

FILE NO. 130030

Petitions and Communications received from December 31, 2012, through January 7, 2013, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on January 15, 2013.

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 Clerk of the Board, reporting the following individuals have submitted a Form 700 Statement: (1)

London Breed - Supervisor-Elect - Assuming
Ivy Lee - Legislative Aide - Assuming
Christina Durazo - Legislative Aide - Leaving
Dominica Henderson - Legislative Aide - Leaving

*From Public Defender, regarding 2012 Annual Report and 2013 Calendar. Copy: Each Supervisor. (2)

From Controller, regarding FY 2011-2012 Annual Overtime Report. (3)

From State Fish and Game Commission, regarding first notice of changes to ocean salmon sport fishing regulations. Copy: Each Supervisor. (4)

From State Fish and Game Commission, regarding second notice of changes to ocean salmon sport fishing regulations. Copy: Each Supervisor. (5)

From Aaron Goodman, regarding fair housing. (6)

From Controller, regarding audit of airport tenant D-Lew Enterprises, LLC, dba Perry's. (7)

*From concerned citizens, regarding Woodhouse Green. 49 letters. File No. 120987. (8)

*From concerned citizens, regarding Supervisor Scott Weiner. 26 letters. (9)

From Sharon Elliott, regarding parking meter changes. (10)

From Deborah Sant Robinson, regarding charges against various state and local agencies. (11)

From San Francisco Unified School District Early Education Department, regarding their 70th anniversary festivities in February 2013. (12)

From Abdalla Megahed, congratulating the Board of Supervisors and wishing a happy new year. Copy: Each Supervisor. (13)

From Aaron Goodman, regarding grading permits at 800 Brotherhood Way. File No. 121231. (14)

From the San Francisco Bay Keeper, regarding notice of commencement of California Environmental Quality Act action, San Francisco Baykeeper v. California State Lands Commission, et al. Copy: Each Supervisor. (15)

From Sue C. Hestor, urging support of Twin Peaks Tavern. File No. 121061. (16)

From Sue C. Hestor, urging support of Sam Jordan's Bar. File No. 120789. (17)

*(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.)

BOARD of SUPERVISORS



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

MEMORANDUM

Date: January 4, 2013
To: Honorable Members, Board of Supervisors
From: ~~ACC~~ Angela Calvillo, Clerk of the Board
Subject: Form 700

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

London Breed – Supervisor-Elect – Assuming
Ivy Lee – Legislative Aide – Assuming
Christina Durazo - Legislative Aide – Leaving
Dominica Henderson - Legislative Aide – Leaving

SAN FRANCISCO PUBLIC DEFENDER

JEFF ADACHI - PUBLIC DEFENDER
MATT GONZALEZ - CHIEF ATTORNEY



December 28, 2012

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

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 DEC 28 PM 3:43

Dear Ms. Calvillo,

I am pleased to present you with a copy of the San Francisco Public Defender's 2012 Annual Report and 2013 Calendar. The report highlights our accomplishments both in the courtroom and the community, from winning approximately half of our cases taken to trial to providing 4,300 low income children with backpacks, school uniforms and other supplies. This report was not printed at public expense.

This is an important year for everyone committed to equal justice as we mark the 50th anniversary of *Gideon v. Wainwright*. This landmark U.S. Supreme Court decision held that a poor person accused of a crime is entitled to an attorney at no cost. I invite you to celebrate with us as our office holds a series of events for the yearlong *Gideon* commemoration, including:

- *The Public Defender's Justice Summit: Gideon at 50* will be held **March 19** at San Francisco Main Library, 9 a.m. to 3 p.m. Speakers include Karen Houppert, author of *Chasing Gideon*, and other leaders in the indigent defense movement.
- *Together We Can End The Death Penalty: An Evening With Sister Helen Prejean* will be held **May 9** at 7 p.m. at San Francisco's Temple Emanuel. Sister Helen Prejean is a leading advocate for the abolition of the death penalty and the subject of the 1995 film *Dead Man Walking*.

I welcome any ideas you may have to improve or enhance our work, or to mark the 50th anniversary of *Gideon v. Wainwright*. You can reach me at (415) 553-9520. To find out more about the national *Gideon* celebration, visit gideonslegacy.org. Thank you for your continued support of the mission of the San Francisco Public Defender's Office.

Very truly yours,

Jeff Adachi
Public Defender
Sfpublicdefender.org

Nevin, Peggy

From: Chapin-Rienzo, Shanda [shanda.chapin-rienza@sfgov.org] on behalf of Reports, Controller [controller.reports@sfgov.org]
Sent: Thursday, January 03, 2013 1:15 PM
To: Calvillo, Angela; BOS-Supervisors; BOS-Legislative Aides; Kawa, Steve; Howard, Kate; Falvey, Christine; Elliott, Jason; ggiubbini@sftc.org; Campbell, Severin; Newman, Debra; Rose, Harvey; sfdocs@sfpl.info; CON-EVERYONE; ed.reiskin@sfmta.com; Bose, Sonali; Navarro, Tess; Kim, Derek; jeffrey.flynn@sfmta.com; Hayes-White, Joanne; Corso, Mark; Suhr, Greg; Gannon, Maureen; Welch, Carolyn; Garcia, Barbara; Wagner, Greg; Louie, Jenny; Mirkarimi, Ross; Brin, Ellen; Fahey, Susan
Subject: Issued: FY 2011-12 Annual Overtime Report

The Office of the Controller's Budget and Analysis Division (BAD) today issued a report, *FY 2011-12 Annual Overtime Report*. The report highlights overtime hours worked and dollars paid for the entire City over the past ten years and provides analysis of overtime drivers for the five highest user departments (Municipal Transportation Agency, Fire, Police, Department of Public Health, Sheriff).

During fiscal year 2011-12, City departments spent \$154 million on overtime, which is \$10 million or 7% more than they spent in fiscal year 2010-11. The five City departments that used the most overtime collectively account for 88% of total Citywide overtime expenditures. Citywide spending was lower than the peak of \$168 million in fiscal year 2007-08.

To view the full report, please visit our website at: <http://co.sfgov.org/webreports/details.aspx?id=1524>

For questions regarding the above, please contact Chris Trenchel at chris.trenchel@sfgov.org or 415 554-7663, or the Controller's Office, Budget and Analysis Unit, at 415 554-7455.

City and County of San Francisco

Office of the Controller

**FY 2011-12
Annual Overtime Report**



January 3, 2013

City and County of San Francisco

Office of the Controller - Budget and Analysis Division

Fiscal Year 2011-12 Annual Overtime Report

January 3, 2013

Administrative Code Section 18.13-1 requires the Controller to submit overtime reports to the Board of Supervisors at the time of the Six-month and Nine-month Budget Status Reports, and annually. Charter section F.103 requires the Controller to identify the five highest overtime user departments and report on the cause and potential mitigation for any excessive overtime spending. This annual report addresses overtime budgets and actual expenditures, and analysis of overtime use. The report also addresses departmental compliance with permissible overtime limits of no more than 25% of regular hours, or 522 hours annually for a regular full-time employee, with certain exceptions. Overtime reduction recommendations will be included with future versions of this report.

Highlights

During fiscal year 2011-12, City departments spent \$154 million on overtime, which is \$18 million or 13% more than revised budgets and \$10 million or 7% more than they spent in fiscal year 2010-11. Overtime hours increased 4% from 2.5 million to 2.6 million. Overtime as a percentage of overall Citywide spending remained relatively flat at 2.2%. All of these measures are well below the highs in FY 2007-08 of \$168 million, 3.1 million hours and 2.8% of Citywide spending.

The five City departments that used the most overtime, (Municipal Transportation Agency, Fire, Police, Public Health, and Sheriff) collectively account for 88% of total Citywide overtime expenditures. Details of overtime spending for additional City departments are included in the Appendix and highlights of the top user departments are as follows:

- **Municipal Transportation Agency (MTA):** Overtime expenditures over the past 10 years have grown from \$25.7 million to a high of \$55.7 million in FY 2011-12. Transit operators and associated job classes accounted for 63% of overtime use within the department in fiscal year 2011-12, with maintenance job classifications accounting for a further 30%.
- **Fire Department:** Overtime expenditures over the past 10 years ranged from a low of \$8 million to a high of \$32.6 million. Overtime use within the department is the result of deliberate Department decisions regarding how to cost-effectively meet minimum staffing requirements.
- **Police Department:** Overtime expenditures over the past 10 years ranged from a low of \$22.6 million to a high of \$41.7 million. Overtime expenditures have decreased by 40% since fiscal year 2007-08 to \$24.9 million in FY 2011-12, of which \$12.4 million was reimbursed by event organizers.
- **Department of Public Health (DPH):** Overtime expenditures over the past 10 years ranged from a low of \$8.9 million to a high of \$17 million. The Department's overtime spending as a percentage of regular salaries is the lowest of highlighted departments at 2%.
- **Sheriff's Department:** Between FY 2007-08 and FY 2010-11, overtime spending declined by 60% from \$15.3 million to \$5.8 million as the City jail population declined from an average count of 2,085 to 1,712. In FY 2011-12, overtime spending climbed to \$8.4 million while the average jail population continued its decline to 1,531.

Section I: Citywide Overtime Use

As shown in Figure 1, during fiscal year 2011-12 City departments spent \$154 million on overtime, which was \$10 million (7%) above the prior year, but \$14 million (8%) less than FY 2007-08's peak. Overtime hours show a similar trend, rising 0.1 million (5%) from the prior year, but still 0.5 million (17%) below the FY 2007-08 peak.

Figure 2 presents two other ways to look at overtime trends that factor in changes in the overall size of the workforce and City budget. FY 2011-12 overtime hours represented 4.4% of regular (straight-time) hours, which was a slight increase from the prior year, but still significantly below FY 2007-08's peak of 5.1%. Overtime spending in FY 2011-12 represented 2.2% of the \$6.9 billion total Citywide expenditures, essentially unchanged from the prior year, and also well below the FY 2007-08 peak of 2.8%.

Figure 1. 10-year History of Overtime Hours and Overtime Dollars (\$ millions)

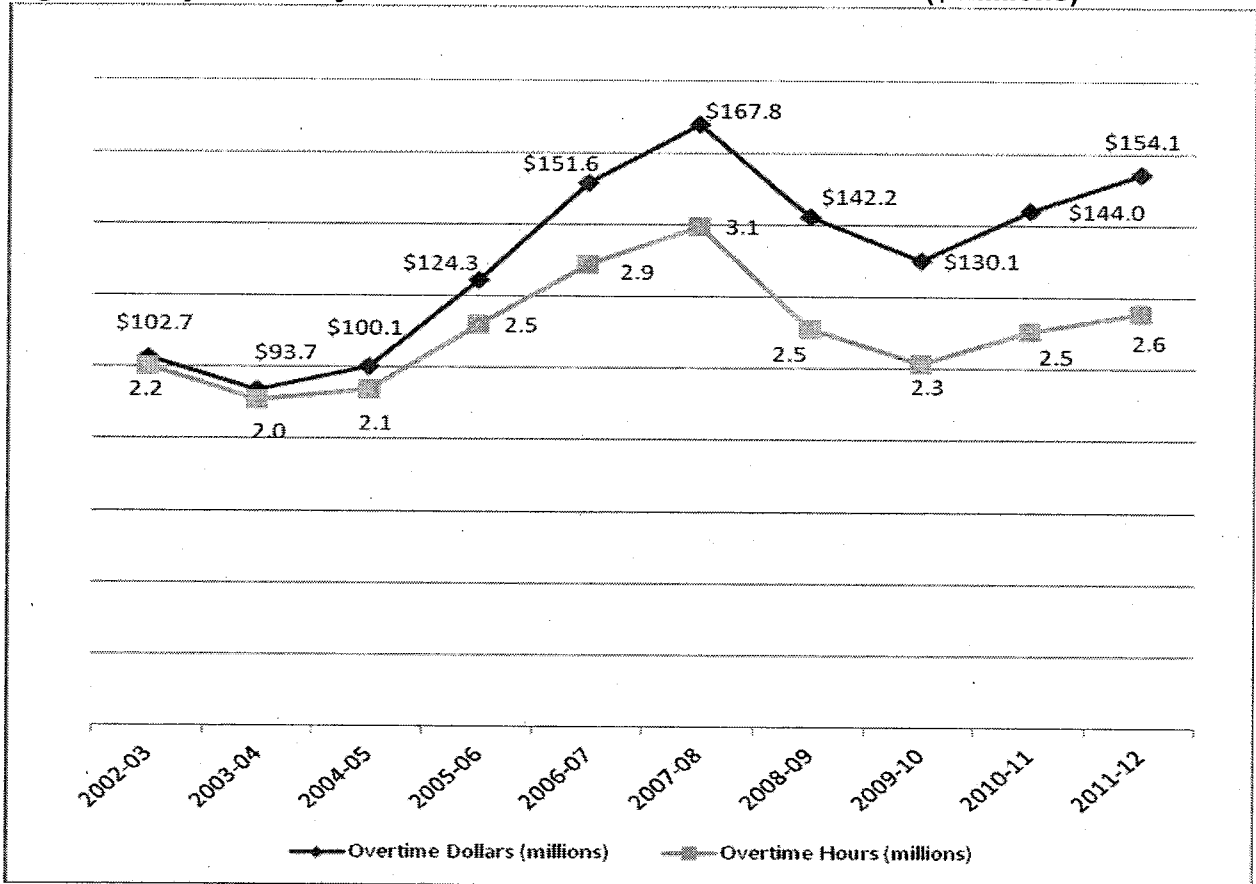
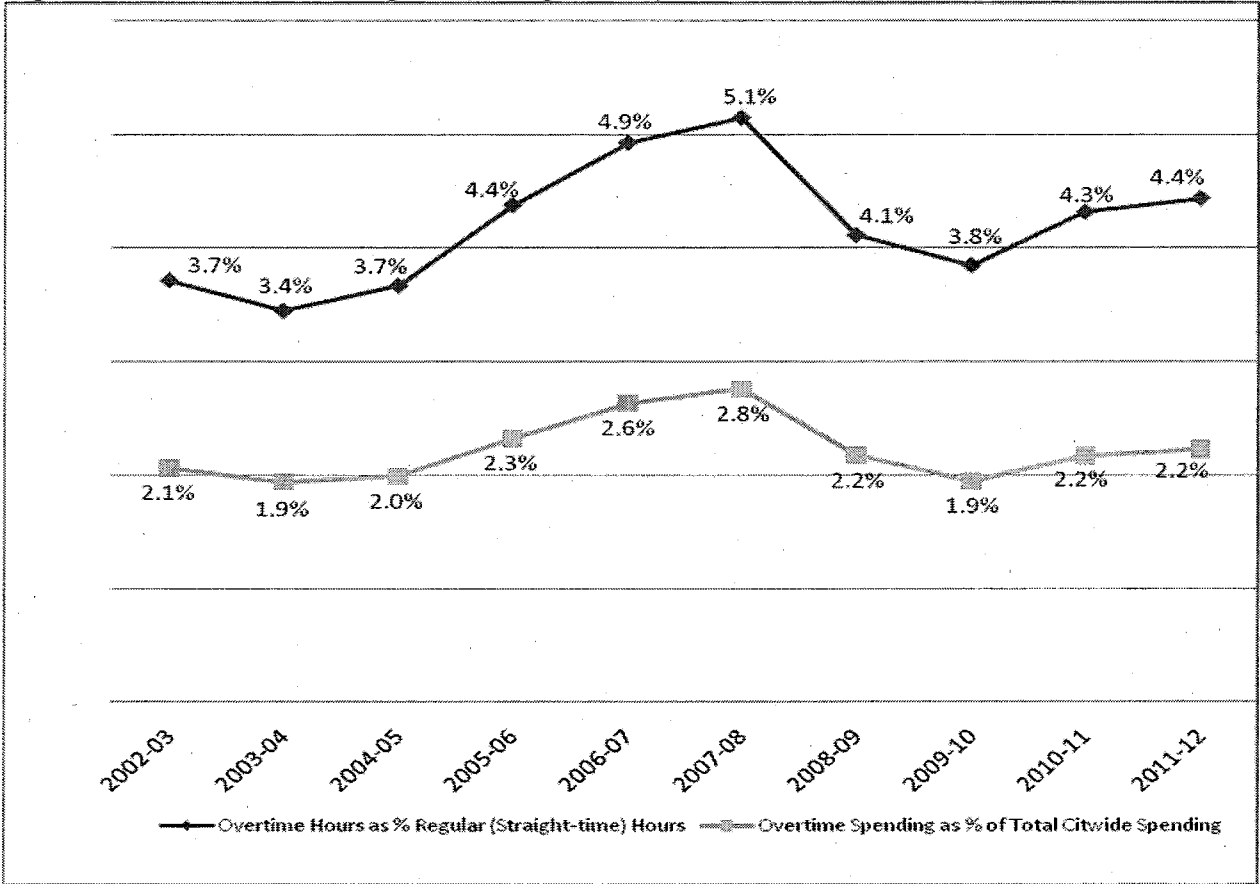


Figure 2. Overtime as % Regular (Straight-time) Hours and Citywide Spending



Section II: Overtime Use for Highest User Departments

As shown in Table 1, the five highest overtime user departments (MTA, Fire, Police, DPH, Sheriff) accounted for 88% of overtime dollars spent citywide. Factors contributing to overtime use include:

- Full time employee (FTE) reductions without reducing service levels
- 24 hour operations and minimum staffing requirements
- Labor contract provisions that can drive overtime use
- Unexpected citywide events that can't be budgeted for or addressed using regular time

In most situations, overtime is a deliberate budgetary choice departments make to maintain service levels without increasing actual FTEs.

