

----- Forwarded by Angela Calvillo/BOS/SFGOV on 11/29/2012 12:17 PM -----

From: <janet_haire@timeinc.com>
To: <alisa.miller@sfgov.org>, <Eric.L.Mar@sfgov.org>, <scott.wiener@sfgov.org>, <malia.cohen@sfgov.org>,
Cc: <ed.lee@sfgov.org>, <sean.elsbernd@sfgov.org>, <angela.calvillo@sfgov.org>
Date: 11/29/2012 10:30 AM
Subject: Save Sharp Park! Please vote No on the Sharp Park Resolution, File No. 120619

San Francisco Board of Supervisors

Land Use and Economic Development Committee alisa.miller@sfgov.org

Supervisor Eric Mar Eric.L.Mar@sfgov.org

Supervisor Scott Weiner scott.wiener@sfgov.org

Supervisor Malia Cohen malia.cohen@sfgov.org

Re: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR

File No. 120619

Land Use Committee Hearing December 3 , 2012

Dear Supervisors,

As a life-long golfer and resident of San Francisco, I support the San Francisco Recreation & Park Department's plan to save the historic and popular Sharp Park Golf Course, while at the same time protecting the environment by recovering frog and snake habitat in the golf course's wetlands.

Please vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Park and Planning Departments to start over on the Environmental Review process for the City's Sharp Park plan. This would mean a huge waste of more than 4 years of public time, money, and effort that has gone into the Sharp Park plan. We cannot afford such public waste.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Yours truly,

Janet Haire

4475 17th Street

San Francisco CA 94114

janethaire@gmail.com

cc: Mayor Ed Lee

ed.lee@sfgov.org

President of the Board David Chiu david.chiu@sfgov.org

Supervisor Sean Elsbernd sean.elsbernd@sfgov.org
Clerk of the Board of Supervisors angela.calvillo@sfgov.org



Janet M. Haire
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----- Forwarded by Angela Calvillo/BOS/SFGOV on 11/29/2012 12:17 PM -----

From: John Burns <johnburns@earthlink.net>
To: angela.calvillo@sfgov.org, Richard Harris <info@sfpublishgolf.com>,
Date: 11/29/2012 11:38 AM
Subject: Sharp Park

File No. 120619

Land Use Committee Hearing December 3 , 2012

Dear Ms. Calvillo,

The issue at hand has needs to be finalized and that means once and for all. Compromises have been reached on this matter, but the people who favor snakes and frogs over the recreational resources of low income local folks have once again decided to ignore progress and absorb your time, your energy and drag you away from making the real decisions of the day. The "destroy Sharp Park group" seem to bubble-over with joy every time they think of a new way to take up your time, and the time and energy of all of us who try our damndest to protect our fragile environment in other ways not related to golf. You know were not a bunch of idiots, us golfers. Most of us (among lots and lots of other virtues) were environmentalists since we were kids. I'm almost 70.

We are all struggling on this planet to reduce green house gasses, and protect our wildlife. We have an open green area that is called Sharp Park and it needs to stay open for business. Stop giving these frog people the time of day, and get on with the business of keeping San Francisco the world class city it's always been a place where people of all kinds can work and PLAY together on the fields of their choice.

You have so many challenging issues every day. For the good of San Francisco, it's citizens, and for all the hard work (by both sides) that's been done and needs to be done to complete the plans that are so well thought out, for for your own peace of mind, please put this issue to bed for good and get on with governing this city. Thank you very much.

John Burns

I support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park Golf Course, while at the same time protecting the environment by recovering frog and snake habitat in the golf course's wetlands.

I urge you to vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Park and Planning Departments to start over on the Environmental Review process for the City's Sharp Park plan. This would mean a colossal waste of more than 4 years of public time, money, and effort that has gone into the Sharp Park plan. We cannot afford such public waste.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Yours truly,
John Burns
386 Union Street
San Francisco, CA 94133
415 788-5332



----- Forwarded by Angela Calvillo/BOS/SFGOV on 11/29/2012 12:17 PM -----

From: Michael Berg <cpaberg@aol.com>
To: alisa.miller@sfgov.org, Eric.L.Mar@sfgov.org, scott.wiener@sfgov.org,
Cc: ed.lee@sfgov.org, david.chiu@sfgov.org, sean.elsbernd@sfgov.org, angela.calvillo@sfgov.org,
malia.cohen@sfgov.org
Date: 11/29/2012 12:12 PM
Subject: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR

San Francisco Board of Supervisors

Land Use and Economic Development Committee alisa.miller@sfgov.org

Supervisor Eric Mar Eric.L.Mar@sfgov.org

Supervisor Scott Weiner scott.wiener@sfgov.org

Supervisor Malia Cohen malia.cohen@sfgov.org

Re: Please Vote No on Resolution to Sever Sharp Park from the Natural Areas EIR

File No. 120619

Land Use Committee Hearing December 3 , 2012

Dear Supervisors,

I am a San Francisco native and love the wildlife around Pacifica where I have fished since my youth. My wife and children live in West Portal and I have been active as a CPA and activist for my whole life. Among my proudest accomplishments was serving as the Board Chair of the Names Project during the worst of the AIDs epidemic and I received a humanitarian award for my efforts.

from the San Francisco Chamber of Commerce. I also serve as an Elder on Session at Old First Presbyterian Church and am one of the founders of WELCOME, a not for profit serving the homeless in the Upper Polk Street area of San Francisco. A dinner for the homeless sponsored by WELCOME, which is served to 150 folks every 2nd and 4th Saturday at Old First, was started by me and has been in operation for 15 years.

In short, I am a committed San Franciscan who loves playing Sharp's Park Golf Course. It provides a very reasonably priced golfing experience to San Franciscans and provides a great alternative to higher priced courses, including Presidio and even our wonderful Harding Park. In just a couple of years I will be a senior and look forward to playing many more games at Sharp Park in my retirement.

I support the San Francisco Rec & Park Department's plan to save the historic and popular Sharp Park Golf Course, while at the same time protecting the environment by recovering frog and snake habitat in the golf course's wetlands.

I urge you to vote "No" on the Sharp Park resolution, File No. 120619, which would require the City's Rec & Park and Planning Departments to start over on the Environmental Review process for the City's Sharp Park plan. This would mean a colossal waste of more than 4 years of public time, money, and effort that has gone into the Sharp Park plan. We cannot afford such public waste.

For these reasons, I respectfully request your "No" vote on File No. 120619.

Yours truly,

Michael C. Berg

cc: Mayor Ed Lee

ed.lee@sfgov.org

President of the Board David Chiu david.chiu@sfgov.org

Supervisor Sean Elsbernd sean.elsbernd@sfgov.org

Clerk of the Board of Supervisors angela.calvillo@sfgov.org

Michael Berg
Berg & Company
505 Sansome Street
Suite 850
San Francisco, CA 94111
(415)515-4090
cpaberg@aol.com

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Allen Matkins

Facsimile

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
www.allenmatkins.com

To: Angela Calvillo
Clerk of the Board of Supervisors
City Hall, Room 244
Fax: 415.554.5163 | Phone: 415.554.5184

From: Mark J. Seifert
Date: November 27, 2012
Telephone: 415.273.7433
E-mail: mseifert@allenmatkins.com
File Number: 371836-00002/SF866490.01
Total pages including cover sheet: 02

Re: December 11, 2012 Hearing to Consider Property Acquisition by Eminent Domain of a Construction License for the Central Subway / Third Street Light Rail Extension at 212 Stockton Street

Comments:

Please see attached correspondence.

