

FILE NO. 130243

Petitions and Communications received from March 4, 2013, through March 11, 2013, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on March 19, 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)

- Rick Caldeira – Legislative Deputy – Annual
- Debra Newman – Budget & Legislative Analyst – Annual
- Arthur Louie – Budget & Legislative Analyst – Annual
- Madeline Licavoli – Operations Deputy – Annual
- Supervisor Carmen Chu – Leaving
- Deborah Landis – Administrative Deputy – Annual
- Megan Hamilton – Legislative Assistant – Annual

From the Mayor, submitting notice of appointments to the Library and Human Services Commissions. Copy: Each Supervisor, Clerk of the Board, Legislative Deputy, Deputy City Attorney, Rules Committee Clerk. (2)

- Susan Mall, Library Commission
- John Lee, Library Commission
- Kelly Dearman, Human Services Commission

From the Mayor, submitting notice of appointment to the Library Commission. Copy: Each Supervisor, Clerk of the Board, Legislative Deputy, Deputy City Attorney, Rules Committee Clerk. (3)

- Michael Nguyen

From Supervisor Wiener, requesting the Board to hear the Commercial Dog Walking Regulations Ordinance at the March 12, 2013, meeting as a Committee Report. File No. 130146. Copy: Clerk of the Board, Land Use Committee Clerk, Legislative Deputy. (4)

From Supervisor Wiener, requesting the Board to hear the Inclusionary Affordable Housing Program ordinance at the March 26, 2013, meeting as a Committee Report. File No. 121162. Copy: Clerk of the Board, Land Use Committee Clerk, Legislative Deputy. (5)

\*From Planning, submitting the Proposed 10-Year Capital Plan for FYs 2014-2023. Copy: Each Supervisor, Clerk of the Board. (6)



From the Capital Planning Committee, submitting recommendations on the Proposed 10-Year Capital Plan for FYs 2014-2023. File No. 130228. Copy: Each Supervisor, Clerk of the Board, Deputy City Attorney. (7)

From Planning, submitting responses to comments on the draft Environmental Impact Report for 706 Mission Street. CD on file. Copy: Each Supervisor. (8)

From Planning, submitting Notice of Availability of and Intent to Adopt a Mitigated Negative Declaration for the San Joaquin Valley Communication System Upgrade Project. (9)

From the Public Library, regarding grant budget revision. Copy: Each Supervisor, Clerk of the Board, Budget & Finance Committee Clerk. (10)

From SFMTA, responding to Supervisor Farrell's inquiry about MUNI transit vehicles. (11)

From the Office of Community Investment and Infrastructure, regarding the affordable housing obligations of the former SF Redevelopment Agency. Copy: Each Supervisor. (12)

\*From the Office of Civic Engagement and Immigrant Affairs, submitting their Annual Language Access Ordinance Compliance Report for 2013. (13)

From the Office of Economic and Workforce Development, requesting an extension to submit their Year 2 Local Hire Annual Report. Copy: Each Supervisor, Clerk of the Board. (14)

From the Chiafullo Group, LLP, opposing proposed ammunition sales and possession ordinances. File Nos. 130039 & 130040. Copy: Neighborhood Services and Safety Committee Clerk. (15)

From Michel & Associates, P.C., opposing proposed ammunition sales and possession ordinances. File Nos. 130039 & 130040. Copy: Each Supervisor, Neighborhood Services & Safety Committee Clerk. (16)

From Davis & Associates, opposing proposed ammunition sales and possession ordinances. File Nos. 130039 & 130040. Copy: Each Supervisor, Neighborhood Services & Safety Committee Clerk. (17)

From concerned citizens, regarding Woodhouse on Marina Green. File No. 120987. 6 letters. Copy: Each Supervisor, Government Audit & Oversight Committee Clerk. (18)

From Community Housing Partnership, submitting their FY 2011-2012 Annual Report. Copy: Each Supervisor. (19)



From Allen Jones, regarding Harvey Milk and renaming SFO. File No. 130037. Copy: Each Supervisor. (20)

From Chris Giorni, regarding bicycle rentals at City parks. Copy: Each Supervisor. (21)

From Anabel Cassady, regarding the San Francisco Employees Retirement System Carbon Divestment Resolution. File No. 130123. Copy: Each Supervisor, Budget & Finance Committee Clerk. (22)

From Jan Stephens, regarding Charlie the Dog. Copy: Each Supervisor. (23)

From Charles Pitts, concerning the Local Homeless Coordinating Board. (24)

From Rosales Law Partners, LLP, submitting Susana Razo's letter of protest to the Airport Commission's award of the SFO advertising lease to Clear Channel Airports. File No. 130072. Copy: Each Supervisor. (25)

From the Coalition for Economic Equity, regarding the Airport Advertising Lease. File No. 130072. Copy: Each Supervisor, Budget & Finance Committee Clerk. (26)

From Russell Pritchard, regarding Nosa Ria Spanish Food Market's alcoholic beverage license. File No. 130067. Copy: Each Supervisor, Neighborhood Services & Safety Committee Clerk. (27)

From David Bonowitz, concerning the Seismic Retrofit Ordinance. File No. 130119. Copy: Each Supervisor, Clerk of the Board, Land Use Committee Clerk. (28)

From concerned citizens, regarding the Western Soma Area Plan. 3 letters. File Nos. 130001, 130002, 130003, and 130004. Copy: Each Supervisor. (29)

From MaryLou Corrigan, regarding overtime pay in City departments. Copy: Each Supervisor. (30)

From concerned citizens, regarding the Central Subway Tunnel Boring Machine. 2 letters. Copy: Each Supervisor. (31)

From the Southeast Community Facility Commission, submitting their resolution urging support for a homeless shelter on Jennings Street. Copy: Each Supervisor, Clerk of the Board. (32)

\*(An asterisked item represents the cover sheet to a 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**

Date: March 11, 2013  
To: Honorable Members, Board of Supervisors  
From: Angela Calvillo, Clerk of the Board  
Subject: Form 700

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

Rick Caldeira – Legislative Deputy – Annual  
Debra Newman - Budget & Legislative Analyst – Annual  
Arthur Louie - Budget & Legislative Analyst – Annual  
Madeleine Licavoli - Operations Deputy – Annual  
Supervisor Carmen Chu - Leaving  
Deborah Landis – Administrative Deputy – Annual  
Megan Hamilton – Legislative Assistant - Annual





OFFICE OF THE MAYOR  
SAN FRANCISCO



Orig: Rules Clerk  
C: COB, Leg Dep.  
EDWIN M. LEE  
MAYOR  
Dup City Atty *page*  
*Acfile*

### Notice of Appointment

March 4, 2013

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 MAR -5 PM 3:33

Honorable Board of Supervisors:

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

Susan Mall to the Library Commission, assuming the seat formerly held by Larry Kane, for a term ending January 15, 2017

John Lee to the Library Commission, assuming the seat formerly held by Michael Breyer, for a term ending January 15, 2017

Kelly Dearman to the Human Services Commission, for a term ending January 15, 2017

I am confident that Ms. Mall, Mr. Lee, and Ms. Dearman, electors of the City and County, will continue to serve our community well. Attached are their qualifications to serve, which will demonstrate how these appointments represent the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

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

Sincerely,

Handwritten signature of Edwin M. Lee in cursive.  
Edwin M. Lee  
Mayor

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

March 4, 2013

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

Dear Ms. Calvillo,

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

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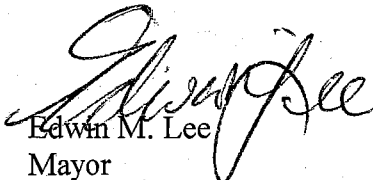
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Should you have any questions related to these appointments, please contact my Director of Appointments, Nicole Wheaton, at (415) 554-7940.

Sincerely,

  
Edwin M. Lee  
Mayor

## **Susan Mall**

233 Franklin St. #506

San Francisco CA 94102

Cell: 415.203.5862

Email: [susanmall@sbcglobal.net](mailto:susanmall@sbcglobal.net)

### **PROFESSIONAL SUMMARY**

Results-oriented, development professional with a successful track record of creating and producing large and small scale events fund-raising, donor relations, and marketing

Recognized for: strong leadership, entrepreneurial and practical approach, creativity, community building, knowledge of philanthropic community and budget management

### **EVENT/ PROGRAM DEVELOPMENT HIGHLIGHTS**

#### **SFJAZZ**

Grand Opening consultant; March 2012 to present

Planned for all donor and public events for the new SFJAZZ Center opening January 2013

#### **Jewish Community Federation**

Conceived, produced and directed year- long series of community events to celebrate Federation's Centennial based on existing and new donor engagement; 2009-2011

- *1,000 people attended signature event, managed \$750,000 budget*

Designed and implemented all significant donor events for the Jewish Community Federation including international and national donor events; 1987-2006

- *4,000 participants in national meeting held in San Francisco, 1,000 volunteers*
- *1,600 person donor events featuring Michael Tilson Thomas and Joel Grey*
- *3,200 person event at Davies Symphony Hall featuring Jerry Seinfeld and Robin Williams*

#### **Contemporary Jewish Museum**

Created and managed all of the Contemporary Jewish Museum's grand opening events including planning and oversight of programs for capital campaign, outreach and sponsorship efforts and community connections; 2006-2008

- *Seven opening events for various donor levels and community groups including evening for \$1,000,000 (+) donors*

#### **Jewish Vocational Service**

Invented and produced first "Strictly Business" fundraising lunch, now in 20th year; 1992,1994

- *Based on success of this event, it has been reproduced in Chicago, Detroit and Los Angeles*

#### **Jewish Community Relations Council**

Produced Holocaust Remembrance Day for the "50th Anniversary of the Liberation of the Concentration Camps" for the Jewish Community Relations Council

- *Program received "Awards of Excellence" from the Jewish Community Federation*

### **DONOR RELATIONS**

#### **Jewish Community Federation**

Devised strategy for stewardship of major donors and all donor recognition, 1994-2011

Conceived, developed and implemented unique travel and learning opportunities for major donors of the Jewish Community Federation with destinations that included Europe, South America, North Africa and the Middle East;1999-2005

Started a leadership, learning, community building program in Marin county for major donors of the Jewish Community Federation;1985

- *This program has been duplicated and is on-going in all Bay Area counties*

**Contemporary Jewish Museum**

Provided leadership and strategic planning for all departments regarding donors and new prospects; 2006-2008

**MARKETING AND FUNDRAISING****Contemporary Jewish Museum**

Acquired corporate sponsorships for opening events; development team; 2007-2008

**Jewish Community Federation**

Leadership Circle (\$25,000 + annual donors) Development Officer, 2005-2007

**Tours West**

Founder and President, San Francisco based destination management company (ground operator) with international and nationally based associations and corporate clients; 1979-1987

**M.S. Distributing Company** (Record Distribution)

Supervised all sales and promotion efforts of San Francisco branch of national independent record distribution company, labels included Verve, Arista, Motown, A & M, Fantasy, 1977-1979

**CURRENT COMMUNITY INVOLVEMENT**

San Francisco Jewish Film Festival, member, Board of Directors  
Alexander and June Maisin Foundation, member, Board of Directors  
San Francisco Symphony Youth Orchestra Committee  
Koret Family House Advisory New Building Committee

**PAST COMMUNITY INVOLVEMENT**

"One City, One Book", initial advisory committee  
San Francisco Art Institute, Arts Council  
Jewish Family and Children's Service, board member  
Hebrew Free Loan, advisory committee  
Branson School, Parents' Association fundraising committee  
Tiburon Public Schools, initiated community fundraising campaign for local schools  
Dianne Feinstein, key volunteer staff for Mayoral and Gubernatorial Campaigns

**EDUCATION**

Photography Classes: City College San Francisco, San Francisco Art Institute,  
U.C. Extension: San Francisco, Paris, 1995-2010

Master of Education in Guidance and Counseling  
Loyola University, Chicago IL, 1973

Bachelor of Arts in Comparative Literature  
Boston University, Boston MA, 1967

**REFERENCES UPON REQUEST**

## John Lee, PMP

275 Ewing Terrace,  
San Francisco, Ca 94118

(415) 281 6751  
john.ele81946@gmail.com

**IT Executive** with vision to bring Information, Process and Technology based strategic advantage to organizations. Proven ability with timely execution and delivery of expected outcomes in organization large and small, multiple industries

### EXPERIENCE:

#### **YMCA of San Francisco**

2008 - present

IT Executive

San Francisco, Ca

Revamped systems from late 1990's technologies to near current, vastly improving business continuity and adding eCommerce capabilities without budget increase. Led organization in the selection of mission critical systems. Reduced aged collection of \$200+k after first year of implementation. Positioned organization to operate more effectively.

#### **Sirna Therapeutics, now part of Merck**

2006 -2007

Director of IT

San Francisco, Ca

Built out new headquarters for growth and instituted IT practice. Facilitated Merck's absorption of Sirna after its purchase of Sirna. Won Merck Award.

#### **Nektar Therapeutics**

1997 – 2005

Director of IT

San Carlos, Ca

Built Information Systems organization to meet 400% business growth and regulatory expectations relating to Pre-Approval Inspection, 21CFR11 requirement and Sarbanes Oxley. Provided company portal facilitating collaboration with business partners, integration of subsidiaries and build-out of offshore facilities.

Cultivated a collaborative environment and created metrics to foster high motivation and performance across multiple disciplines. Achieved high level of customer satisfaction on both project and service level. Lowest staff turnover rate during the 90's dot-com bubble.

#### **Matson Navigation Company**

1989 –1997

Associate Director

San Francisco, Ca

Delivered mission-critical system for "one call does all" business strategy and software re-engineering. Resulted in increased billing accuracy to 98% and staff reduced by 15%.

#### **Midland Montague Securities**

1987 – 1989

Director

San Francisco, Ca

Managed systems to support a primary dealership with daily trading volume of \$5billion.

Designed and implemented a strategic trading decision support system to balance company's trading portfolio. Planned and moved the company across the country without loss of a single business transaction.

**Bank of America**

1975 – 1989

VP

San Francisco, Ca and London UK

Managed \$40million expense on external Financial Market Information Services and voice/data communications used in Foreign Exchange and Money trading centers worldwide. Saved over \$2million annually.

Provided trading desk worldwide strategic advantage before the age of internet.

Provided risk management systems to help Executive Committee manage \$1b interest rate risk, foreign exchange risk, settlement and cross country risk.

**EDUCATION:**

Post-Grad in **Business Studies**, University of Warwick

Warwick, UK

M.S. **Applied Statistics**, University of Southampton

Southampton, UK

B.S, **Electrical Engineering**, Hong Kong Polytechnic

Hong Kong

**COMMUNITY:**

**Evergreen Education Foundation**

2004 - current

Board Member, and multiple capacities to bring education opportunities to rural areas in China

**MentorNet**

1998 - current

Mentored more than 15 senior university students across United States

**RedCross**

1998 - current

CPR/First Aid instructor and DSHR

**SF NERT**

2009 - current

Certified to assist SFFD when occasion arises

600 Haight Street  
San Francisco, CA 94117

Phone (415)431-7655  
Fax (415)431-2606  
E-mail kdearman@hmsmf.com

# Kelly Dearman

## Education

1990- 1991                      Eagleton Institute of Politics, Rutgers University

### **M.A. Public Policy**

1987- 1990                      UC Hastings College of the Law  
San Francisco, California

### **Juris Doctorate**

**California State Bar #151505**

1982- 1986                      University of California at Berkeley  
Berkeley, California

### **B.A. Peace and Conflict Studies**

## Professional experience

1999- present                      HSM Finance, Inc.                      San Francisco, Ca

### **Owner-Managing Broker**

**Real estate sales, finance and property management**

2000-present                      Law Office of Kelly Dearman                      San Francisco, Ca

### **Solo Practitioner**

**Specializing in elder law issues, conservatorships, wills and trusts**

1991 - 1999                      SF City Attorney's Office                      San Francisco, Ca

### **Deputy City Attorney**

**Clients include: Department of Human Services, Municipal Railway,  
Department of Public Works, Department of Building Inspection**

1988 - 1998                      Bertha E. Flemming Realty                      San Francisco, Ca

### **Accounts Clerk**

**Responsibilities included property management and mortgage loan accounts**

## Professional memberships

Commissioner, San Francisco Human Services Commission

Founding Member, SF URBAN CHC

Board Member, Out of Site

Member, California State Bar Association, Wills and Trust Section

Member, Charles Houston Bar Association

Board Member, San Francisco Marin County YWCA

Board Member, SF Bayview Opera House





BOARD of SUPERVISORS



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**MEMORANDUM**

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Date: March 6, 2013  
To: Honorable Members, Board of Supervisors  
From: *ACE* Angela Calvillo, Clerk of the Board  
Subject: APPOINTMENTS BY THE MAYOR

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The Mayor has submitted appointments to the following bodies:

- Susan Mall, Library Commission, term ending January 15, 2017
- John Lee, Library Commission, term ending January 15, 2017
- Kelly Dearman, Human Services Commission, term ending January 15, 2017

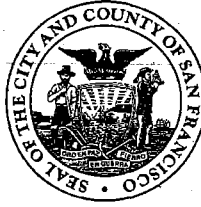
Under the Board's Rules of Order Section 2.18.3, a Supervisor may request a hearing on an appointment by notifying the Clerk in writing.

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

Please notify me in writing by **12:00 p.m., Tuesday, March 12, 2013**, if you would like to request a hearing on the above appointment.

Attachments

OFFICE OF THE MAYOR  
SAN FRANCISCO



Orig: Rules Clerk  
c: COB, Leg Dep.

EDWIN M. LEE

Dep City Atty MAYOR *page*  
*Acfile*

### Notice of Appointment

March 4, 2013

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Sincerely,

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Edwin M. Lee  
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OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

March 4, 2013

Angela Calvillo  
Clerk of the Board, Board of Supervisors  
San Francisco City Hall  
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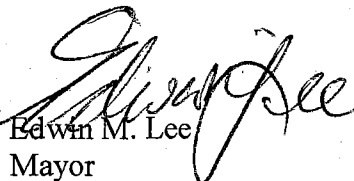
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Mayor

## **Susan Mall**

233 Franklin St. #506

San Francisco CA 94102

Cell: 415.203.5862

Email: [susanmall@sbcglobal.net](mailto:susanmall@sbcglobal.net)

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Koret Family House Advisory New Building Committee

**PAST COMMUNITY INVOLVEMENT**

"One City, One Book", initial advisory committee  
San Francisco Art Institute, Arts Council  
Jewish Family and Children's Service, board member  
Hebrew Free Loan, advisory committee  
Branson School, Parents' Association fundraising committee  
Tiburon Public Schools, initiated community fundraising campaign for local schools  
Dianne Feinstein, key volunteer staff for Mayoral and Gubernatorial Campaigns

**EDUCATION**

Photography Classes: City College San Francisco, San Francisco Art Institute,  
U.C. Extension: San Francisco, Paris, 1995-2010

Master of Education in Guidance and Counseling  
Loyola University, Chicago IL, 1973

Bachelor of Arts in Comparative Literature  
Boston University, Boston MA, 1967

**REFERENCES UPON REQUEST**

## John Lee, PMP

275 Ewing Terrace,  
San Francisco, Ca 94118

(415) 281 6751  
john.ele81946@gmail.com

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Provided risk management systems to help Executive Committee manage \$1b interest rate risk, foreign exchange risk, settlement and cross country risk.