Table 1 shows overtime budgets, spending, and hours as a percentage of regular (straight-time) hours for the five highest user departments in fiscal years 2010-11 and 2011-12. Additional departments are included in the appendix.

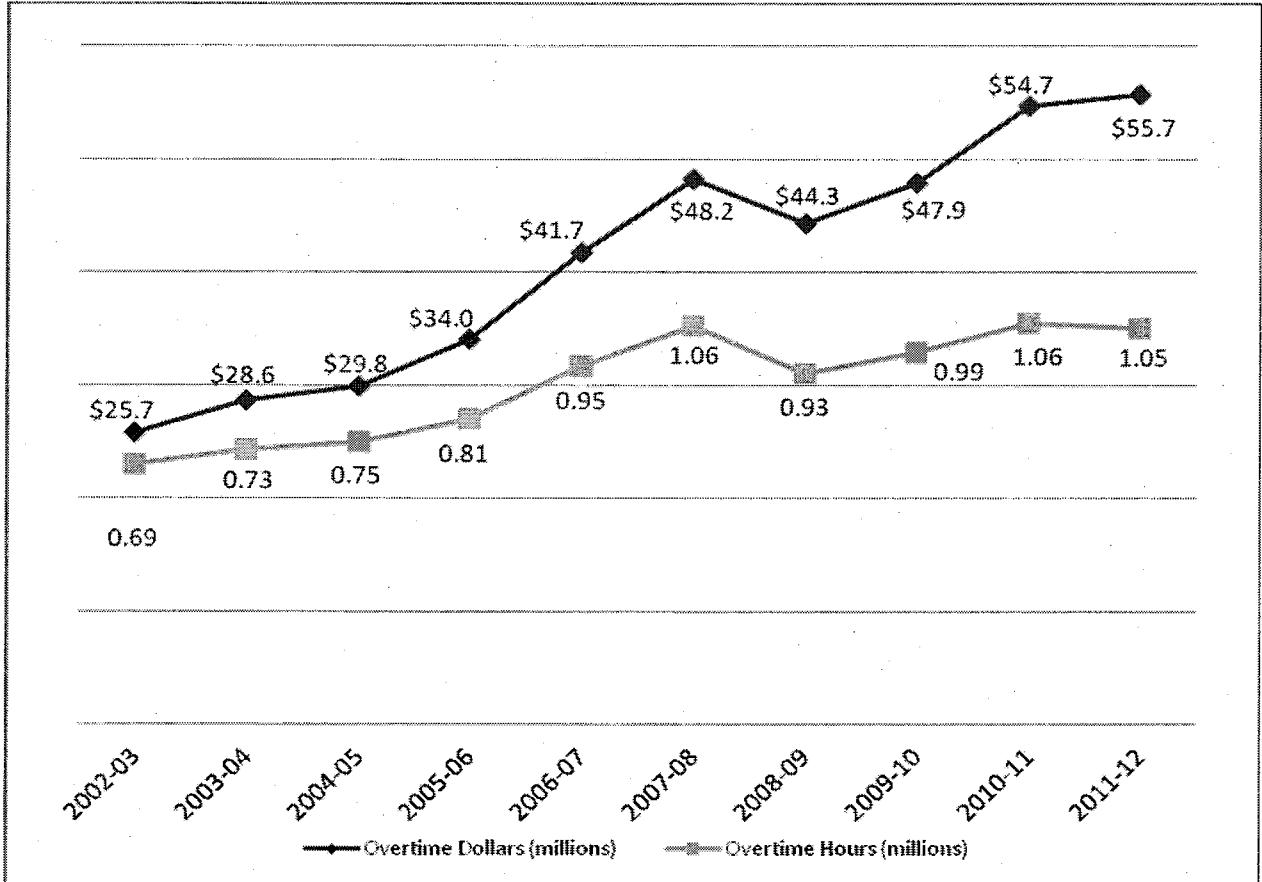
Table 1. Overtime Budget and Actual Expenditures by Department (\$ in millions)

Department	FY 2010-11 OT Budget	FY 2010-11 OT Actual	FY 2010-11 OT hrs as % of Regular Hours	FY 2011-12 OT Budget	FY 2011-12 OT Actual	FY 2011-12 OT Hrs as % Regular Hrs
Municipal Transportation Agency (MTA)	\$35.3	\$ 54.3	10%	\$33.5	\$55.7	10%
Police	22.8	24.6	5%	26.7	24.9	5%
Public Health (DPH)	7.5	10.6	2%	12	11.6	2%
Fire	23.2	30.5	12%	35.8	35.6	14%
Sheriff	4.3	5.8	5%	10	8.4	7%
All Other Departments	14.9	18.2	1%	18.4	17.9	1%
TOTAL	\$108	\$144	4%	\$136.4	\$154.1	4%

A. Municipal Transportation Agency

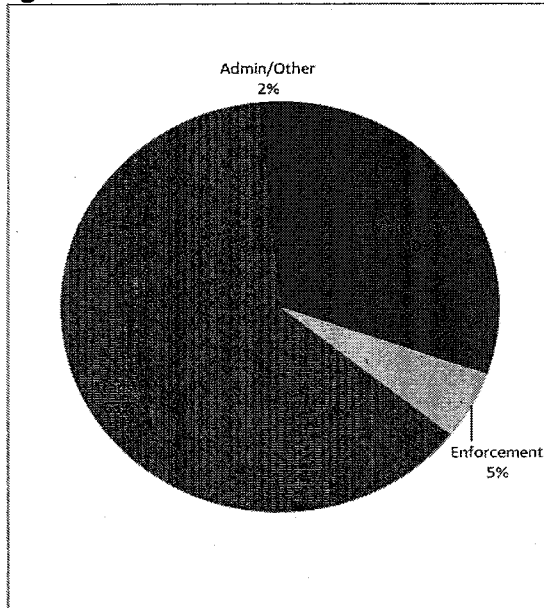
As shown in Figure 3, MTA overtime expenditures have more than doubled over the past 10 years, rising from \$25.7 million to the FY 2011-12 high of \$55.7 million, influenced both by rising hours and the rising cost per hour. Overtime hours increased by approximately 50% over the past ten years, from 0.69 million to 1.05 million hours.

Figure 3. MTA Overtime Dollars and Hours Have Increased Over the Last 10 Years
(\$ millions)



As shown in Figure 4, during fiscal year 2011-12, 93% of overtime within the department occurred in the Transit and Maintenance groups. Issues specific to each group are discussed separately.

Figure 4. MTA FY 2012-13 Overtime Hours by Employee Classification Groups



- Transit: Transit Operators, Train Controllers, Transit Supervisors, etc
- Maintenance: Automotive Mechanics, Electrical Mechanics, Stationary Engineers, , Construction Inspectors, etc
- Enforcement: Parking Control Officers, Transit Fare Inspectors, etc
- Administrative Staff/Other: Clerks, Fare Collection Receivers, Purchasers, etc

Transit Group Overtime

51% of all overtime use within the department occurred in the transit operator job class, with an additional 12% in supporting transit classes, including (among others) transit operators, train controllers, and transit supervisors. According to the Agency, factors that affect transit operator overtime usage include the length of the operator's scheduled route, operator shortages, labor contract provisions, gaps in coverage created by employee outages, unforeseen circumstances such as heavy traffic or accidents, and special events. MTA has begun hiring and training part-time operators which should help reduce the need for overtime.

Part time operators have a lower number of guaranteed hours per shift (3.5) and can help meet service delivery goals without working overtime. However, part-time operators earn full time benefits so their hourly cost is actually higher than the hourly cost of a full-time operator. For full-time operators, overtime can be more cost-effective than to bring in another full-time operator to complete a shift.

MTA reports that overtime is built into each operator's schedule in order to manage service cost effectively. Labor contract provisions guarantee full time operators eight hours of pay per shift, so requiring an operator to work overtime is frequently less expensive than bringing in an employee for a short amount of time to complete a run. To illustrate the point that using overtime can be a less expensive alternative to using additional full time employees, the following example shows two ways to staff a bus line that runs 20 hours a day.

Bus Route Staffing Options

Table 2A: MTA Staffing Option Using Overtime

	Shift	Driving Hours	Standby Hours	Overtime Hours at 1.5x Regular Pay	Total Pay Hours
Operator 1	5 am to 3 pm	10	0	2	11
Operator 2	3 pm to 1 am	10	0	2	11
Total	5 am to 1 am	20 hrs	0 hrs	4 hrs	22 hrs

Table 2B: MTA Staffing Option Without Overtime

	Shift	Driving Hours	Standby Hours	Overtime Hours at 1.5x Regular Pay	Total Pay Hours
Operator 1	5 am to noon	7	1	0	8
Operator 2	Noon to 7 pm	7	1	0	8
Operator 3	7 pm to 1 am	6	2	0	8
Total	5 am to 1 am	20 hrs	4 hrs	0 hrs	24 hrs

Note: Tables 2A and 2B assumes no part-time employees were used.

As indicated above, staffing option 1 uses two transit operators to complete the run with four hours of overtime and 22 total paid hours. Staffing option 2 uses three operators to complete the run with no overtime but 24 total paid hours. Given the labor contract requirement that operators be paid a minimum of 8 hours per shift, it can be less expensive to use overtime instead of additional staff. Although this example shows that it is less expensive to use overtime, other scheduling costs could be reduced with additional drivers for the current fiscal year. To meet their internal goal of 95% service delivery, the Department believes a combination of overtime and hiring 200 additional operators will be necessary.

Maintenance Group Overtime

The maintenance group accounts for 30% of overtime hours within the MTA. The largest maintenance group job classes are stationary engineers, automotive mechanics, electrical mechanics, and construction inspectors. Within the maintenance area, electrical transit system mechanics and automotive mechanics are the highest overtime users. Both classifications are responsible for maintaining electrical and automotive components of MTA's revenue and non-revenue fleet of over 1,000 vehicles. MTA reports that their fleet is one of the oldest in the nation and requires high levels of maintenance.

To reduce overtime use within this service area, MTA plans to hire 126 maintenance staff over

the next two fiscal years including 35 electrical transit system mechanics and automotive mechanics. Adding maintenance staff will not reduce the Department's total salary costs but will help maintain or improve service levels with reduced reliance on overtime. MTA also plans to acquire new transit vehicles that should require less maintenance and associated overtime spending.

Other Factors Affecting MTA Overtime

We examined historical trends in staffing levels and employee leave usage at the MTA to see whether these were correlated with trends in overtime hours. No consistent trends emerged from this data, probably due to the confounding influence of other concurrent factors.

B. Fire Department

As shown below in Figures 5 and 6, after three years of roughly stable overtime from FY 2002-03 to FY 2004-05, both overtime spending and hours increased sharply through FY 2011-12 in direct correlation with a decline in full-time employees from 1,684 in FY 2004-05 to 1,439 in FY 2011-12.

Figure 5. 10-year History of Fire Department Overtime Dollars and Hours (millions)

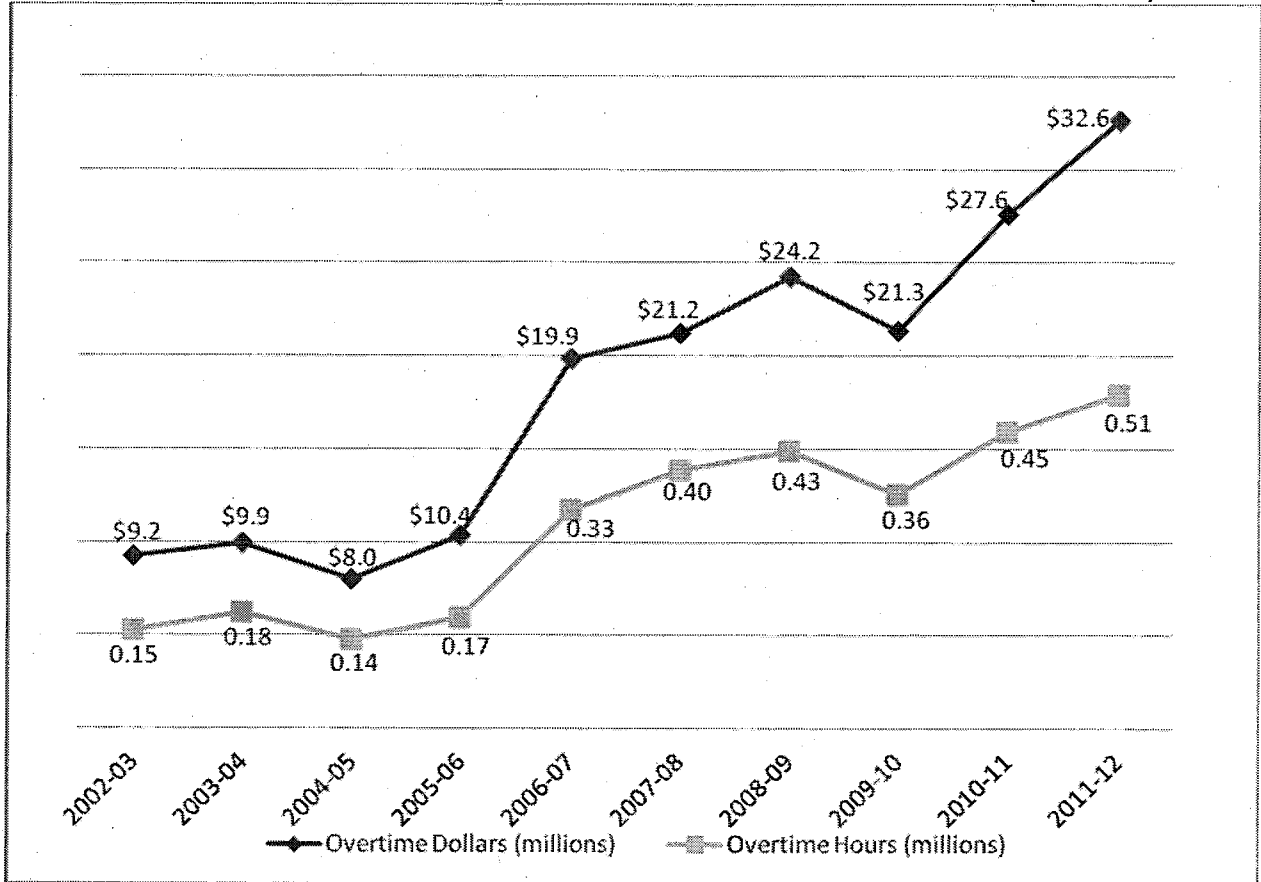
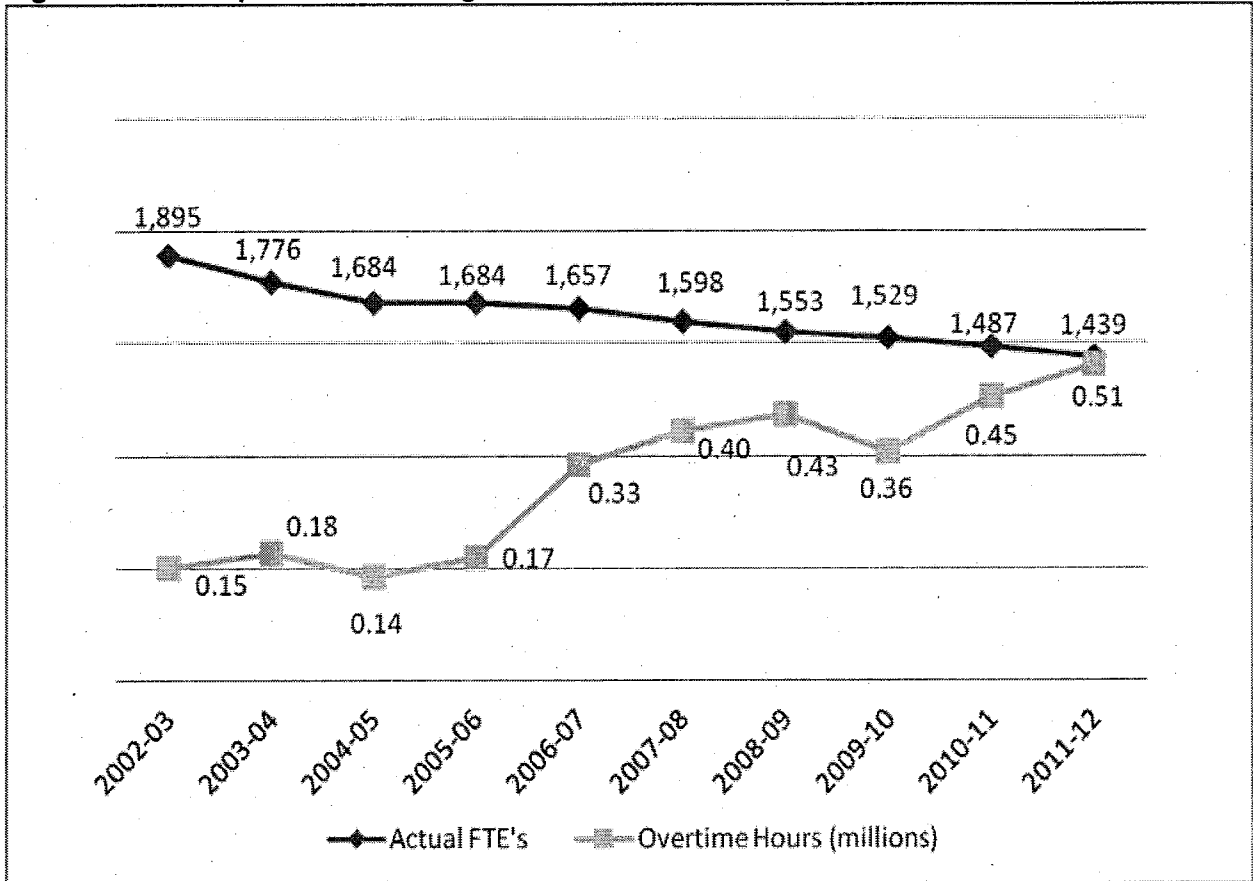