Original will: be sent via mail be sent via messenger be sent via fedex/courier be sent via email not be sent

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2012 NOV 27 PM 2:14

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
Three Embarcadero Center, 12th Floor | San Francisco, CA 94111-4074
Telephone: 415.837.1515 | Facsimile: 415.837.1516
www.allenmatkins.com

Mark J. Seifert
E-mail: mseifert@allenmatkins.com
Direct Dial: 415.273.7433 File Number: 371836-00002/SF866452.01

**Via Certified Mail Return Receipt Requested
and Facsimile**

November 27, 2012

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

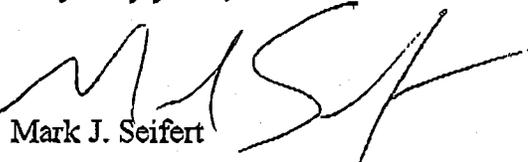
**Re: December 11, 2012 Hearing to Consider Property Acquisition by
Eminent Domain of a Construction License for the Central Subway /
Third Street Light Rail Extension at 212 Stockton Street**

Dear Ms. Calvillo:

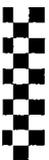
This firm represents Deka USA Union Square LP, the owner of the property commonly known as 212 Stockton Street in San Francisco, California. Said property is the subject of a proposed resolution scheduled to be considered by the Board of Supervisors of the City and County of San Francisco at a hearing held pursuant to the *Notice of Public Hearing to Consider Property Acquisition – Eminent Domain, Interest in Real Property: A Temporary Construction License at the Real Property Commonly Known as 212 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0309, Lot No. 011, for the Public Purpose of Constructing the Central Subway / Third Street Light Rail Extension and Other Improvements (File No. 121089)* ("Notice of Public Hearing"). The Board of Supervisors proposes to hold that hearing on Tuesday, December 11, 2012, at 3:00 p.m.

This letter shall constitute Deka USA Union Square LP's request to appear and be heard on the matters referred to in the Notice of Public Hearing. Please also accept this letter as notice that Deka USA Union Square LP intends to, and does hereby, object to the City and County's adoption of the proposed resolution that is the subject of the Notice of Public Hearing.

Very truly yours,



Mark J. Seifert



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File 121090
Cpage Joy

Allen Matkins
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Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
www.allenmatkins.com

To: Angela Calvillo
Clerk of the Board of Supervisors
City Hall, Room 244
Fax: 415.554.5163 | Phone: 415.554.5184

From: Mark J. Seifert

Date: November 27, 2012
Telephone: 415.273.7433
E-mail: mseifert@allenmatkins.com
File Number: 371835-00002/SF866489.02

Total pages including cover sheet: 02

Re: December 11, 2012 Hearing to Consider Property Acquisition by Eminent Domain of a Construction License for the Central Subway / Third Street Light Rail Extension at 1 Stockton Street

Comments:

Please see attached correspondence.

Original will: be sent via mail be sent via messenger be sent via fedex/courier be sent via email not be sent

Note: The information contained in this facsimile document is confidential and is intended only for the use of the individual named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original document to us at the above address via U.S. Mail. We will reimburse you for the postage. Thank you.

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Allen Matkins Leck Gamble Mallory & Natsis LLP
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Mark J. Seifert
E-mail: mseifert@allenmatkins.com
Direct Dial: 415.273.7433 File Number: 371835-00002/SF866449.01

Via Certified Mail Return Receipt Requested
and Facsimile

November 27, 2012

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

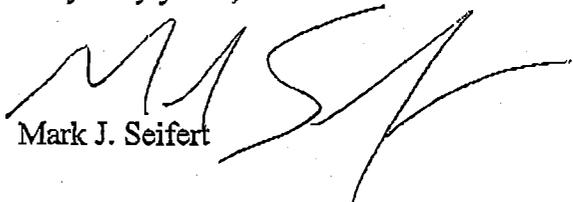
**Re: December 11, 2012 Hearing to Consider Property Acquisition by
Eminent Domain of a Construction License for the Central Subway /
Third Street Light Rail Extension at 1 Stockton Street**

Dear Ms. Calvillo:

This firm represents Deka USA Stockton LP, the owner of the property commonly known as 1 Stockton Street in San Francisco, California. Said property is the subject of a proposed resolution scheduled to be considered by the Board of Supervisors of the City and County of San Francisco at a hearing held pursuant to the *Notice of Public Hearing to Consider Property Acquisition – Eminent Domain, Interest in Real Property: A Temporary Construction License at the Real Property Commonly Known as 1 Stockton Street, San Francisco, California, Assessor's Parcel Block No. 0327, Lot No. 025, for the Public Purpose of Constructing the Central Subway / Third Street Light Rail Extension and Other Improvements (File No. 121089)* ("Notice of Public Hearing"). The Board of Supervisors proposes to hold that hearing on Tuesday, December 11, 2012, at 3:00 p.m.

This letter shall constitute Deka USA Stockton LP's request to appear and be heard on the matters referred to in the Notice of Public Hearing. Please also accept this letter as notice that Deka USA Stockton LP intends to, and does hereby, object to the City and County's adoption of the proposed resolution that is the subject of the Notice of Public Hearing.

Very truly yours,


Mark J. Seifert



To: BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,
Cc:
Bcc:
Subject: File 120987: Proposed restaurant on the Marina Green, file # 120987

From: anisha taheer <purplepage@gmail.com>
To: david.chiu@sfgov.org,
Cc: Board.of.Supervisors@sfgov.org, mark.farrell@sfgov.org
Date: 11/27/2012 10:59 PM
Subject: Proposed restaurant on the Marina Green, file # 120987

Dear Mr. Chiu, and all other Members of the Board of Supervisors,
I am Anisha Shiao, a resident of the Marina, at 455 Marina Boulevard. I am writing to you to express my strong opposition to the idea that a restaurant should open on the Marina Green. Please, please, please, do not spoil the pristine views of nature with a late night restaurant! Attached is my detailed letter to you. You will also receive a copy in the post.
Best regards,
Anisha Shiao

--



The grass is greener where you water it, Opposition to Woodhouse Fish Co. on the Marina Green.pdf

26th November 2012

To
Mr. David Chiu
President- Board of Supervisors
City Hall
San Francisco

Re: Request to Deny the Proposed Opening of Restaurant on the Marina Green. File # 120987.

Dear Mr. Chiu,

Thank you first of all for your (and the rest of the Boards') time and patience for listening to us all.

My name is Anisha Shiao. My husband and I have our home at 455 Marina Blvd. We bought the property when we got married 4 years ago and chose the Marina waterfront to start our lives together.

I walk my dog on the Marina Green every morning, and observe daily, the people that frequent the area and the activities that are carried out. A typical day brings a jumble of runners, walkers, people with dogs, children, prams, school soccer and lacrosse teams, kite flyers, frisbees, sunbathers, pelicans, sea lions, photographers, tourists, bicyclists (the pros as well as kids on their first wheels), cruise and cargo ships, skate boarders, seagulls, fishermen, boatmen, the coastguard, fire trucks, yoga enthusiasts, homeless people, herons, and the occasional San Francisco crazy.

The more permanent views are the Golden Gate bridge, Angel island, the yacht clubs, the birds, the bay, the boats, Alcatraz and the Marina Green.

The weekends are full of fun events- marathons, triathlons, fun fests, volleyball nets, Blue Angels and what not.

Picture this. And then think of how the 'Woodhouse Fish Co.' fits in. It should be obvious- it doesn't.

Is there not a thought about the litter, the noise, the neon lights, the parking congestion, the drinking (alcohol) on the green (that's illegal, right?), the pollution that will be swept into the bay (it's pretty windy out there), the increased potential for small crime, etc., not to forget the smell of decaying food strewn about by sea gulls.

What about the impact on the environment, the neighbourhood and its residents?

After weekend events, no matter how small or time- restricted, the park is always left littered. Cleaning crews set to work instantly and efficiently and within hours, there's not a trace.

This will not be the case with a restaurant attracting crowds from morning to night, 16 hours a day, 7 days a week.

Are they going to have cleaners scouting the waterfront throughout its opening hours?

I heard the argument *for* the restaurant at the DR at City Hall- sure the people are fantastic, and sure they serve great food, but that is irrelevant. All the people that spoke for, worked for the establishment or were connected to the family. They get *paid* to support it. We have public toilets on both ends of the green, and scores of restaurants within 1 mile. They have no argument. And in no way will they enhance the beautiful Marina shoreline. Unless sharing dinner with the birds is considered fine dining in San Francisco.