**EDUCATION:**

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Warwick, UK

M.S. **Applied Statistics**, University of Southampton

Southampton, UK

B.S, **Electrical Engineering**, Hong Kong Polytechnic

Hong Kong

**COMMUNITY:**

**Evergreen Education Foundation**

2004 - current

Board Member, and multiple capacities to bring education opportunities to rural areas in China

**MentorNet**

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**RedCross**

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CPR/First Aid instructor and DSHR

**SF NERT**

2009 - current

Certified to assist SFFD when occasion arises

600 Haight Street  
San Francisco, CA 94117

Phone (415)431-7655  
Fax (415)431-2606  
E-mail kdearman@hmsmf.com

# Kelly Dearman

## Education

1990- 1991                      Eagleton Institute of Politics, Rutgers University

### **M.A. Public Policy**

1987- 1990                      UC Hastings College of the Law  
San Francisco, California

### **Juris Doctorate**

**California State Bar #151505**

1982- 1986                      University of California at Berkeley  
Berkeley, California

### **B.A. Peace and Conflict Studies**

## Professional experience

1999- present                      HSM Finance, Inc.                      San Francisco, Ca

### **Owner-Managing Broker**

**Real estate sales, finance and property management**

2000-present                      Law Office of Kelly Dearman                      San Francisco, Ca

### **Solo Practioner**

**Specializing in elder law issues, conservatorships, wills and trusts**

1991 - 1999                      SF City Attorney's Office                      San Francisco, Ca

### **Deputy City Attorney**

**Clients include: Department of Human Services, Municipal Railway,  
Department of Public Works, Department of Building Inspection**

1988 - 1998                      Bertha E. Flemming Realty                      San Francisco, Ca

### **Accounts Clerk**

**Responsibilities included property management and mortgage loan accounts**

## Professional memberships

Commissioner, San Francisco Human Services Commission

Founding Member, SF URBAN CHC

Board Member, Out of Site

Member, California State Bar Association, Wills and Trust Section

Member, Charles Houston Bar Association

Board Member, San Francisco Marin County YWCA

Board Member, SF Bayview Opera House



OFFICE OF THE MAYOR  
SAN FRANCISCO



orig: Rules Clerk  
C-COB, Leg Dep  
EDWIN M. LEE  
MAYOR

Dep City Attorney  
cpage aefele

**Notice of Appointment**

March 6, 2013

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 MAR -7 PM 4:38  
AK

Honorable Board of Supervisors:

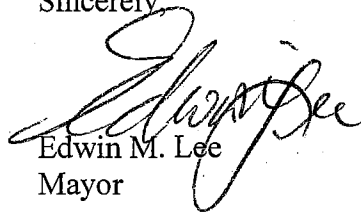
Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Michael Nguyen to the Library Commission for a term ending January 15, 2017

I am confident that Mr. Nguyen, an elector of the City and County, will continue to serve our community well. Attached are his qualifications to serve, which will demonstrate how this appointment represent the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

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

Sincerely,

  
Edwin M. Lee  
Mayor

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

March 6, 2013

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 MAR -7 PM 4:38  
AK

Dear Ms. Calvillo,

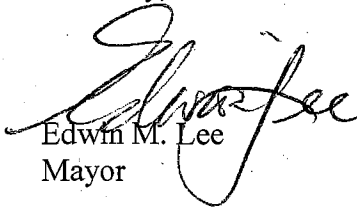
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Sincerely,

  
Edwin M. Lee  
Mayor

# MICHAEL NGUYEN

181 Buena Vista Avenue East | San Francisco, California, 94117 | 415/613-0385 | mpnguyen@me.com

## EDUCATION

**Swarthmore College, Swarthmore, PA.** Bachelor of Arts in Sociology and Anthropology and Dance, June 2008.

## ARTISTIC TRAINING

**Piano Performance, San Francisco, CA/New York, NY/Swarthmore, PA/Chicago, IL** Mar. 1994 - Present

- Currently receive individual instruction from preeminent pianist Marc Shapiro. Previous teachers include distinguished pianists Keiko Sato of the Curtis Institute, Kumi Ogano, and Daniel Kim.

**San Francisco Conservatory of Dance, San Francisco, CA** June 2008 - July 2009

- Received rigorous professional training in advanced level ballet and modern dance, and studied and performed for live audiences acclaimed/celebrated repertoire under the direction of distinguished and renowned artists, such as Summer Lee Rhatigan (Conservatory Founder and Director), Alex Ketley, Thomas McManus (emissary of The Forsythe Company), Chiharu Shibata, Tristian Ching (emissary of Robert Moses' Kin) and Andrea Flores (emissary of ODC).

**European American Musical Alliance, The Juilliard School/The Paris Conservatory, Paris, France** June 2007 - Aug. 2007

- Studied chamber music, choral music, harmony & counterpoint, music analysis, and ear training based on the rigorous methodology and philosophies of the legendary Nadia Boulanger, taught by world-renowned musicians and scholars of esteemed conservatories, including The Juilliard School, Paris Conservatory, and Peabody Institute. Performed for live audiences.

**Tisch Dance Festival, Tisch School of New York University, New York, NY** May 2007 - June 2007

- Trained in advanced level ballet and modern dance, and studied and performed for live audiences excerpts of acclaimed/celebrated repertoire under the direction of distinguished and renowned artists, such as Sean Curran, Ellis Wood, and Ronald K. Brown dance companies.

**Bates Dance Festival, Bates College, Lewiston, ME** July 2006 - Aug. 2006

- Trained in advanced level modern dance, contact improvisation, and yoga, and studied and performed for live audiences excerpts of acclaimed/celebrated repertoire under the direction of distinguished and renowned artists, such as Nancy Stark Smith, Paul Matteson of David Dorfman Dance, and Blossom Crawford.

## COMMUNITY & LEADERSHIP EXPERIENCE

**Co-Author & Editor, James Hormel's Swarthmore College Honorary Degree Commencement Speech** Feb. 2009 - May 2009

- Co-wrote and edited my life partner's honorary degree commencement speech, among his numerous other speeches and writing endeavors.

**Campaign Donor & Volunteer, No on Proposition 8 Campaign** July 2008 - Nov. 2008

- Contributed financially to the campaign for marriage equality. Co-hosted campaign events and meetings. Attended town hall meetings, and participated in conferences, workshops, and rallies locally and nationally. Visited door-to-door throughout the Bay Area to inform/educate community members about this important initiative.

**Choreographer, Swarthmore College Dance Department, Swarthmore, PA** Sept. 2005 - May 2008

- Composed numerous original contemporary dances, performed in concert on the campus's main stage as well as more intimate performances venues. Fully participated in the technical/production aspects by collaborating with professionals on costume design, lighting design, and sound engineering. Managed publicity for all concert events.

**Organizing Committee Member & Event Planner, Multi-Heritage Student Group, Swarthmore, PA** Sept. 2005 - May 2008

- Coordinated, organized, and decorated internal and campus-wide events and parties. Managed correspondence, communications, and publicity, and helped to increase membership. Planned and facilitated weekly Organizing Committee meetings as well as group meetings.

**Community Organizing Intern, Illinois Coalition for Immigrant & Refugee Rights, Chicago, IL** Jan. 2005 - June 2005

- Phone banked, canvassed, and visited door-to-door to inform about important initiatives. Mobilized and registered newly naturalized citizens to vote. Managed voter registration database. Assisted in administrative duties, and managed correspondence, communications, and publicity for events and meetings.

## SKILLS, AWARDS & INTERESTS

**Activities & Interests:** Dance (choreography and performance), music (piano, voice, and trumpet), theater (performance and playwriting), civic and social responsibility, charitable giving, politics, community organizing, and analytical and creative writing.

**Computer Skills:** Proficient with Windows and Mac systems, as well as Microsoft Office suite. Demonstrable facility with technology. Quick, enthusiastic study with new tech & software. Typing: 100+ WPM.

**Languages:** Vietnamese (advanced speaking, intermediate reading and writing), Spanish (basic speaking reading, writing).

**Awards:** Swarthmore Music Lessons Scholarship (2006-2008); Swarthmore Humanities Fellowship Grant (2007); Melvin B. Troy Award for Outstanding Choreography (2007); Friends of Music and Dance Fellowship Grant (2006).



Member, Board of Supervisors  
District 8



Land Use Clerk  
COB. Leg. Dep  
Cpage  
City and County of San Francisco

**SCOTT WIENER**  
威善高

---

DATE: March 5, 2013  
TO: Angela Calvillo  
Clerk of the Board of Supervisors  
FROM: Supervisor Scott Wiener  
RE: Land Use and Economic Development Committee  
COMMITTEE REPORT

---

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 MAR -5 PM 12:09  
All  
SW

Pursuant to Board Rule 4.20, as Chair of the Land Use and Economic Development Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on March 12, 2013, as a Committee Report:

**130146 Health Code - Commercial Dog Walking Regulations**

Ordinance amending the Health Code to correct numbering and clarify provisions of the Commercial Dog Walking Ordinance.

This matter will be heard in the Land Use and Economic Development Committee on March 11, 2013, at 1:30 p.m.



Member, Board of Supervisors  
District 8



Land Use Clerk  
COB, Leg. Dep  
cp age

City and County of San Francisco

**SCOTT WIENER**

威善高

DATE: February 28, 2013  
TO: Angela Calvillo  
Clerk of the Board of Supervisors  
FROM: Supervisor Scott Wiener  
RE: Land Use and Economic Development Committee  
COMMITTEE REPORT

SW

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 MAR -5 PM 12:09

Pursuant to Board Rule 4.20, as Chair of the Land Use and Economic Development Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on March 26, 2013, as a Committee Report:

**121162 Planning Code - Inclusionary Affordable Housing Program, Updates, and Clarifications**

Ordinance amending the San Francisco Planning Code, Section 401, and provisions of the Inclusionary Affordable Housing Ordinance, Sections 415 et seq., to update and clarify provisions of the Inclusionary Affordable Housing Program by providing a cap on rent increases; clarifying the timing of off-site developments; requiring rental units that convert to ownership to sell at less than the price for ownership units under certain circumstance; establishing pricing for affordable Single Room Occupancy units; changing the status of projects using California Debt Limit Allocation Committee tax exempt bonds so that such projects are subject to the Program, but that units may qualify as on or off-site units under certain circumstances; allowing income levels of qualifying households to exceed those specified in certain situations; authorizing the Mayor's Office of Housing to charge a monitoring fee to verify occupancy of affordable units; making technical clarifications and corrections; and making environmental findings and findings of consistency with the General Plan.

This matter will be heard in the Land Use and Economic Development Committee on March 25, 2013, at 1:30 p.m.





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

2 copies of Proposed  
10-Year Capital Plan

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

Introduced @ Board 3/5/13 2013 MAR -6 PM 3:35

BY BHR

From: Brian Strang,  
Director of Capital Planning

Copies delivered to  
supervisors' mailboxes

3/6/13

⑥

Comments:

The CPC recommends approval of these items by a vote of 11-0.

Committee members or representatives in favor include: Naomi Kelly, Office of the City Administrator; Judson True, Board President's Office; Kate Howard, Mayor's Budget Office; Ed Reiskin, SFMTA; Mohammed Nuru, Public Works; Jose Campos, Planning Department; Ivar Satero, San Francisco International Airport; Ben Rosenfield, Controller's Office; Harlan Kelly, SFPUC; Phil Ginsburg, Recreation and Parks Department; and Elaine Forbes, Port of San Francisco.

BOS-11 (Sep.)



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

DATE: March 7, 2013

TO: Members of the Planning Commission and Interested Parties

FROM: Sarah Jones, Acting Environmental Review Officer

Re: Attached Responses to Comments on Draft Environmental Impact Report Case No. 2008.1084E, 706 Mission Street – The Mexican Museum and Residential Tower Project

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Attached for your review please find a copy of the Responses to Comments document for the Draft Environmental Impact Report (EIR) for the above-referenced project. This document is also available from the Planning Department website, at <http://tinyurl.com/sfceqadocs>. This document, along with the Draft EIR, will be before the Planning Commission for Final EIR certification on March 21, 2013. Please note that the public review period ended on August 13, 2012.

The Planning Commission does not conduct a hearing to receive comments on the Responses to Comments document, and no such hearing is required by the California Environmental Quality Act. Interested parties, however, may always write to Commission members or to the President of the Commission at 1650 Mission Street and express an opinion on the Responses to Comments document, or the Commission's decision to certify the completion of the Final EIR for this project.

Please note that if you receive the Responses to Comments document in addition to the Draft EIR, you technically have the Final EIR. If you have any questions concerning the Responses to Comments document or the environmental review process, please contact the EIR Coordinator, Debra Dwyer at 415-575-9031.

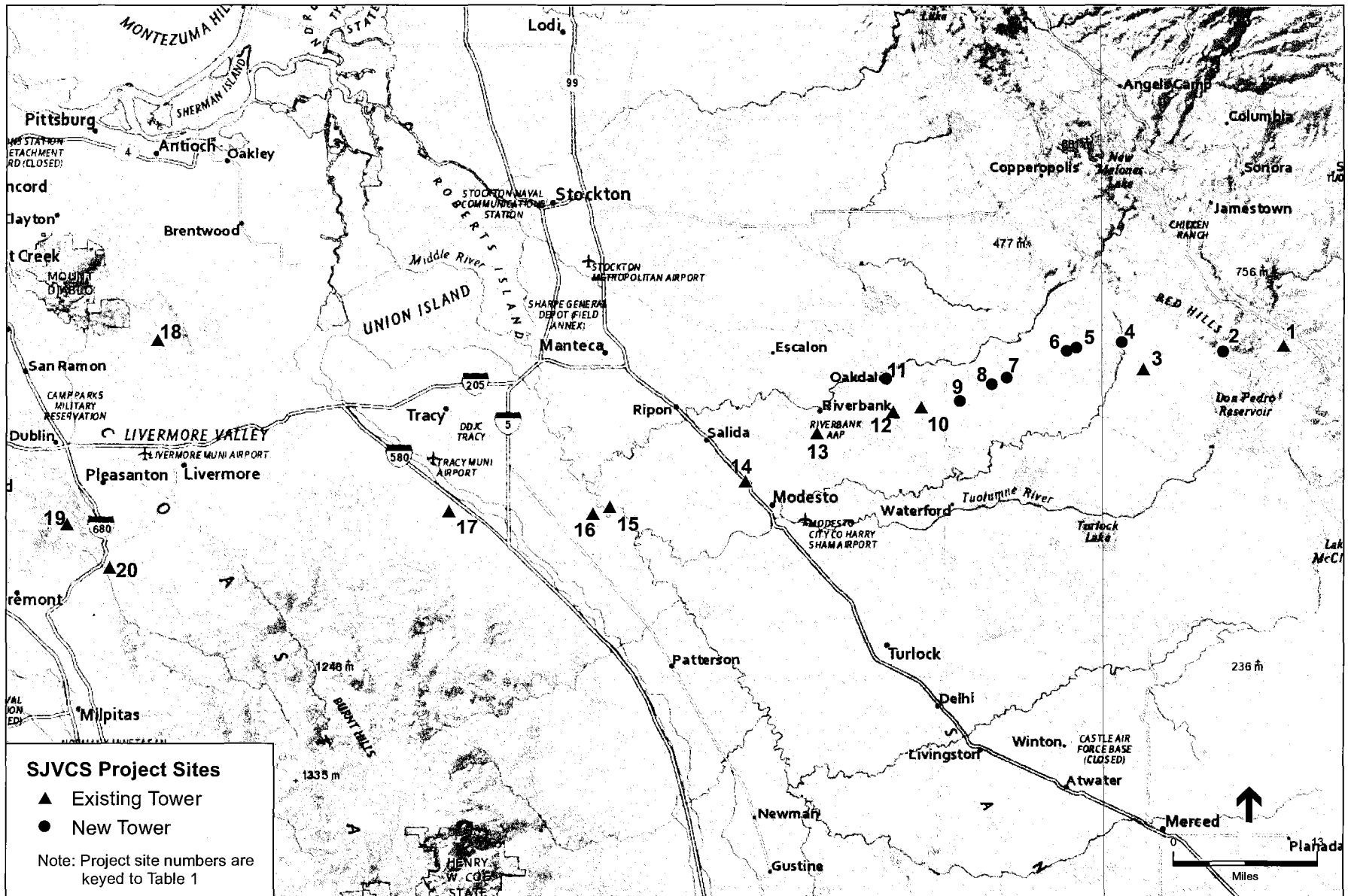
Thank you for your interest in this project and your consideration of this matter.

substantial adverse change in the environment. Send the appeal letter to the Planning Department, Attention: Bill Wycko, 1650 Mission Street, Suite 400, San Francisco, CA 94103. **The letter must be accompanied by a check in the amount of \$521.00 payable to the San Francisco Planning Department, and must be received by 5:00 p.m. on April 5, 2013.** The appeal letter and check may also be presented in person at the PIC counter on the first floor of 1660 Mission Street, San Francisco.

In the absence of an appeal, the mitigated negative declaration shall be made final, subject to necessary modifications, after 30 days from the date of publication of the PMND.

**TABLE 1  
 PROJECT SITES AND KEY COMPONENTS**

Project Site Number	Site Name / Location	New Tower (height)	Number of New Antennas	PV Solar	Backup Propane Generator
<b>Tuolumne County</b>					
1	<b>Moccasin Peak</b> – Approximately 1.5 miles west of the intersection of Hwy 49 with Marshes Flat Road, near the SFPUC Moccasin Power House		3		
2	<b>Red Mountain Bar</b> – Approximately 4.2 miles southeast of the intersection of County Road J59 and Old Don Pedro Road, on the west side of Don Pedro Reservoir	X (20 feet)	1	X	
3	<b>Transmission Tower 122N</b> – Approximately 3.7 miles southwest of the intersection of County Road J59 and Old Don Pedro Road		2	X	X
4	<b>Rock River Lime Plant</b> – Rock River Road, Jamestown, approximately 2.3 miles south east from the intersection of Rock River Road and Green Springs Road.	X (140 feet)	1		
5	<b>Oakdale Portal</b> – Approximately 3.3 miles east-southeast of the intersection of Wilms Road and Highway 120/108	X (120 feet)	3		
<b>Stanislaus County</b>					
6	<b>Throttle Station 1-3</b> – Approximately 2.5 miles southeast of the intersection of Wilms Road and Highway 120/108	X (40 feet)	1	X	
7	<b>Throttle Station 2</b> – Approximately 2.1 miles northeast of the eastern terminus of Fogarty Road, Oakdale	X (60 feet)	2	X	
8	<b>MP 56.51 Tie-In</b> – Approximately 0.9 mile northeast of the eastern terminus of Fogarty Road	X (60 feet)	1	X	X
9	<b>Emery Crossover</b> – Approximately 0.6 mile southeast of the intersection of Emery Road and Fogarty Road, Oakdale	X (120 feet)	3		
10	<b>Warnerville Yard</b> – 10501 Warnerville Road, Oakdale		3		
11	<b>Oakdale Office</b> – 405 East C Street, Oakdale	X (60 feet)	1		
12	<b>Albers Road Valve House</b> – Albers Road, Oakdale, approximately 0.2 mile north of the intersection of Albers Road and Patterson Road		3		
13	<b>Roselle Cross Over</b> – East side of Roselle Avenue, Riverbank, approximately 250 feet south of the intersection of Roselle Avenue and Glow Road		4		
14	<b>Modesto 2 ATC</b> – Collegiate Lane and Brink Avenue, Modesto		4		
15	<b>San Joaquin Valve House</b> – Maze Boulevard, Modesto, approximately 2.1 miles east of the intersection of South Kason Road and Maze Blvd.		4		
16	<b>Pelican Cross Over</b> – Approximate 0.3 mile west of the intersection of Pelican Road and Orchard Road, Vernalis		2		
<b>San Joaquin County</b>					
17	<b>Tesla Treatment Facility Tower</b> – Western terminus of West Vernalis Road, approximately 3.8 miles south of the Tracy Municipal Airport		4		
<b>Contra Costa County</b>					
18	<b>Mt. Diablo SBA</b> – West side of Morgan Territory Road, approximately 4.2 miles north-northeast of the intersection of Manning Road and Morgan Territory Road		2		
<b>Alameda County</b>					
19	<b>Sunol Ridge ATC</b> – 1.5 miles northeast of 37000 Palomares Road, Sunol		2		
20	<b>Calaveras Substation</b> – Calaveras Road, Sunol, 0.9 mile south of the intersection of Calaveras Road and Highway 680		1		



SOURCE: ESRI, 2012; Goodman Networks, 2012

San Joaquin Valley Communication System Project . 207544.26

**Figure 1**  
Project Overview Map



BOS-11, COB  
B+F clerk, cpage

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2013 MAR -7 PM 3:11

*JAB*

Date: March 6, 2013  
To: Clerk of the Board of Supervisors  
CC: Controller's Office Operations Unit  
From: Lovely Lindsley, Fund Accountant  
San Francisco Public Library-Finance Department  
Subject: Grant Budget Revision

Grant name: RES 90-12 Teen Center Learning Lab at Main Library and Citywide Framework

In accordance with Administrative Code Section 10.170-1(F), this memo serves to notify the Board of Supervisors of a Federal or State grant line item budget revision in excess of 15% requiring funding agency approval.