Figure 6: Fire Department Staffing Levels and Overtime (*hours in millions*)



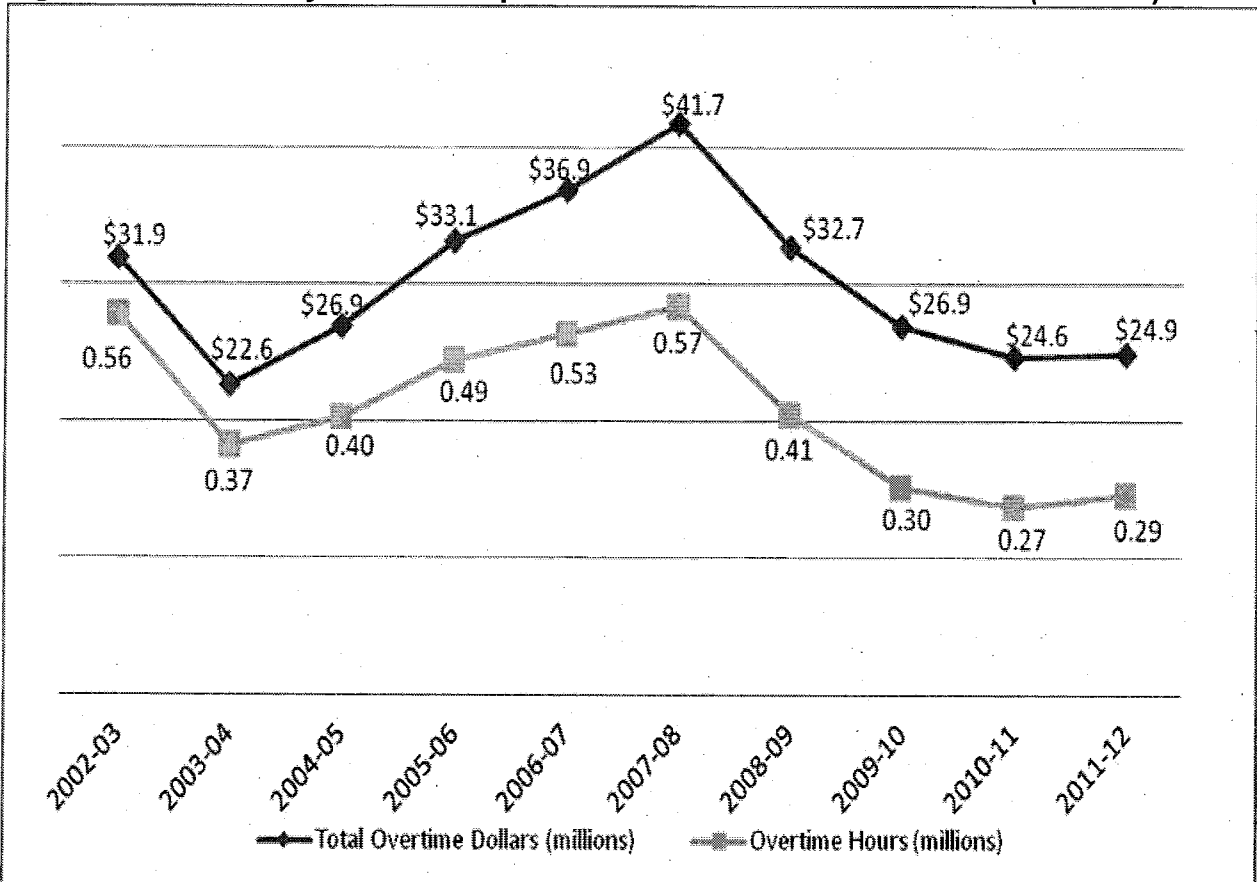
The Fire Department reports that the decrease in FTEs in recent years is the deliberate result of analysis showing that reliance on overtime to meet minimum staffing requirements would be more cost effective than hiring additional employees.

To illustrate an example of this analysis, the FY 2011-12 hourly rate of a top step H-2 firefighter, including benefits, averaged approximately \$80. The average hourly overtime rate of the same employee averages \$67. Overtime does not require health and safety contributions that are included with regular wages, which is why it is less expensive to use overtime than regular time.

C. Police Department

As shown in Figure 7, unlike other major overtime-using Departments, the Police Department has reduced overtime spending and hours significantly in past four years since FY 2007-08 when usage peaked at \$41.7 million and 0.57 million hours. During that period, overtime spending and hours have decreased by 40% and 49% respectively.

Figure 7: 10-Yr History of Police Department Overtime Dollars and Hours (millions)

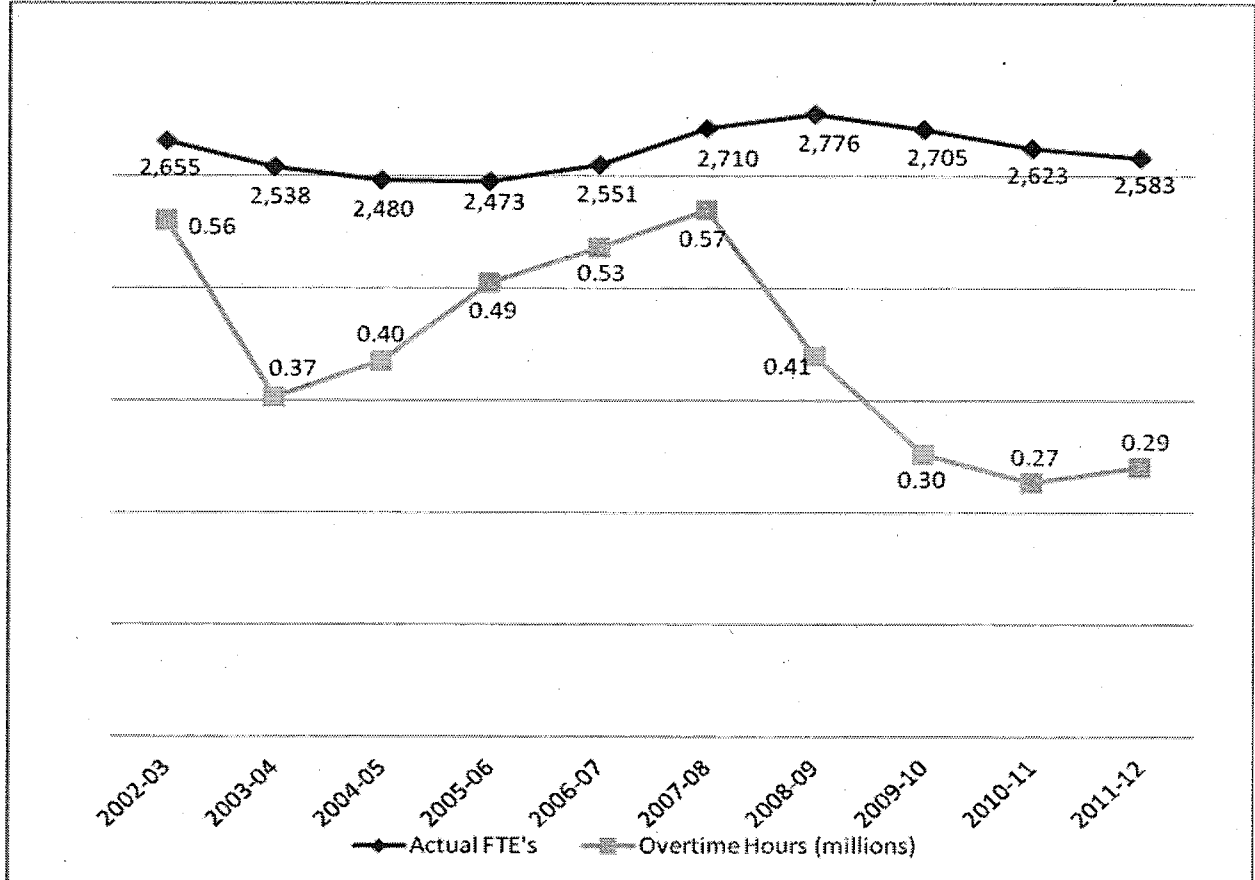


The Police Department reports that one factor in overtime use is labor contract provisions that guarantee a minimum of four hours of overtime per overtime shift when an employee is called in. Additionally, the Department estimates that nearly half of overtime use results from staffing special events within the City, such as sporting events, film and television production, and construction security. Much of these costs are reimbursed by sponsoring organizations.

Staffing

Review of the number of actual FTE's and overtime use does not indicate a strong correlation between staffing levels and overtime in the Police Department. Over the past 10 years, actual FTEs have declined by 3% while overtime hours have declined by 48%. Figure 8 shows actual FTEs and overtime hours over the past 10 years.

Figure 8. Police Department Actual FTEs and Overtime Hours (hours in millions)



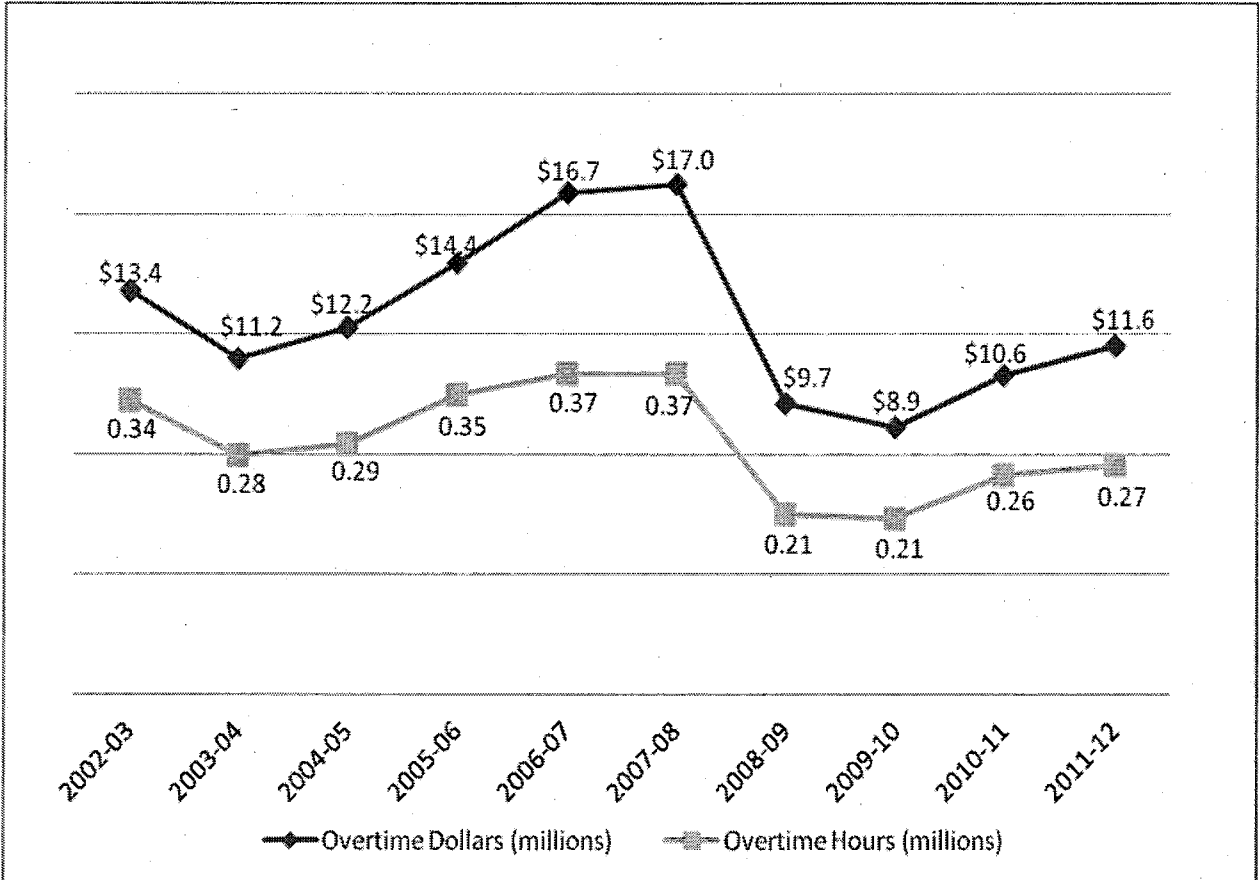
Police Department Overtime Monitoring

The Police Department reports that they have worked to reduce overtime use in recent years through management oversight. To monitor and track overtime usage the Police Department uses the dollar value of its overtime budget to approximate the number of available overtime hours for the year. An "hours budget" is then assigned to each bureau within the Department. A biweekly report is run by the finance division which shows overtime usage by employee and is reviewed by bureau commanders and the chief of police. This method of overtime review has helped the department reduce overtime costs and stay within budget.

D. Department of Public Health

As shown in Figure 9, Department of Public Health (DPH) overtime use peaked in FY 2007-08 at \$17 million and 0.37 million hours followed by a sharp decline to \$8.9 million in 2008-09. Usage rose again to the FY 2011-12 level of \$11.6 million and 0.27 million hours, still representing roughly a 30% decline from their peaks. Overtime hours at DPH represented 2% of regular (straight-time) hours, the lowest of the departments highlighted in this report.

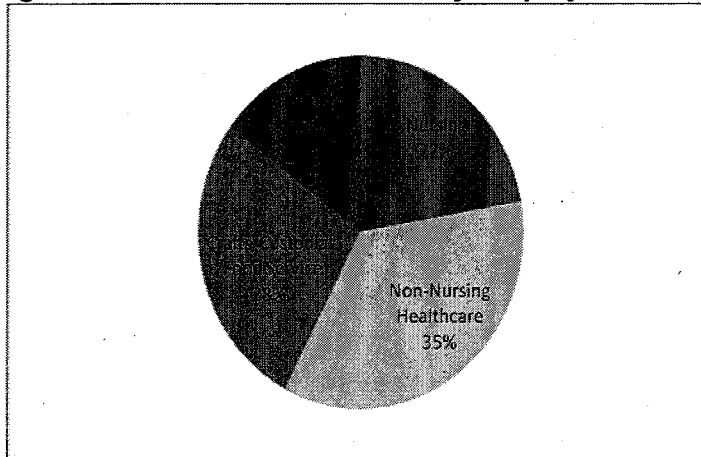
Figure 9. 10-Year History of DPH Overtime Expenditures and Hours (millions)



The Department reports that a significant factor behind the sharp decline in FY 2008-09 was due to Laguna Honda Hospital's decreased census from 1,150 beds to 780 beds in preparation for moving into a smaller new facility. This freed up employees to backfill other positions throughout the Department, reducing the need for overtime.

Figure 10 provides a view of DPH overtime by employee classification groups.