Every single person at the DR opposing the proposal was a resident or friend of the waterfront. We spent valuable time at City Hall that morning out of concern for what was happening to the Marina Green. Not as paid employees.

The degaussing station has a certain charm about it. You cannot start allowing these historic buildings to be deformed this way. What next? The Presidio? Fort Mason? Will every park in every neighbourhood have a restaurant on it? There are surely other ways to generate revenue. Lease it to an appropriate establishment. One that benefits the community, not just a small fraction of it. This is just not the place for this kind of business!

When I had renovation done at our home, the neighbours had to be informed, in case someone objected. There was a process. I am a neighbor of the green, and I had no idea that this restaurant was about to set up shop until a couple of weeks ago.

I have also since been informed of a policy on 'preserve existing public open space', amongst others, that affect this type of use, where it states that development/ proposals for "non- recreational" uses in "*parks and playgrounds should, without exception, be prohibited*".

The coalition for San Francisco neighbourhoods strongly opposes the project, but on record, the Marina Community Association supports it. The MCA, clearly, does not represent the Marina Community in that case! How can it take such a stand? Invest effort in investigating this and take the appropriate action. Without making unfounded accusations, I have heard of an uncanny conflict of interest here.

This is just wrong. I have to ask myself, is the City of San Francisco that unethical or that desperate?

I urge you to not make a decision in haste. Please, do the right thing and oppose this project.

Sincerely,



Anisha Shiao

Note: Please share with all 11 Board of Supervisors for Review

PS. If you want an unbiased consensus on what people like about the Marina Green, do a search on yelp.com and read the reviews. I have copied excerpts from a handful of the most recent ones below. No one is asking for a restaurant. This should tell you something.

"This is definitely one of my favorite neighborhoods in San Francisco. Why? You're right by the water; you have a wonderful view of the Golden Gate Bridge and Alcatraz; and that whole strip leading into Crissy Fields is perfect for a nice long jog. On a weekend, this area gets packed! There's usually a ton of tourists, people jogging, walking their dogs (there's a dog beach nearby), or just relaxing. Chestnut Street is right around the corner and there are a ton of shops, boutiques, and a number great restaurants for brunch."

"This park is cool and laid back. Every time I pass by I see people and dogs loving life and having fun. People playing beer kickball, sunbathing, bike riding, etc. Great place for a picnic with Safeway & Starbucks across the street.

I usually grab a latte, sit out here and read/ people watch & I couldn't be happier."

"This park epitomizes why I love San Francisco: Joggers, dogs, couples holding hands (aw), sailboats, green grass, frisbee players, the waves lapping at the rocks, and me, running my heart out to Bruce Springsteen on my iPod, with the Golden Gate Bridge and the hills of Sausalito in the distance!"

"Aw this is such a nice park!! Came here last weekend with my bf to fly kites and there were a lot of people playing soccer and other sports on the grass. Will definitely be back again."

"The views alone are enough to take you aback with their beauty. Winding trailways for running... open fields for flying a kite. This is what life is all about. Appreciating what nature has to offer.

I try to get here once every visit to San Fran, even if it's just driving by on the way to Napa or whatever. The entire area is just awe inspiring and scenic. Makes me jealous of all the people who live nearby and can take advantage of the park everyday! lol!

If you have never been, go! It's a must :)"

"I've only been here a couple of times and each time has been fun. It is not overly crowded. The views are awesome. And the grass is green. Can't really ask for more.

Tip: It can get pretty chilly, so if you plan on going later in the afternoon, bring a jacket."

"The Marina Green is a 74-acre expanse of grass between Fort Mason and the Presidio. The views of the Bay and the various fellow citizens who enjoy this Park are outstanding... This is also a wonderful place to hang out on the grass for hours on end and enjoy the kites and the ocean breezes. I've also participated in running events where Marina Green was the starting and ending point. And that scenery certainly helped me finish the race. Parking is hit or miss and picnic snacks (and potential dates if you're so inclined) are available at the nearby Safeway."

"I practically live here.

Every week I come here to run or meet up with Fleet Feet Sunset Runs. Love everything about this place. I wish I lived across the street. :)

I love the vibe and especially seeing runners, bikers, strollers and walkers. It just made me love San Francisco more because I get to drive to the marina and run."

"Being the primary caregiver to The Kid means finding fun, entertaining and, better still, cheap or free activities that do not involve drugs or alcohol to fill our days together and to hopefully tire her out enough so that The Wife and I can sleep fairly uninterrupted. So, naturally a big open field where I can unleash the full energy of a twenty month old is a pretty ideal spot and meets all the above criteria as well as being devoid of the all too common trappings of living in an urban area like creepy dudes, the smell of piss and unfurled condoms. Kids don't like that shit, yo."

"Beautiful views, lots of different types of people."

"Mostly for me the Green is just another reminder how beautiful San Francisco truly is and how lucky I am to live here."

"Classic San Francisco comes to mind when I think of Marina Green Park. Expansive, flat, kites flying, picnics, friends gathered round. With the Bay and Golden Gate Bridge at your fingertips. Perfect."

"It's the perfect place to play kick ball, soccer, train for kite surfing, sleep in the grass, bike at record speeds with the wind at your back, drink champagne, watch the sailboats drift by, and fly your \$2 kite amongst the big boys."

"Every sunny day in San Fran, I love to grab a pal and head out this way and take a stroll down Chrissy Field which connects directly to the Marina Green. Lots of games, dogs, kite-surfer's, Kite-flyer's, surfer's, kayaker's and runner's all in the same goal - to enjoy the surroundings and a beautiful day next to the Bay. "

"This is a great place to run, fly a kite, or just play on the open grass. Finding a good spot to run can sometimes be a pain in the city but the Green has 70 some odd acres of grass and plenty of room to run. The place is popular with other runners, walker, and bikers but it is not over crowded, which is nice and rare for a good spot in the city."

"The best thing about moving to The Marina is now we live only 5 mins away from this super cool area. There are always lot's of kids and dogs playing here. Amazing views of the bridge and places to sit and have a snack. If you have to drive there is plenty of free parking!! I think it's the only place we have been in the city that has FREE PARKING!!"

The list goes on.....

What do people dislike about the Marina?

In a nutshell, "Marina bars", "Marina girls", "stereotypical Marina people", "young, yuppy drunks"...



To: BOS Constituent Mail Distribution, Derek Evans/BOS/SFGOV,

Cc:

Bcc:

Subject: File 120984: Naked Protesters Group Storm House Speaker's John Boehner Office to highlight the 'naked truth' about possible cuts to HIV programmes in event of fiscal cliff failure.

From: <elnino@rcn.com>

To:

Date: 11/27/2012 06:51 PM

Subject: Naked Protesters Group Storm House Speaker's John Boehner Office to highlight the 'naked truth' about possible cuts to HIV programmes in event of fiscal cliff failure.

Naked Protesters Group Storm House Speaker's John Boehner Office to highlight the 'naked truth' about possible cuts to HIV programmes in event of fiscal cliff failure.

The Honorable Members
of the City and County of San Francisco
Board of Supervisors

Naked Protesters Group Storm House Speaker's John Boehner Office to highlight the 'naked truth' about possible cuts to HIV programmes in event of fiscal cliff failure.

- John Boehner Naked Protesters: Group Storms House Speaker's Office

- Female trio said they wanted to highlight the 'naked truth' about possible cuts to HIV programmes in event of fiscal cliff failure

After 30 years of fighting for our lives, are you sure you want to criminalize peaceful & non-violent freedom of expression such as the Naked Protesters Group who stormed House Speaker's John Boehner Office to highlight the 'naked truth' about possible cuts to HIV programmes in event of fiscal cliff failure.

Honorable members of the City & County of San Francisco Board of Supervisors, we argue we ought not to criminalize peaceful & non-violent freedom of expression.

Any questions about which we (LGBT) are?

Honorable member of the San Francisco Board of Supervisors, Scott Weiner et al
Honorable members of the City & County of San Francisco Board of Supervisors?