Please note that this 15% increase of the travel budget line did not need the approval of the funding agency as noted in the e-mail attached. This notification is being submitted to serve as notification and compliance of the 15% increase policy.

Thank you.

Attachment: E-mail, FAMIS Screen Shots

Transfer to Travel Budget

**Lovely Lindsley**

---

**From:** Jill Bourne  
**Sent:** Wednesday, January 23, 2013 5:12 PM  
**To:** Lovely Lindsley  
**Subject:** RE: Reporting Timelines, Financial and Narrative, Award# LG-48-12-0406-12(Learning Labs in Libraries and Museums)

Hi Lovely,

I'm just confirming that we discussed the 10% of the total grant, meaning the transfer may be up to \$9,968. It will not be that high, but we are now on the same page. Thanks for all of your diligence. ☺

Jill

Jill Bourne  
Deputy City Librarian

The San Francisco Public Library  
100 Larkin, SF; 94102  
(415) 557-4243 office  
(415) 902-6881 mobile  
jbourne@sfpl.org

**From:** Lovely Lindsley  
**Sent:** Tuesday, January 22, 2013 3:08 PM  
**To:** Jill Bourne  
**Subject:** RE: Reporting Timelines, Financial and Narrative, Award# LG-48-12-0406-12(Learning Labs in Libraries and Museums)

Hi Jill,

How are you? I have spoken to Chuck Thomas at IMLS and confirmed that we can transfer 10% of the total grant budget of \$99,680 without having to let them know in advance and send documentation. The only requirement they want us to do is to include this shifting of funds in the written performance report, how and why we are allocating the funds. Are we going to stay within the 10% threshold? If we are, a total of \$5,968 can now be moved to the Travel Budget line. Please kindly advise if you want me to transfer the whole \$5,968 from the Data Processing Supplies/Minor Video Equipment budget or part from the remainder of the Consulting budget? Please kindly see attached FAMIS balances to date.

Thank you.

Lovely

*Lovely Lindsley*

Finance Office  
San Francisco Public Library  
100 Larkin Street, San Francisco, CA 94102  
DL 415-557-4247  
FAX 415-437-4830

**From:** Jill Bourne  
**Sent:** Monday, January 14, 2013 6:03 PM  
**To:** Lovely Lindsley



budget--could be a simple chart you create--showing the change in funding.

If you have further questions about how to proceed, please feel free to give me a call back.

Thanks!  
Allison

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

From: Jill Bourne [mailto:[jboune@sfpl.org](mailto:jboune@sfpl.org)]  
Sent: Thursday, January 10, 2013 9:45 AM  
To: Allison Boals  
Subject: SFPL Grant Reallocation Request

Hi Allison,

As I mentioned in my voicemail today, I would like to be able to send a bigger team of staff and partners to the final grantee convening in DC in February. We have some unused funds originally budgeted for supplies (which we were able to purchase with operating funds) that I would like to reallocate to Travel. Please let me know if this is possible and, if so, what process I should use to make the change.

Thank you,

Jill

Jill Bourne  
Deputy City Librarian  
The San Francisco Public Library

Sent from my iPad, so excuse any typos.

Official SFPL Use Only

Official SFPL use only

Official SFPL Use Only

Official SFPL Use Only

Official SFPL Use Only

Official SFPL Use Only

budget--could be a simple chart you create--showing the change in funding.

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Thanks!  
Allison

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

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Sent: Thursday, January 10, 2013 9:45 AM

To: Allison Boals

Subject: SFPL Grant Reallocation Request

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Thank you,

Jill

Jill Bourne  
Deputy City Librarian  
The San Francisco Public Library

Sent from my iPad, so excuse any typos.

Official SFPL Use Only

Official SFPL use only

Official SFPL Use Only

Official SFPL Use Only

Official SFPL Use Only

Official SFPL Use Only

## Lovely Lindsley

---

**From:** Jill Bourne  
**Sent:** Saturday, January 12, 2013 9:29 AM  
**To:** Lovely Lindsley  
**Cc:** Mary Hudson; Maureen Singleton  
**Subject:** Re: Reporting Timelines, Financial and Narrative, Award# LG-48-12-0406-12(Learning Labs in Libraries and Museums)

Thank you, Lovely.

Mary has done some work on the Cover Page and I will draft the narrative report.

There is one alteration of the original plan that I need your help in making official. Could you tell me how much has been expended on Travel thus far within the grant?

I spoke with Alison Boals, grant manager at IMLS about the need to increase our budget for travel by reallocating some grant funds that were intended to be purchased with grant funds. Alison said this was not a problem and that, as long as it was lower than \$10k, we could do this without prior approval. The intent is to cover travel for team members from our partner agencies to attend the grantee convening in DC and the Digital Media and Learning Conference, as well.

My plan would be to:

- 1) transfer remainder funds from the consultant's contract (budgeted at \$30,000; actual contract amount \$26,900) to travel.
- 2) reallocate budgeted funds for equipment to travel, to cover any additional amounts needed for travel reimbursements. Since these items were all purchased by SFPL, this would only require a change to what we charge to the grant.

The total will be less than \$10k so it think it will all work unit but obviously we need to make sure our documentation is accurate.

Please (all of you) let me know if this makes sense and if you need any further information. We will need to send instructions to all the folks who are traveling regarding how to request reimbursement, etc.

Thanks,

Jill

Jill Bourne  
Deputy City Librarian  
The San Francisco Public Library

Sent from my iPad, so excuse any typos.

On Dec 7, 2012, at 12:53 PM, "Lovely Lindsley" <[llindsley@sfpl.org](mailto:llindsley@sfpl.org)> wrote:

FAML6220 V5.1  
LINK TO:

CITY AND COUNTY OF SAN FRANCISCO--NFAMIS  
GRANT SUMMARY INQUIRY

03/06/2013  
3:33 PM

BALANCE (Y,M,Q,A) : A                    CURR/PRIOR PRD :                    CURRENCY CODE :  
 FISCAL MO/YEAR : 09 2012 MAR 2012                    GRANT END DATE: 12/31/2013  
 GRANT : LBLEAR LEARNING LABS IN LIBRARIES AND MUSEUMS  
 GRANT DETAIL : 12                    FY 2012-2013 NLG LIBRARY LEARNING LABS  
 CHARACTER :  
 OBJECT CODE :  
 FUND TYPE :  
 FUND :  
 SUBFUND :

S	SUBOBJ DESCRIPTION	BUDGET	ACTUAL	PREENC/ENC	BALANCE
44931	FEDERAL GRANTS PAS	99,680			-99,680
	REVENUE TOTAL	99,680			-99,680
02101	TRAVEL COSTS PAID	4,000	1,180		2,820
02761	SYSTEMS CONSULTING	30,000	<3,100>		30,000
02783	STIPENDS	22,464			22,464
02799	OTHER PROFESSIONAL	34,982			34,982
04699	FOOD	2,200			2,200
04921	DATA PROCESSING SU	5,865	<5865>		5,865
04926	MINOR VIDEO EQUIPM	169	<169>		169
	EXPENDITURE TOTAL	99,680	1,180		98,500
	REVENUE LESS EXPEN		-1,180		-1,180

9134  
+ 4,000 travel budget  
 13,134- revised travel Budget

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FAML6220 V5.1  
LINK TO:

CITY AND COUNTY OF SAN FRANCISCO--NFAMIS  
GRANT SUMMARY INQUIRY

03/06/2013  
3:33 PM

BALANCE (Y,M,Q,A) : A                    CURR/PRIOR PRD :                    CURRENCY CODE :  
FISCAL MO/YEAR    : 09 2013 MAR 2013                    GRANT END DATE: 12/31/2013  
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GRANT DETAIL     : 12                    FY 2012-2013 NLG LIBRARY LEARNING LABS  
CHARACTER        :  
OBJECT CODE      :  
FUND TYPE        :  
FUND             :  
SUBFUND          :

---

S	SUBOBJ	DESCRIPTION	BUDGET	ACTUAL	PREENC/ENC	BALANCE
	44931	FEDERAL GRANTS PAS	99,680	4,447		-95,233
		REVENUE TOTAL	99,680	4,447		-95,233
	02100	TRAVEL-BUDGET	13,134			13,134
	02101	TRAVEL COSTS PAID		1,489		-1,489
	02103	AIR TRAVEL - EMPLO		675		-675
	02104	AIR TRAVEL - NON-E		398		-398
	02105	NON-AIR TRAVEL - E		905		-905
	02106	NON-AIR TRAVEL - N		419		-419
	02761	SYSTEMS CONSULTING	26,900		26,900	
	02783	STIPENDS	22,464	5,544		16,920
	02799	OTHER PROFESSIONAL	34,982		34,982	
	04699	FOOD	2,200		2,200	
		EXPENDITURE TOTAL	99,680	9,430	64,082	26,168
		REVENUE LESS EXPEN		-4,983	-64,082	-69,065



---

**Subject:**

REFERENCE: 20130205-001 Condition of Muni transit vehicles and the steps being taken to ensure safety for riders while in transit

**Attachments:**

03.01.13 Ltr. BOS M.Farrell Ref NO. 20130205.001.pdf; FY12 Scorecard MDBF.PDF

---

**From:** Martinsen, Janet [<mailto:Janet.Martinsen@sfmta.com>]**Sent:** Wednesday, March 06, 2013 01:27**To:** Farrell, Mark; BOS Legislation; Calvillo, Angela; Stefani, Catherine**Cc:** Reiskin, Ed; Sue, Candace; Haley, John**Subject:** REFERENCE: 20130205-001 Condition of Muni transit vehicles and the steps being taken to ensure safety for riders while in transit

To: Angela Calvillo, Clerk of the Board  
Supervisor Mark Farrell

From: John Haley, SFMTA Transit Director

Re: BOS Inquiry 20130205-001

Attached please find the SFMTA response to the above referenced Board of Supervisors Inquiry

If you need additional information, please do not hesitate to contact me at 415.701.4693.

Due Date: 3/10/2013

This is an inquiry from a member of the Board of Supervisors made at the Board meeting on 2/5/2013.

Supervisor Farrell requests the following information:

Requesting/Inquiring: Requesting the Municipal Transportation Agency to report on the condition of the MUNI transit vehicles and the steps being taken to ensure safety for riders while in transit.

Supervisor Farrell's office has recently been confronted with constituent concerns relating to the conditions of the SFMTA MUNI fleet. As public transportation is an integral part of the San Francisco community, the Supervisor requests that the SFMTA report back regarding the overall condition of San Francisco's transit vehicles.

One of the concerns is a lack of nylon holding straps and rails on MUNI transit vehicles, making it difficult to hold on during transit, thus, increasing the risk of injury. While this is merely an example of a current safety concern, simple issues such as this are especially problematic for seniors and disabled individuals. What steps are being taken by the SFMTA to ensure the safety of seniors, disabled individuals, and the general public while the riders are in transit? What procedures are in place to replace nylon straps on the MUNI transit vehicles when they deteriorate, or fall off completely? Additionally, is there a project timeline in place where constituents can expect these repairs to be made? Are there any other impending safety changes on MUNI expected?

Furthermore, please describe MUNI's process of repair? How long does it typically take to remedy safety concerns and what is the general procedure involved? The goal is to ensure that those riding MUNI,





particularly seniors and disabled individuals, have the ability to benefit from San Francisco's public transit without jeopardizing their safety.

Please indicate the reference number shown above in your response, direct the original draft to the requesting Supervisor(s) and notify the Clerk of the Board that the legislation has been prepared and delivered to the Supervisor(s).

Your response to this inquiry is requested by 3/10/2013

Ms. Espinosa  
Board of Supervisors - Clerk's Office  
Operations Division  
(415) 554-7708

Thank you.

---

**Janet L. Martinsen**  
Local Government Affairs Liaison



**SFMTA**

[janet.martinsen@sfmta.com](mailto:janet.martinsen@sfmta.com)  
415-701-4693w; 415-701-4737f  
[www.sfmta.com](http://www.sfmta.com)





March 1, 2013

The Honorable Mark Farrell  
Board of Supervisors  
City & County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

Re: 20130205-001 Condition of Muni transit vehicles and the steps being taken to ensure safety for riders while in transit

Dear Supervisor Farrell:

The safety of our riders is exceedingly important to us. SFMTA follows a strict preventative maintenance schedule on all vehicles. SFMTA rail cars and buses receive preventative maintenance (PM) and safety checks every 1,000 miles and more comprehensive maintenance inspections every 3,000 miles and 10,000 miles. The SFMTA follows the PM specifications and parameters outlined by the vehicle manufacturer. PM procedures are updated as needed based on wear patterns and change as vehicles age. Inspections include systems such as doors, brakes, lifts and ramps, steering, engine, seating, etc.

In addition, operators each day perform a safety check before leaving the yard in the morning and when returning in the evening. If an operator finds a safety issue with the vehicle, the vehicle is not allowed to enter service and is scheduled for a thorough maintenance review. Also, if a safety issue is noted by the operator or by a passenger while in service, the operator will call the issue into Central Control and a maintenance truck will be dispatched to meet the vehicle. If the repair can be done in the field, the repair work will be completed, the system retested, and the vehicle returned to service. If the issue cannot be resolved in the field, the operator is instructed to take the bus or rail car out of service and return it to the yard. Any vehicle removed from service for a safety related issue remains out of service until that component is repaired and tested. Safety related repairs must be performed before staff will release the bus or rail car for revenue service, without exception.

Regarding hand holding straps, these are replaced whenever they are missing or do not pass a visual and physical inspection. Inspections occur during the preventative maintenance checks. We are surveying the straps system-wide now and will be replacing any worn straps that are found.

Edwin M. Lee  
Mayor

Tom Nolan  
Chairman

Cheryl Brinkman  
Vice-Chairman

Leona Bridges  
Director

Malcolm Heinicke  
Director

Jerry Lee  
Director

Joél Ramos  
Director

Cristina Rubke  
Director

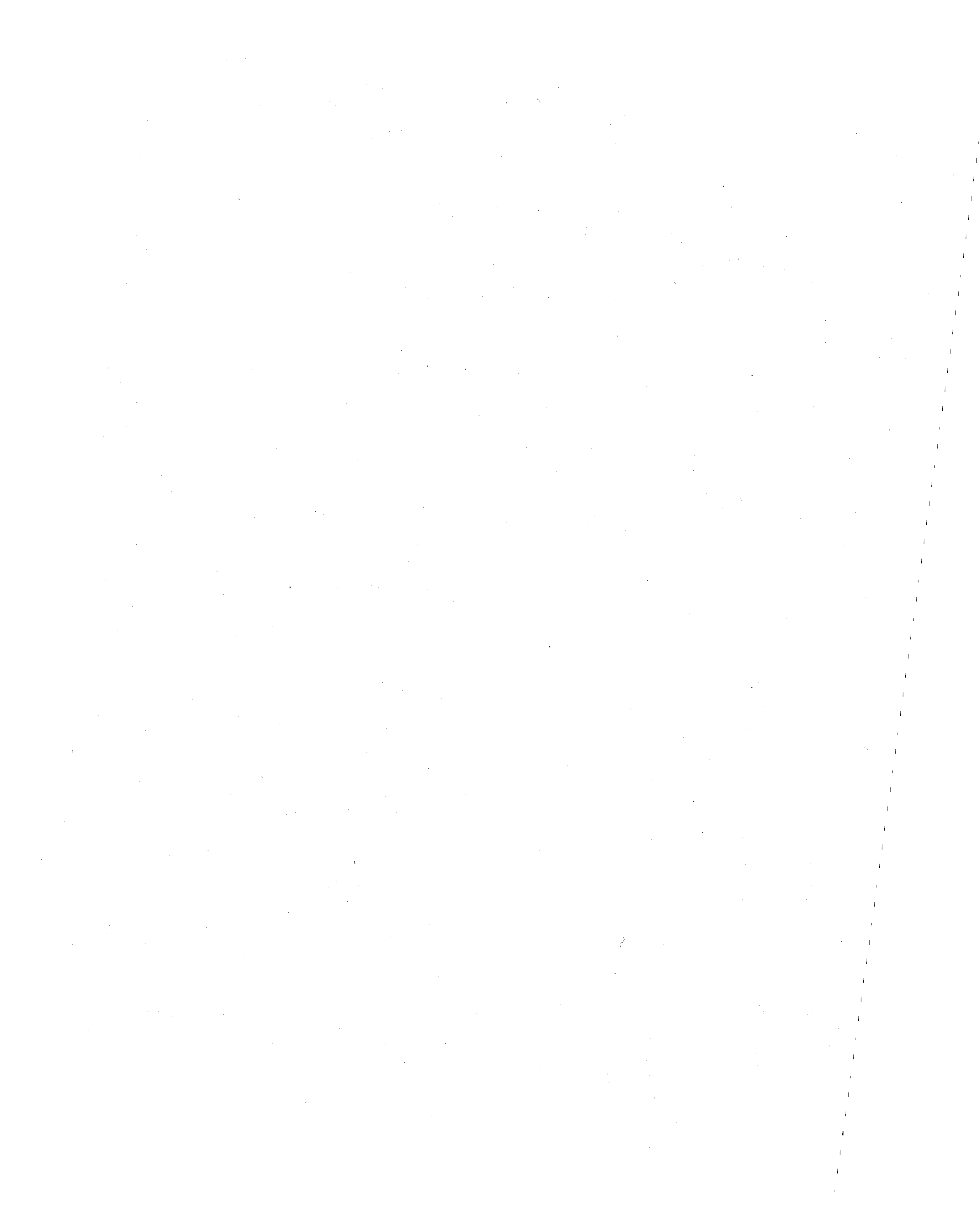
Edward D. Reiskin  
Director of  
Transportation

One South Van Ness Ave.  
Seventh Floor  
San Francisco, CA 94103

Telephone: 415.701.4500

www.sfmta.com







The SFMTA is currently making safety upgrades across the fleet to improve passenger and operator safety. Sixty-two new low floor buses will be in service by summertime and 80 buses are being rehabilitated to like new condition this year. Upgrades include making the door handle and bell cord color a bright yellow for easier visualization, changing seats reserved for our ADA passengers to blue as they are with the 2007 Orion buses, installation of brighter destination signs for improved vehicle identification, and installation of LED interior lighting. We are also upgrading on-board camera systems with better resolution and low lighting adaptability to provide a safer riding environment to our patrons.

Regarding overall condition, the reliability of the fleet is increasing even as the fleet continues to age. We report reliability through a metric called "Mean distance between failures" or MDBF. The metric measures how often on average a vehicle breaks down in service. I have attached our FY12 SFMTA Scorecard report to our Board of Directors on vehicle reliability. In addition, this metric is tracked monthly and reported to our Board of Directors. As mentioned before, new buses are due by summer and we're rehabilitating 80 buses. All light rail trains are also being rehabilitated and over a third are completed. SFMTA is embarking on major investments in the fleet to replace and rehabilitate vehicles including more regularly scheduled vehicle replacements. Our Board approved budget also includes over 100 new maintenance positions to improve maintenance on the fleet and infrastructure.