Figure 10. DPH Overtime Hours by Employee Classification



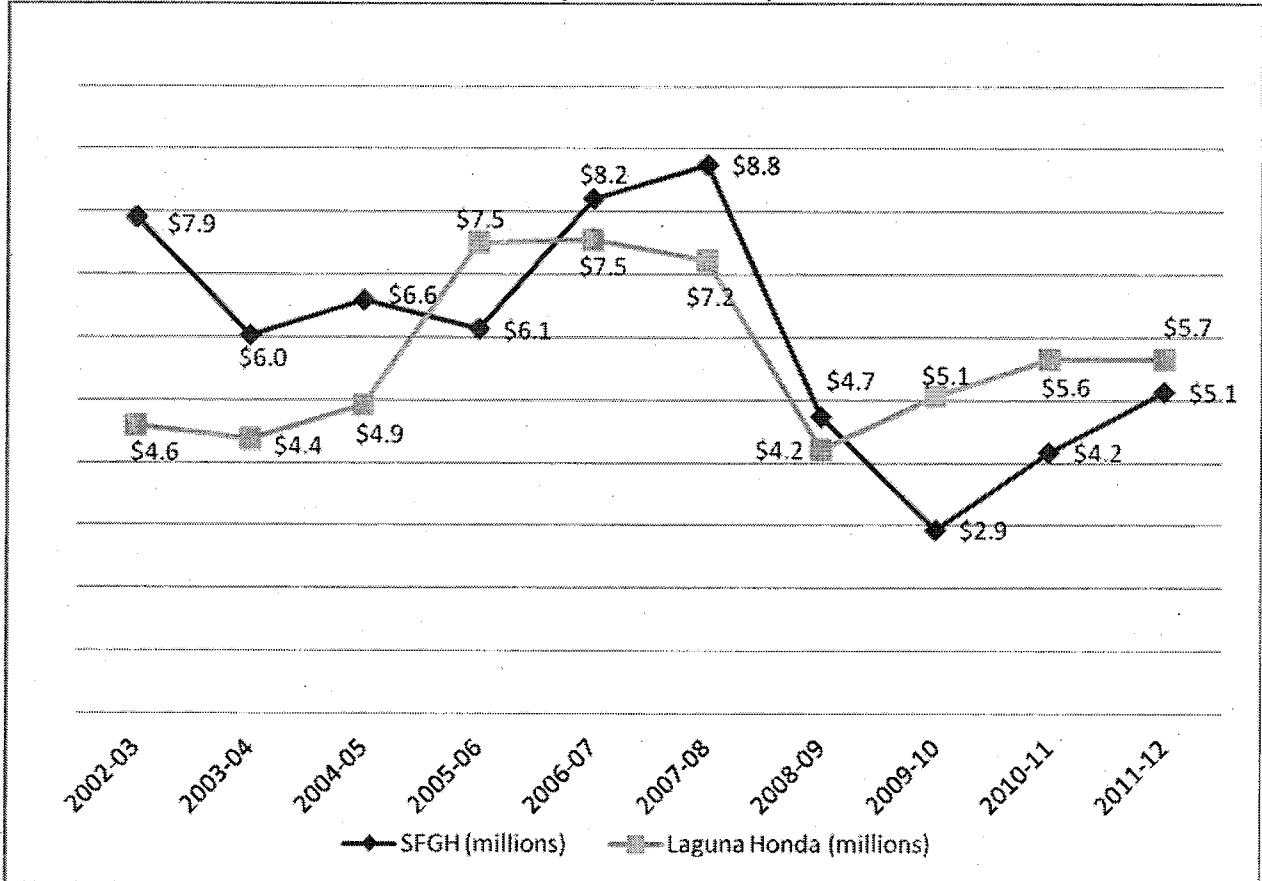
- Nursing: Registered Nurses, Licensed Vocational Nurses, Special Nurses, etc.
- Non-Nursing Healthcare: Anesthetists, Pharmacists, X-Ray Laboratory Aides, Surgical Procedures Technician, etc.
- Crafts/Custodial/Food Service: Storekeepers, Cooks, Porters, Carpenters, etc.
- Other: Eligibility Workers, Payroll Clerks, Cashiers, etc

The three highest overtime user job classes at DPH are Nursing Assistants, Patient Care Assistants, and Licensed Vocational Nurses. These three job classes provide 24 hour a day care and have legal and/or labor agreement mandated staff to patient ratios. The Department reports that the main issues affecting overtime use within these classes are the ability to hire additional employees and increased leave attributed to furlough days.

Other high user job classes include pharmacy technicians and food service workers. Pharmacy technicians provide 24 hour a day coverage and are subject to legally mandated staff to patient ratios. Overtime in this class is affected by the Department's ability to hire, and employee leave, which has increased over the past two years because of furlough days. Food service workers provide patient and staff meals at the hospitals. Like pharmacy technicians, overtime is used to cover employee leave and to fill gaps when the department is unable to hire additional employees.

Viewing overtime use by location shows that most overtime within the Department is used at San Francisco General Hospital (SFGH) and Laguna Honda Hospital. Figure 11 shows overtime dollars at each hospital over the past ten years.

Figure 11: Overtime Dollars at DPH Hospitals (millions)

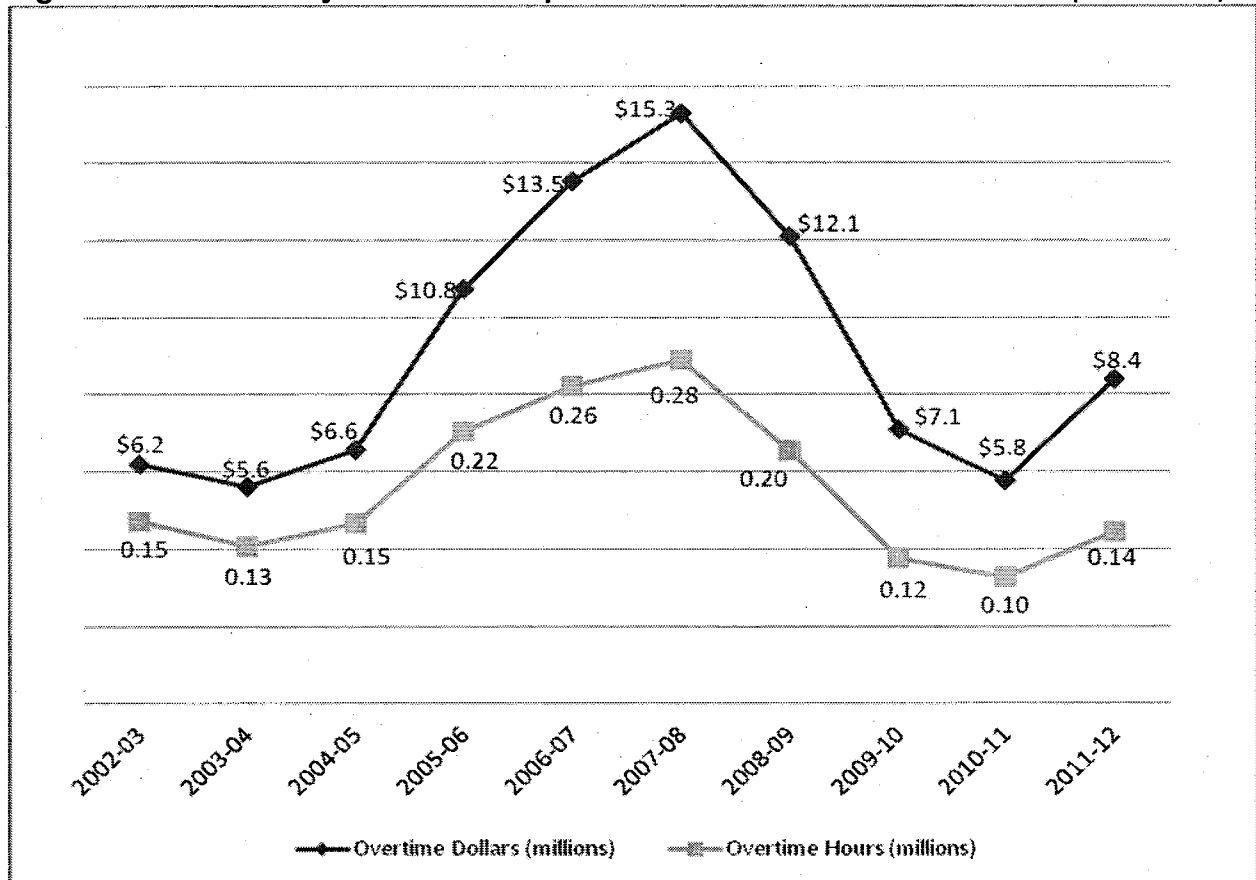


Over the past three years, overtime use at Laguna Honda has been higher than at SFGH even though SFGH has a higher patient population and more employees. The patient census at SFGH fluctuates more than at Laguna Honda, and to compensate DPH keeps a large pool of as needed nurses, known as Special Duty Nurses who are per diem, or P103's, that can be used to help control overtime use. DPH is considering increasing the pool of as needed nurses at Laguna Honda to help reduce overtime use at that facility. In fiscal year 2011-12, P103 regular salaries were \$41.5 million or 7% of the Department's total.

E. Sheriff's Department

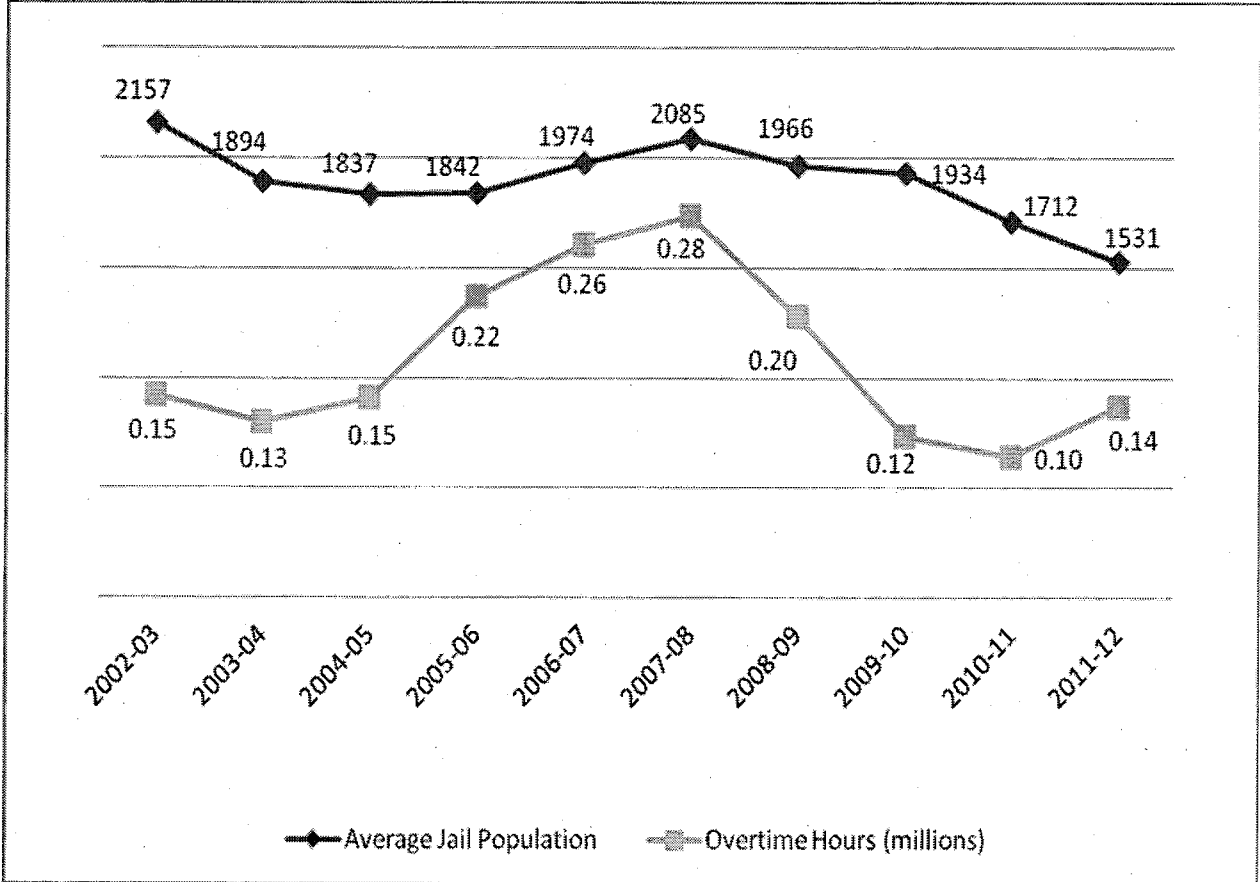
Over the past ten years, overtime spending for the Sheriff's Department ranged from a low of \$5.6 million to a high of \$15.3 million. Overtime spending increased 147% between FY 2002-03 and 2007-08 and has since decreased by 45%. Overtime hours followed a similar trend and increased by 86% between FY 2002-03 and 2007-08 and have since decreased by 50%. Figure 12 shows overtime spending and hours within the department over the past 10 years.

Figure 12. 10-Yr History of Sheriff's Department Overtime Dollars and Hours (\$ millions)



As shown in Figure 13, between fiscal years 2004-05 and 2007-08, the average annual jail population increased by 17% and overtime hours increased by 90%. Between FY 2007-08 and 2010-11, the average annual jail population decreased by 18% and overtime hours decreased by 63%. The above trend did not continue into FY 2011-12 when the average population decreased by 11% while overtime hours increased by 36%. The Sheriff's Department identified an increased number of employees on disability leave in FY 2011-12 as a reason for the increase in overtime use.

Figure 13: Jail Population and Overtime Use (hours in millions)



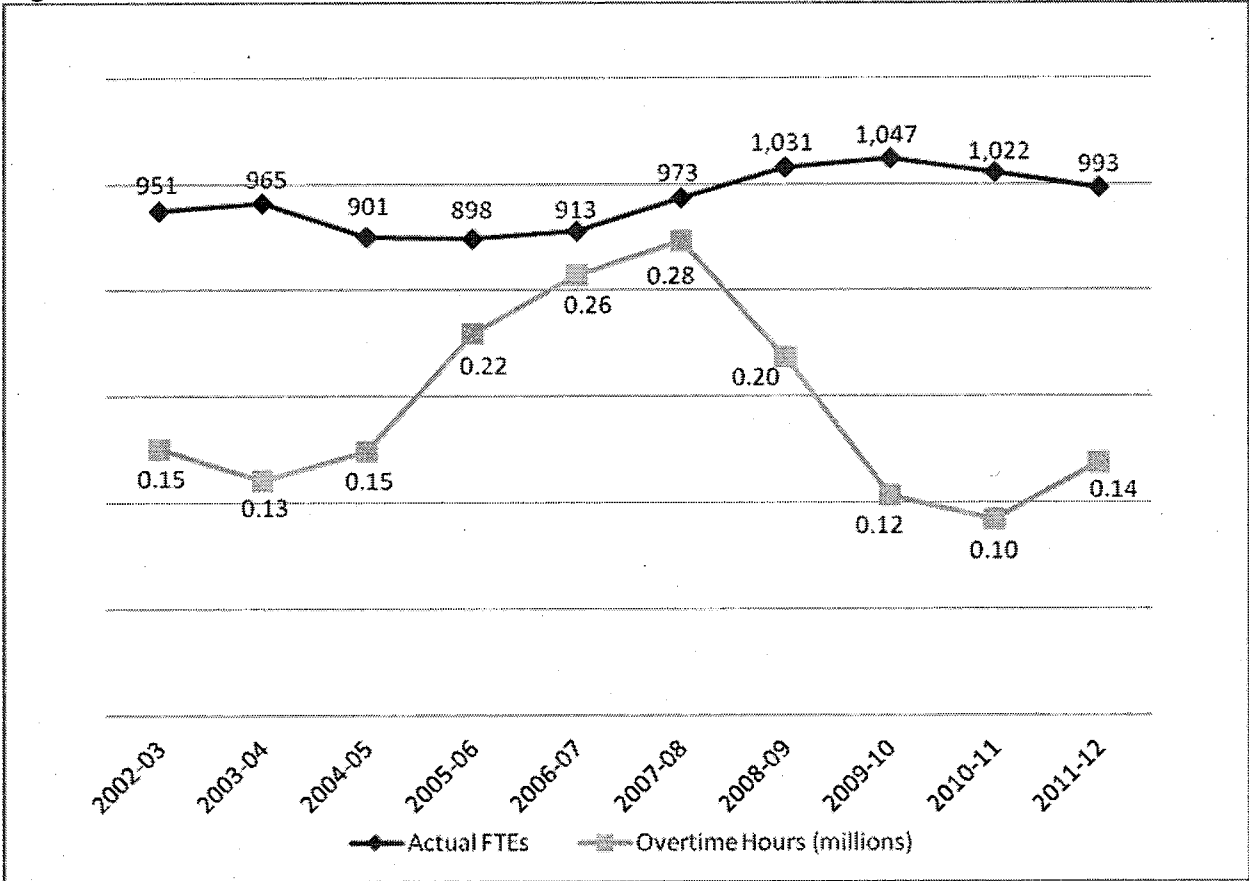
Deputy Sheriffs are responsible for the majority of overtime use within the department. The Department must adhere to minimum staffing levels at all of the City’s jails and when staffing falls below the minimum, shifts are filled using overtime. The Department prepares an Anticipated Staffing Report, which details anticipated staffing at the facility, to try and mitigate the use of overtime resulting from staffing shortages. Jail supervisors can review the report and contact other jails that are above the minimum to have deputies detailed to the jail below the minimum.