Mahatma Gandhi stated "Poverty is the worst form of violence." He is also quoted as stating, "When I despair, I remember that all through history the ways of truth and love have always won. There have been tyrants, and murderers, and for a time they can seem invincible, but in the end they always fall. Think of it--always."

We invite you to join us to highlight the 'naked truth' about possible cuts to HIV programmes in event of fiscal cliff failure.

With all Due Respect,
Native born Long-time LGBT Residents/Home Owners/Business Owners of San Francisco

John Boehner Naked Protesters: Group Storms House Speaker's Office

http://www.huffingtonpost.com/2012/11/27/john-boehner-naked-protesters_n_2198887.html

Activists held after Boehner protest

<http://www.guardian.co.uk/world/2012/nov/27/aids-activists-naked-protest-john-boehner>

Female trio said they wanted to highlight the 'naked truth' about possible cuts to HIV programmes in event of fiscal cliff failure

Aids activists held after naked protest in John Boehner's office

<http://www.guardian.co.uk/world/2012/nov/27/aids-activists-naked-protest-john-boehner>

Female trio said they wanted to highlight the 'naked truth' about possible cuts to HIV programmes in event of fiscal cliff failure

Send

Options...

To...

BOS-Supervisors

Cc...

Subject:

Information Request Form

Tahoma

10

B I U

From: board.of.supervisors@sfgov.org [board.of.supervisors@sfgov.org]

Sent: Monday, December 03, 2012 2:56 AM

To: Board of Supervisors

Subject: Information Request Form

To:board.of.supervisors@sfgov.org

Email:board.of.supervisors@sfgov.org

FIRST_NAME:Fredy

LAST_NAME:Vásquez

ADDRESS:Medellín Colombia

CITY:San Antonio de Prado

STATE:Antioquia

ZIP:

PHONE_NUMBER:3374175

FAX:

CONTACT_EMAIL:fredyvasquez9

DATE_OF_RECORD:03/12/2012

FILENUMBER:

RESOLUTIONNUMBER:

ORDINANCENUMBER:

MOTIONNUMBER:

SEE_FILE_ON:

PICK_UP_INFORMATION ON:

MAIL_INFORMATION:Yes

ADDITIONAL_INFORMATION_DETAIL:Please, I am writing to stop any action against Charlie, the American Staffordshire Terrier puppy dog. He may be a victim of some kind of racial discrimination, as people rejected by their color. This breed has been judged as evil, but the reverse is true, the clearest case is the pitbull of Cesar Millan. Please, give Charlie a chance to continue enjoying life. Cahrlie and his master should continue to enjoy the great outdoors together. Many good citizens of the world, we expect that of you. God bless you! Thanks for listening!

23



Charlie Deserves a Chance to Live
L David Farr

to:

Board.of.Supervisors@sfgov.org, rick.caldeira@sfgov.org, madeleine.licavoli@sfgov.org, cityattorney@sfgov.org, John.Avalos@sfgov.org, David.Campos@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Malia.Cohen@sfgov.org, Sean.Elsbernd@sfgov.org, Mark.Farrell@sfgov.org, Jane.Kim@sfgov.org, Eric.L.Mar@sfgov.org, Christina.Olague@sfgov.org, Scott.Wiener@sfgov.org

11/28/2012 02:20 PM

Hide Details

From: L David Farr <farroutkatt@yahoo.com> Sort List...

To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>, "rick.caldeira@sfgov.org" <rick.caldeira@sfgov.org>, "madeleine.licavoli@sfgov.org" <madeleine.licavoli@sfgov.org>, "cityattorney@sfgov.org" <cityattorney@sfgov.org>, "John.Avalos@sfgov.org" <John.Avalos@sfgov.org>, "David.Campos@sfgov.org" <David.Campos@sfgov.org>, "David.Chiu@sfgov.org" <David.Chiu@sfgov.org>, "Carmen.Chu@sfgov.org" <Carmen.Chu@sfgov.org>, "Malia.Cohen@sfgov.org" <Malia.Cohen@sfgov.org>, "Sean.Elsbernd@sfgov.org" <Sean.Elsbernd@sfgov.org>, "Mark.Farrell@sfgov.org" <Mark.Farrell@sfgov.org>, "Jane.Kim@sfgov.org" <Jane.Kim@sfgov.org>, "Eric.L.Mar@sfgov.org" <Eric.L.Mar@sfgov.org>, "Christina.Olague@sfgov.org" <Christina.Olague@sfgov.org>, "Scott.Wiener@sfgov.org" <Scott.Wiener@sfgov.org>,
Please respond to L David Farr <farroutkatt@yahoo.com>

To: The Office of the City Attorney; Margaret Baumgartner;
The Board of Supervisors: John Avalos; David Campos; David Chiu; Carmen Chu; Malia Cohen; Sean Elsbernd; Mark Farrell; Jane Kim; Eric Mar; Christina Olague; Scott Wiener; Clerk of the Board; Angela Calvillo,

Dear Sirs/Madams,

I am compelled to write you today regarding Charlie, a 1 1/2 year old American Staffordshire Terrier puppy.

As you already know, Charlie and his owner, David A. Gizzarelli, were in a designated pet area of Crissy Field Park where unleashing dogs is commonplace. At one point, a park police officer on horseback horse entered into the dog park area. Having never seen a horse before, Charlie was spooked, and began barking at the horse. Then, in a frightened response, Charlie bit the horse. The park police issued a statement where they labeled Charlie as an aggressive dog, and wanted him euthanized. Animal control followed suit and scheduled Charlie to be euthanized.

Although this incident is regrettable, I feel that euthanization is much too punitive, and ask that you reconsider this course of action. My concern is that this ruling may foster an unfavorable precedent that all "pit bull types" are going to act the same way and therefore need to be banned. The resulting belief, although unfounded, could be easily accepted by an uneducated public. The belief that all "pit bull types" will act in an aggressive way needs to be eradicated before its gains too much momentum. Education is paramount in correcting this faulty belief. In the following article taken from the ASPCA Website, the article speaks to my concern, and I offer it as information for your consideration.

(The following information was taken from the ASPCA Website)

Dealing with Reckless Owners and Dangerous Dogs in Your Community

Dogs permitted by their owners to run loose, and dogs who attack people or other animals, are real and often serious problems in communities across the country, but how to best address dangerous and potentially dangerous dogs can be a confusing and touchy issue.

"Breed-specific" legislation (BSL) is the blanket term for laws that either regulate or ban certain breeds completely in

the hopes of reducing dog attacks. Some city/municipal governments have enacted breed-specific laws. However, the problem of dangerous dogs will not be remedied by the "quick fix" of breed-specific laws or, as they should truly be called, breed-discriminatory laws.

It is worth noting that in some areas, regulated breeds include not just American Pit Bull terriers, American Staffordshire Terriers, Staffordshire Bull Terriers, English Bull Terriers and Rottweilers, but also a variety of other dogs, including American Bulldogs, Mastiffs, Dalmatians, Chow Chows, German Shepherds, Doberman Pinschers, or any mix of these breeds- and dogs who simply resemble these breeds.

On the bright side, many states (including New York, Texas and Illinois) favor laws that identify, track and regulate dangerous dogs individually, regardless of breed, and prohibit BSL.

Are Breed-Specific Laws Effective?

There is no evidence that breed-specific laws- which are costly and difficult to enforce- make communities safer for people or companion animals. For example, Prince George's County, MD, spends more than \$250,000 annually to enforce its ban on Pit Bulls. In 2003, a study conducted by the county on the ban's effectiveness noted that "public safety is not improved as a result of [the ban]," and that "there is no transgression committed by owner or animal that is not covered by another, non-breed specific portion of the Animal Control Code (i.e., vicious animal, nuisance animal, leash laws)."

Following a thorough study of human fatalities resulting from dog bites, the United States Centers for Disease Control (CDC) decided not to support BSL. The CDC cited, among other problems, the inaccuracy of dog bite data and the difficulty in identifying dog breeds (especially true of mixed-breed dogs). The CDC also noted the likelihood that as certain breeds are regulated, those who exploit dogs by making them aggressive will replace them with other, unregulated breeds.