Thanks you for your inquiry and bringing your concerns to our attention. Please let me know if I can provide you with any additional information.

Sincerely,

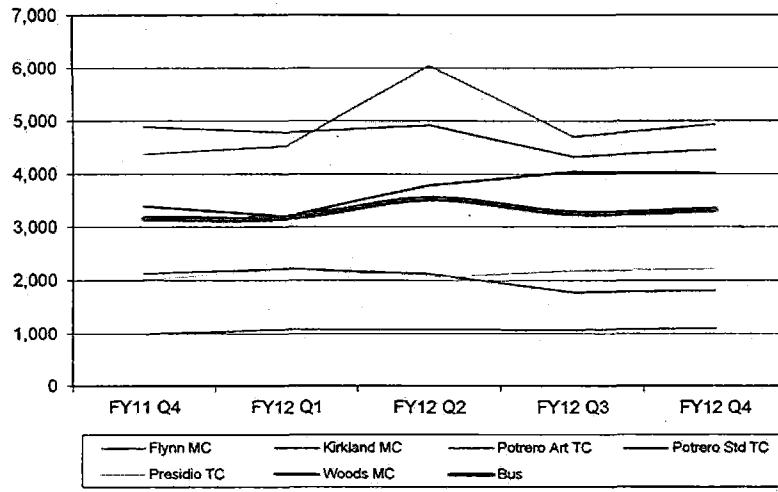
John Haley  
Director of Transit

cc: Edward Reiskin, Director of Transportation  
Janet Martinsen, Local Government Affairs Liaison

Enclosure: FY12 SFMTA Scorecard Report, MDBF pp.11-12



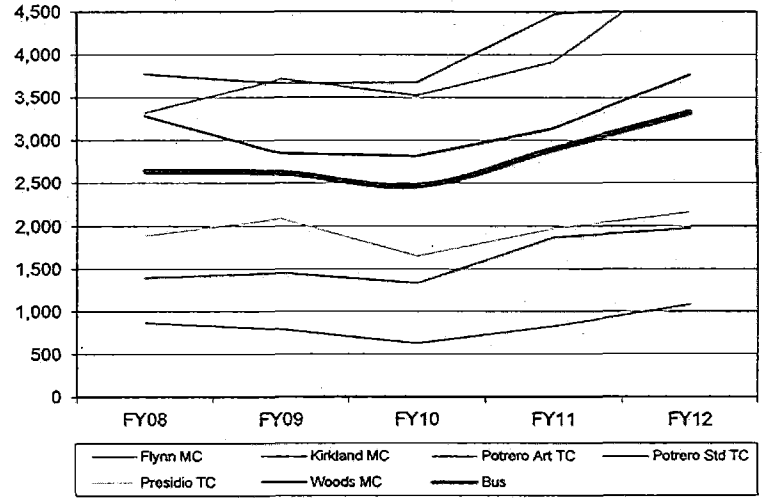
**QUARTERLY** MDBF



Reporting Period	Flynn MC	Kirkland MC	Potrero Art TC	Potrero Std TC	Presidio TC	Woods MC	Bus
FY11 Q4	4,383	4,892	1,000	2,132	2,023	3,389	3,163
FY12 Q1	4,540	4,795	1,092	2,223	2,208	3,203	3,184
FY12 Q2	6,048	4,920	1,080	2,118	2,052	3,792	3,537
FY12 Q3	4,713	4,330	1,076	1,782	2,181	4,048	3,264
FY12 Q4	4,939	4,467	1,109	1,815	2,216	4,017	3,334
<b>FY12 Goal</b>	<b>3,500</b>	<b>3,500</b>	<b>1,000</b>	<b>1,700</b>	<b>1,700</b>	<b>3,500</b>	<b>2,669</b>

Notes

**ANNUAL** MDBF



Reporting Period	Flynn MC	Kirkland MC	Potrero Art TC	Potrero Std TC	Presidio TC	Woods MC	Bus
FY08	3,325	3,780	872	1,400	1,895	3,289	2,645
FY09	3,726	3,674	797	1,461	2,094	2,853	2,627
FY10	3,529	3,685	634	1,339	1,656	2,817	2,467
FY11	3,923	4,472	833	1,879	1,981	3,142	2,900
FY12	5,060	4,628	1,089	1,985	2,164	3,765	3,330
<b>FY12 Goal</b>	<b>3,500</b>	<b>3,500</b>	<b>1,000</b>	<b>1,700</b>	<b>1,700</b>	<b>3,500</b>	<b>2,669</b>

Notes  
 MC: Motor Coach, TC: Trolley Coach, Art: Articulated, Std: Standard  
 Overall goal for Bus is based on weighted average using # of vehicles by type/yard.



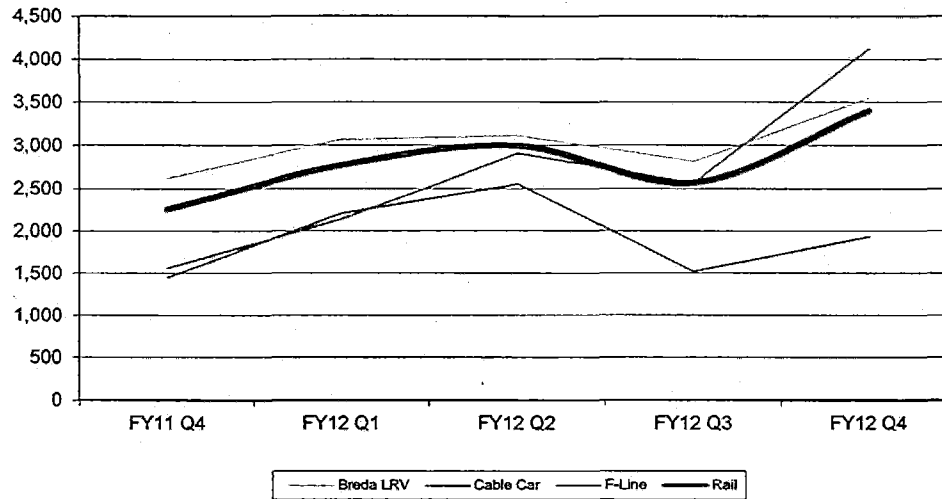


A5 Mean Distance Between Failure | Rail



QUARTERLY

MDBF

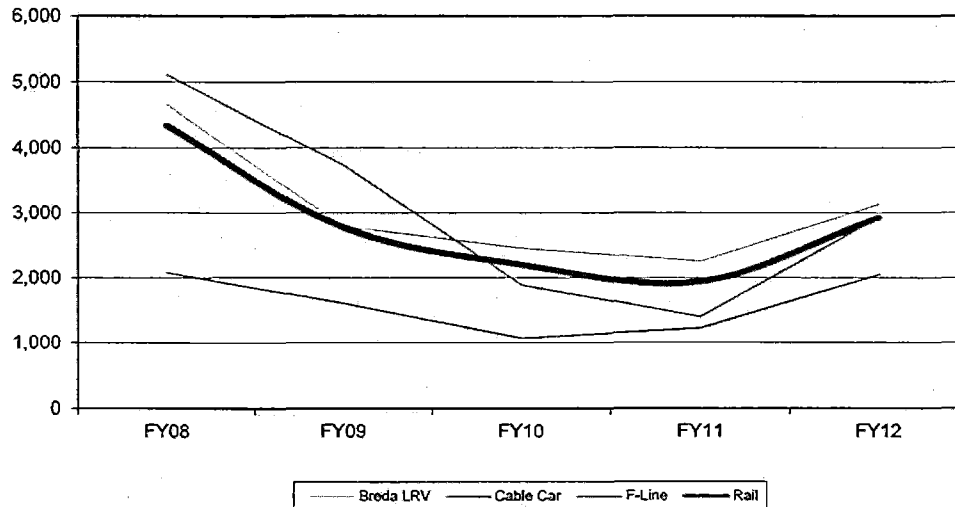


Reporting Period	Breda LRV	Cable Car	F-Line	Rail
FY11 Q4	2,619	1,563	1,451	2,251
FY12 Q1	3,071	2,141	2,206	2,772
FY12 Q2	3,118	2,910	2,557	2,994
FY12 Q3	2,811	2,566	1,521	2,568
FY12 Q4	3,549	4,126	1,936	3,401
FY12 Goal	3,500	5,000	1,500	3,456

Notes  
Overall goal for Rail is based on weighted average using # of vehicles by type/yard.

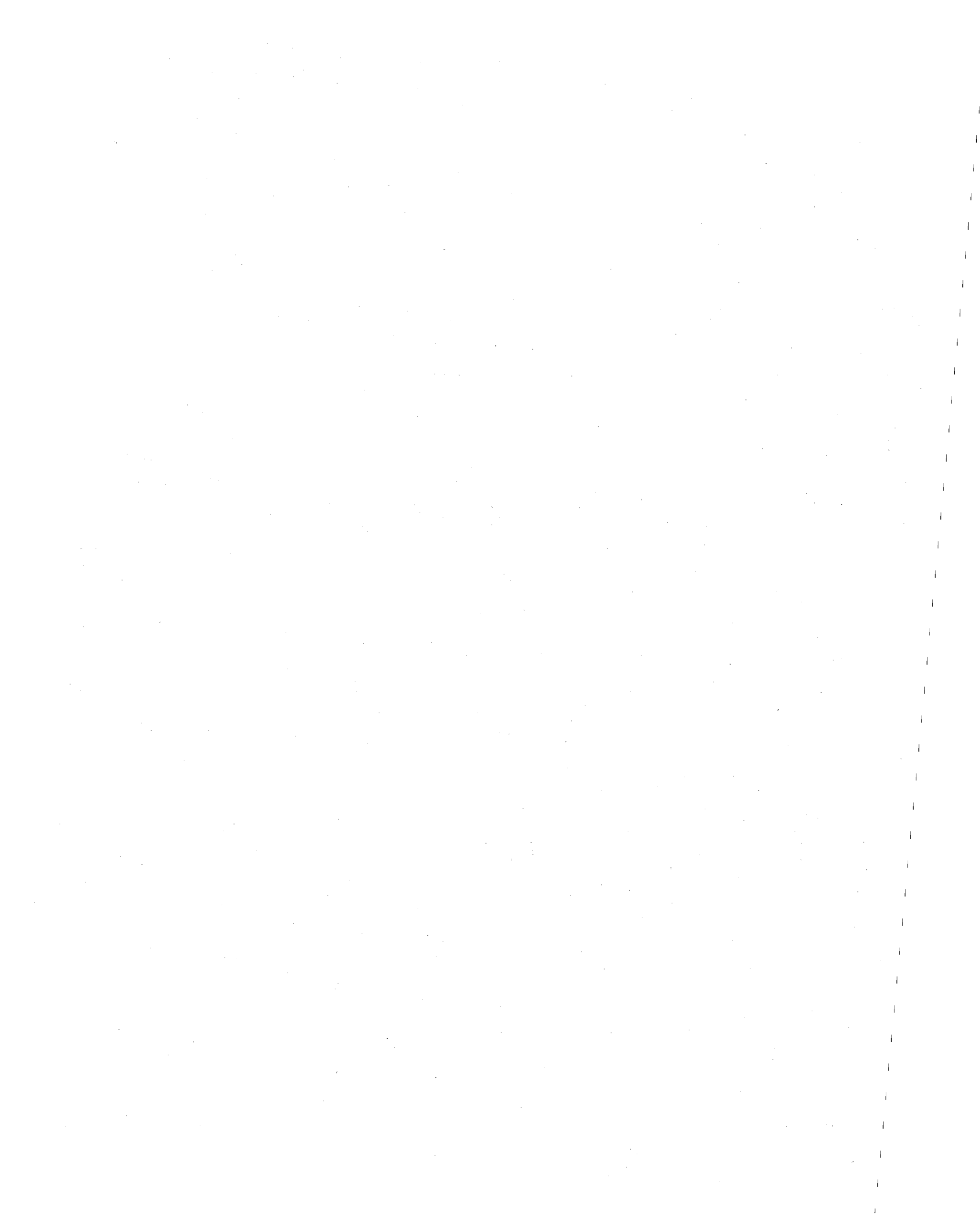
ANNUAL

MDBF



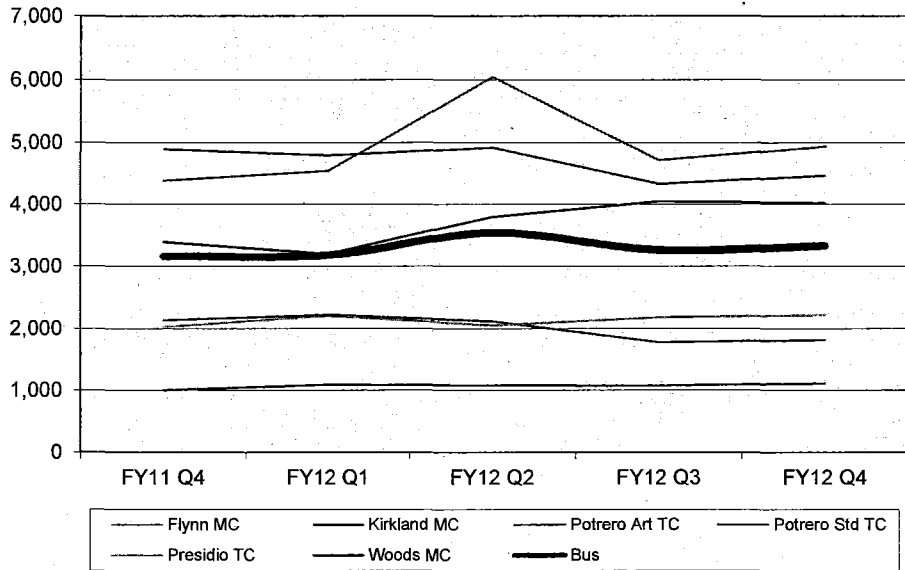
Reporting Period	Breda LRV	Cable Car	F-Line	Rail
FY08	4,669	5,120	2,084	4,348
FY09	2,799	3,737	1,607	2,780
FY10	2,459	1,895	1,076	2,206
FY11	2,258	1,402	1,225	1,946
FY12	3,137	2,936	2,055	2,934
FY12 Goal	3,500	5,000	1,500	3,456

Notes



**QUARTERLY**

MDBF

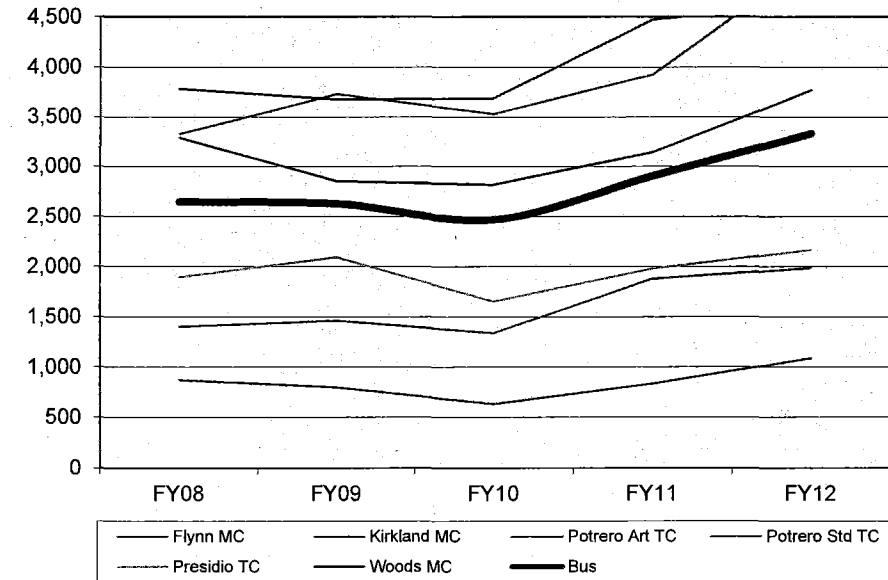


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Notes

**ANNUAL**

MDBF



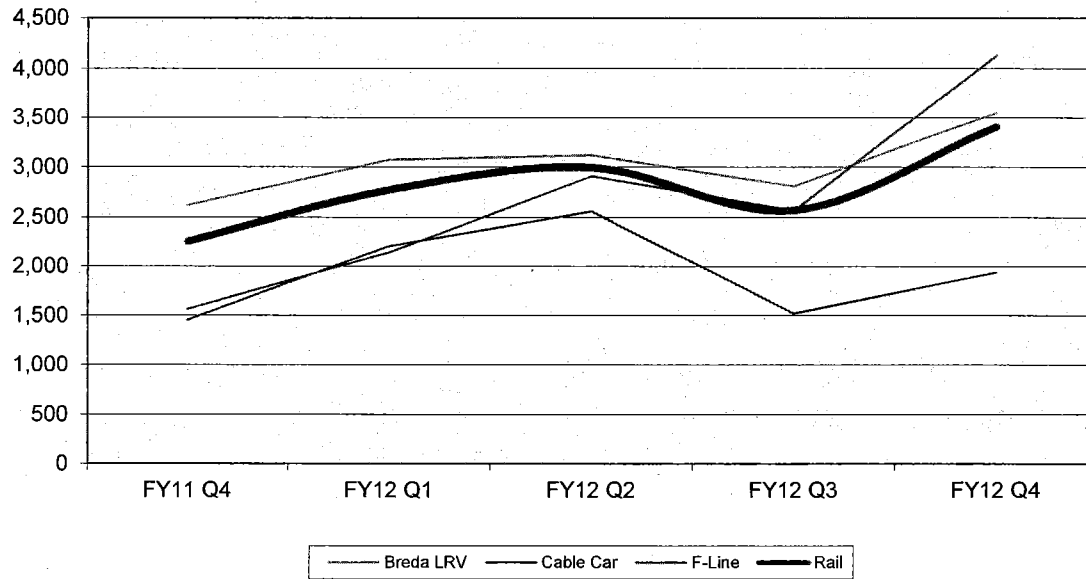
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 Overall goal for Bus is based on weighted average using # of vehicles by type/yard.



**QUARTERLY**

MDBF



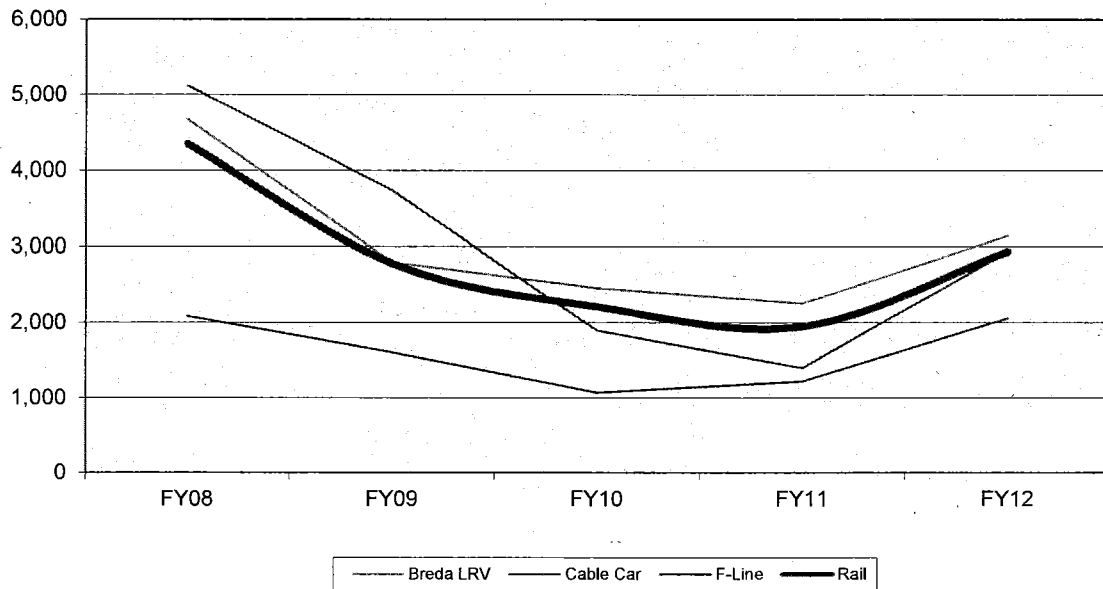
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**Notes**

Overall goal for Rail is based on weighted average using # of vehicles by type/yard.