Staffing

Review of the number of actual FTE’s and overtime use does not indicate a strong correlation between staffing levels and overtime. Over the past 10 years, FTEs have increased by 4% while overtime hours have increased by 6%. However, between fiscal years 2002-03 and 2007-08, the number of FTEs increased by 1% while overtime use increased by 116%. During the next three year period, FTEs increased by 5% while overtime use decreased by 63%. As noted above, jail population appears to be a much stronger driver of overtime use than the number of actual FTEs.

Figure 14 shows the relationship between actual FTEs and overtime use.

Figure 14: Additional Actual FTEs Result in Less Overtime Use (hours in millions)



Section IV. Appendices

Appendix 1 presents a detailed view of four years of overtime spending by Departments throughout the City. Appendix 2 provides a view of Departmental compliance with administrative code provisions regarding maximum permissible overtime per employee.

Appendix 1

4-Year History of Overtime Spending by Department (\$ Millions)

Department	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2011-12	FY 2011-12
	Actual	Actual	Actual	Revised Budget	Actual	Difference
MTA						
Municipal Railway	\$ 42.6	\$ 45.6	\$ 52.2	\$ 31.8	\$ 53.2	\$ (21.4)
Parking & Traffic	1.6	2.3	2.1	1.8	2.5	(0.7)
Subtotal - MTA	44.2	47.9	54.3	33.6	55.7	(22.1)
Police						
General Fund Operations	20.0	13.8	13.1	12.2	10.7	1.5
Special Law Enforcement Services (10B)	9.4	10.5	8.6	10.4	10.4	-
Grants & Other Non-10B Special Revenues	1.3	0.9	1.5	2.4	2.1	0.3
Airport	2.0	1.7	1.4	1.7	1.8	(0.1)
Subtotal - Police	32.7	26.9	24.6	26.7	24.9	1.8
Public Health						
All Other Non-Hospital Operations	0.8	0.8	0.8	0.8	0.8	0.0
SF General	4.7	2.9	4.2	5.1	5.1	-
Laguna Honda Hospital	4.2	5.1	5.6	6.1	5.7	0.4
Subtotal - Public Health	9.7	8.9	10.6	12.0	11.6	0.4
Fire						
General Fund Operations	24.7	21.0	27.7	32.7	32.6	0.1
Grants & Other Special Revenues	0.2	0.0	-	-	-	-
Airport	2.7	2.2	2.5	2.8	2.8	0.0
Port	0.2	0.2	0.3	0.3	0.2	0.1
Subtotal - Fire	27.9	23.5	30.5	35.8	35.6	0.2
Sheriff	12.1	7.1	5.8	10	8.4	1.6
Subtotal - Top 5	126.6	114.3	125.8	118.1	136.23	(15.8)
Public Utilities Commission	4.5	5.3	5.9	6.3	6.2	0.1
Recreation & Park	1.5	1.4	1.4	1.4	1.1	0.3
Human Services Agency	0.5	0.5	0.6	0.2	0.6	(0.4)
Fine Arts Museum	0.7	1.0	0.8	0.7	0.9	(0.2)
Public Works	1.6	1.5	1.4	2	1.5	0.5
Juvenile Probation	1.4	0.8	0.8	1	0.9	0.1
Airport Commission	1.5	1.7	2.2	2.5	2.2	0.3
Elections	0.7	0.4	0.4	0.5	0.4	0.1
Emergency Management	1.2	1.4	1.4	1.6	1.2	0.4
All Other Departments	2.0	2.0	3.2	2.1	2.9	(0.8)
Total	142.1	130.0	144.0	136.4	154.1	(17.7)
Top 5 % of Total	89.1%	87.9%	87.4%		88.4%	
Change from Prior Year Actual	\$ (25.6)	\$ (12.0)	\$ 14.0		\$ 10.1	
Total Gross Salaries (Cash Compensation)	\$ 2,621.4	\$ 2,595.8	\$ 2,529.6		\$ 2,634.5	
Overtime as a % of Total Gross Salaries	5.4%	5.0%	5.7%		5.8%	

Appendix 2. Maximum Permissible Overtime Per Employee

Per the administrative code, city employees are not permitted to work more than 25% of their regularly scheduled hours as overtime. In FY 2011-12, a standard full-time employee worked 2,088 regular hours and the overtime default limit for the year was 522 hours. Table A shows that as of June 30, 2012, 625 non-exempted employees exceeded the overtime default limit. The administrative code allows for exemptions to the default limit, which are defined below Table A.

Table A. Employees exceeding Default Overtime Hours Limit

Department	Employees Above the Default Limit ¹	Employee Exemptions	Non-Exempted Employees Above the Default Limit	Average Total Overtime Hours Per Employee Above the Default Limit
Municipal Transportation Agency	510	-	510	851
Fire	292	(229)	63	1,223
Sheriff	42	-	42	578
Public Health	5	-	5	576
Public Utilities Commission	10	(9)	1	524
Juvenile Probation	1	-	1	681
General Services Agency – City Administrator	2	-	2	638
Recreation and Parks	1	-	1	649
Total	863	(238)	625	

Definition:

Employee Exemption: The administrative code allows for DHR and MTA to offer overtime default limit exemptions to departments for specific positions and/or job classes. During FY 2011-12, DHR extended the overtime default limit for non-administrative Fire employees to 1,100 overtime hours and removed the default limit for Public Utilities Commission Power Generation Series employees. MTA did not grant any default limit exemptions for fiscal year 2011-12.

¹ Excluded from this column are part-time employees and employees paid by a third party.

STAFF Contacts

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Chris Trenchel, Budget Analyst, Chris.Trenchel@sfgov.org

BOS-11

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



December 28, 2012

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TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to subsection (c) of Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing, which will be published in the California Regulatory Notice Register on December 28, 2012.

This is the first of two notices relating to ocean salmon sport fishing and pertains only to the ocean salmon sport fishing regulations for April 2013. A separate notice pertaining to the remainder of the 2013 ocean salmon sport fishing regulations will also be published in the California Regulatory Notice Register on December 28, 2012.

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

Mr. Paul Hamdorf, Acting Marine Region Manager, Department of Fish and Game, phone (562) 342-7210, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend subsection (c) of Section 27.80, Title 14, California Code of Regulations, relating to Ocean Salmon Recreational Fishing – **April Season**.

Informative Digest/Policy Statement Overview

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the Federal fishery management zone (3 to 200 miles offshore) off Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the Federal regulations to achieve optimum yield in California under the Federal Salmon Fishery Management Plan. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these Federal fishery management goals.

On May 1, 2012, NMFS implemented the 2012 Federal ocean salmon regulations, which included the PFMC's recommendation to open the California ocean salmon recreational fishing season south of Horse Mountain on April 6, 2013. While Federal waters south of Horse Mountain will open on April 6, 2013, State waters in this area will not open unless the Commission takes regulatory action to do so.

Two separate Commission actions are necessary to conform the State regulations to Federal rules that will apply in 2013. The proposed regulation would amend subsection 27.80 (c), establishing salmon fishing regulations for the month of April, 2013. Recreational salmon fishing regulations for May 1 through the end of 2013 will be considered in a separate rulemaking action, tentatively scheduled for adoption in April 2013.

Present Regulations

Current regulations [subsections 27.80 (c) and (d)] authorized ocean salmon recreational fishing north of Horse Mountain including Humboldt Bay from May 1 to September 9, 2012. Between Horse Mountain and Pigeon Point, ocean salmon recreational fishing was allowed from April 7 to November 11, 2012. All areas south of Pigeon Point had an ocean salmon recreational fishing season from April 7 to October 7, 2012. For all areas in 2012, the bag limit was 2 fish per day (all species except coho). All areas north of Point Arena had a minimum size limit of 20 inches total length. All areas south of Point Arena had a minimum size limit of 24 inches total length through July 5, 2012 and 20 inches total length thereafter. Since the existing regulations pertained only to the 2012 season, amendment of these regulations is essential to allow for any fishing in State waters during 2013.

Proposed Regulations

For public notice purposes to facilitate Commission discussion, the Department of Fish and Game is proposing three regulatory options to encompass all possible actions that would, or

would not, allow for salmon fishing in the month of April 2013 in various areas of California for Commission consideration:

Option 1 – Varied season dates and regulations in all areas. The ranges proposed below encapsulate all possibilities for Federal ocean salmon regulations that are expected to be in effect April 6 through April 30, 2013. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in Federal ocean waters.

- (1) For all waters of the ocean north of Horse Mountain and in Humboldt Bay: The fishery shall remain closed in this area during April. The remainder of the 2013 season will be decided in April by the PFMC and Commission and the section will be amended pursuant to the regulatory process.
- (2) For the area between Horse Mountain and Point Arena: The season, if any, may open on a date within the range of April 6 through April 30, 2013. The proposed bag limit will be from 1 to 3 fish and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with bag limit, minimum size, and days of the week open will be determined by the Commission, considering Federal regulations applicable to this area for April 2013.
- (3) For the area between Point Arena and Pigeon Point: The season, if any, may open on a date within the range of April 6 to April 30, 2013. The proposed bag limit will be from 1 to 3 fish and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with bag limit, minimum size, and days of the week open will be determined by the Commission, considering Federal regulations applicable to this area for April 2013.
- (4) For the area between Pigeon Point and Point Sur: The season, if any, may open on a date within the range of April 6 to April 30, 2013. The proposed bag limit will be from 1 to 3 fish and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with bag limit, minimum size, and days of the week open will be determined by the Commission, considering Federal regulations applicable to this area for April 2013.
- (5) For the areas south of Point Sur: The season, if any, may open on a date within the range of April 6 to April 30, 2013. The proposed bag limit will be from 1 to 3 fish and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with bag limit, minimum size, and days of the week open will be determined by the Commission, considering Federal regulations applicable to this area for April 2013.

Option 2 - No fishing in all areas. This is the same as the no change alternative as all ocean salmon recreational fishing seasons are currently closed pursuant to Section 27.80 regulations. If adopted, the regulatory text of Option 2 would specifically establish 2013 closed areas.

Option 3 - A possible combination of Options 1 and 2 may be developed after more information is available from the NMFS and PFMC. This may include different opening and closing dates, bag limits, size limits, days of the week open and periodic closures of some but not all areas.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has authority to adopt sport fishing regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mount Shasta Hatchery Museum, 3 North Old Stage Road, Mount Shasta, California, on Wednesday, March 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before February 24, 2013 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 12:00 p.m. on March 4, 2013. All comments must be received no later than March 6, 2013, at the hearing in Mount Shasta, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Mr. Paul Hamdorf, Acting Manager of the Marine Region, Department of Fish and Game, phone (562) 342-7210, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action/Results of the Economic Impact Analysis

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment::

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The Commission anticipates benefits to the State's Environment in the sustainable management of ocean salmon resources. The Commission anticipates benefits to health and safety of California residents in that providing salmon fishing opportunities encourages consumption of a nutritious food.

Additional benefits of the proposed regulations are concurrence with Federal law, and promotion of businesses that rely on recreational ocean salmon fishing.

The Commission does not anticipate benefits to worker safety.

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

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

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

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

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

- (h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

FISH AND GAME COMMISSION

Dated: December 18, 2012

Sonke Mastrup
Executive Director

BOS-11

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
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Fish and Game Commission



December 28, 2012

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TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to subsection (d) of Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing, which will be published in the California Regulatory Notice Register on December 28, 2012.

This is the second of two notices relating to ocean salmon sport fishing and pertains only to the ocean salmon sport fishing regulations for May through November 2013. A separate notice pertaining to the April 2013 ocean salmon sport fishing regulations will also be published in the California Regulatory Notice Register on December 28, 2012.

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

Mr. Paul Hamdorf, Acting Marine Region Manager, Department of Fish and Game, phone (562) 342-7210, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend subsection (d) of Section 27.80, Title 14, California Code of Regulations, relating to Ocean Salmon Recreational Fishing – **May to November Season**.

Informative Digest/Policy Statement Overview

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the Federal fishery management zone (3 to 200 miles offshore) off Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the Federal regulations to achieve optimum yield in California under the Federal Salmon Fishery Management Plan. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these Federal fishery management goals.

Present Regulations

Current regulations [subsections 27.80 (c) and (d)] authorized ocean salmon recreational fishing for the 2012 season. For all waters north of Horse Mountain, including Humboldt Bay, ocean salmon recreational fishing was open from May 1 through September 9, 2012. Between Horse Mountain and Pigeon Point, ocean salmon recreational fishing was allowed from April 7 to November 11, 2012. All areas south of Pigeon Point had an ocean salmon recreational fishing season from April 7 to October 7, 2012. For all areas in 2012, the bag limit was 2 fish per day (all species except coho). All open areas north of Point Arena had a minimum size limit of 20 inches total length. All areas south of Point Arena had a minimum size limit of 24 inches total length through July 5, 2012 and 20 inches total length thereafter.

PFMC Regulatory Outlook

On March 11, 2013, the PFMC will propose a suite of ocean salmon fishery regulatory options after reviewing the most up-to-date salmon abundance information for target stocks and salmon species of special concern, including Sacramento River Winter Chinook which is listed as endangered under both Federal and State Endangered Species Acts (ESAs). These options will go out for public review and the final PFMC recommendations for Federal waters will be made on April 11, 2013. The Federal regulations will go into effect on or after May 1, 2013 and may include:

1. the minimum size of salmon that may be retained;
2. the number of rods anglers may use (e.g., one, two, or unlimited);
3. the type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
4. the number of salmon that may be retained per angler-day or period of days;

5. the definition of catch limits to allow for combined boat limits versus individual angler limits;
6. the allowable fishing dates and areas; and
7. the overall number of salmon that may be harvested, by species and area.

Commission Regulatory Outlook

Although there are no PFMC regulatory options to consider until March, the 2013 ocean salmon sport fishing regulations could range from no fishing in all areas off California to limited salmon fishing for varied areas and dates to be determined between May 1, 2013 and November 10, 2013. The final PFMC recommendations made on April 11, 2013 will serve as the basis for the State's ocean salmon sport fishery regulations for May 2013 through the end of the year.

Concurrent Regulatory Action

Two separate Commission actions are necessary to conform the State regulations to Federal rules that will apply in 2013.

The proposed regulations will establish ocean salmon sport fishing regulations (e.g., open/closed days, minimum size limits, bag limits) that would be effective for May 2013 through the end of the year [subsection (d) of Section 27.80].

The Commission will be considering ocean salmon sport fishing regulations (e.g., open/closed days, minimum size limits, bag limits) that would be effective for April 6-30, 2013 [subsection (c) of Section 27.80] in a separate rulemaking package, tentatively scheduled for adoption on March 6, 2013.

Proposed Regulations

For public notice purposes and to facilitate Commission discussion, the Department is proposing three regulatory options to encompass all possible actions that would, or would not, allow for salmon fishing on or after May 1 in various areas of California for Commission consideration:

Option 1 – Varied season dates and regulations in all areas. The ranges proposed below encapsulate all possibilities for Federal ocean salmon regulations that are expected to be in effect on or after May 1, 2013. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in Federal ocean waters.

- (1) For all waters of the ocean north of Horse Mountain and in Humboldt Bay: The season, if any, may occur within the range of May 1 through September 30, 2013.
- (2) For the area between Horse Mountain and Point Arena: The season, if any, may occur within the range of May 1 to November 10, 2013.
- (3) For the area between Point Arena and Pigeon Point: The season, if any, may occur within the range of May 1 to November 10, 2013.
- (4) For the area between Pigeon Point and Point Sur: The season, if any, may occur within the range of May 1 to October 6, 2013.

- (5) For the areas south of Point Sur: The season, if any, may occur within the range of May 1 to October 6, 2013.

For all areas, the proposed bag limit will be from one to three fish and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with bag limit, minimum size, and days of the week open will be determined in April by the Commission considering Federal regulations and may be different for each sub-area.

Option 2 - No fishing in all areas. This is the same as the no change alternative as all ocean salmon recreational fishing seasons are currently closed pursuant to Section 27.80 regulations. If adopted, the regulatory text of Option 2 would specifically establish 2013 closed areas.

Option 3 - A possible combination of Options 1 and 2 may be developed after more information is available from the NMFS and PFMC. This may include different opening and closing dates, bag limits, size limits, days of the week open and periodic closures of some but not all areas.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has authority to adopt sport fishing regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mount Shasta Hatchery Museum, 3 North Old Stage Road, Mount Shasta, California, on Wednesday, March 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS FURTHER GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Flamingo Conference Resort & Spa, 2777 Fourth Street, Santa Rosa, California, on Wednesday, April 17, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 7, 2013 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 12:00 p.m. on April 15, 2013. All comments must be received no later than April 17, 2013, at the hearing in Santa Rosa, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Mr. Paul Hamdorf, Acting Manager of the Marine Region, Department of Fish and Game, phone**

(562) 342-7210, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action/Results of the Economic Impact Analysis

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment::

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed regulations range from no salmon fishing in 2013 to a normal ocean salmon season; therefore, the potential impacts range from 0 to 1,400 jobs depending on which option is ultimately adopted by the Commission. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable salmon stocks and, subsequently, the promotion and long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for an ocean salmon sport fishery encourages consumption of a nutritious food.