What's Wrong with Breed-Specific Laws?

BSL carries a host of negative and wholly unintended consequences:

- Dogs go into hiding: Rather than give up their beloved pets, owners of highly regulated or banned breeds often attempt to avoid detection of their "outlaw" dogs by restricting outdoor exercise and socialization and forgoing licensing, micro-chipping and proper veterinary care, including spay/neuter surgery and essential vaccinations. Such actions have implications both for public safety and the health of these dogs.
- Good owners and dogs are punished: BSL also causes hardship to responsible owners of entirely friendly, properly supervised and well-socialized dogs who happen to fall within the regulated breed. Although these dog owners have done nothing to endanger the public, they are required to comply with local breed bans and regulations unless they are able to mount successful (and often costly) legal challenges.
- They impart a false sense of security: Breed-specific laws have a tendency to compromise rather than enhance public safety. When limited animal control resources are used to regulate or ban a certain breed of dog, without regard to behavior, the focus is shifted away from routine, effective enforcement of laws that have the best chance of making our communities safer: dog license laws, leash laws, animal fighting laws, anti-tethering laws, laws facilitating spaying and neutering and laws that require all owners to control their dogs, regardless of breed.
- They may actually encourage ownership by irresponsible people: If you outlaw a breed, then outlaws are attracted to that breed. Unfortunately some people take advantage of the "outlaw" status of their breed of choice to bolster their own self image as living outside of the rules of mainstream society. Ironically, the rise of Pit Bull ownership among gang members and others in the late 1980's coincided with the first round of breed-specific legislation.

What's the Alternative to Breed-Specific Laws?

In the aforementioned study, the CDC noted that many other factors beyond breed may affect a dog's tendency toward aggression- things such as heredity, sex, early experience, reproductive status, socialization and training. These last two concerns are well-founded, given that:

- More than 70 percent of all dog bite cases involve unneutered male dogs.
- An unneutered male dog is 2.6 times more likely to bite than is a neutered dog.
- A chained or tethered dog is 2.8 times more likely to bite than a dog who is not chained or tethered.
- 97 percent of dogs involved in fatal dog attacks in 2006 were not spayed/neutered.
- 78 percent were maintained not as pets, but rather for guarding, image enhancement, fighting or breeding.
- 84 percent were maintained by reckless owners- these dogs were abused or neglected, not humanely controlled or contained, or allowed to interact with children unsupervised.

Recognizing that the problem of dangerous dogs requires serious attention, the ASPCA seeks effective enforcement of breed-neutral laws that hold dog owners accountable for the actions of their animals. (Article end)

Prejudice is most often used to refer to preconceived judgments toward people or a person because of gender, social class, age, disability, religion, sexuality, race, ethnicity, nationality or other personal characteristics. It can also refer to unfounded beliefs, and may include "Any unreasonable attitude that is unusually resistant to rational influence. Gordon Allport defined prejudice as a "Feeling, favorable or unfavorable, toward a person or thing, prior to, or not based on , actual experience." Our rescue, Advocates For Animal Rights believes that Breed Specific Legislation (BSL) is another form of prejudice, and we must all denounce any & all types of prejudice wherever it exists. Prejudice breeds discrimination, and discrimination in any form is incorrect thinking. It is everyone's responsibility to stand up to discrimination wherever we find it.

I ask for leniency in this matter and that regardless of any punitive fines or levy's ensued, that you please move to return Mr. Gizzarellis' dog Charlie home to him. Thank you for your time and consideration.

Sincerely,

L David Farr, Director
AdvocatesForAnimalRights.org

DEPARTMENT OF TRANSPORTATION

DIVISION OF LOCAL ASSISTANCE

P.O. BOX 942873, MS-1

SACRAMENTO, CA 94273-0001

PHONE (916) 653-1776

FAX (916) 654-2409

TTY 711

www.dot.ca.gov

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BOARD OF SUPERVISORS
SAN FRANCISCO

2012 NOV 28 PM 2:48

Flex your power!
Be energy efficient!

November 20, 2012

To: Elected Officials, City Council Members, and County Board of Supervisors

Dear Mayors, Council Members and Supervisors:

Congratulations. The following Local Bridge Seismic Retrofit Projects (LBSRP) within your jurisdiction had been programmed for delivery in the 2012/2013 Federal Fiscal Year (FFY) as requested by your agency. Combination of federal and Proposition 1 Bond funds cover 100% of eligible cost associated with Right of Way and Construction phases of LBSRP.

However, to guarantee funding for these projects your agency must receive the funds obligated for these projects by March 30, 2013. Otherwise, you will have to compete with other local agencies that have seismic retrofit or highway bridge program projects that have plans, specifications and estimate ready and are requesting to advance their projects from future FFYs. Your agency should work closely with the District Local Assistance Engineer (DLAE) on a project delivery schedule to ensure funds will be obligated by March 30, 2013.

The purpose of this letter is to notify you to prioritize the delivery of these projects so that you will not lose this funding opportunity for these safety projects:

| District | Local Agency | Bridge Number | Description | Phase |
|----------|---|---------------|---|--------------|
| 1 | Mendocino County | 10C0048 | Moore Street, over West Brunch Russian River | Right of Way |
| 1 | Mendocino County | 10C0084 | School Way, over West Brunch Russian River | Construction |
| 3 | Nevada County | 17C0045 | Hirschdale Road, over Truckee River, at Hinton. | Right of Way |
| 4 | San Francisco County Transportation Authority | 01CA0002 | On the westbound I-80 on-ramp, 250' from entrance to SFOBB, on the west side of Yerba Buena Island. | Right of Way |
| 4 | San Francisco County Transportation Authority | 01CA0003 | On the East-bound off ramp from I-80, 650' West of SFOBB toward the end of the off-ramp connecting to Treasure Island Rd. | Right of Way |
| 4 | San Francisco County Transportation Authority | YB11 | On east side of the Yerba Buena Island Tunnel at SFOBB; Reconstruct ramps on and off of I-80, | Right of Way |

| District | Local Agency | Bridge Number | Description | Phase |
|----------|-----------------|---------------|---|--------------|
| 4 | Union City | 33C0111 | Decoto Road, over Alameda Creek | Construction |
| 4 | Vallejo | 23C0152 | Sacramento Street, over Navy Railroad | Right of Way |
| 5 | Monterey County | 44C0009 | Nacimiento Lake Drive, over San Antonio River | Right of Way |
| 5 | Monterey County | 44C0151 | Peach Tree Road, over Rancho Rico Creek | Construction |
| 10 | Tracy | 29C0126 | Eleventh Street, over Union Pacific Railroad | Construction |

Metropolitan Planning Organizations (MPOs) have been requested to amend their Federal Transportation Improvement Program (FTIP) to reflect the requested delivery dates. The above projects are locked in for delivery in the 2012/2013 FFY and local agencies will not be allowed to change their schedules. Your agency should work with your MPO on the status of the FTIP amendments.

Projects programmed in the current FFY for which federal funds are not obligated by end of the FFY may be removed from fundable element of the FTIP at the California Department of Transportation's discretion and will be reported to California Transportation Commission (CTC). The CTC may require local agencies to appear at the CTC meeting to explain their delay in delivering their seismic retrofit projects.

Thank you in advance for your agency's effort in completing the seismic retrofit of the local bridges and improving the safety of the local roadways.

If you have any questions regarding this letter, please contact your DLAE.

Sincerely,



DENIX D. ANBIAH
Chief
Division of Local Assistance

- c: Curt Davis, Acting Office Chief, Office of Project Delivery and Accountability, Caltrans, Division of Local Assistance,
- James Anderson, Acting Office Chief, Office of Bridge and Safety, Caltrans, Division of Local Assistance
- Susan Theiss, DLAE, Caltrans, District 01
- John Hoole, DLAE, Caltrans, District 03
- Sylvia Fung, DLAE, Caltrans, District 04
- Garin Schneider, DLAE, Caltrans, District 05
- Sean Yeng, DLAE, Caltrans, District 08
- Kurt Scherzinger, Caltrans, Division of Programming
- Stephen Maller, CTC
- Public Work Directors



CSFN letter to the Commission on the Environment and the Board of Supervisors urging both the Board of Supervisors and the Commission on the Environment to fully restore the Fiscal Year 2012–13 funding exclusively to support the operations of the Urban Forestry Council as originally intended by the Board of Supervisors, and to ensure its intended funding in succeeding years.