**ANNUAL**

MDBF



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**Notes**



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**To:** BOS-Supervisors  
**Subject:** BOS report on Office of Community Investment & Infrastructure-MOH Housing Framework  
**Attachments:** BOS Report on OCII-MOH Housing Framework 3.4.13.pdf

Hello Supervisors:

The Office of the Clerk of the Board is in receipt of a memorandum from Tiffany Bohee, Executive Director of Community Investment & Infrastructure, Successor to the San Francisco Redevelopment Agency, dated March 4, 2013. Please see attached.

Regards,

Peggy Nevin  
Executive Assistant  
Clerk of the Board of Supervisors  
415-554-7703  
[peggy.nevin@sfgov.org](mailto:peggy.nevin@sfgov.org)





**Office of Community  
Investment and Infrastructure**  
(Successor to the San Francisco  
Redevelopment Agency)

One South Van Ness Avenue  
San Francisco, CA 94103  
415.749.2400



EDWIN M. LEE, Mayor

Christine Johnson, Chair  
Mara Rosales, Vice-Chair  
Theodore Ellington  
Marily Mondejar  
Darshan Singh  
Tiffany Bohee, Executive Director

001-012.13-146

**MEMORANDUM**

TO: President David Chiu and Honorable Members of the Board of Supervisors

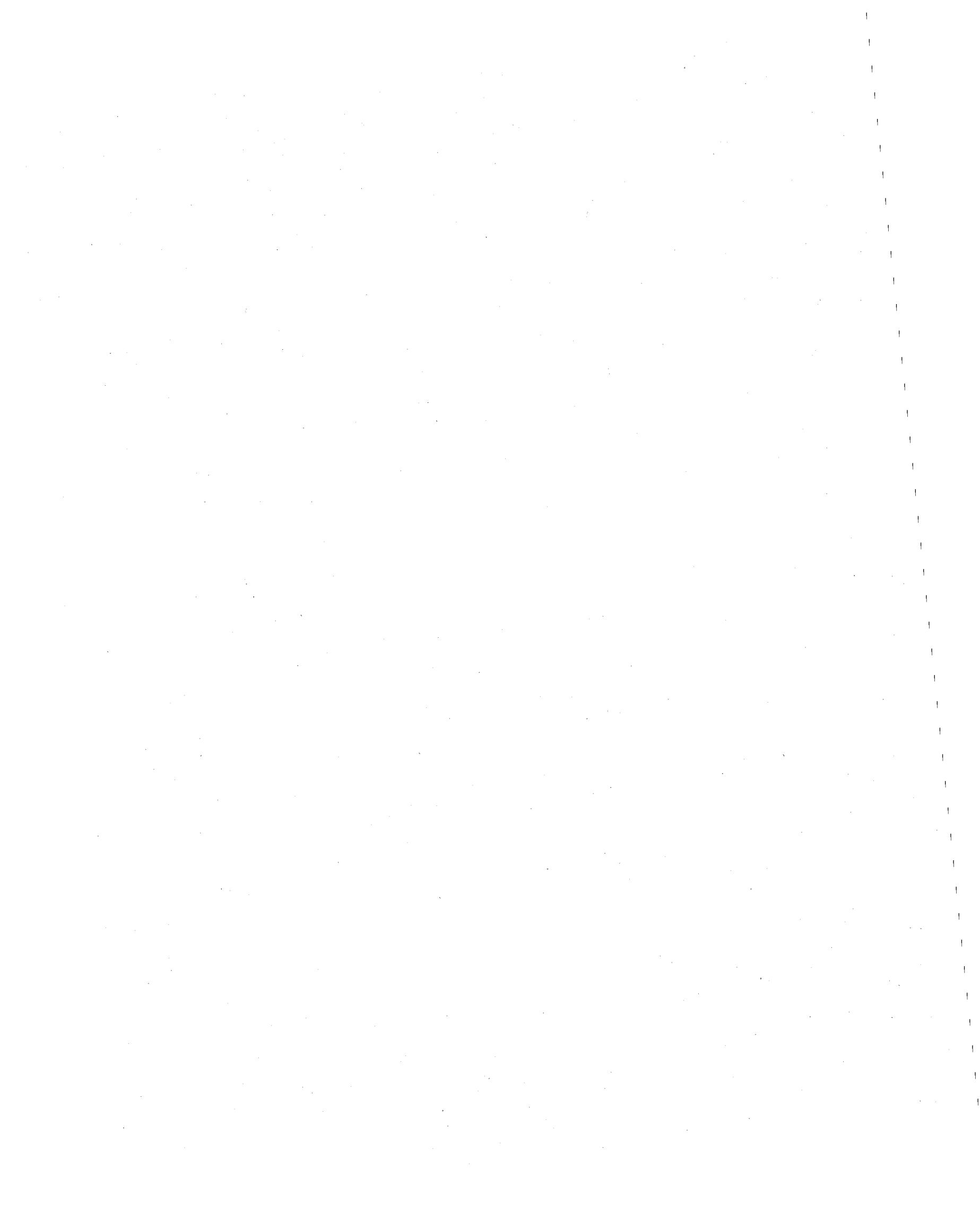
FROM: Tiffany Bohee, Executive Director, Office of Community Investment & Infrastructure, Successor to the San Francisco Redevelopment Agency *TMB*

DATE: March 4, 2013

SUBJECT: Status on OCII & Mayor's Office of Housing framework to fulfill affordable housing obligations of the former San Francisco Redevelopment Agency

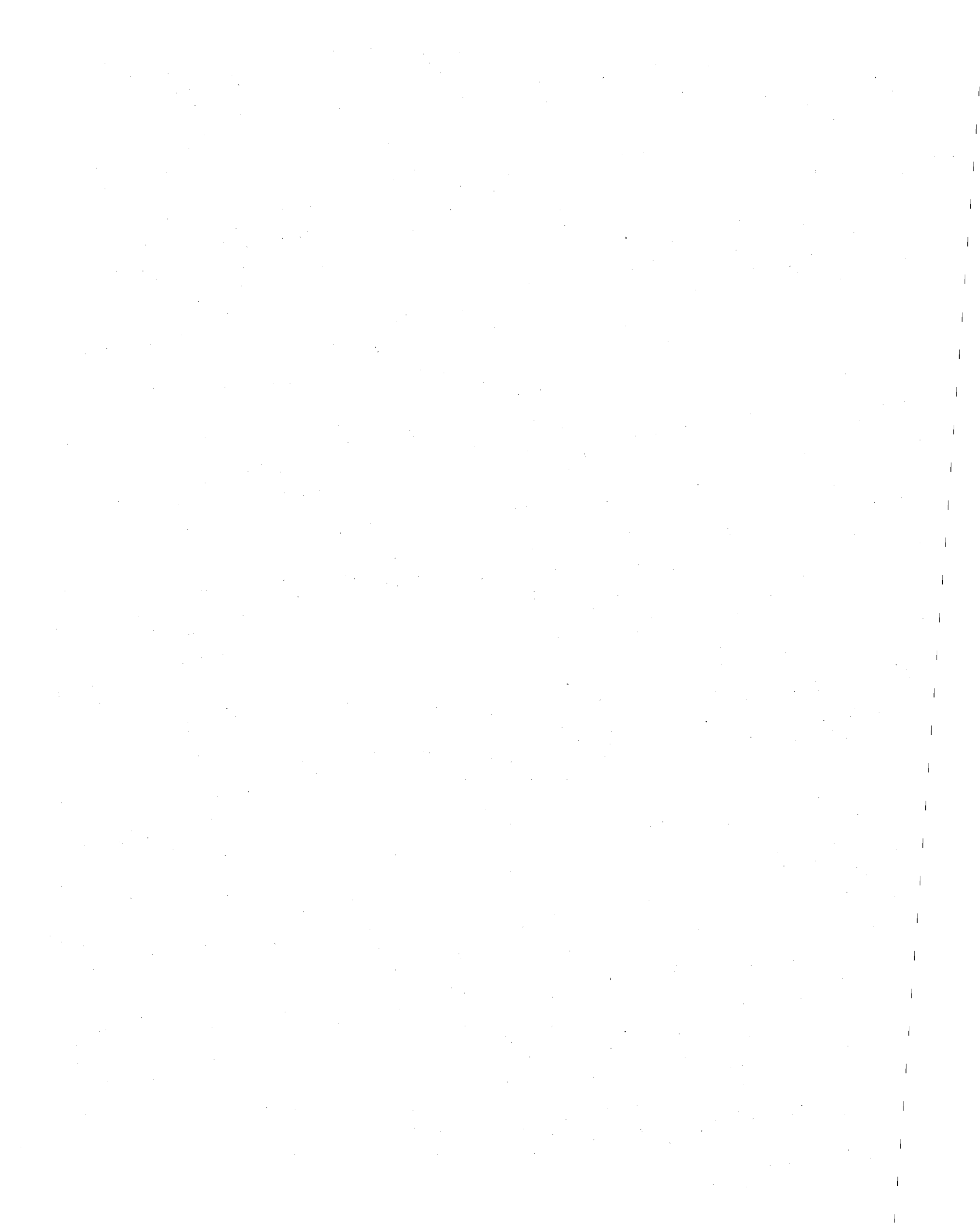
This memorandum provides a status report on the efforts of the Successor Agency to the former San Francisco Redevelopment Agency (commonly known as the Office of Community Investment and Infrastructure or "OCII") and the Mayor's Office of Housing ("MOH") to establish an implementation plan for the funding and approval of affordable housing projects that are the continuing obligations of OCII. This report is required under Section 9 of Ordinance No. 215-12 (Oct. 4, 2012). For the reasons explained below, OCII and MOH have not yet completed a final implementation plan, but are working to respond to various directives of the California Department of Finance ("DOF") that have created uncertainty about the housing assets and obligations.

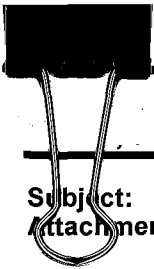
Pursuant to Assembly Bills 26 and 1484 (together, the "Redevelopment Dissolution Law"), in 2012 the City and County of San Francisco ("City") established a Successor Agency to the former San Francisco Redevelopment Agency (SFRA), and elected to retain, acting through the Mayor's Office of Housing (MOH), the affordable housing assets and functions previously performed by the SFRA. Initially, the Board of Supervisors adopted Resolution No. 11-12 (Jan. 26, 2012) to approve the transfer of all assets and obligations to MOH. Subsequently, the state legislature adopted AB 1484 and clarified that certain housing funds and obligations of the former redevelopment agency remained with the successor agency. Cal. Health & Safety Code § 34176 (a) (the transfer to housing successor excludes "amounts on deposit in the Low and Moderate Income Housing Fund and enforceable obligations retained by the successor agency").



In response to these and other changes in the Redevelopment Dissolution Law, the Board of Supervisors adopted Ordinance 215-12 (Oct. 4, 2012) (the "Ordinance") to provide, among other things that although MOH had accepted the transfer of affordable housing rights, assets, and functions, the Successor Agency had retained enforceable obligations for the development of affordable housing in the Mission Bay North & South Projects, the Hunters Point Shipyard/Candlestick Point Project, the Transbay Transit Center Project (together, the "Major Approved Development Projects") and for the replacement housing obligation associated with the Redevelopment Agency's destruction of 6700 affordable housing units in the 1960's and 1970's. These obligations are defined in the Ordinance as the Successor Agency's "Retained Housing Obligations." OCII has retained these obligations not only to comply with Redevelopment Dissolution Law, but to ensure that future property tax revenues (formerly tax increment) are available to fund these affordable housing programs.

Section 9 of the Ordinance requires OCII to report to the Board of Supervisors with a framework to which MOH and OCII have agreed for fulfilling their respective responsibilities for the implementation plan for funding and approval of affordable housing projects required under the Retained Housing Obligations within 120 days of the effective date of the Ordinance, i.e. March 4, 2013. At this time OCII and MOH are continuing to develop that framework in light of certain state actions. DOF is seeking to redistribute some of the housing funds that had been transferred to MOH upon the dissolution of SFRA. In December 2012, DOF invalidated the transfer of these assets and required the Successor Agency to hold them pending completion of DOF's review. The MOH and OCII are in the final stages of a third party review of the funds through the City Controller's office. This review will determine, after DOF approval, what balances may be retained by OCII and MOH for affordable housing uses. Given the connections between the existing housing funds, the Successor Agency's retained obligations, and other assets transferred to MOH, the OCII and MOH believe that they are unable to finalize an implementation plan for the funding and approval of affordable housing project until DOF determines the amount of funds available for affordable housing and the validity of the transfer of assets associated with the Successor Agency's retained housing obligations. We expect that DOF will resolve these issues by early May and that further clarifications of the roles of OCII and MOH will likely occur through the annual budgeting process. When DOF has made final determinations on these matters, MOH and OCII will present a final implementation plan to the Board of Supervisors.





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**Subject:** Annual Language Access Ordinance Compliance Report  
**Attachments:** SF LAO 2013 final\_Mar2013r5.pdf

**From:** Pon, Adrienne [mailto:[adrienne.pon@sfgov.org](mailto:adrienne.pon@sfgov.org)]  
**Sent:** Thursday, March 07, 2013 01:12  
**To:** Pon, Adrienne  
**Cc:** Chiao, Whitney  
**Subject:** Annual Language Access Ordinance Compliance Report

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

Dear Colleagues,

Attached is a copy of the 2013 Language Access Ordinance Annual Compliance Summary Report which was sent earlier this week to the Mayor, Board of Supervisors and Immigrant Rights Commission as required by law.

Recent U.S. Census Bureau reports show San Francisco's estimated population at 812,826 with nearly 36 percent immigrant. As previously reported, 44 percent of San Francisco residents speak a language other than English at home. The City's ability to effectively communicate with all residents is critical to our overall success and safety.

Thank you for your leadership and continued support on this important issue. Special thanks to Tier 1 Departments for their timely and complete submissions. We look forward to working with everyone this year and beyond.

Adrienne

**ADRIENNE PON**  
Executive Director | **OFFICE OF CIVIC ENGAGEMENT & IMMIGRANT AFFAIRS**  
City & County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 368 | San Francisco, CA 94102  
Telephone: (415) 581.2352 (ask for Whitney Chiao, Executive Coordinator)  
| (415) 554.7028 (direct) | Facsimile: (415) 554.4849 | Website: [www.sfgov.org/oceia](http://www.sfgov.org/oceia)





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OFFICE OF ECONOMIC AND WORKFORCE DEVELOPMENT  
WORKFORCE DEVELOPMENT DIVISION  
MEMORANDUM

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TO: ANGELA CALVILLO, CLERK TO SAN FRANCISCO BOARD OF SUPERVISORS  
FROM: RHONDA SIMMONS, DIRECTOR OF WORKFORCE  
*Rhonda R Simmons*  
SUBJECT: EXTENSION TO SUBMIT LOCAL HIRE ANNUAL REPORT TO THE BOARD  
DATE: 3/4/2013

---

The Office of Economic and Workforce Development (OEWD) is requesting an extension to submit the Year Two Annual Report for the San Francisco Local Hiring Policy for Construction to the Board of Supervisors.

Pursuant to Administrative Code 6.22(G)(8)(f), OEWD shall submit a written report of the Local Hiring Policy to the Board on March 1 of each year. In order to submit a more comprehensive report as required by the Administrative Code, OEWD is requesting an extension to submit the Annual Report to the Board of Supervisors no later than March 30, 2013.





File 130039  
130040  
City Ops Clerk  
cpage

# FFLGUARD®

PLEASE RESPOND TO:  
244 FIFTH AVE., SUITE 1960  
NEW YORK, NY 10001  
(888) 335-4731 x706

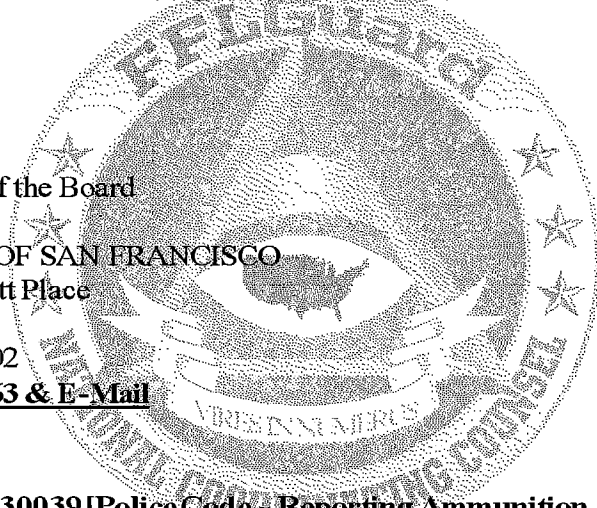
PROGRAM DIRECTED BY:

THE CHIAFULLO GROUP, LLP  
ATTORNEYS-AT-LAW

WRITER'S E-MAIL:  
[CHRIS@FFLGuard.COM](mailto:CHRIS@FFLGuard.COM)

March 7, 2013

Angela Cavillo, Clerk of the Board  
Board of Supervisors  
CITY AND COUNTY OF SAN FRANCISCO  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102  
VIA Fax (415)554-5163 & E-Mail



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 MAR -7 AM 11:25

Re: BOS File Nos. 130039 [Police Code - Reporting Ammunition Sales of 500 or More Rounds]; 130040 [Police Code - Possession or Sale of Law Enforcement or Military Ammunition] – OPPOSITION

Dear Ms. Cavillo:

I write on behalf of *FFLGuard*, a cooperative legal program dedicated to representing the interests of its hundreds of federal firearms licensee (“FFL”) clients nationwide and throughout California, to **oppose** the City and County of San Francisco’s current proposals to require the reporting of ammunition sales of 500 or more rounds and banning the sale and possession of certain ammunition.

Member, Board of Supervisors  
District 2



City and County of San Francisco

MICHELA ALIOTO-PIER

BOS File Nos. 130039 [Police Code - Reporting Ammunition Sales of 500 or More Rounds];130040 [Police Code - Possession or Sale of Law Enforcement or Military Ammunition] – OPPOSITION  
March 7, 2013

## **L The Sales Reporting Requirement Is Overly Burdensome to Ammunition Retailers, and it Will Have No Law Enforcement Value**

The proposed ordinance requiring the reporting of all ammunition sales over 500 rounds will prove extremely burdensome to ammunition retailers doing business in the City and County of San Francisco. And, based on the experiences of other jurisdictions, is highly unlikely to serve any legitimate law enforcement purpose.

Single purchases of 500 rounds are generally no cause for alarm. Indeed, such transactions are *very common* among law-abiding sportsmen and target shooters. Approximately 70% of all ammunition purchased in the United States – billions of rounds – is purchased for lawful target and sport shooting. Such consumers can easily expend 500 rounds or more in a single day at the range. And many gun enthusiasts regularly purchase ammunition in bulk to save money, keeping a supply of ammunition on their shelves for years. There is no telling how many thousands of purchases would have to be reported to local law enforcement annually.

Under this proposal, businesses inside and outside of San Francisco would be required, under threat of criminal prosecution, to register each one of these all too common (and otherwise lawful) transactions within 24 hours. And *FFLGuard* is hard pressed to find any real benefit that could outweigh the bureaucratic nightmare the City seeks to impose on retailers and local law enforcement by this proposal.

In fact, evidence has long shown that ammunition sales registration is an ineffective law enforcement tool. The failure of these programs is well documented.