The Commission anticipates benefits to the environment by the sustainable management of California's ocean salmon resources.

Additional benefits of the proposed regulations are concurrence with Federal law, and promotion of businesses that rely on recreational ocean salmon fishing.

The Commission does not anticipate any non-monetary benefits to worker safety.

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

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

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

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

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

(h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: December 18, 2012

Board of Supervisors

To: BOS-Supervisors
Subject: FW: MOH Draft Analysis - Impediments to Fair Housing, Institutional Growth and the loss of Family Housing in SF
Attachments: 130102_MOHNOAdraftImpediments.pdf

From: Aaron Goodman [<mailto:amgodman@yahoo.com>]

Sent: Wednesday, January 02, 2013 10:07 PM

To: Board of Supervisors

Cc: Wycko, Bill; sarah.dennis@sfgov.org; Rahaim, John

Subject: MOH Draft Analysis - Impediments to Fair Housing, Institutional Growth and the loss of Family Housing in SF

Mayor's Office of Housing

Please find the attached memo including this email in regards to the EIR on the MOH Draft Analysis on the Impediments to Fair Housing.

The largest impediment is the lack of essential rental housing stock and how institutional growth is not being assessed adequately by the Mayor's Office of Housing in how MOU's are being ignored under-used and un-reinforced and ensuring that family housing is not devoured by enrollment increases by Universities and Institutional development citywide.

As there was no direct email to submit the memo I have cc'd Bill Wycko and John Rahaim to forward to the appropriate party for inclusion as a comment memo. .

I believe the only way to really ensure housing stock for the future is that the city government does adequate planning with public input to envision or re-envision the current large scale proposals to ensure infill and adequate density limits are discussed in relation to open-space loss and density per unit. This should not only be at the behest of developers and profiteering financial institutions but actual planning for essential housing stock in a similar vein to how large-scale housing was done in the post WW2 years with a minimum profit margin. With the ongoing discussion of micro-unit legislation, and the lack of adequate family housing stock, there is a distinct need to address the re-carving out of areas for family styled housing density that is not a "rat-stack-box" mentality towards housing but more of a cooperative shared open-space layout to densifying homes and neighborhoods along commercial corridors. It cannot be just the developers that target multiple block redevelopment but city housing agencies in terms of land-acquisition and protection to ensure that public school sites are not sold off, unless we consider the use of the sites for school/housing and public use interests first.

A larger envisionment of design, creative concepts of housing density above roadways and existing mall areas even carving into existing neighborhoods through use of eminent domain and accessing land in multiple districts in SF by the city, and a better utilization of the publics input is required to think outside the box on housing development in SF.

The housing element and SF General Plan changes implemented to date benefit the few financially vested interest groups in SF and does not alleviate the consistent need for new RENTAL housing development that is below 30% of income levels in a recession cost wise for tenants and renter's including many seniors, students and working families.

Sincerely

Aaron Goodman

Aaron Goodman
25 Lisbon St.
San Francisco, CA 94112
T: 415.786.6929
E: amgodman@yahoo.com

January 4, 2013

MOH Analysis of Impediments to Fair Housing Staff
1 South Van Ness Avenue (5th Floor)
San Francisco, CA 94103

E: SF Board of Supervisors, MOH, Planning EIR Review Officer Bill Wycko

Re: EIR Draft of the Analysis of Impediments to Fair Housing

I would like to submit a memo of concern regarding the draft analysis in terms of the overall review of Rental Housing Stock analysis and the overall impacts of Institutional Growth (ex: CPMC Medical Center and the SFSU-CSU Masterplan purchase of University Park North and University Park South) MOU's and the lack of housing impact analysis on the western side of San Francisco, and the need to more accurately document the expulsion of families as a protected class in San Francisco.

The overall loss of rental housing units has been a steady negative impact on family housing especially in the Parkmerced area and surrounding rental housing stock of the western side of SF.

Recent new developments completed such as the Avalon Apartments on Ocean Ave. do not seem to be documented in terms of existing current housing costs (Note: last I checked these units were renting for over \$2700 per month for a new one-bedroom).

The overall impacts of loss of open-space in relation to dense housing development in SF and the need to assess how dense family housing needs need to be balanced with adequate transit connectivity, and open-space creation/preservation in urban renewal strategies so that preservation and infill strategies are a primary factor in EIR's and CEQA analysis strategies by the SF Planning Department to prioritize public input and options to provide better alternatives than standardized CEQA analysis submittals on housing options.

The impact of an imbalance in housing development and what strategies is the MOH taking to balance the need for a more equitable development of RENTAL housing to for-sale housing in the type of housing provided.

The need to re-install a solid section of the housing element providing for the EQUITABLE development and maintaining of RENTAL housing stock to for-sale housing stock and the need to provide

OPPORTUNITIES for renting vs. owning or buying in as a savings measure for families looking to live in the bay area.

I would request that data and analysis be provided as a part of this housing update, or a nexus study on SFSU-CSU housing impacts on Parkmerced and Stonestown Apartments along with CPMC and the Academy of Art University to provide a closer informative study for the public's information on who currently now lives at Parkmerced and what changes have occurred since the land-purchases by CSU-SFSU since 2000-2004. This data should be readily available from the SFSU-CSU Housing authorities and should provide adequate information along with any information by Parkmerced's current ownership on the overall housing shifts on site, and how student population and unit-sharing has caused drastic change in the housing composition at Parkmerced without adequate review and informative changes being proposed to help stem the LOSS of affordable rental housing to Families in SF.

Newer and more inventive solutions must be approached to include density in multiple neighborhoods and not targeted redevelopment in poor or low-income areas where families are consistently being pushed out of the urban boundaries.

Thank you for your consideration of these comments.

Sincerely

Aaron Goodman

From: McGuire, Kristen on behalf of Reports, Controller
Sent: Monday, January 07, 2013 11:12 AM
To: Calvillo, Angela; Nevin, Peggy; BOS-Supervisors; BOS-Legislative Aides; Kawa, Steve; Howard, Kate; Falvey, Christine; Elliott, Jason; Campbell, Severin; Newman, Debra; sfdocs@sfpl.info; CON-EVERYONE; CON-CCSF Dept Heads; CON-Finance Officers; Martin, John (SFO); Caramatti, Jean; McCoy, Tryg; Fermin, Leo; Tang, Wallace; Nashir, Cheryl; ema@mgocpa.com; eventwest@aol.com; larry.garnick@garnick.com
Subject: Issued: Airport Commission: Audit of D-Lew Enterprises, LLC dba Perry's

The City and County of San Francisco's Airport Commission (Airport) coordinates with the Office of the Controller's City Services Auditor Division (CSA) to periodically audit the Airport's tenants and airlines. CSA engaged Macias Gini & O'Connell LLP (MGO) to audit tenants and airlines at San Francisco International Airport to determine whether they complied with the reporting, payment, and selected other provisions of their agreements with the Airport.

CSA today issued the report of MGO's recent audit of D-Lew Enterprises, LLC dba Perry's (Perry's). Perry's correctly reported gross revenues of \$16,931,244 and correctly paid rent of \$1,967,749 to the Airport. However, Perry's had multiple late payments resulting in late fee assessments of \$1,043. The Airport does not intend to collect this amount because before April 1, 2012, its standard practice was not to collect late fees from tenants.

To view the full report, please visit our website at: <http://co.sfgov.org/webreports/details.aspx?id=1525>

This is a send-only email address.

For questions about the report, 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.

City and County of San Francisco

Office of the Controller – City Services Auditor

AIRPORT COMMISSION:

**D-Lew Enterprises, LLC dba
Perry's Correctly Paid Its Rent,
but Owes \$1,043 in Late Charges
for January 1, 2010, Through
December 31, 2011**



January 7, 2013

**OFFICE OF THE CONTROLLER
CITY SERVICES AUDITOR**

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

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

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

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

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

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

CSA Audit Team: Winnie Woo, Associate Auditor

Audit Consultants: Macias Gini & O'Connell LLP (MGO)



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

January 7, 2013

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

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

Dear Commission President, Commissioners, and Mr. Martin:

The City and County of San Francisco's Airport Commission (Airport) coordinates with the Office of the Controller's City Services Auditor Division (CSA) to conduct periodic concession or compliance audits of the Airport's tenants and airlines. CSA engaged Macias Gini & O'Connell LLP (MGO) to audit the Airport's tenants to determine whether they complied with the reporting, payment, and other selected provisions of their leases.

CSA presents the attached report for the concession audit of D-Lew Enterprises, LLC dba Perry's (Perry's) prepared by MGO.

Reporting Period: January 1, 2010, through December 31, 2011

Rent Paid: \$1,967,749

Results:

Perry's correctly reported gross revenues of \$16,931,244 and correctly paid rent to the Airport. However, Perry's made multiple late payments resulting in late fee assessments of \$1,043.

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

CSA appreciates the assistance and cooperation of Airport and tenant staff during the audit. For questions about the report, please contact me at Tonia.Lediju@sfgov.org or 415-554-5393, or CSA at 415-554-7469.

Respectfully,

Tonia Lediju
Director of City Audits

Attachment

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

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

**PERFORMANCE AUDIT REPORT
D-LEW ENTERPRISES, LLC
dba Perry's**

January 1, 2010 through December 31, 2011



Certified Public Accountants.



Performance Audit Report

Macias Gini & O'Connell LLP (MGO) presents its report concerning the performance audit of D-Lew Enterprises, LLC (Perry's) as follows:

Background

Perry's operates under a lease and operating agreement (lease) with the Airport Commission of the City and County of San Francisco (Commission) to operate a restaurant at the San Francisco International Airport (SFO). Perry's entered into this agreement on May 3, 2004. The agreement expires August 4, 2015. The agreement requires Perry's to submit to the Airport Department (Airport) a monthly report showing its sales revenue and rent due.

For the period of our performance audit, January 1, 2010 through December 31, 2011, the lease required payment of the greater of monthly minimum rent or percentage rent described below.

- Lease:** 03-0198
- Reporting Periods:** January 1, 2010 through December 31, 2011
- Lease Term:** March 15, 2005 through August 4, 2015
- Percentage Rent:** 8% of Gross Revenues achieved up to and including \$600,000, plus,
10% of Gross Revenues achieved over \$600,000.01 up to and including \$1,000,000; plus
12% of Gross Revenues achieved over \$1,000,000.01.

Minimum monthly rent is specified in the lease and has step increases stipulated by the lease.

Minimum Annual Guarantee	
Period	03-0198
Lease Year ended 2010	\$ 163,485.00
Lease Year ended 2011	164,211.60

The percentage rent owed each month in excess of the monthly minimum is due as additional rent to the Airport.

Objective and scope

The purpose of this performance audit was to obtain reasonable assurance that Perry's complied with the reporting, payment and other rent related provisions of its lease with the Commission. Based upon the provisions of the City and County of San Francisco PSC# 4042-11/12 dated April 1, 2012 between MGO and the City and County of San Francisco, and per Appendix A therein, the objectives of our performance audit were: verify that revenues for the audit period were reported to the Airport in accordance with the lease provisions, and that such amounts agree with the underlying accounting records; identify and report the amount and cause of any significant error (over or under) in reporting together with the impact on rent payable to the Airport; and identify and report any recommendations to improve record keeping and reporting processes of Perry's relative to its ability to comply with lease provisions; and identify and report any recommendations to improve the Airport's compliance with significant lease terms and lease management activities.

Methodology

To meet the objectives of our performance audit, we performed the following procedures: reviewed the applicable terms of the lease and the adequacy of Perry's procedures for collecting, recording, summarizing and reporting its sales revenue to the Airport; selected and tested samples of daily and monthly sales revenue; recalculated monthly rent due; and verified the timeliness of reporting revenues and rent and submitting rent payments to the Airport.

Audit Results

Gross revenues and percentage rent are defined in the Lease Agreement for Domestic Terminals Food and Beverage Facility at the San Francisco International Airport between the City and County of San Francisco and Perry's.

The table below shows Perry's reported total gross revenue and percentage rent paid to the Airport.

**Sales Revenues and Percentage Rent Paid
January 1, 2010 through December 31, 2011**

<u>Lease Period</u>	<u>Total Revenue Reported by Tenant</u>	<u>Calculated Percentage Rent Stipulated by Lease</u>	<u>Minimum Rent Stipulated by Lease</u>	<u>Additional Rent Due</u>	<u>Rent Paid Per Airport Payment Records</u>	<u>(Over) Payment</u>
	A	B	C	D (B-C)	E	F (B-E)
January 1, 2010 through December 31, 2010	\$ 8,201,151	\$ 952,138	\$ 163,485	\$ 788,653	\$ 952,138	\$ -
January 1, 2011 through December 31, 2011	<u>8,730,093</u>	<u>1,015,611</u>	<u>164,212</u>	<u>851,399</u>	<u>1,015,611</u>	<u>-</u>
Total	<u>\$ 16,931,244</u>	<u>\$ 1,967,749</u>	<u>\$ 327,697</u>	<u>\$ 1,640,052</u>	<u>\$ 1,967,749</u>	<u>\$ -</u>

For the lease years ended December 2010 and 2011, the Airport did not issue any credit memos to Perry's.

Finding 2011-1 - Late Payment

During our testing of lease payments made by Perry's to the Airport, we noted that Perry's had multiple late lease payments.

Per lease agreement No. 03-0198, Section 4.3g Monthly Rent Payment, "Any rent not paid when due shall be subject to a service charge equal to the lesser of the rate of 1.5% per month, and the maximum rate permitted by law."

We recalculated the late fee assessment for lease years ended December 2010 and 2011 to be \$1,043.

Recommendation 2011-1

We recommend that the Airport collect \$1,043 from Perry's for uncollected late fees during the audit period. Additionally, we recommend that the Airport establish procedures to ensure proper review of the payment receipt date, calculation of late fees per the terms of the lease agreement and timely collection of calculated late fees.

We conducted this performance audit in accordance with the provisions of our contract, as outlined in the objective and scope section above, and in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Our performance audit report is limited to those areas specified in the scope and objectives section of this report.

This report is intended solely for the information and use of Perry's, the Commission and the City and County of San Francisco, and is not intended to be and should not be used by anyone other than these specified parties.

Walnut Creek, California
November 13, 2012



San Francisco International Airport

November 8, 2012

Ms. Tonia Lediju
Director of Audits
Office of the Controller
City Services Auditor Division
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 477
San Francisco, CA 94102

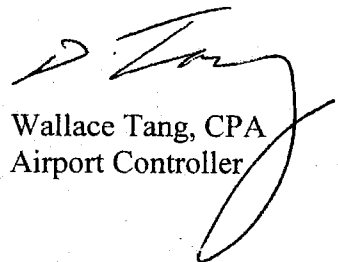
Subject: Performance Audit – D-Lew Enterprises, LLC dba Perry's


Dear Ms. Lediju:

Attached is the completed Audit Recommendation and Response Form regarding the performance audit of D-Lew Enterprises, LLC (Perry's).

If you have any questions, please feel free to call us at (650) 821-2850 (Wallace) or (650) 821-4501 (Cheryl).

Very truly yours,


Wallace Tang, CPA
Airport Controller


Cheryl Nashir
Associate Deputy Airport Director
Revenue Development and Management

Attachment

cc: Eugene Ma – MGO
Mark Tipton - CSA
Winnie Woo – CSA

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

LARRY MAZZOLA
PRESIDENT

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VICE PRESIDENT

ELEANOR JOHNS

RICHARD J. GUGGENHIME

PETER A. STERN

JOHN L. MARTIN
AIRPORT DIRECTOR



Post Office Box 8097 San Francisco, California 94128 Tel 650.821.5000 Fax 650.821.5005 www.flysfo.com

AIRPORT COMMISSION: PERFORMANCE AUDIT OF D-LEW ENTERPRISES, LLC (PERRY'S)

For each recommendation, indicate whether you concur, do not concur, or partially concur with the recommendation. If you concur with the recommendation, please indicate the expected implementation date and your implementation plan. If you do not concur or partially concur, please provide an explanation and an alternate plan of action to address the identified issue.