Judith Berkowitz

to:

David Chiu, Eric Mar, Mark Farrell, Carmen Chu, Christina Olague, Jane Kim, Sean Elsbernd, Scott Wiener, David Campos, Malia Cohen, John Avalos, Angela Calvillo Clerk of the Board

11/28/2012 11:46 PM

Hide Details

From: Judith Berkowitz <sfjberk@mac.com> Sort List...

To: David Chiu <David.Chiu@sfgov.org>, Eric Mar <Eric.L.Mar@sfgov.org>, Mark Farrell <Mark.Farrell@sfgov.org>, Carmen Chu <Carmen.Chu@sfgov.org>, Christina Olague <Christina.Olague@sfgov.org>, Jane Kim <Jane.Kim@sfgov.org>, Sean Elsbernd <Sean.Elsbernd@sfgov.org>, Scott Wiener <Scott.Wiener@sfgov.org>, David Campos <David.Campos@sfgov.org>, Malia Cohen <Malia.Cohen@sfgov.org>, John Avalos <John.Avalos@sfgov.org>, Angela Calvillo Clerk of the Board <Board.of.Supervisors@sfgov.org>,

1 Attachment



CSFN Letter Urban Forestry Council Funding.pdf

Supervisors,

Please find attached the Coalition for SF Neighborhoods' letter regarding requiring the Department of the Environment to use the FY 2012–13 budgeted \$51,000 provided by City Departments and allocated by the Board of Supervisors for its intended purpose to provide Administrative Staff Support to the Urban Forestry Council.

We urge you to *strongly approve* this already-approved funding allotment.

Thank you,

- Judith Berkowitz, President
Coalition for San Francisco Neighborhoods
48 neighborhood associations / Est 1972

The text of our attached letter is also reproduced here below in the body of this note:

November 28, 2012

San Francisco Board of Supervisors

Commission on the Environment (COE)

Re: Require the Department of the Environment to use the FY 2012–13 budgeted \$51,000 provided by City Departments and allocated by the Board of Supervisors for its intended purpose to provide Administrative Staff Support to the Urban Forestry Council

Dear Supervisors and Commissioners:

At its General Assembly meeting on November 20, 2012 the Coalition for San Francisco Neighborhoods (CSFN), a

community “umbrella” organization comprised of 48 individual San Francisco neighborhood organizations representing thousands of the city’s residents, passed the following resolution:

Whereas, the Urban Forestry Council (the “Council”/UFC) was created to “protect the community interest and ensure that San Francisco realizes the full range of tree benefits into the future” including its role to “advise the Mayor, Board of Supervisors and other City departments;” and

Whereas, the Urban Forestry Council is the forum for citizens of the City to discuss urban forestry issues, landmark tree requests, and other City policies in relation to urban forestry; and

Whereas, in past years the Urban Forestry Council has been allocated \$51,000 for Council administrative support, and in 2012 the Board of Supervisors also allocated \$51,000 for Council administrative support. However the Department of the Environment has failed to direct 100% of this funding to support the administrative requirements of the Council; and

Whereas, this action has both failed to comply with the intended use of funds from the City departments that contributed the \$51,000, and failed to facilitate the operations of and to maintain a viable Council; therefore be it

RESOLVED, that the Coalition for San Francisco Neighborhoods urges both the Board of Supervisors and the Commission on the Environment to *fully* restore the Fiscal Year 2012–13 funding exclusively to support the operations of the Urban Forestry Council as originally intended by the Board of Supervisors, and to ensure its intended funding in succeeding years.

Sincerely,



Judith Berkowitz, President

cc: Urban Forestry Council Members: Maria D’Agostino, Dan Flanagan, Chris Buck, Dr. Larry Costello, Malcolm Hillan, Rose Hillson, Sandy Sherwin, Dan Sider, Andrew Sullivan, Megan Sutherland, Mike Barrow, Melinda Stockmann, Stanley Muraoka,

Commission on the Environment Matt Tuchow, Ruth Gravanis, Joshua Arce, Angelo King, Alan Mok, Heather Stephenson, Johanna Wald,

Director Commission on the Environment Melanie Nutter,

Council and Commission Secretary Monica Fish,

Supervisors David Chiu, John Avalos, David Campos, Carmen Chu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, Scott Wiener; Clerk of the Board Angela Calvillo

Coalition for San Francisco



Neighborhoods

www.csfn.net • PO Box 320098 • San Francisco CA 94132-0098 • 415.262.0440 • Est 1972

November 28, 2012

President

Judith Berkowitz 415.824.0617

1st Vice President

George Wooding

2nd Vice President

Rose Hillson

Recording Secretary

Penelope Clark

Treasurer/Corresponding

Secretary

Dick Millet

Members-at-Large

Charles Head

Jeanne Quock

San Francisco Board of Supervisors
Commission on the Environment (COE)

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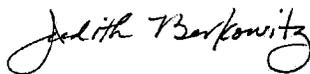
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Judith Berkowitz, President

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Barbary Coast Neighborhood Assn
Buena Vista Neighborhood Assn
Cathedral Hill Neighbors Assn
Cayuga Improvement Assn
Cole Valley Improvement Assn
Cow Hollow Assn
Diamond Heights Community Assn
Dolores Heights Improvement Club
East Mission Improvement Assn
Ewing Terrace Neighborhood Assn
Excelsior District Improvement Assn
Fair Oaks Community Coalition
Forest Knolls Neighborhood Assn
Francisco Heights Civic Assn
Golden Gate Heights Neighborhood Assn
Greater West Portal Neighborhood Assn
Haight Ashbury Improvement Assn
Inner Sunset Park Neighbors
Inner Sunset Action Committee
Jordan Park Improvement Assn
Laurel Heights Improvement Assn
Liberty Hill Neighborhood Assn
Marina Civic Improvement & Property Owners Assn
Middle Polk Neighborhood Assn
Midtown Terrace Homeowners Assn
Miraloma Park Improvement Club
New Mission Terrace Improvement Assn
Nob Hill Neighbors
North Beach Neighbors
Oceanview, Merced Heights, Ingleside - Neighbors in Action
Outer Mission Merchants & Residents Assn
Pacific Heights Residents Assn
Panhandle Residents Organization/ Stanyan-Fulton
Parkmerced Action Coalition
Potrero Boosters Neighborhood Assn
Richmond Community Assn
Rincon Point Neighborhood Assn
Russian Hill Improvement Assn
Russian Hill Neighbors
Sunset Heights Assn of Responsible People
Sunset-Parkside Education & Action Committee
Telegraph Hill Dwellers
Twin Peaks Council & Open Space Conservancy
Twin Peaks Improvement Assn
University Terrace Neighborhood Assn

Send

Options... Plain text

To...

BOS-Supervisors

Cc...

Subject:

Academy of Art Univ.

From: Lawrence Maxwell [larmax@pacbell.net]

Sent: Monday, December 03, 2012 9:37 AM

To: Lee, Mayor; Board of Supervisors

Subject: Academy of Art Univ.

Dear Mayor and Board of Supervisors:

I am very concerned over the favorable treatment given by the City to the Academy of Art University. They have repeatedly violated the City's laws and regulations. How could they have gone so long without someone in the City providing special favors? The current planning director has inherited this long-running course of events. According to the San Francisco Chronicle, he is "negotiating" with the school. What is there to negotiate? They should be fined and prohibited from doing what they're doing.