In 1986, Congress repealed a ban on mail order ammunition sales that also required the keeping of detailed records by licensed dealers. During congressional hearings on the issue, the director of the Bureau of Alcohol, Tobacco and Firearms (ATF) stated: “The Bureau and Department have recognized that current recordkeeping requirements for ammunition have *no substantial law enforcement value*. In addition, their elimination would remove an unnecessary recordkeeping burden from licensees.”<sup>1</sup>

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<sup>1</sup> H.R. Rep. 99-495, at 17 (1986), U.S.C.C.A.N. 1327, 1343 (emphasis added).

Member, Board of Supervisors  
District 2



City and County of San Francisco

MICHELA ALIOTO-PIER

BOS File Nos. 130039 [Police Code - Reporting Ammunition Sales of 500 or More Rounds];130040 [Police Code - Possession or Sale of Law Enforcement or Military Ammunition] – OPPOSITION  
March 7, 2013

Consider also the experience of the City of Pasadena, which repealed a similar ammunition record-keeping requirement after finding it had no real law enforcement value. And because the City of Los Angeles has opted to retain its record-keeping requirement in spite of evidence that it has never generated a lead, the city now has created a mountain of paperwork that the LAPD has insufficient resources to manage.

As such, the onerous burden placed on ammunition retailers to register any sale of 500 or more rounds of ammunition places an unnecessary burden on retailers that promises to result in nothing more than a bureaucratic onslaught of paperwork without any corresponding value for more effective law enforcement.

## II. The Ban on the Sale of Certain Ammunition Is Unconstitutionally Vague, Subjecting Ammunition Retailers to Unjust Prosecution Under the Law

The language of the proposed ordinance – specifically that which defines the prohibited ammunition – is hopelessly unclear. And it imposes *criminal penalties* for violation of the law. At minimum, adoption of this proposal is likely to lead to a legal challenge on constitutional vagueness grounds.

The due process provisions of the constitutions of the United States and California each require “a reasonable degree of certainty in legislation, especially in the criminal law. . . .”<sup>2</sup> To pass constitutional muster, a law must “define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited. . . .”<sup>3</sup>

Banning ammunition “that has physical properties resulting in ballistics performance identical to ammunition presently or formerly sold under the brand name Winchester Black Talon”<sup>4</sup> requires ammunition retailers to make an impossible judgment about the ammunition the proposed ordinance seeks to ban, lest they face criminal charges. For how could an ammunition retailer contemplate if a certain type of ammunition, in fact, has physical properties that cause a

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<sup>2</sup> *People v. Heitzman*, 9 Cal. 4th 189, 199 (1994).

<sup>3</sup> *Kolender v. Lawson*, 461 U.S. 352, 357 (1983).

<sup>4</sup> S.F., Cal., File No. 130040 [Police Code - Possession or Sale of Law Enforcement or Military Ammunition].

Member, Board of Supervisors  
District 2



City and County of San Francisco

MICHELA ALIOTO-PIER

BOS File Nos. 130039 [Police Code - Reporting Ammunition Sales of 500 or More Rounds];130040 [Police Code - Possession or Sale of Law Enforcement or Military Ammunition] – OPPOSITION  
March 7, 2013

certain bullet to perform in a manner “*identical*” to ammunition presently or formerly sold under the brand name Winchester Black Talon.”<sup>5</sup> What are the grounds for “performance” contemplated by this ordinance? What are the “physical properties” that a retailer is supposed to evaluate to make the judgment as to the quantitative nature of a bullet’s performance? What tests are to be conducted to evaluate “performance identical” to a Winchester Black Talon? Are all retailers supposed to conduct the same tests, or is there latitude in how each retailer evaluates identical performance? As such, the proposed ordinance and the burden it places on ammunition retailers is as absurd as it is constitutionally vague.

The proposal also charges the police department with the task of creating a “public database of brands and product lines of ammunition meeting the [ordinance’s] definition of ‘Prohibited Ammunition.’”<sup>6</sup> But the failure of the police to create said database, or the omission of any specific ammunition “qualifying as ‘Prohibited Ammunition.’” is not a defense to any violation of the ordinance.<sup>7</sup> Without the aid of a reliable and comprehensive list, ammunition retailers are left to their own understanding of what ammunition is prohibited altogether and what type of ammunition is allowed to be stored in stock to sell to those qualifying under the proposed ordinance’s exceptions, which leaves them vulnerable to criminal prosecution for an unknowing violation of the law. The constitutional guarantees of due process of law do not tolerate this outcome.

### III. CONCLUSION

The firearms industry and law-abiding gun owners in California are the most heavily regulated population in the country. Especially, in San Francisco, the burden increases with each new measure, making it nearly impossible for ammunition retailers to earn a livelihood or to create jobs and revenue for the city and state.

*FFLGuard* opposes these proposals because they will only increase the regulatory burden on law-abiding retailers and their customers and divert law enforcement resources, while serving no real public safety purpose.

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<sup>5</sup> *Id.* (emphasis added).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

Member, Board of Supervisors  
District 2



City and County of San Francisco

MICHELA ALIOTO-PIER



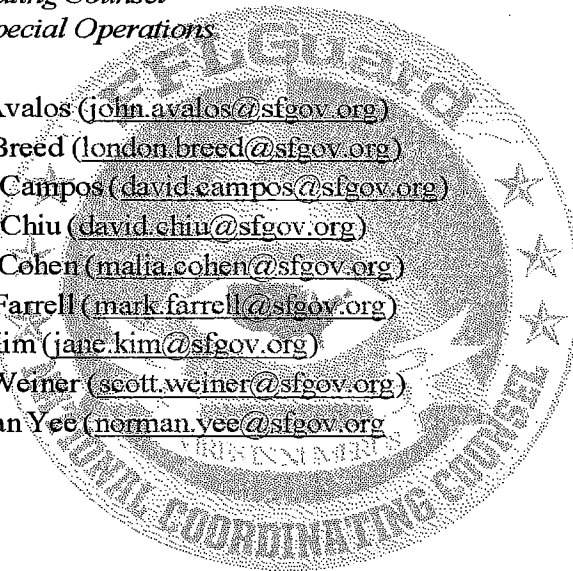
BOS File Nos. 130039 [Police Code - Reporting Ammunition Sales of 500 or More Rounds];130040 [Police Code - Possession or Sale of Law Enforcement or Military Ammunition] – OPPOSITION  
March 7, 2013

Sincerely,



By: Christopher M. Chiafullo  
for The Chiafullo Group, LLP  
*FFLGuard*  
*National Coordinating Counsel*  
*and Director of Special Operations*

- cc: Supervisor John Avalos ([john.avalos@sfgov.org](mailto:john.avalos@sfgov.org))  
Supervisor Long Breed ([london.breed@sfgov.org](mailto:london.breed@sfgov.org))  
Supervisor David Campos ([david.campos@sfgov.org](mailto:david.campos@sfgov.org))  
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Supervisor Malia Cohen ([malia.cohen@sfgov.org](mailto:malia.cohen@sfgov.org))  
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Member, Board of Supervisors  
District 2



City and County of San Francisco

MICHELA ALIOTO-PIER

**From:** Board of Supervisors  
**To:** BOS-Supervisors; Evans, Derek  
**Subject:** Opposition Letters to BOS File No. 130039 & 130040 [MA-Interwoven.FID27444]  
**Attachments:** San Francisco\_BOS File No. 130039 - Police Code - Reporting Ammunition Sales of 500 or More Rounds - OPPOSITION.pdf, San Francisco\_BOS File No. 130040 - Police Code - Possession or Sale of Law Enforcement or Military Ammunition - OPPOSITION.pdf

**Importance:** High

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**From:** Claudia Ayala [mailto:CAyala@michellawyers.com]  
**Sent:** Monday, March 04, 2013 4:32 PM  
**To:** Board of Supervisors  
**Cc:** C.D. Michel; Anna M. Barvir  
**Subject:** Re: Opposition Letters to BOS File No. 130039 & 130040 [MA-Interwoven.FID27444]  
**Importance:** High

Dear Ms. Cavillo,


Attached please find the following two opposition letters:

- BOS File No. 130039: Police Code – Reporting Ammunition Sales OF 500 or More Rounds – OPPOSITION
- BOS File No. 130040: Police Code – Possession or Sale of Law Enforcement or Military Ammunition - OPPOSITION

Both letters were faxed earlier today without the attachments as they were too large to fax. The attached pdf re: BOS File No. 130040 has all the attachments referenced in our opposition letter. Please make sure that the attached letters get distributed to all Board of Supervisors before their meeting tomorrow.

Thank you in advance for your courtesy and cooperation. Feel free to contact me if you have any questions or concerns.

Thank you,

<p><b>Claudia Ayala</b> Senior Paralegal</p>  <p><b>MICHEL &amp; ASSOCIATES, P.C.</b> Attorneys at Law</p> <p>Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4473 Main: (562) 216-4444 Fax: (562) 216-4445 Email: <a href="mailto:CAyala@michellawyers.com">CAyala@michellawyers.com</a> Web: <a href="http://www.michellawyers.com">www.michellawyers.com</a></p> <p>180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

Writer's Direct Contact  
(562) 216-4444  
CMichel@michellawyers.com

**IMMEDIATE ATTENTION REQUESTED**

**FAX TRANSMITTAL SHEET**

**TO:** Angela Cavillo, Clerk of the Board & Board of Supervisors  
**FIRM:** CITY AND COUNTY OF SAN FRANCISCO  
**FAX NO.:** (415) 554-5163  
**TEL. NO.** (415) 554-5184  
**FROM:** C. D. Michel  
**DATE:** March 4, 2013  
**RE:** BOS File No. 130040: Police Code - Possession or Sale of Law Enforcement or Military Ammunition – **OPPOSITION**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 MAR -4 PM 4:53

THIS FAX CONTAINS COVER PAGE PLUS 11 PAGES. IF YOU DO NOT RECEIVE ALL PAGES PLEASE CONTACT Claudia Ayala AT (562) 216-4444.

**SPECIAL INSTRUCTIONS**

Will follow via electronic mail and overnight mail. Please feel free to contact me if you have any questions or concerns. Thank you

**THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS BELOW VIA THE U.S. POSTAL SERVICE. THANK YOU.**

Member, Board of Supervisors  
District 2



City and County of San Francisco

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DAVID T. HARDY  
TUCSON, AZ

March 4, 2013

Angela Cavillo, Clerk of the Board  
Board of Supervisors  
CITY AND COUNTY OF SAN FRANCISCO  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102  
**VIA Fax (415) 554-5163 & E-Mail**

**Re: BOS File No. 130040: Police Code - Possession or Sale of Law  
Enforcement or Military Ammunition – OPPOSITION**

Dear Ms. Cavillo:

We write on behalf of our clients, the National Rifle Association (“NRA”) and the California Rifle & Pistol Association (“CRPA”), as well as the hundreds of thousands of their members in California, many residing within the City and County of San Francisco. Among other things, these organizations seek to promote firearms and hunting safety, protect hunting rights, enhance the marksmanship skills of those participating in the shooting sports, and educate the public about firearms in order to reduce violence and encourage gun safety.

Our clients oppose the current proposal to ban the possession and sale of certain ammunition, File No. 130040 [Police Code – Possession or Sale of Law Enforcement or Military Ammunition], scheduled to be heard by the Board of Supervisors on March 5, 2013.

The proposed ordinance is unclear as to what ammunition it bans. But to the extent it regulates hollow-point ammunition, the proposed ordinance is unconstitutional because it would ban the possession or sale of ammunition in common use for self-defense and hunting. Contrary to remarks made by the proposal’s sponsors, such ammunition is *not* “military grade,” nor is it in any way unconventional. Nonetheless, the ordinance imposes criminal penalties.

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## I. THE PROPOSED AMMUNITION BAN IS UNCONSTITUTIONALLY VAGUE

The due process provisions of the constitutions of the United States and California each require “a reasonable degree of certainty in legislation, especially in the criminal law . . . .”<sup>1</sup> To pass constitutional muster, a law must “define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited . . . .”<sup>2</sup>

Banning ammunition “that has physical properties resulting in ballistics performance identical to ammunition presently or formerly sold under the brand name Winchester Black Talon”<sup>3</sup> requires ordinary citizens to have expert knowledge of ballistics and the history of the Winchester Black Talon ammunition.

The proposal charges the police department with creating and maintaining a “public database of brands and product lines of ammunition meeting the [ordinance’s] definition of ‘Prohibited Ammunition.’”<sup>4</sup> But the failure of the police to create this database, or the omission of any specific ammunition “qualifying as ‘Prohibited Ammunition,’” is not a defense to a charge of violating the ordinance.<sup>5</sup> Without the aid of a specific list, ordinary residents are left guessing what ammunition is prohibited, leaving them vulnerable to criminal prosecution for an unknowing violation of the law.

Remarks made by the proposal’s sponsors indicate that the proposal is aimed at prohibiting possession of “especially lethal forms of ammunition such as *hollow-point bullets* or any *other* type restricted to military use.”<sup>6</sup>

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<sup>1</sup> *People v. Heitzman*, 9 Cal. 4th 189, 199 (1994).

<sup>2</sup> *Kolender v. Lawson*, 461 U.S. 352, 357 (1983).

<sup>3</sup> S.F., Cal., File No. 130040 [Police Code -Possession or Sale of Law Enforcement or Military Ammunition].

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Supervisor Malia Cohen, San Francisco Board of Supervisors Meeting, Oral Remarks During Roll Call for Introduction (Jan. 15, 2013) (emphasis added); see also News Release, Office of the Mayor, City and County of San Francisco, *Mayor Lee Proposes Citywide Ban on Extra-Lethal Hollow Point Ammunition & New Notifications* (Dec. 20, 2012) (available at <http://www.sfmayor.org/index.aspx?page=846&recordid=204&returnURL=%2Findex.aspx>); Marisa Lagos, *SF, State Move Forward on Gun Control*, SFGate (Jan. 22, 2013), <http://www.sfgate.com/news/article/SF-state-move-forward-on-gun-control-4212298.php> (“[Mayor] Lee and Supervisor Malia Cohen last week introduced legislation to make the possession of *hollow-point*, or expanding, bullets illegal. . . .”); *San Francisco May Ban Military-Grade Ammo, Track Big Purchases*, CBS Local News (Dec. 20, 2012), <http://sanfrancisco.cbslocal.com/2012/12/20/san-francisco-may-ban-military-grade-ammo-track->

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Hollow-point ammunition is *not* “military” ammunition. Indeed, “factual” findings of the Board of Supervisors, adopted in 2011 to bolster the City’s ban on the sale of hollow-point ammunition, cite the Hague Convention of 1899, Declaration III, which bars their use in international warfare.<sup>7</sup> The Hague Convention is often cited as the reason many militaries do not use hollow points. Accordingly, most firearm owners and experts would not consider such ammunition to be “military ammunition.” The fact that *some* militaries *may* use such ammunition under some circumstances does not make it so.

The proposed ordinance subjects ammunition possessors to prosecution without due process.

## II. THE PROPOSED ORDINANCE IS UNCONSTITUTIONAL BECAUSE IT BANS COMMON SELF-DEFENSE AMMUNITION

The proposed ordinance seems to ban both the sale and possession of hollow-point ammunition – ammunition that is commonly chosen and used by law-abiding gun owners for self-defense, especially in densely populated areas like San Francisco. Because the ammunition is in “common use” for the core, lawful purpose of self-defense, the proposed ordinance seeks to impose a categorical ban on protected ammunition – an unconstitutional burden on the Second Amendment rights of San Francisco residents.

The Supreme Court’s decision in *District of Columbia v. Heller*, 554 U.S. 570, 624-25 (2008), is clear that arms “typically possessed by law-abiding citizens for lawful purposes” or those “in common use” are protected by the Second Amendment. That protection surely extends to the sale and possession of commonly used ammunition, which is necessary for the meaningful exercise of the right.<sup>8</sup>

The proposed ordinance seeks to ban the sale and possession of “certain ammunition, including Black Talon ammunition and ammunition intended exclusively for law enforcement and military purposes.”<sup>9</sup> As described above, it is unclear what ammunition is actually covered by this provisions, but based on the sponsors’s own statements we assume it is intended to bar possession of hollow-point bullets.

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big-purchases/ (“Lee said military-grade ammunition such as hollow-point bullets ‘has no reason to be in our homes and on our streets.’”).

<sup>7</sup> S.F., Cal. Police Code, art. 9 § 613.9.5.

<sup>8</sup> See *Andrews v. State*, 50 Tenn. 165, 178 (1871); see also *Bateman v. Perdue*, No. 5:10-265, 2012 WL 3068580, at \*4 (E.D. N.C. Mar. 29, 2012).

<sup>9</sup> S.F., Cal., File No. 130040 [Police Code -Possession or Sale of Law Enforcement or Military Ammunition].

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Such ammunition is in common use. In fact, hollow-point ammunition is the *most common* type of ammunition for self-defense.<sup>10</sup> Any suggestion that such ammunition is not in general use by the law abiding “reveals egregious ignorance of the facts.”<sup>11</sup>

Hollow-point ammunition has greater “stopping power,” to defend against a violent aggressor with fewer shots fired. Through expansion, a hollow-point bullet will increase its drag to remain in the target and increase the chance that the wound will stop an attacker.<sup>12</sup> Solid point or round nose bullets, in contrast, often lack the ability to incapacitate an aggressor rapidly enough to prevent injury to the intended victim.<sup>13</sup> Even if shot through the heart with a solid point bullet, an attacker can still retain 30 to 40 seconds of activity.<sup>14</sup> That is enough time for the attacker to shoot or stab a victim multiple times. The purpose of hollow points is to provide the incapacitation required to effectively defend against deadly attacks.<sup>15</sup>

The bullet’s slower velocity and ability to collapse also make it *less* likely than fully jacketed ammunition to ricochet or go through standard building materials, thereby *decreasing* the risk of harm to bystanders.<sup>16</sup> It is for these reasons that ammunition retailers regularly recommend hollow-point ammunition to their customers as the ammunition most suitable for self-defense. Such ammunition is regularly marketed for just that purpose.<sup>17</sup>

By eliminating access to and possession of hollow-point ammunition, the ordinance eliminates possession of the ammunition most appropriate to defend against a violent aggressor with the lowest risk to innocent bystanders. It also prevents San Franciscans from *fully* exercising their right to self-defense. Just as the city could not ban the sale or possession of common

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<sup>10</sup> Statement Martin Fackler, M.D. in Opposition to File No. 110901 [Police Code – Safe Storage and Enhanced-Lethality Ammunition Findings], at 2 (Sept. 23, 2011) (attached as Attach. GC).

<sup>11</sup> *Id.*

<sup>12</sup> Lisa Steele, *Ballistics*, in *Science for Lawyers II* (Eric Y. Drogin, ed., 2008) (attached as Attach. T).

<sup>13</sup> Fackler Decl. at 2.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Kit R. Roane, *In Many Cities, New Bullets Have Not Brought Complaints*, N.Y. Times, July 9, 1998, [www.nytimes.com/1998/07/09/nyregion/in-many-cities-new-bullets-have-not-brought-complaints.html](http://www.nytimes.com/1998/07/09/nyregion/in-many-cities-new-bullets-have-not-brought-complaints.html) (hereto as Attach. S).

<sup>17</sup> See, e.g., Corbon & Glaser, LLC, *Glaser Safety Slug* (attached as Attach. I); Federal Cartridge Co., *Ammunition Basics*, (attached as Attach. K); Hornady Mfg. Co., *Critical Defense* (attached as Attach. L); PMC Ammunition, *PMC Gold Line - Starfire* (attached as Attach. CC); Speer Ammunition, *Gold Dot Personal Protection Ammunition* (attached as Attach. FF).

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handguns, rifles, or shotguns protected by the Second Amendment simply because they have military or law enforcement applications, it cannot ban common, self-defense ammunition protected by the Second Amendment because it may be used by military or law enforcement.