AUDIT RECOMMENDATION AND RESPONSE

Recommendation	Responsible Agency	Response
<p>1. We recommend that the Airport collect \$1,043 from Perry's for uncollected late fees during the audit period. Additionally, we recommend that the Airport establish procedures to ensure proper review of the payment receipt date, calculation of late fees per the terms of the lease agreement and timely collection of calculated late fees.</p>	<p>San Francisco International Airport</p>	<p>Partially concur with alternate plan of action. A new procedure was established effective April 1, 2012 whereby a service charge of 1.5% per month is automatically charged for late payments of rent, operating fees, and other billable services. Property managers are notified through accounting regarding late payments monthly.</p> <p>Prior to April 1, 2012, the Airport did not collect for late fees as a standard practice therefore we do not recommend collecting late fees for any period before this date.</p>

Name: Wallace Tang Name: Cheryl Nashir
 Title/Organization: Airport Controller Title/Organization: Associate Deputy Airport Director
 Telephone Number: (650) 821-2850 Telephone Number: (650) 821-4501
 Signature:  Signature: 
 Date: 11/8/2012 Date: 11-8-12

D-LEW ENTERPRISES, LLC



December 21, 2012

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

RE: Performance Audit Report

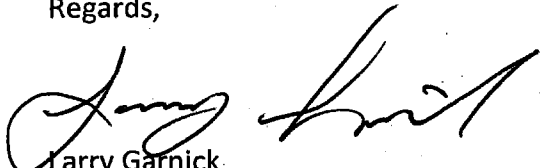
Dear Ms. Lediju,

I am writing in response to the Performance Audit Report for D-Lew Enterprises, LLC dba Parry's for the period January 1, 2010 through December 31, 2011.

I have reviewed and agree with the findings in the audit report. Regarding Finding 2011-1 – Late Payment, we will make every effort to remit payments by their due dates in accordance with the terms of our lease.

We deliver payments via US mail and we are not aware of the actual dates that our payments are actually received credited to our account by the Airport Commission. During the audit period we were never informed by the Airport Commission that any of our payments had been considered late and we hope that the Airport Commission will consider enforcing the late fee policy on a go-forward basis and notify us timely of any late payments so we can address the issue quickly and minimize interest charges.

Regards,


Larry Garnick
Acting CFO

File 120987

Board of Supervisors

To: Avalos, John; Miller, Alisa
Subject: File 120987: from Allan Kaplan, re Woodhouse on the Green

From: Allan Kaplan [mailto:akaplan@ipro.com]
Sent: Wednesday, January 02, 2013 10:28 PM
To: Avalos, John
Cc: Farrell, Mark; Board of Supervisors
Subject: from Allan Kaplan, re Woodhouse on the Green

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

Dear Supervisor Avalos. Happy 2013. I am writing in support of the lease to the MacNiven family of the Marina Degaussing Station for a friendly neighborhood facility.

Some controversy has erupted, it being San Francisco after all and in our citizen's DNA, primarily from a very few locals across the street and their (possibly paid) partisans.

These 10-or-so opponents certainly knew the Marina Green was a not a quiet cul-de-sac when they bought their expensive properties – in fact, most if not all, enjoy double or triple-pane windows and bedrooms in the back, yet now, despite other active use of the Green, appear to feel a small neighborhood place, on an existing footprint, will somehow destroy their domestic idyll.

I don't think so. Nor have any other opponents surfaced, other than friends of the Marina 10.

The level of conspiracy theory and outlandish spinning on what could happen is ridiculous and disappointing.

I am writing as someone who lives diagonally across the street, in view, and who is aware of all noises in the area, including the Harley hogs wailing at 1:00 am on their way across the GG Bridge, to indicate my support of this Rec&Parks project.

And see below for a longer, more detailed email sent to my Supervisor, Mark Farrell.

Thanks. Allan Kaplan

On Tue, Dec 4, 2012 at 3:41 PM, Allan Kaplan <akaplan@ipro.com> wrote:

Thanks Supervisor Mark. I am a fan of the project. I also understand your needs representing the district.

I do feel badly for the working-class MacNiven's who have spent a good deal of money and I think around two years working on this with Rec&Park and others, thinking they were all but done and ready to go, and are now getting slingshoted around.

And while sympathetic to the concerns of those very few (wealthy and perhaps powerful) directly across the street on Marina Boulevard, the building has been there, had some uses over the years, and notwithstanding competing interests, the City has the right to develop/re-develop this for the greater good.

Board of Supervisors

From: Abigail Severance [mailto:mail@change.org]
Sent: Wednesday, January 02, 2013 4:21 PM
To: Board of Supervisors
Subject: Why I signed -- Scott Weiner consistently prioritizes

Follow Up Flag: Follow up
Flag Status: Flagged

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

Dear San Francisco Board of Supervisors 2013,

I just signed Vibrant Castro Neighborhood Alliance's petition "[San Francisco Board of Supervisors 2013: Oppose Supervisor Scott Wiener for 2013 Board President & Committee Chairs](#)" on Change.org.

Here's why I signed:

Scott Weiner consistently prioritizes business and commercial interests over SF's communities and neighborhoods. He has a track record of ignoring or avoiding community input and process, and he shows disdain for policies that would maintain the diverse populations that have made San Francisco a dynamic, vibrant and democratic city.

Sincerely,
Abigail Severance
Los Angeles, California

There are now 319 signatures on this petition. Read reasons why people are signing, and respond to Vibrant Castro Neighborhood Alliance by clicking here:
<http://www.change.org/petitions/san-francisco-board-of-supervisors-2013-oppose-supervisor-scott-wiener-for-2013-board-president-committee-chairs?response=7a9f431ff527>

216 West 104th Street | Suite #130 | New York, NY | 10025

Board of Supervisors

To: BOS-Supervisors
Subject: San Francisco parking fees

From: Sharon Elliott [<mailto:sharonseewater@gmail.com>]

Sent: Saturday, January 05, 2013 10:39 AM

To: Board of Supervisors

Subject: San Francisco parking fees

On Sunday, January 6, 2013 will expand Sunday parking meter charges throughout the city. They are also considering expansion of the evening hours for meters.

I am vehemently against this and feel this action on the part of the City and its transportation agency, the SFMTA will only serve to heighten San Francisco's already rapidly growing status as a city unfriendly to small businesses, citizens and visitors.

Sunday is the one day where we should not have to pay for street parking. Many of our leisurely activities like brunch with family and friends and a Sunday matinee would be direly impacted upon. Many businesses would lose customers to other Bay Area cities that have a friendlier stance with their citizens and visitors.

I am a resident of Oakland, and avoid coming into San Francisco most days because of parking issues and because public transportation does not often meet my needs (too far away, too much time, etc.). I also have been a tourist in San Francisco and experienced much frustration with parking. I will not be coming in to the city on Sundays with this implementation. That means that all businesses there lose my economic support.

Reverse this, it doesn't do anyone any good.

Sincerely

Sharon Elliott

Board of Supervisors

From: D.S. Robinson [robinsond849@ymail.com]
Sent: Saturday, January 05, 2013 12:49 PM
To: robinsond849@ymail.com; rschultz@cabq.gov; wd.torpy@lacnm.us; officeofthemayor@oaklandnet.com; office@sfbahai.org; Governor.Gregorie@Governor.wa.gov; gavin@gavinnewsom.com; gov@gov.state.nm.us; governor@governor.CA.gov; comments@whitehouse.gov; president@whitehouse.gov; patboyer@unm.edu; countycouncil@lacnm.us; clerks@lacnm.us; unmpres@unm.edu; mayorberry@cabq.gov; michael@joyjunction.org; Lee, Mayor; Board of Supervisors; bcomptone@sftc.org; NEBernalillo HSD ISD; eldenpennington@yahoo.com; jowillaf@gmail.com; special.litigation@usdoj.gov; SFPD.northern.station@sfgov.org; District Attorney; SFPD.central.station@sfgov.org; info@abqhch.org
Subject: PRESSING CRIMINAL CHARGES

Dear ALL CONCERNED;

As I stated to you all, I am pressing criminal charges against (1) The Los Alamos Police Department (2) Pat A. Casados, and other judges, including the Pro Tem of the Superior Court (3). All Attorneys in this case, including the Clark, Clarke, Jones, and Pennington, LLC, and Ben Bauer, and Victoria Doom and Art Bustos, and Matthew Rothschild, and so forth (4) the HSD in Oakland, San Francisco, CA, and the States of New Mexico and Washington State (5). The Health Care for the homeless and UNM security and Hospitals and Lovelace in NM, as well as HCH in Santa Fe, and Helathy Choice San Francisco, and General Hospital and St. Francis Memorial and Los Alamos Medical Center, and Tom Waddell, and ESC for Nurse Mayes, and so forth (6). The people at the Next Door Shelter, (6) Eveline S. Robinson and Jowilla Forman, and some others, (8) Mayor Lee, (9) the San Francisco Police, (10) the Cynthia Hires Robinson and Eugene Sant Robinson, Jr. Family (11) the Baha'i Faith, and so forth (11) Jermery Reynolds

I have no other choice, I will write it in an email, and then I will follow through on Monday to go over the complaint. I am sure this will come to an end soon, all the Gertrude Krasin Family as well as the SSI Offices in NM and CA,

Thank You

Deborah Sant Robinson

BOS-11

EARLY
EDUCATION
DEPARTMENT



20 Cook Street, Room 9
San Francisco, CA 94118

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2013 JAN - 7 PM 3:53

January 2, 2013

San Francisco County Board of Supervisors
1 Dr. Carlton B. Goodlett Place, #244
San Francisco, CA 94102
Ph: 415-554-5184

Dear Members of the Board of Supervisors,

The San Francisco Unified School District's Early Education Department (EED) will be celebrating its 70th anniversary during the month February, 2013.

Established in 1943 with four sites created by President Franklin Roosevelt's Works Projects Administration, the centers were part of the San Francisco School District to provide the city's families with care and education for their pre-school aged children during World War II years.

Today, the Early Education Department has grown to 43 sites serving over 4,000 students including infants, toddlers, preschool students, transitional Kindergarten students, as well as kindergarten through fifth grade students during non-school hours. In the state of California, we are one of the largest providers of Early Education with over 90% of our students receiving completely free or subsidized care based on their family income and with more than 75% of our families speaking a language other than English at home.

As part of our planned festivities to mark our anniversary, a dinner will be held on February 8, 2013. The SFUSD Early Education Department would be honored if your office could provide a letter of congratulations or document to commemorate our 70th anniversary, which would be presented at the dinner as well as other celebrations during the month of February, and then displayed permanently at our central office.

Please don't hesitate to contact us should you need further information.

With appreciation,

EED 70th

The SFUSD Early Education Department 70th Anniversary Committee
Email: TiuS@sfusd.edu ~ Office (415) 750-8535

Happy New Year everyone of you. My name is Abdalla Megahed. I hope and wish that year 2013 can be better for all of us.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 JAN - 7 PM 1:49

Today is January 8, 2013, that is the first meeting for our San Francisco supervisor and including our mayor Ed Lee. This week we are going to have two of supervisors London Breed and Norman Yee. Both of them to replace our former supervisors Christina Olague and Sean Elsbernd in districts 5 and 7. Like everybody else, I wish to give them a warm welcome. And I wish them good luck. I hope that our God give the wisdom, to do

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MAYOR'S OFFICE
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the best for their own district and residents, and help them resolve their problems.

As an American Egyptian native, I have spent over 28 years of my life as an independent volunteer and as a community and homeless advocate who fight for the homeless who can't fight for themselves.

Yes, I challenge some of our supervisors and the mayor of our City, because I requested of them to help the poor, homeless, who live in our city and our rich country. I have also brought the issues of the poor

homeless to the White House and presidents George W Bush and Barack Obama, who have opened their eyes to these issues. It is a shame to see the poor homeless in street of San Francisco and looking for something to eat in the garbage.

I wish and hope in the new year to stop the people coming here to this room wasting our time to sing or dance or taking off their clothes.

That's because behind our channel 26 government, we have also the internet and the Facebook to broadcast everything to the world. Finally, to our supervisors, I wish you good luck

and success in 2013. And I hope our president Barack Obama return to my country Egypt the money that Hosnni Mubarak stole from us before.

Abdalla Megahed

Sincerely, *Abdalla Megahed*

Abdalla Megahed

January 8, 2013

Board of Supervisors

To: BOS-Supervisors; Lamug, Joy
Subject: SF Board of Appeals Jan 9th Hearing re: [800 Brotherhood Way - Assessor's Block 7331/Lot003 + 7332/Lot002]
Attachments: 121231_800Brotherhood.pdf; 121231_800Brotherhood.docx

From: Aaron Goodman [mailto:amgodman@yahoo.com]
Sent: Tuesday, January 01, 2013 6:56 PM
To: Goldstein, Cynthia
Cc: Board of Supervisors; Crawford, Rick; Rahaim, John; Kornfield, Laurence
Subject: SF Board of Appeals Jan 9th Hearing re: [800 Brotherhood Way - Assessor's Block 7331/Lot003 + 7332/Lot002]

January 2, 2013
SF Board of Appeals Jan 9th Hearing
Attn: Cynthia Goldstein SF Board of Appeals
re: [800 Brotherhood Way - Assessor's Block 7331/Lot003 + 7332/Lot002]

Please find the attached memo in support of the appellants on the 800 Brotherhood Way project and concerns on impropriety regarding initiation of work by a new owner for the development of the sites noted above.

The concern stems primarily of the proximity to the Lake Merced area, a large re-grading project along a prior drainage area that leads to Lake Merced, the Letter of Determination that was contested at a public hearing prior in which I attended and the concerns of the loss of open-space in an area where development pressures are removing most of the tenants open-space areas around the perimeter of the Parkmerced site while densifying it without adequate compensation, loss-of-use reduction in rents, and impacts environmentally on the surrounding habitat and migratory bird areas adjacent to the coastal fly-zone.

Thank you for forwarding the attached .pdf and memo (Microsoft 2007 version) to the SF Board of Appeals Members

Sincerely

Aaron Goodman
25 Lisbon St
SF, CA 94112

Aaron Goodman
25 Lisbon St.
San Francisco, CA 94112
T: 415.786.6929
E: amgodman@yahoo.com

January 2, 2013

SF Board of Appeals (cc: SF Planning Department, SFDBI)

E: Cynthia.goldstein@sfgov.org

Re: 800 Brotherhood Way "Grading Permits" and ongoing work on site.

To Whom It May Concern;

I am writing to you to voice my concern and opposition to the grading permits and ongoing work occurring at 800 Brotherhood Way. I request that you forward these concerns as stated below to the SF Board of Appeals for their hearing on the issue on January 9th 2013.

Per hearings that I attended in person on the memo's sent to the owner's attorney at the SF Planning Department there were concise statements by Judge Quentin Kopp and other's concerning the incorrect issuance of a memo of determination by the at the time Zoning Administrator Laurence Badiner on a project that should be considered expired by the SF Planning Department due to the expiration of the conditional use permit.

I spoke with a prior owner's representative of Stellar Management a Mr. Robert Rosania when walking on a site tour in 2008-2009 in which he stated clearly that the ownership of Parkmerced had zero intention of allowing the project to go forward or grant any easement across parkmerced's property.

To date there has not been any notification on re-issuance of any conditional use permit, and this has been approx 7 years since the original conditional use was applied for. There also only recently was a change in ownership of the parcels Assessor's Block 7331/Lot003 and 7331/Lot002 with no known notification to adjacent residents about the prior concerns and issues of the development of market rate housing on the prior open-space area of Parkmerced's original layout. Many new tenants currently have moved in and out of the Parkmerced units along Brotherhood way and adjacent to the site.

Parkmerced's recent court decision was very recent, and appeals are likely so there is concern due to ongoing tree-removal, site surveying and preparations that were noted by one of the owner's representatives to a tenant as being only 2 weeks out from initiation. The tenant spoke with representatives of Comstock Homes Management LCC (supposedly the new owner of the site) and specifically with a Mr. Schnurr and a Chris Hawk of Americorp Homes the owner's representatives and construction person on the site who stated that work would be commencing shortly with possible 7am-7pm work grading shifts 6-7 days per week. This is high-volume and high-noise work occurring adjacent to a rental community with seemingly little recourse and notification to residents who may have

recently moved into the complex un-aware or un-informed by Parkmerced's ownership of the proposals and current efforts underway.

Due to changing concerns both environmentally and physically with multiple large-scale adjacent projects being proposed and submitted as EIR's and per CEQA it is imperative that adequate analysis and information be presented to the public and the public's interests are recorded in the discussion and decision on such a impacting project along Brotherhood Way and 19th Ave. and the adjacency to the Lake Merced watershed, aquifer, and liquifaction concerns raised prior on the Parkmerced project. The project site sits directly beneath and adjacent to the 55 Chumasero tower which along with consistent neglect has shown ground erosion and deterioration adjacent to the hillside where the tower in Parkmerced is being proposed.

I also am concerned that residents in Parkmerced and those that initially opposed the proposed project are being dis-enfranchised from the opportunity to submit public comment and concern regarding the joint impacts of multiple projects on the Parkmerced original outlay, when the court case on Parkmerced's redevelopment has not been thoroughly vetted and may still be appealed.

Please consider the concerned public's interests in this matter and require the developer to re-submit per the CEQA requirements and laws for a new conditional use permit and EIR to determine the cummalative joint impacts of this proposed project now that we have additional projects in court and under review such as the Parkmerced and SFSU-CSU masterplan, and to help make the best public's trust assessment for the development and impacts in this neighborhood and community.