Lawrence Maxwell, 1400 Geary Blvd., apt. 2304, San Francisco, CA 94109

26

FW: Occupy Bernal Meeting Last Night-Humanitarian Solution to Foreclosures-

jackie wright [1jackiewright@msn.com]

Sent: Friday, November 30, 2012 11:23 AM**To:** mayoredwinlee@sfgov.org; david.campos@sfgov.org; john.avalos@sfgov.org; david.chiu@sfgov.org; carmen.chu@sfgov.org; malia.cohen@sfgov.org; sean.elsbernd@sfgov.org; mark.farrell@sfgov.org; jane.kim@sfgov.org; eric.l.mar@sfgov.org; christina.olague@sfgov.org; scott.wiener@sfgov.org**Cc:** board.of.supervisors@sfgov.org; sheila.chung.hagen@sfgov.org**Attachments:** Appeal to Wells Fargo Foun~1.doc (32 KB) ; Kinsman Redeemer Fast Fact~1.doc (42 KB) ; Letter To Tracy Curtis.doc (30 KB) ; Letter To Tracy Curtis II~1.doc (39 KB) ; December 5 Solutions Lette~1.doc (40 KB) ; Illegal Sale of Home-Appea~1.doc (42 KB) ; Illegal Sale of Home-Appea~2.doc (43 KB)

Dear Mayor and Supervisors,

Our former supervisor and now Assemblyman Tom Ammiano was at the Occupy Bernal meeting last night and spoke eloquently and briefly about the importance of grassroots efforts to impact legislation around foreclosures. Supervisor Avalos also inspired the group and Sheila Chung Hagen of Supervisor Campos' office gave an update on efforts to assist homeowners.

I asked why can't the banks help the people when the people helped the banks?

http://www.youtube.com/watch?feature=player_embedded&v=COM5TCnV3EE#!

Having worked my way through the American Red Cross Bay Area for 10 years from Media Relations Associate to Executive Officer of San Francisco County, to the Executive Director of the Office of Public Engagement at San Francisco Unified School District to Public Affairs Manager at CBS5/CW Bay Area, Mr. Ammiano is acquainted with my work, although he does not know me personally. As a person who has invested in San Francisco, I have been privileged to work at institutions that have served the people. I find myself struggling like many San Franciscans.

In the last two years, I have rented rooms in homes owned by Blacks that have been foreclosed on by Wells Fargo. It is an indicator of the impact the mortgage crisis has had on people of color. Two houses in the last two years.

There's something very wrong in our nation...because "right is right and right don't wrong nobody" as my great grandmother Nora Henderson used to say. The scales of justice need to be balanced and the playing field leveled.

This New York Times Editorial mirrors the concern I expressed in my letter to Mr. Hanlon, The Wells Fargo Foundation President:

<http://www.nytimes.com/2012/11/23/opinion/more-questions-on-mortgage-relief.html>

"Banks are accused of many of the same abuses that predated the settlement, such as providing wrong and conflicting information and dual tracking, in which banks proceed with a loan modification and a foreclosure at the same time."

I am calling upon your offices to make a difference. A phone call from your office could help Mr. Stowers and the others of "Wells Fargo Stop the Holiday Foreclosures and Evictions of the "Wells 26" Campaign. The people and the numbers to call are on this website:

<http://occupytheauctions.org/wordpress/?p=6326>

Given San Francisco's committee about the out migration of Blacks. Could not the resources to help stem the flow of Blacks from San Francisco, which has increased because of foreclosure, be used to help Mr. Stowers and others?

It's time to connect the dots. It's Time to connect the resources.

Sincerely,

Jackie
415 525 0410

From: 1jackiewright@msn.com
To: thanlon@wellsfargo.com
Subject: Use 671 Peralta In San Francisco as Prototype to Humanitarian Solution to Wells Fargo's Nationwide Foreclosures
Date: Thu, 29 Nov 2012 11:21:41 -0800

Jackie Wright

PO Box 884714

San Francisco, CA 94188

415 525 0410

November 29, 2012

Mr. Timothy G. Hanlon

President

Wells Fargo Foundation

550 California Street, 7th Floor

San Francisco, CA 94104

Dear Mr. Hanlon,

I am writing to ask that you use the power of the foundation to halt a proposed sell of 671/669 Peralta Avenue in San Francisco, Wells Fargo Loan Number: 0042836544

Allen Stowers by working with your bank to re-modify the loan so the house can be set up with social services programs to repay the loan.

The attached document, "Kinsman Redeemer" outlines what this would look like.

Instead of foreclosing on homes, those homes that have extra rooms could be matched with social service programs.

Mr. Stowers lives in a home that has been owned by his family for more than fifty years. He is over 55 years old. He is one of the few remaining Blacks in San Francisco. Between San Francisco Mayor's committee on the out migration of Blacks from the City of San Francisco and the Wells Fargo Foundation, surely there is a moral imperative that will result in Mr. Stowers retaining his home.

Please note outreach has been made to Wells Fargo Executives. I am very wary of Wells Fargo given there is correspondence that was posted near Mr. Stowers property that his home would be up for sale on December 5, 2012 and I received a letter from Ryan Smaagard that he could not give me a resolution to the situation until December 5, 2012. I wrote him and asked is this a ploy to unjustly try to sell Mr. Stowers home by giving him false hope that a decision to help may come only for him to find out his house is sold on December 5th.

The first course of action has to be to stop the imminent foreclosure action. Your assistance with would be greatly appreciated.

Mr. Stowers loan was initiated with World Savings Bank, then turned over to Wachovia and now purchased by Wells Fargo. Both companies pled guilty in court to predatory lending, plus Wachovia pleaded guilty to profiting from the slave trade. Given the history of Wells Fargo and other banks of redlining or we would not have a Community Reinvestment Act, now would we, I believe it's evident that Mr. Stowers and others like him have not been given a fair and even playing field.

Thank you, Wells Fargo for paying back the bailout money to taxpayers. But I implore you to at least give "bailout time" to Mr. Stowers. **Stop the impending sale of Mr. Stowers home today.** His home can be a prototype for other homes that could be saved. If a corporation needs help, what is the plight of individuals during this economic down turn. And I must point out for Mr. Stowers and many like him the economic down turn has been perpetual with the denial of employment due to racism, a generation of people being last hired and first fired, generational lack of access to education and just the foundation or lack there of due to the generations of Black people who could not transfer wealth because they were not paid, not to mention the added injury of the impact of Jim Crow laws that have stymied opportunity and advancement. Those years of stolen wages and years of underpayment of wages have a bearing in this conversation for financial justice.

You have received correspondence from me before. This is the second time in two years that I have suggested this humanitarian model, "Kinsman Redeemer" for a Black homeowner. The statistics are clear that homeowners of color have been most impacted by this foreclosure crisis. My contacting you again, affirms there is something flawed in the financial institutions' operations and the laws of the land that have created this financial injustice.

I share with you correspondence sent to Ms. Curtis, Mr. Smaagard, and California District Attorney Kamala Harris concerning Mr. Stowers home.

I have seen his emotional and mental anguish increased, as he has been one lone individual fighting a company with trillions of dollars in resources. I am asking for a financial truce. If not the Kinsman Redeemer model, we're America and we can do better. Stop the proposed sell of his home and let's work together for a humanitarian solution that will get your company paid.

Sincerely,

Jackie Wright

415 525 0410

Send

Options... HTML

To... BOS-Supervisors

Cc...