### III. THE PROPOSED ORDINANCE BANS COMMON HUNTING AMMUNITION

There is nothing particularly novel or unique about the type of bullets the ordinance seeks to ban. According to the attached Statement of Stephen Helsley, an expert on ammunition and firearms, the materials and methods currently used to manufacture bullets are much the same as those used over a century ago.<sup>18</sup>

Ammunition makers have, for the past 150 years, continually attempted to refine their bullet designs. In spite of those efforts, bullets still fall into the three basic categories that existed at the end of the 19th Century: lead, jacketed lead, and alloyed copper. Pure lead can be hardened to help control expansion by adding tin and/or antimony. Jacket thickness can also be increased (in combination with lead hardness) to slow expansion. And, of course, expansion can be enhanced for *all types of bullets* by "hollow pointing." These types of manipulations have *long* been employed by ammunition makers to manufacture ammunition that best meets the needs of sport hunters.<sup>19</sup>

Importantly, bullet expansion is a *desired* characteristic for most sport hunting applications. The objective is for the bullet to expand, retain a high percentage of its original weight, and yet still penetrate deeply enough to reach vital organs. And the near-immediate incapacitation of the target allows for the most ethical and humane taking of the animal. As such, it is not uncommon for modern hunters to use expanding point bullets when hunting many types of game. Indeed, many jurisdictions, including California, *require* the use of hollow-point ammunition for certain hunting applications.<sup>20</sup>

Again, this proposal eliminates possession of ammunition commonly used for lawful purposes and, in the case of certain hunting activities, the *only* ammunition that is lawful to use. In light of the Supreme Court's decision in *Heller*, the proposed ammunition ban is an unconstitutional restriction on the Second Amendment. Adoption of this proposal is an invitation to litigation.

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<sup>18</sup> Statement Stephen Helsley in Opposition to File No. 110901 [Police Code – Safe Storage and Enhanced-Lethality Ammunition Findings], at 2 (Sept. 23, 2011) (attached as Attach. HH).

<sup>19</sup> *Id.*

<sup>20</sup> *See, e.g.*, 002 Ark. Code R. § 6.02 (attached as Attach. A); Cal. Code Regs. tit. 14 § 353 (attached as Attach. D); N.J. Admin. Code § 7:25-5:23 (attached as Attach. Y); Ohio Admin. Code 901.12-1-04 (attached as Attach. AA); Wash. Admin. Code § 16-24-040 (attached as Attach. LL); N.M. Dep't of Game & Fish, New Mexico Big Game & Furbearer Rules and Information 2012-2013 (attached as Attach. Z).

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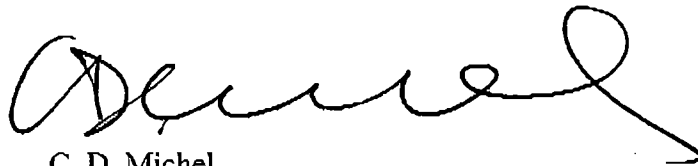
## VI. CONCLUSION

In light of the foregoing, we urge you to vote "no" on the ordinance presently before the Board of Supervisors. We encourage each Supervisor to research and review the full wealth of data that is available and relevant to adoption of the proposed ordinance, including the resources listed in Appendix A regarding the uses of hollow-point ammunition.

If you have any questions, or if you would like additional information, please do not hesitate to contact our office.

Sincerely,

Michel & Associates, P.C.



C. D. Michel

CDM/amb

cc: Supervisor John Avalos ([john.avalos@sfgov.org](mailto:john.avalos@sfgov.org))  
Supervisor Long Breed ([london.breed@sfgov.org](mailto:london.breed@sfgov.org))  
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Supervisor Norman Yee ([norman.yee@sfgov.org](mailto:norman.yee@sfgov.org))

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**APPENDIX A:  
RESOURCES SUPPORTING THE USE OF HOLLOW-POINT BULLETS**

002 Ark. Code R. § 6.02 ..... Attach. A

Alfred E. Lewis,  
*Hollow-Point Bullets Win Backing by Citizens Panel,*  
WASH. POST B3 (July 13, 1977) ..... Attach. B

Bobby Shriver,  
*Police Defend Those Hollow Point Bullets,*  
MD. GAZ. (Aug. 1, 1997) ..... Attach. C

Cal. Code Regs. tit. 14 § 353 ..... Attach. D

Carl Millar,  
*Ontario's Police Bullet Dangerous Expert Says  
A Shot Missing Bone 'Would Go Right Through',*  
TORONTO STAR (June 10, 1994) ..... Attach. E

Carla Rivera,  
*Panel Affirms Its Approval of Hollow-Point Bullet Use,*  
L.A. TIMES (Jun 15, 1988) ..... Attach. F

Clifford Krauss,  
*Experts Support Hollow Point Bullets,*  
N.Y. TIMES (Mar. 6, 1997) ..... Attach. G

Clifford Krauss,  
*Hollow Point Ammunition Saves Lives, Backers Say,*  
N.Y. TIMES (Mar. 6, 1997) ..... Attach. H

Corbon & Glaser, LLC,  
*Glaser Safety Slug, available at*  
<http://www.shopcorbon.com/Glaser-Safety-Slug/500/500/dept> ..... Attach. I

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Earl Boyd & Zoffa Smardz,  
*District Police Moving to Get Bullets with More Stopping Action,*  
WASH. STAR (Nov. 27, 1976) ..... J

Federal Cartridge Company,  
*Ammunition Basics, available at*  
[http://www.federalpremium.com/downloads/education/Ammo\\_Basics.pdf](http://www.federalpremium.com/downloads/education/Ammo_Basics.pdf) ... Attach. K

Hornady Manufacturing Company,  
*Critical Defense, available at*  
<http://www.hornady.com/assets/files/catalog/Hornady-2013-Product-Catalog.pdf> ..... Attach. L

Irwin K. Owen,  
*What About Dumdums?,*  
POINT OF VIEW 3 (April 1975) ..... Attach. M

James Rusk,  
*Ontario Police to Switch to Hollow-Point Bullets Government Cites Safety Issue for Officers, Public in Making Use of Expanding Ammunition Mandatory,*  
GLOBE & MAIL (Aug. 10, 1995) ..... Attach. N

Joe Gould,  
*Hollow-point Bullets OK'd for Post Police,*  
ARMY TIMES (May 17, 2010) ..... Attach. O

Joshua F. Berry,  
*Hollow Point Bullets: How History Has Hijacked Their Use in Combat and Why It Is Time to Reexamine the 1899 Hague Declaration Concerning Expanding Bullets,*  
206 MIL. L. REV. 88 (2010) ..... Attach. P

Justin Davenport,  
*Met Police Say New 'Dumdum' Bullets Will Help Stop Injuries to Bystanders,*  
LONDON EVENING STANDARD (May 11, 2011) ..... Attach. Q

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Michael Cooper,  
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and Officer Safety to Be Enhanced*, CANADIAN OCCUPATIONAL HEALTH &  
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PMC Ammunition,  
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Richard Condon, et al., Committee on Hollow-Point Bullets,  
*Report of the Committee on Hollow-Point Bullets  
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Rocca Parascandola, *Plenty of Other Cities Already Use 'Em,*  
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Speer Ammunition,  
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Statement Martin Fackler, M.D. in Opposition to File No. 090  
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*City Will Change Bullets for Police to Hollow Points,*  
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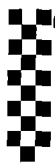
*Why Do Hollow Point Bullets Cause More Damage?,*  
PATROL LOG (June 1, 2010), available at <http://www.patrol-log.com/2010/06/01/why-do-hollow-point-bullets-cause-more-damage> ..... Attach. MM

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District 2



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MICHELA ALIOTO-PIER



**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

Writer's Direct Contact:  
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**IMMEDIATE ATTENTION REQUESTED**

**FAX TRANSMITTAL SHEET**

**TO:** Angela Cavillo, Clerk of the Board & Board of Supervisors  
**FIRM:** CITY AND COUNTY OF SAN FRANCISCO  
**FAX NO.:** (415) 554-5163  
**TEL. NO.** (415) 554-5184  
**FROM:** C. D. Michel  
**DATE:** March 4, 2013  
**RE:** BOS File No. 130039: Police Code - Reporting Ammunition Sales of 500 or More Rounds –  
**OPPOSITION**

THIS FAX CONTAINS COVER PAGE PLUS 5 PAGES. IF YOU DO NOT RECEIVE ALL PAGES PLEASE CONTACT Claudia Ayala AT (562) 216-4444.

**SPECIAL INSTRUCTIONS**

Will follow via electronic mail and overnight mail. Please feel free to contact me if you have any questions or concerns. Thank you

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Member, Board of Supervisors  
District 2



City and County of San Francisco

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DAVID T. HARDY  
TUCSON, AZ

March 4, 2013

Angela Cavillo, Clerk of the Board  
Board of Supervisors  
CITY AND COUNTY OF SAN FRANCISCO  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102  
**VIA E-Mail & Overnight Mail**

**Re: BOS File No. 130039: Police Code - Reporting Ammunition Sales of 500 or More Rounds – OPPOSITION**

Dear Ms. Cavillo:

We write on behalf of our clients, the National Rifle Association (“NRA”) and the California Rifle & Pistol Association (“CRPA”), as well as the hundreds of thousands of their members in California, many residing within the City and County of San Francisco. Among other things, these organizations seek to promote firearms and hunting safety, protect hunting rights, enhance the marksmanship skills of those participating in the shooting sports, and educate the public about firearms in order to reduce violence and encourage gun safety.

Our clients oppose the current proposal to require registration of certain ammunition purchases, File No. 130039 [Police Code – Reporting Ammunition Sales of 500 or More Rounds], scheduled to be heard by the Board of Supervisors on March 5, 2013.

The proposed ordinance is unsound public policy that does nothing to promote the sponsors’ stated goals, while it seriously burdens gun owners, retailers, and law enforcement. The proposal is also preempted by state law and illegal.

**I. THE PROPOSED ORDINANCE IS INEFFECTIVE PUBLIC POLICY**

Perpetrators of gun violence typically fire only small quantities of ammunition in the commission of a crime. In his book, *Targeting Guns*, leading criminologist Gary Kleck recounts

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numerous studies showing that armed assaults usually involve either no shots or only a few shots fired, noting that “[e]ven in a sample of gun attacks on armed police officers, where the incidents are more likely to be mutual combat gunfights with many shots fired, the suspects fired an average of only 3.7 times.”<sup>1</sup>

Those criminals who might seek to “stockpile” ammunition will *always* find a way to do so. In the City’s own words, they can easily escape registration because the “Ammunition Ordinance allows San Franciscans either to buy . . . ammunition online or at gun stores outside of San Francisco (including at gun shows at Cow Palace, which is literally across the street from San Francisco) . . .”<sup>2</sup> Or criminals will simply make several smaller purchases over time to circumvent the requirement.

The law will thus impact only law-abiding gun owners, placing them on a sort of government “watch list” and subjecting them to unwarranted investigation simply for making a common, lawful retail purchase of ammunition. There is nothing extraordinary about a single purchase of 500 rounds of ammunition. Law-abiding sportsmen and target shooters regularly purchase ammunition in bulk to save money, and they may keep rounds on their shelves for years. One can *easily* expend 500 rounds in one vigorous day at the shooting range. And it is common for a firearms instructor or target shooting event organizer to purchase large quantities of ammunition for distribution to class or event participants.

The proposal also harms businesses within San Francisco, placing a serious burden on ammunition retailers to register every ammunition sale over 500 rounds – which, as described above, are not uncommon. Further, registration of ammunition sales will create an unnecessary backlog of paperwork for the police department, and it wastes valuable law enforcement resources and taxpayer dollars.

Consider the following experiences.

In 1997, the City of Pasadena examined the effectiveness of the ammunition sales registration ordinance that it had on the books for several years and found that the ordinance did not work. The record-keeping requirements were onerous to those who sell ammunition legally, and the ordinance provided no deterrent at all to those who peddle bullets on the street. As a crime-fighting tool, the ordinance was totally ineffective. The records never helped police to solve a crime.

Indeed, the Pasadena Police Department confirmed that ammunition registration had been of no use in reducing the rate of gun related violence and that, in the years it had been in effect, the law proved to be nothing more than a distraction and an ineffective tool for law enforcement.

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<sup>1</sup> Gary Kleck, *Targeting Guns* 123 (1997).

<sup>2</sup> Defs.’ Opp’n Mot. Prelim. Inj. at 19, *Jackson v. City and County of San Francisco*, No. 09-2143 (N.D. Cal. Sept. 13, 2012).

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Pasadena ultimately voted to repeal the ordinance.

Similarly, through the 1980s, Congress considered repeal of an a federal ammunition regulation package that required licensing of ammunition retailers, registration of ammunition sales, and a ban on the mail-order sale of ammunition. In 1986, the director of the Bureau of Alcohol, Tobacco and Firearms supported eliminating the record keeping requirement: "The Bureau and the [Treasury] Department have recognized that current *recordkeeping requirements for ammunition have no substantial law enforcement value*. In addition, their elimination would remove an *unnecessary recordkeeping burden from licencees*."<sup>3</sup> As a result, the Firearms Owners Protection Act of 1986 repealed the ammunition restrictions, with little opposition despite heated debate over other provisions of the bill.

Undaunted by these failed experiments, the City of Los Angeles adopted an ammunition registration ordinance several years ago. It has likewise accomplished nothing except to divert scarce police resources. In 2006, the Rand Report entitled "The Criminal Purchase of Firearm Ammunition," concluded that while ammunition sales records can provide information for generating leads on illegal firearm possession, because of the labor involved the information was not being used. The study shows that because of the manpower involved in monitoring the records and doing background checks, the Los Angeles Police Department was not doing so.

## II. THE PROPOSED ORDINANCE IS PREEMPTED BY CALIFORNIA STATE LAW

California law expressly preempts localities from regulating "the registration or licensing of commercially manufactured firearms as encompassed by the provisions of the Penal Code, . . . such provisions shall be exclusive of all local regulations, relating to registration or licensing of commercially manufactured firearms . . . ."<sup>4</sup>

The proposed ordinance seeks to require the registration of certain common ammunition purchases, which are necessarily related to firearms. The city cannot circumvent state law explicitly prohibiting registration of firearms by requiring their *de facto* registration through the reporting of ammunition sales to local authorities.

San Francisco is free to adopt reasonable laws regulating the commercial sale of firearms, such as requiring employee background checks, some security measures, etc. But, as the California Court of Appeal admonished in *Fiscal v. City and County of San Francisco*, 158 Cal. App. 4th 895, 919 (2008), itself a preemption challenge to the city's restrictive gun laws, "the goal of any local authority wishing to legislate in the area of gun control should be to accommodate the local interest with the least possible interference with state law . . . Therefore,

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<sup>3</sup> *Legislation To Modify the 1968 Gun Control Act*, Hearing Report, Committee on the Judiciary, U.S. House of Representatives, October 38, 30, Nov. 8, 1985, and February 19 and 27, 1986. The BATF was an agency of the Treasury Department until 2003.

<sup>4</sup> Cal. Gov't Code § 53701.

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when it comes to regulating firearms, local governments are well advised to tread lightly.”

Should the proposed ordinance be adopted, prompting a legal challenge, and should the challengers prevail, San Francisco will be liable for the challengers’ costs and attorneys’ fees, which can be significant. Recall, that the *Fiscal* case cost the city roughly \$600,000.00 to defend, in addition to the \$380,000.00 it paid to the NRA to reimburse it for its attorney’s fees. The City of Chicago recently paid \$125,000 to a plaintiff who challenged the constitutionality of that city’s ordinance banning people with certain non-violent misdemeanor convictions from possessing firearms in their homes for self-defense in the case of *Gowder v. Chicago*, 11 C 1304 WL 2325826 (N.D. Ill. June 19, 2012). That was following Chicago’s payment of approximately \$1.4 million dollars to the NRA and \$400,000 to the Second Amendment Foundation for the *McDonald* case. And the District of Columbia had to pay \$1.1 million to Mr. Heller.<sup>5</sup>

### III. CONCLUSION

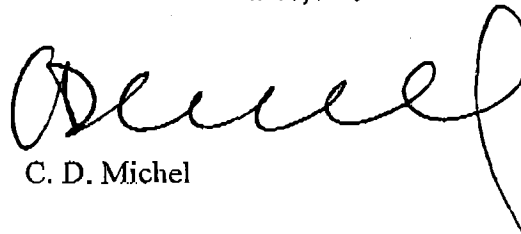
The new area of Second Amendment civil rights jurisprudence is evolving rapidly in the wake of the Supreme Court recognizing that the Second Amendment protects an individual right. The city would be wise to refrain from adopting the proposed ordinance while this new field of law continues to develop.

In light of the foregoing, we urge you to vote “no” on the ordinance. Our clients understand the need to fight the criminal misuse of firearms, and they have a variety of effective programs available to you upon request – ones that do not infringe the rights of your residents.

If you have any questions or concerns concerning the content of this correspondence, please feel free to contact us at your convenience.

Sincerely,

**Michel & Associates, P.C.**



C. D. Michel

CDM/amb

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<sup>5</sup> It is also worth noting that when Alameda County’s ban on firearm sales on its property – was challenged, twelve years of litigation and hundreds of thousands of dollars in costs later, Alameda County ultimately interpreted its ordinance to allow gun shows on its property before the Ninth Circuit ruled on the law, mooted the controversy and ending the case. While the court did not award fees to the challengers because it did not rule on the merits, had it ruled in the challengers’ favor, they would have sought over \$1 million. *See Nordyke v. King*, 681 F.3d 1041 (9th Cir. 2012) (en banc).

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cc: Supervisor John Avalos ([john.avalos@sfgov.org](mailto:john.avalos@sfgov.org))  
Supervisor Long Breed ([london.breed@sfgov.org](mailto:london.breed@sfgov.org))  
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Member, Board of Supervisors  
District 2



City and County of San Francisco

MICHELA ALIOTO-PIER



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**From:** Board of Supervisors  
**To:** BOS-Supervisors; Evans, Derek  
**Subject:** Opposition to Board of Supervisors March 5, 2013, Item No. 15 and 16 - Relating to Sales of Ammunition - File nos. 130039 and 130040, respectively  
**Attachments:** SF-letter-FINAL.pdf

**From:** Jason Davis [<mailto:Jason@CalGunLawyers.com>]  
**Sent:** Monday, March 04, 2013 9:38 PM  
**To:** Board of Supervisors; Cityattorney; Lee, Mayor  
**Cc:** Brandon Combs  
**Subject:** Opposition to Board of Supervisors March 5, 2013, Item No. 15 and 16 - Relating to Sales of Ammunition - File nos. 130039 and 130040, respectively

Dear Board of Supervisors,

Please find attached to this email a copy of the letter submitted on behalf of my clients, The Calguns Foundation, Inc. and California Association of Federal Firearm Licensees, in opposition to Board of Supervisors March 5, 2013, Item No. 15 and 16 - Relating to Sales of Ammunition - File nos. 130039 and 130040, respectively. We ask that this file be placed in the official record and submitted to the Board for review prior to voting on these proposed ordinances tomorrow.