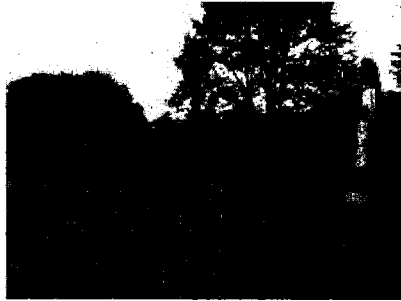
Sincerely

Aaron Goodman

Cc: (SFTU) Ted Gullickson, (HRCSF) Sara Short, (Tenants Together) Dean Preston, Judge Quentin Kopp, Lakeshore Acres Improvement Club, Brotherhood Way Religious Organizations, PmAC Parkmerced Action Coalition, SF Tommorrow, CSFN, SF Tree Council, SF Board of Supervisors.

Attachment's Below:

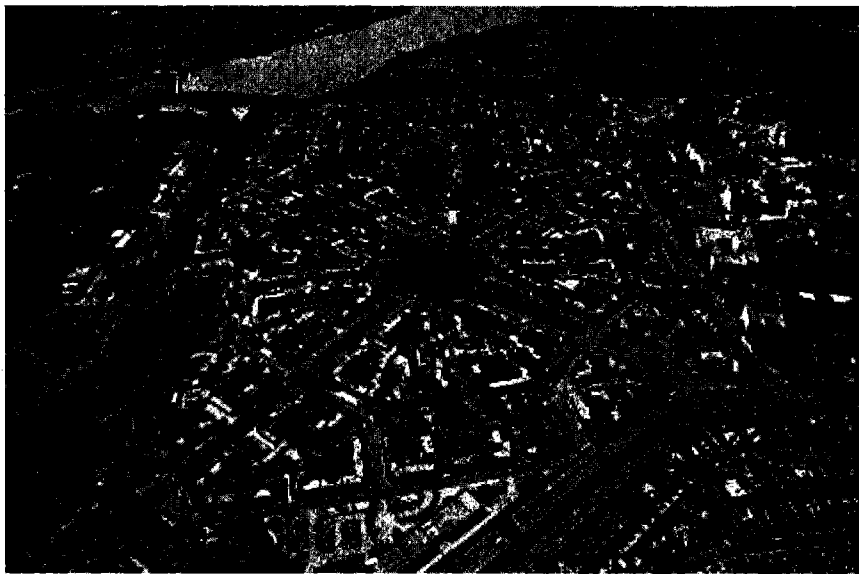
- a) Image of the benny buffano peace statue and peace park, a PUBLIC park along a PUBLIC righ-away.



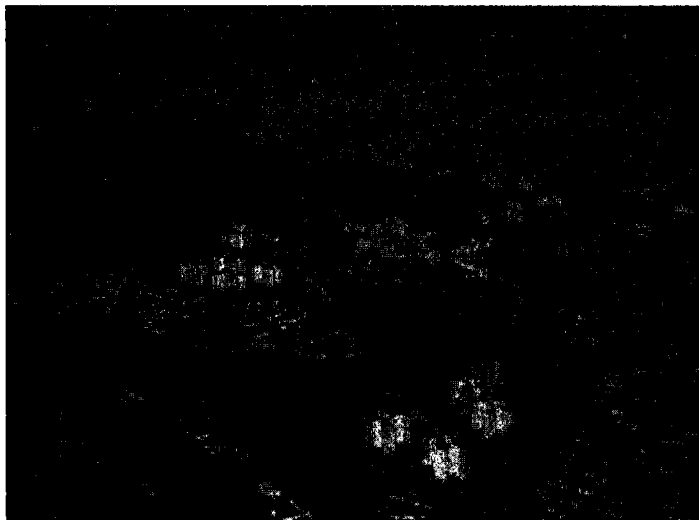
- b) Image of the 55 Chumasero site from the west across the proposed site and showing the proximity to the foundation area of the Chumasero Tower in a high liquefaction zone and engineered hill-side.



- c) Aerial view of Parkmerced and the site at the left bottom of the photograph, historical photos and maps show distinctly that it is part of the prior masterplanned open-space area of Parkmerced providing open space garden area that was utilized by Thomas Dolliver Church to grow plants as a south-facing open-space area for the tenants of Parkmerced. *(Note: due to consistent neglect by prior owner's the site was sold off for "site-landscape" improvements that were passed through to tenants and appealed by residents. Most of these improvements were consistent sell-off's of open-space and communal areas for quick turn profits at the expense of residents future open-space needs.) I highly suggest the idea for a land-swap to determine if the developer/owner currently would be willing to assign this area as a public park area in perpetuity for the right to gain another more developable parcel adjacent to transit and infrastructure due to the proximity to Lake Merced and the coastal areas of SF.



- d) Image showing the proximity to the already dense community of Parkmerced, and the "green-belt" nature of the site in relation to Lake Merced and the California Coastal Zone.



- e) Article published in the Westsideobserver in 2009 by Judge Quentin Kopp on the issues concerning the Brotherhood Way development and the opposition towards development of the site in question.

APPENDIX ARTICLE PUBLISHED IN THE WESTSIDE OBSERVER IN 2009

Where's the Brotherhood?

Brotherhood Way is a very well traveled street West of Twin Peaks containing six religious institutions, five sectarian grammar schools, four Sabbath religious schools and one Masonic Temple. It wasn't always known as Brotherhood Way; prior to 1958, the thoroughfare was called Stanley Drive. Under the leadership of then Mayor George Christopher, unquestionably the best business administrator to lead San Francisco in the post-World War II era, the City and County of San Francisco transferred all the property on the south side of Stanley Drive, which it owned except for the present location of St. Thomas More Roman Catholic Church and school, to religious and educational entities, including the Grand Order of Masons in 1957 and 1958, with the unanimous acquiescence of the Board of Supervisors. Stanley Drive's name was changed to Brotherhood Way by a duly adopted resolution of the Board of Supervisors. The intent was clear: Brotherhood Way connoted City government's intent to devote the entire block between Lake Merced Blvd. and St. Thomas More church to a diverse assembly of religions and accompanying schools.

To further that intent, the Board of Supervisors in the 1970s rejected efforts to purchase and develop for housing of senior citizens a portion of a parcel on the south side of Brotherhood Way. The religious institutions flourished, building beautiful places of worship and schools on land essentially donated for that purpose by City Hall. On the other side of the street, Parkmerced and other property owners treated their real estate in a manner compatible with Brotherhood Way's purpose, eschewing development in the neighboring park placement of Benny Bufano's world famous statue, "Peace."

Almost five decades later, in a sorry episode demonstrating disregard for history and the environment, the San Francisco Planning Commission granted permission to a developer to build 182 residential units on land referred to as 800 Brotherhood Way. It did so without requiring an Environmental Impact Report, instead allowing the developer to submit a so-called mitigated negative declaration, notwithstanding the project's frontage at 3711 19th Avenue or the cumulative effects of traffic, noise and other environmental elements. The Planning Commission did so over the earnest opposition of the St. Thomas More Parish Council, Congregation Beth Israel-Judea, Calvary Armenian

Congregational Church, St. Gregory Armenian Apostolic Church, KZV Armenian School, Lake Merced Church of Christ, Brotherhood Masonic Temple, the Greek Orthodox Church of the Holy Trinity and the Lakeshore Acres Improvement Club, of which I have been a member since 1973. An appeal by this congeries of institutions known as the Brotherhood Way Coalition to the Board of Supervisors was rejected. The Coalition's suit in San Francisco Superior Court and review by the Court of Appeal failed, the Planning Commission having approved with specific conditions the Conditional Use of the parcel by the developer on May 5th 2005 and the Board of Supervisors having rejected on August 16th, 2005 the Coalition's request for relief.

The development itself and the Conditional Use Authorization violated the limitations of the Residential Mixed Low Density and Residential Mixed, High Density district controlling the parcel. A principle condition imposed on the project sponsor was that it "provide and maintain publicly accessible pedestrian paths from Brotherhood Way through the site to MUNI routes on Gonzales Drive and Font Blvd." In the Planning Department's own words, the reason for the imposition of such conditions was to improve transit access for such residential development and to "provide social connections between residents of the project and surrounding residential development." In other words, project sponsor was required to obtain an easement through Parkmerced's lands so as to furnish access to the Municipal Railway for the buyers of the 182 planned units. That has never happened.

Under the Planning Code, a Conditional Use Permit expires in three years. That is, the project must be commenced and completed in this instance by May 18, 2005, three years after Planning Commission grant of this deviation from the San Francisco planning code. The Planning Code also provides that authorization of a change in any condition previously imposed in authorizing a Conditional Use shall be subject to the same procedures as a new Conditional Use, namely, approval by the Planning Commission.

After the approval, the developer/project sponsor failed to secure the necessary easement to provide for the pedestrian connection to the MUNI although its lawyer wrote the deed of sale for his client. To overcome such failure, the project sponsor then requested, without notice to the Brotherhood Way Coalition or its constituent institutions, a "Letter of Determination" regarding such condition of approval of the Conditional Use Authorization for the 800 Brotherhood Way development. In violation of §Sec 303 (e) of the San Francisco Planning Code, which confers on the Planning Commission the sole power to grant any such absolution, Zoning Administrator Lawrence B. Badiner

issued a letter on November 7, 2008 deleting such condition and instead allowed fulfillment of such condition by construction of a pedestrian pathway to within 10 feet of the Parkmerced property line. Badiner sent no copy of his November 7, 2008 letter to any religious or educational entity on Brotherhood Way.

Subsequently, a coalition member discovered Badiner's illegal action. At a February 26, 2009 meeting of the Planning Commission, I brought it to the attention of the Commission, asking whether the Commission knew its powers had been usurped? Commission members did not know usurpation had occurred. On motion of Commissioner Gwyneth Borden the Commission ordered a public hearing on the action. Unfortunately, more time elapsed before such hearing occurred on May 28, 2009. In the interim, acting on reports of similar previous actions by Badiner, I asked City Attorney Dennis Herrera if he knew of an apparent practice by Badiner to authorize Conditional Use deviations without Commission action. He did not.

On May 28, 2009, Badiner fell on his sword, admitting that he violated §Sec. 303(e) and apologized three times for doing so.

I recommended and requested Commission action to vacate and set aside the November 7, 2008 change in the project sponsor's pedestrian walkway easement requirement through Parkmerced. Other persons testified, including the project sponsor's attorney, who uttered the false assertion to the Commission that the condition only consisted of building a pedestrian walkway to the Parkmerced boundary, not through an easement across Parkmerced to MUNI bustops. (A state bar referral might be in order for that lawyer's misleading statement to a public forum.) The Planning Director stated that since Parkmerced needed a Planning Commission permit to rearrange numerous residential units therein, that would provide opportunity to persuade Parkmerced to grant the failed easement. (The Planning Director repeated that threat of intimidation in a conversation with others and me after the hearing, thus showing a willingness to extort a condition from Parkmerced in its permit application process.)

The lessons are clear: present day bureaucrats care little for San Francisco's brotherly history West of Twin Peaks and care equally less about fine points of the code under which they operate. Compliance with the Planning Code rests mostly on citizen vigilance at City Hall — and that is difficult in the lives of everyday people, working and otherwise. While even as a retired judge in the Assigned Judges Program, the Code of Judicial Ethics precludes comment

directly about non-judicial matters, exceptions exist in instances of neighborhood issues, I can participate and have done so, because it affects my Lakeshore Acres neighborhood and my synagogue, Congregation Beth Israel-Judea. And I have been pleased to do so with all the religious and educational representatives of theBrotherhood Way Coalition, which will continue to insist upon probity of the Planning Department and the Zoning Administrator, hoping that the Planning Commission, Board of Supervisors and City Attorney will do likewise.

Quentin Kopp is a former San Francisco Supervisor, and State Senator

June 2009

Orig: Leg Clerk, COB BOS-11
Leg. Deputy
City attorney
cpage

SAN FRANCISCO
BAYKEEPER.

January 2, 2013

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

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2013 JAN -3 PM 2:55

Re: Notice of Commencement of California Environmental Quality Act Action, *San Francisco Baykeeper v. California State Lands Commission, et al.*, Superior Court of San Francisco, Case No. CPF-12-512620, Challenging the Approval of the San Francisco Bay and Delta Sand Mining Project and Certification of the Final Environmental Impact Report for the Project, State Clearinghouse No. 2007072036

Dear Ms. Calvillo:

Please take notice that San Francisco Baykeeper ("Baykeeper") commenced an action for writ of mandate to set aside the California State Lands Commission's ("Commission") October 19, 2012 decision to approve the San Francisco Bay and Delta Sand Mining Project and certify the Final Environmental Impact Report for the Project, State Clearinghouse No. 2007072036. You are being provided this notice pursuant to California Public Resources Code section 21167.6.5(c) because you may be a responsible agency, or agency having jurisdiction over a natural resource affected by the project, but not because you are a party to the present action. Baykeeper's Petition for Writ of Mandate alleges that the Commission's decision fails to comply with the substantive and procedural requirements of the California Environmental Quality Act, California Public Resources Code section 21000 *et seq.* Please do not hesitate to contact me if you have any questions.

Sincerely,



Jason Flanders
Program Director, San Francisco Baykeeper

Cc: Joseph Rusconi, Esq.
Deputy Attorney General
(via electronic mail to: joseph.rusconi@doj.ca.gov)

Christian Marsh, Esq.
Downey Brand
(via electronic mail to: cmarsh@downeybrand.com)

www.baykeeper.org
Pollution hotline: 1-800 KEEP BAY

785 Market Street, Suite 850
San Francisco, CA 94103
Tel (415) 856-0444
Fax (415) 856-0443



SUE C. HESTOR

Attorney at Law

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BY AK

January 2, 2013

Members of the Board of Supervisors
City Hall
San Francisco CA 94102

Ordinance 121061 - Landmark Designation 401 Castro Street - Twin Peaks Tavern
Board Meeting January 15, 2013

Dear Supervisor:

I urge your support of designation of **Twin Peaks Tavern** as a San Francisco landmark.

When Twin Peaks Tavern opened in the early 1970s with *picture windows into a gay/lesbian bar* at the corner of Castro and 17th Streets (Market), it brought a sense of openness to the Upper Market community that spoke volumes to both gay and straight residents. From 1970-1986 I was an officer of the neighborhood association - the Eureka Valley Promotion Association - which was then closing in on its centennial. The merchants' community in this area was also evolving as Harvey Milk and Scott Smith, from Castro Camera, and other merchants open to the gay/lesbian community started the Castro Village Association and attitudes of the business community changed to become more open.

Until the early 1970s the bars that served the gay community were seen as dark, closed off places. The openness and visibility of a gay bar at 17th & Castro - the key intersection of our community - was a huge statement. Particularly with the moving arrow that pointed down to the corner. The visibility and sense of openness of the Twin Peaks Tavern was a welcoming statement for our community.

Twin Peaks Tavern was and is a lot more than a gay bar with picture windows. It was a statement of openness and the residents of this neighborhood welcomed it.

I am not sure where the records of the Castro Village Association are located. The records of the Eureka Valley Promotion Assn were transferred around 1990 to the Eureka Valley (Harvey Milk) branch library by the EVPA corresponding secretary Elsa Strait. They may have additional information on this issue. But from my own experience both gay and straight people in Eureka Valley were aware of the statement that was being made by the Twin Peaks Tavern. They welcomed it.

The **Twin Peaks Tavern** is very worthy of a Landmark designation.

Sincerely,


Sue C. Hestor

cc: BOS File Ord. 121061
Moses Corrette, Planning Department

SUE C. HESTOR

Attorney at Law

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Ak

January 2, 2013

Members of the Board of Supervisors
City Hall
San Francisco CA 94102

Ordinance 120789 - Landmark Designation 4004-4006 3rd Street - SAM JORDAN'S BAR
Board Meeting January 15, 2013

Dear Supervisor:


I urge your support of the designation of **Sam Jordan's Bar at 4004-4006 3rd Street** as a San Francisco landmark. Both Sam and his bar are worthy of City recognition. As the "Mayor of Butchertown" Sam served both the Hunters Point community and his City, both at the 3rd St bar and at his Primitive BBQ catering place near Candlestick.

There is very little San Francisco evidence left of the Butchertown community, but Sam Jordan's bar is an important remaining part. Sam Jordan, his bar and his catering operation were very much a part of the City as well as Sam's neighborhood. They were part of the politics and of community involvement in San Francisco..

I worked with Sam since 1970 in the peace movement, with those were attempting to expand civil rights for all people in the City, and for district election of Supervisors. Sam Jordan gave generously of his time and resources. Whenever a civic event was held, Sam and his primitive barbecue were there. Sam was very much a part of Hunters Point and the City.

Sam Jordan's bar at 4004-4006 3rd Street is an important part of his role in San Francisco and legacy. It is very worthy of a Landmark designation.

Sincerely,



Sue C. Hestor

cc: Board file Ord. 120789
Mary Brown, Planning Department