Subject: job creationists

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From: David Barlow [villager30@bestmail.us]
Sent: Friday, November 30, 2012 10:10 PM
To: Board of Supervisors
Subject: job creationists

Memo to ... City and County of San Francisco board of supervisors ... the SFMTA commissioners are a great set of job creationists! I mean, as they've de-regulated the San Francisco taxi business, and allowed every dinkhead private motorist to perform as a taxi on our streets, gosh! Lookit! They've provided an extra 2,000 jobs here! Marvelous!!! We oughta put them in charge of everything! Restaurants, don't need a health permit. Medicine, practice medicine without a license. Practice law maybe ... the SFMTA has opened a wide field of opportunity, just imagine ... when the hell are y'all going to get off your ass about this trouble they've promulgated ... Dave Barlow, secretary, United Taxicab Workers, Communications Workers of America, AFL-CIO, reachable at 415/864-8294 or otherwise, available

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Nude Jogging 'Same As A Gang Patch' - & Legal Says The Judge

Lee Mentley [leementley@sbcglobal.net]

Sent: Monday, December 03, 2012 2:51 PM

To: Chu, Carmen; Olague, Christina; Campos, David; Chiu, David; Mar, Eric (BOS); Kim, Jane; Avalos, John; Cohen, Malia; Farrell, Mark; Wiener, Scott; Elsbernd, Sean

Cc: CA DEMS [editor@cadem.org]; San Francisco Examiner [letters@examiner.com]; SF Sentinel [sanfranciscosentinel@yahoo.com]; BayArea Reporter [news@ebar.com]; Board of Supervisors

December 2, 2012

Do Not be on the wrong side of history...!

We must all be free to express ourselves...!

San Francisco's reputation must not be tarnished by this attack on human rights by Supervisor Wiener...!

Nude Jogging 'Same As A Gang Patch' - & Legal Says The Judge: by BLAIR ENSOR

The right to go jogging in the nude has been upheld by the High Court.

Andrew Lyall Pointon, 47, was wearing only a pair of shoes when he was spotted by a woman while running at 8.30am in a forest near Tauranga in August last year.

The woman, who was walking her dog, was so offended and threatened by what she had seen that she vowed not to return to the Oropi Bike Park.

She lodged a complaint with police and three days later Mr Pointon was arrested as he emerged naked from the forest after another run.

He was charged with offensive behaviour and found guilty in Tauranga District Court last December.

An appeal was thrown out in June, but a second appeal was yesterday upheld by Justice Paul Heath in the High Court at Tauranga.

"If it was [offensive] then God wouldn't have given us genitals," Mr Pointon told The Dominion Post yesterday. "It is a win for all libertarians and a setback for all conservatives in the country."

However, Family First spokesman Bob McCoskrie said he was disappointed with Justice Heath's decision, which showed "double standards".

"Is it OK for someone to streak through his courtroom? He'd be the first one to put them in the cells."

Justice Heath compared the case with the hypothetical scenario of two patched gang members strolling along the same track.

"It would not be surprising for a person in the position of the complainant to be concerned and discomforted by their presence, and even to feel threatened," he said.

"However, on any view, their behaviour would not be regarded as offensive behaviour. Should the sight

of a naked man, in the circumstances in which the complainant found herself, be treated any differently? I think not."

Mr Pointon - a naturist for more than two decades - is no stranger to controversy. Events he has organised have caused an uproar among members of the community, including a nude bike ride at Papamoa in March to draw attention to global emissions. Residents threatened to form a human chain to stop the event.

Two months before his arrest he was trespassed from McLaren Falls Park and given a warning by police after a 7-kilometre naked run.

Mr Pointon said yesterday he enjoyed the freedom of not wearing clothes and began running naked about 18 months ago because he thought New Zealand was becoming more liberal, particularly with discussions around gay marriage.

"It's just another lifestyle and I want respect for it."

Ad Feedback

He lashed out at the woman who complained to police. "It's just ludicrous. Has this person got nothing better to do than wasting everyone's time?"

"All she saw was a naked man running through the bush. It was just a fleeting moment, which has cost us all.

"It just shows that it was a stupid decision by police to go ahead . . . and charge me for something totally irrelevant."

Justice Heath said Mr Pointon was a genuine naturist who had chosen a time of day when it was unlikely children would be on the track.

"While the complainant was discomfited by the sight of Mr Pointon and . . . instinctively responded to that feeling, the encounter was brief."

Mr Pointon's lawyer Michael Bott - a specialist in human rights and civil liberties - said he could not understand why women were able to ride naked down the main street of Tauranga during the Boobs on Bikes event without intervention and yet days later his client was arrested going about his business in a remote area: "It just appears inconsistent and grossly sexist."

If the original decision went unchallenged, it would have had a "chilling effect" on freedom of expression, he said.

"Police should learn to become more tolerant and learn New Zealand is becoming increasingly tolerant of a . . . variety of lifestyle choices and expressions."

Mr McCoskrie said there was a time and a place for nakedness and it was not in a public place.

"It's offensive to most of the population - that's why most of us wear clothes."

In a similar case, Nick Lowe was convicted of offensive behaviour and fined \$200 after he was stopped by police while riding his bike naked in Akatarawa Rd, north of Upper Hutt, in March 2009 - World Nude Bike Day.

However, a year later Justice Denis Clifford ruled Mr Lowe's nakedness had not met the test of offensive behaviour. He quashed the conviction and fine.

Mr Lowe said he had supported Mr Pointon throughout his ordeal and the decision would "empower people to pursue outdoor pursuits without clothes".

- © Fairfax NZ News

HRH Lee Mentley

Your very own..., old, miserable, cranky, S.O.B...!

"Puritanism. The haunting fear that someone, somewhere, may be happy" ...! H. L. Mencken

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SAN FRANCISCO

2012 NOV 30 PM 3:20

BY AK

BOARD OF SUPERVISORS
GOVERNMENT ~~AND~~ AUDIT + OVERSIGHT
SUPERVISOR'S FARREN, CHAIR
SUPERVISOR ELSBERG, VICE CHAIR
PRESIDENT CHIU, MEMBERS
CITY HALL ROOM 244
1 DR CAROLAN B. GOODLETT PL
SAN FRANCISCO, CA 94102 - 4689

DEAR SUPERVISOR'S,

I'M WRITING YOU BECAUSE OF INCONSISTENCIES CONTAINED IN THE
FINANCIAL DATA IN THE "NORTH OF MARKET / TENDERLOIN COMMUNITY
DEVELOPMENT DISTRICT'S" ANNUAL REPORT,

THE PIE CHART ON PAGE 3 HAS DIFFERENT FIGURES THAN THE
PRINTED INFORMATION TO ITS LEFT, UNDER THE EXPENSES. 2011-2012
UNDER PRINTED TITLE "CLEANING, MAINTENANCE + SAFETY" TITLE
THE FIGURE OF \$ 815,700.⁰⁰/_{xx} THE PIE SAY'S \$ 709,804.⁰⁰/_{xx}
WITH A DIFFERENCE OF \$ 105,896.⁰⁰/_{xx}, THE FIGURE'S FOR "CLEANING
EQUIPMENT PURCHASE" SHOW \$ 60,000, THE PIE \$ 40,000 = DIFFERENCE
\$ 20,000. THE FIGURE'S FOR MANAGEMENT + OPERATIONS PRINTED SHOW
\$ 159,265.⁰⁰/_{xx} THE PIE \$ 144,568.⁰⁰/_{xx} A DIFFERENCE OF \$ 10,697.⁰⁰/_{xx}, THE
FIGURE'S FOR "DISTRICT IDENTITY + STREETSCAPE IMPROVEMENTS"
FIGURE \$ 54,600.⁰⁰/_{xx} THE PIE \$ 133,826.⁰⁰/_{xx} A DIFFERENCE OF
\$ 79,786.⁰⁰/_{xx}. THE PRINTED INFO SHOWS A "CONTINGENCY"
OF \$ 72,000.⁰⁰/_{xx} THAT IS NOT EVEN ON THE PIE. THESE

P. 2 OF 2

INCONSISTENCIES SHOULD BE BROUGHT TO THE ATTENTION
OF THE NOM/TL CBD AND EXAMINED.

THANK YOU FOR LOOKING INTO THIS MATTER!

SINCERELY,

MARUS J PHILLIPS

34 YRS RESIDENT NOM/TL

28 YR COMMUNITY WATER BLOCK CAPTAIN

CC: SUPERVISOR JANE KIM DIST 6

CC: CLINT LADINE, PRESIDENT BOO NOM/TL CBD

CC: FILE

CC: MAYOR'S OFFICE OF ECONOMIC, WORKFORCE DEVELOPMENT

1938 HRS

CBD COORDINATOR'S OFFICE

26 NOV 2012