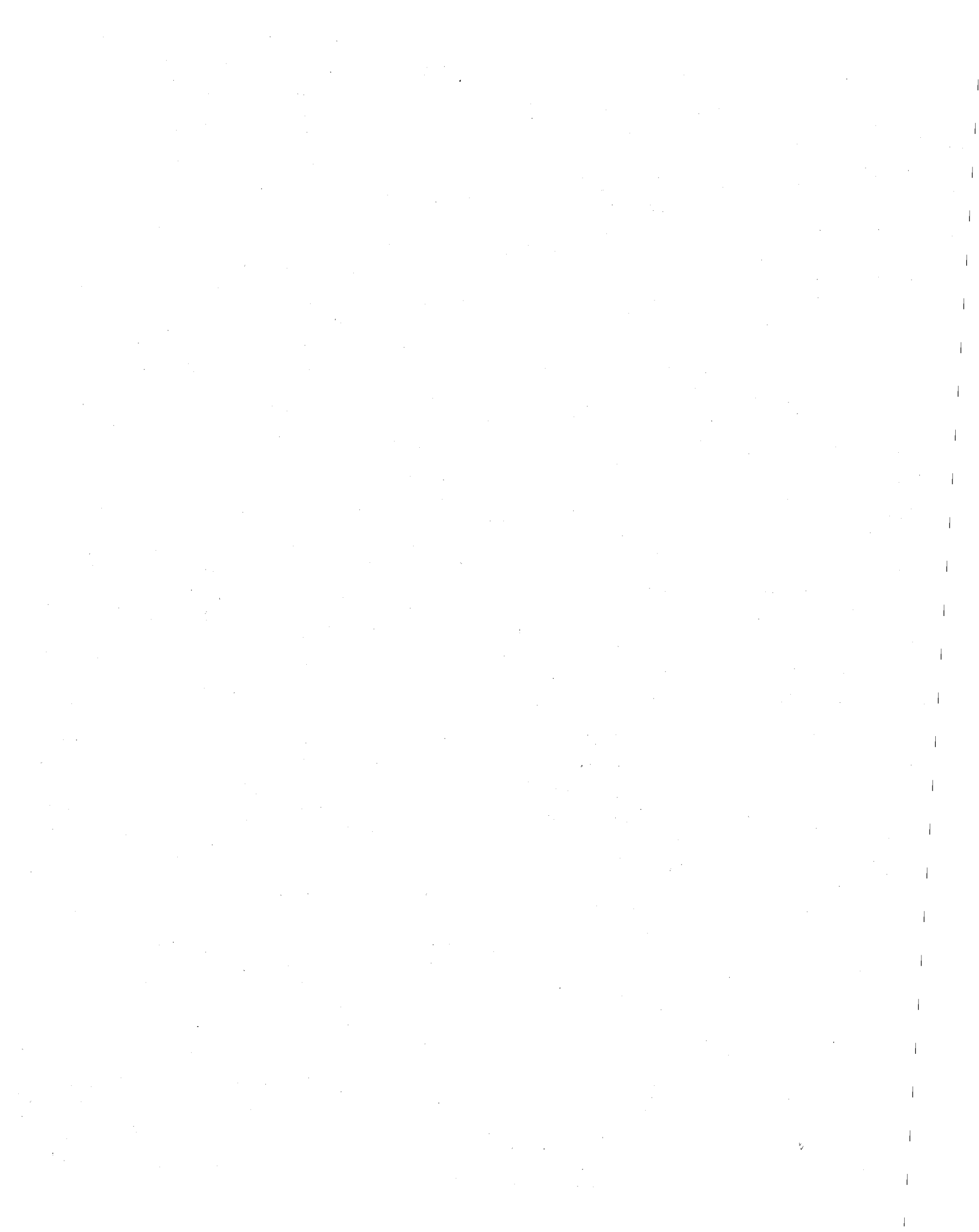
If you have any trouble with this file, please let me know ASAP and I will resubmit it.

Let me know if you have any questions or concerns.

Thanks,

Jason A. Davis  
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T: (949) 436-GUNS [4867]  
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& [www.GunRightsApp.com](http://www.GunRightsApp.com)

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The Law Offices of  
**DAVIS & ASSOCIATES**

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www.CalGunLawyers.com

March 4, 2013

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

**VIA FAX (415.554.5163) & EMAIL (BOARD.OF.SUPERVISORS@SFGOV.ORG)**

**Re: March 5, 2013, Item No. 15 and 16 - Relating to Sales of Ammunition  
File nos. 130039 and 130040, respectively**

**Position: OPPOSE**

Dear Members of the City and County of San Francisco Board of Supervisors,

I write on behalf of The Calguns Foundation (CGF) and California Association of Federal Firearms Licensees (CAL-FFL) regarding the following City and County of San Francisco (the City) proposed ordinances under review and listed on the Board of Supervisors meeting dated March 5, 2013:

1. 130039: Ordinance amending the Police Code, section 615, to require firearm dealers to report to the Chief of Police the sale of 500 or more rounds of ammunition in a single transaction; and
2. 130040: Ordinance amending the Police Code, by adding Section 618, to prohibit the possession or sale of certain ammunition, including Black Talon ammunition and ammunition intended exclusively for law enforcement and military purposes.

Specifically, we write in opposition to each of the City's [very likely unconstitutional] proposed ordinances affecting a fundamental right – namely, to keep and bear arms [for self-defense].

**Regarding City file no. 130039 (reporting requirement)**

Beyond other legal issues currently existing within the affected Code section (*see, Jackson v. City and County of San Francisco*), **the amendments proposed under file no. 130039 present serious privacy, identification theft, and public safety concerns**. Specifically, the ordinance, if enacted, would require all ammunition transactions greater than 500 rounds to be reported to the City's Chief of Police. Reported information would include (but not necessarily be limited to):

- the name of the ammunition vendor;



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- the place where the transfer occurred;
- the date and time of the transfer;
- the name, address, and date of birth of the transferee;
- the transferee's driver's license or other government-issued ID number and the state by which it was issued;
- the brand, type, and amount of ammunition transferred; and,
- the transferee's signature.

Such requirements have the potential to identify the very type of firearms possessed by the purchasers of the ammunition. For instance, a purchaser of .50 BMG rifle ammunition is likely to own a .50 BMG rifle. The ownership records of such firearms have been carefully protected by the State of California through restrictions placed on the dissemination and broadcast of such information to protect the owner from theft and other criminal acts (*see e.g.* Penal Code §31105 and The Firearm Owners' Protection Act (FOPA), Pub.L. 99-308, 100 Stat. 449, enacted May 19, 1986, codified at 18 U.S.C. § 921 *et seq.*).

Unlike the state and federal records pertaining to firearm ownership, which expressly maintain the privacy rights of the individual gun owner, no such privacy protections exist for firearm owners whose personal information is contained in the records required by the proposed ordinance. And, the state and federal protections against the disclosure of firearm owner information do not expressly apply to local records.

Not only may some or all of the above be subject to public disclosure under the California Public Records Act (Cal. Govt. Code sec. 6250, *et seq.*), but also the San Francisco Sunshine Ordinance (Chapter 67 of the San Francisco Admin. Code) as well. While the City might take measures to amend the Sunshine Ordinance and secure such data from public disclosure, it is powerless to directly affect overriding state law; indeed, the public's right of access to public records is enshrined in the state constitution itself. Moreover, the City does not require any encryption or secure storage for the reported data (required to be held, also, by the seller for two years), only that the reporting occur "[w]ithin 24 hours of the commencement of the transaction, regardless of when[, or if,] the firearms ammunition is delivered" and shall be sent "to the Chief of Police by electronic mail at [blank] or by such other means specified by the Chief of Police." In a place where technology is not only a common profession but an intrinsic part of the culture and where *de minimis* privacy concerns can become front page headlines<sup>1</sup>, the City and County of San Francisco seems to find itself compiling extremely risky – and potentially life threatening – code.

Not only would this senseless law increase the burden on dealers and be difficult to enforce, it would result in increased passed-through costs to law-abiding consumers, thereby affecting a fundamental right without a single fact supporting any connection with the reduction of crime. In fact, it could very well offer criminals a "who's-who" list of gun owners to rob – potentially providing criminals with easier access to information on the location of firearms and ammunition.

The City, if it passes the proposed ordinance, would actually be facilitating the crime it purports to desire an end to. **Passing file no. 130039 would jeopardize the safety of law abiding firearm owners by ignoring very real public safety and privacy issues – and common sense.**

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<sup>1</sup>Newspapers can access and publish firearm owner information. (See <http://www.cnn.com/2012/12/25/us/new-york-gun-permit-map>.)



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**Regarding City file no. 130040 (self-defense ammunition outright ban)**

This proposed ordinance raises concerns about the vague and ambiguous nature of the definitions of the terms therein – or lack thereof. Section 618 defines “prohibited ammunition” as: “ammunition . . . that has physical properties resulting in *ballistics performance* identical to ammunition presently or formerly sold under the brand name *Winchester Black Talon*.” (Emphasis added.) But, the proposed ordinance does not provide the “ballistics performance” of “Winchester Black Talon” ammunition. Moreover, “ballistics performance” is not defined, leaving the public, dealers, and manufacturers with the burden to speculate as to both the “ballistics performance” of the “Winchester Black Talon” ammunition and as to which ammunition has similar “ballistic performance” to that of the “Winchester Black Talon.”

Proposed Section 618 also defines “prohibited ammunition” as: “ammunition designated for purchase by law enforcement or military agencies, only, unless other ammunition is available to the general public that has physical properties resulting in ballistic performance identical to such ammunition.” Yet, the code does not define “general public.” What does general public mean? Within the state? Within the United States? And, again, because “ballistic performance” is not defined, the public, dealers, and manufacturers will be left with the burden to speculate as to which ammunition that is “designated for purchase by law enforcement or military agencies only” is the type having physical properties resulting in “ballistics performance” identical to other ammunition available to the undefined “general public.”

These defects and more render this proposed ordinance akin to the statutes in *Parker v. California* (2009) Fresno Superior Court, Case No. 10CECG02116 (currently on appeal in the Fifth Appellate District, Case No. F06249), which challenged three newly enacted statutes relating to ammunition on the basis that they failed to provide any further clarification to assist individuals, businesses, and law enforcement in determining whether or not any given ammunition is subject to regulation under those statutes. In striking the statutes down as unconstitutional, the Court reiterated the following:

Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warnings. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory applications.

(*Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972).)

Additionally, in its haste to prepare this Ordinance, the City also made an exemption for possession, sale or transfer by businesses licensed as a firearm dealer, but failed to permit such dealers a lawful mechanism by which they can acquire such ammunition for sale to specified entities. How are dealers supposed to be able to purchase and acquire such ammunition when it is illegal for any other entities to sell to the dealer for lawful disposition purposes?





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**CONCLUSION**

Because of the forgoing concerns relating to the privacy of the individual gun owners, the safety interests of the community in not providing a road map for criminal acquisition of firearms and ammunition, and the vague and ambiguous language in violation of the United States Due Process clause, *inter alia*, my clients opposed this proposed ordinance and request that the Committee/Board do the same.

If you have any questions or concerns, please contact me at your earliest convenience.

Sincerely,

**DAVIS & ASSOCIATES**

*s/ Jason Davis*

JASON DAVIS

cc: City Mayor Ed Lee  
City Attorney Dennis Herrera



BOS-11

*CPAGE*

---

**From:** Ashley Wessinger [ashleywessinger@me.com]  
**Sent:** Saturday, March 02, 2013 7:32 AM  
**To:** Chiu, David  
**Cc:** Board of Supervisors  
**Subject:** File # 120987 (Marina Degaussing Station Restaurant Proposal)

Dear David,

I am a resident of the Marina and a member of the Marina Community Association.

I am strongly **opposed** to the Woodhouse project for the following reasons:

- 1) I do not want alcohol near a public park or play area.
- 2) I do not want to see the water front developed.
- 3) I do not want more traffic in the area.
- 4) I do not want our police force impacted with the mix of serving alcohol when large group activities are on Marina Green.
- 5) I do not want our environment compromised.

**Lack of Notification**

- 1) Rec and Park **did not** inform the neighbors.
- 2) The MCA **did not** inform their members as they usually do. I met with the directors, discussed their actions. I have a **detailed folder** on this if you wish to review (It is a quick read as the outreach was minimal).
- 3) Mark Farrell who represents our neighborhood **did not** do a proper outreach to his constituent.

Thank you for your time and I hope after reviewing the situation you will conclude that this project has little benefit for our city.

Sincerely,

Ashley Wessinger



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**From:** Board of Supervisors  
**To:** BOS-Supervisors; Calonsag, Rana  
**Subject:** File # 120987 (Marina Degaussing Station) Restaurant Proposal

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**From:** Sheryl Land [mailto:sherylesq@gmail.com]  
**Sent:** Monday, March 04, 2013 11:58 PM  
**To:** Board of Supervisors  
**Subject:** File # 120987 (Marina Degaussing Station) Restaurant Proposal

The residents of the Marina oppose the restaurant. The transcripts of city meetings (found online) show that the city's purported attempt to reach out to the residents was largely via the "Marina Community Association." I have lived here for decades and do not know what the "Marina 'Community' Association" is, nor does anybody else I know. It does not speak for us.

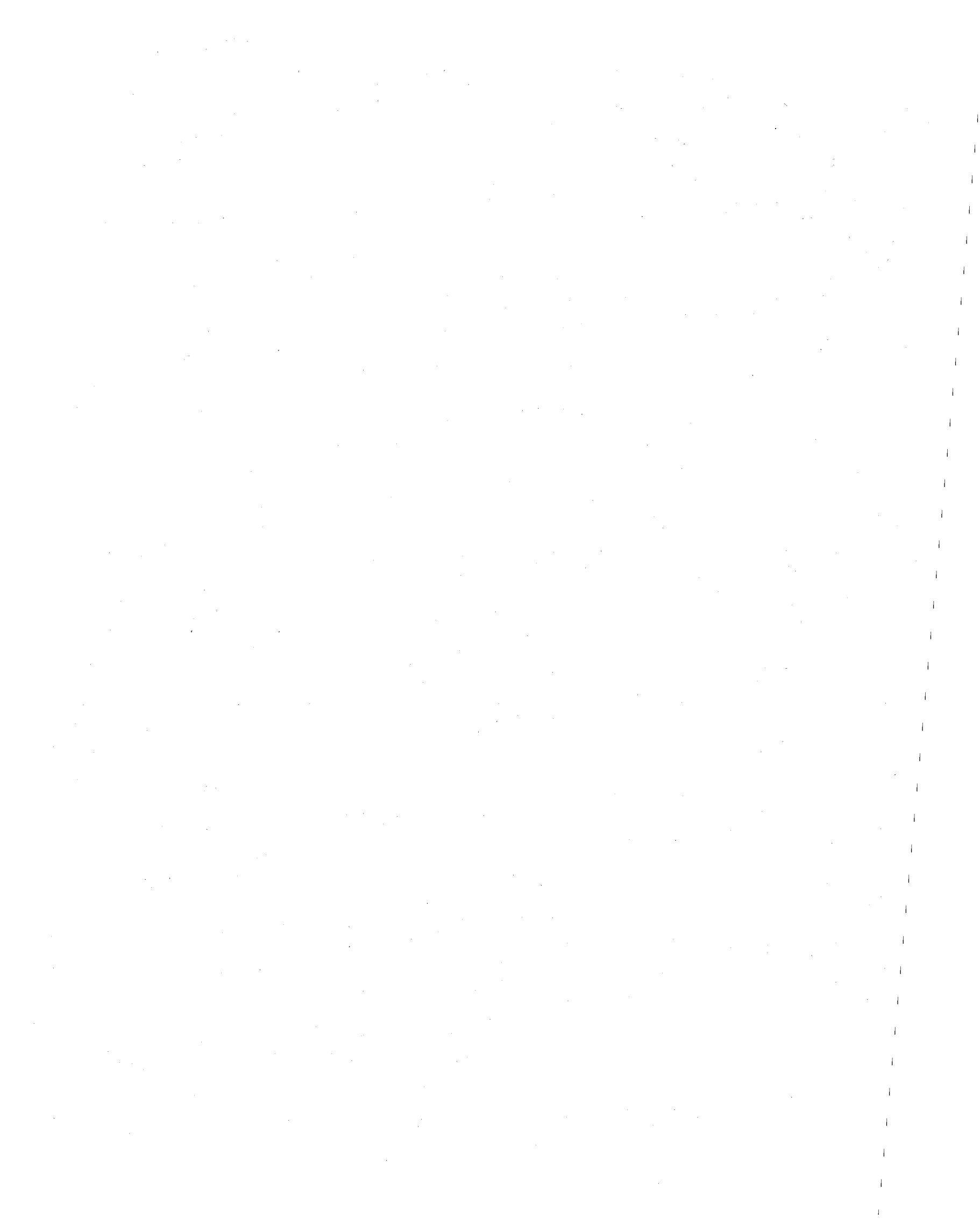
The MCA's website reveals that one must pay a hefty sum of money to be a member of that purported "community" association. We should not be required to pay money to anybody in order to have notice about proposals that will impact our properties. The city should have sent notice to every property owner. The city knows how to reach us when it comes time to collect taxes. Apparently, the MCA has been in "negotiations" with the city for over two years, purporting to represent Marina residents. We residents had no notice at all that any of this was occurring. That is unacceptable.

MCA wrote an op-ed piece in the recent Marina Times, ridiculing a resident who spoke out against the project. MCA's "logic" was that the resident had not cared enough [to join MCA, and hand over his cash to MCA], so his opinion should be ignored. I repeat, nobody should have to pay money to join some self-styled "community" association in order to be notified by public employees of things that may affect one's property, and to have his/her voice heard. One is entitled to such notice, and one is entitled to the opportunity to voice one's opinion. The fact that MCA published a piece trashing a resident (one of its alleged constituents) who spoke against the project raises concerns about MCA's agenda. MCA does not represent the vast majority of Marina residents.

MCA claims a "trial" 6-month period will take place, to gauge noise, trash, etc. Our police force does not have the resources to respond to that kind of complaint. For example, we have laws prohibiting theft from recycling bins. Every week, thieves troll the street and steal all the recyclables from our bins. Does anybody seriously expect us to dial 911 for bin thieves? Would you like to record the laughter at the other end of the line, if somebody made such a call? Does anybody believe that, after putting money into the project, the restaurant would be closed down after the trial period, even if massive crime and disruption is demonstrated?

Please do not allow this project to go forward. There is more than enough trashy commercial activity along other parts of our beautiful coastline. In this case, there has not been notice and opportunity to be heard.

Thank you for your consideration.



## Board of Supervisors

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**To:** BOS-Supervisors; Calonsag, Rana  
**Subject:** Marina Green restaurant File # 120987

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**From:** Kim Regan [<mailto:Kim@KimDan.org>]  
**Sent:** Friday, March 08, 2013 4:39 PM  
**To:** [Philip.Ginsburg@sfgov.org](mailto:Philip.Ginsburg@sfgov.org)  
**Cc:** Board of Supervisors  
**Subject:** Marina Green restaurant File # 120987

Dear Mr. Ginsberg,

As a San Franciscan, I have been meaning for quite some time to let you know that I SUPPORT the idea of a restaurant in the old degaussing station. Something I read the other day prompted me to let you know that there are people out here (and I happen to have a good view of the site from my windows) who are not vocal, are not negative, and are not exercised enough to make a fuss. But it is unfair to the noisy ones not to let you know there are plenty of us on the other side of the issue. I think a spot for refreshments, even a brew, in the center of the Green, would be a wonderful place for walkers, tourists and families to stop and enjoy themselves.

I don't believe that one restaurant in an historic structure will inevitably turn the Marina Green into another Fisherman's Wharf. That reminds me too much of the NRA's arguments about gun control. We can be more sensible than that.

Thanks for taking my views into account as you work on this problem/enhancement (depending on your point of view).

Kim Regan  
2240 Green





## Board of Supervisors

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**To:** BOS-Supervisors; Calonsag, Rana  
**Subject:** FILE NO. 120987 - NO RESTAURANT ON MARINA GREEN

**From:** Smith, Sherry A [mailto:sherry.a.smith@bankofamerica.com]  
**Sent:** Monday, March 11, 2013 8:17 AM  
**To:** boardofsupervisors@sfgov.org  
**Subject:** FILE NO. 120987 - NO RESTAURANT ON MARINA GREEN

Dear Supervisors,

The purpose of this email is to protest the proposed Woodhouse project, or any future commercialization, of the Marina Green or its waterfront, as it provides no benefit to the Marina or the City of San Francisco.

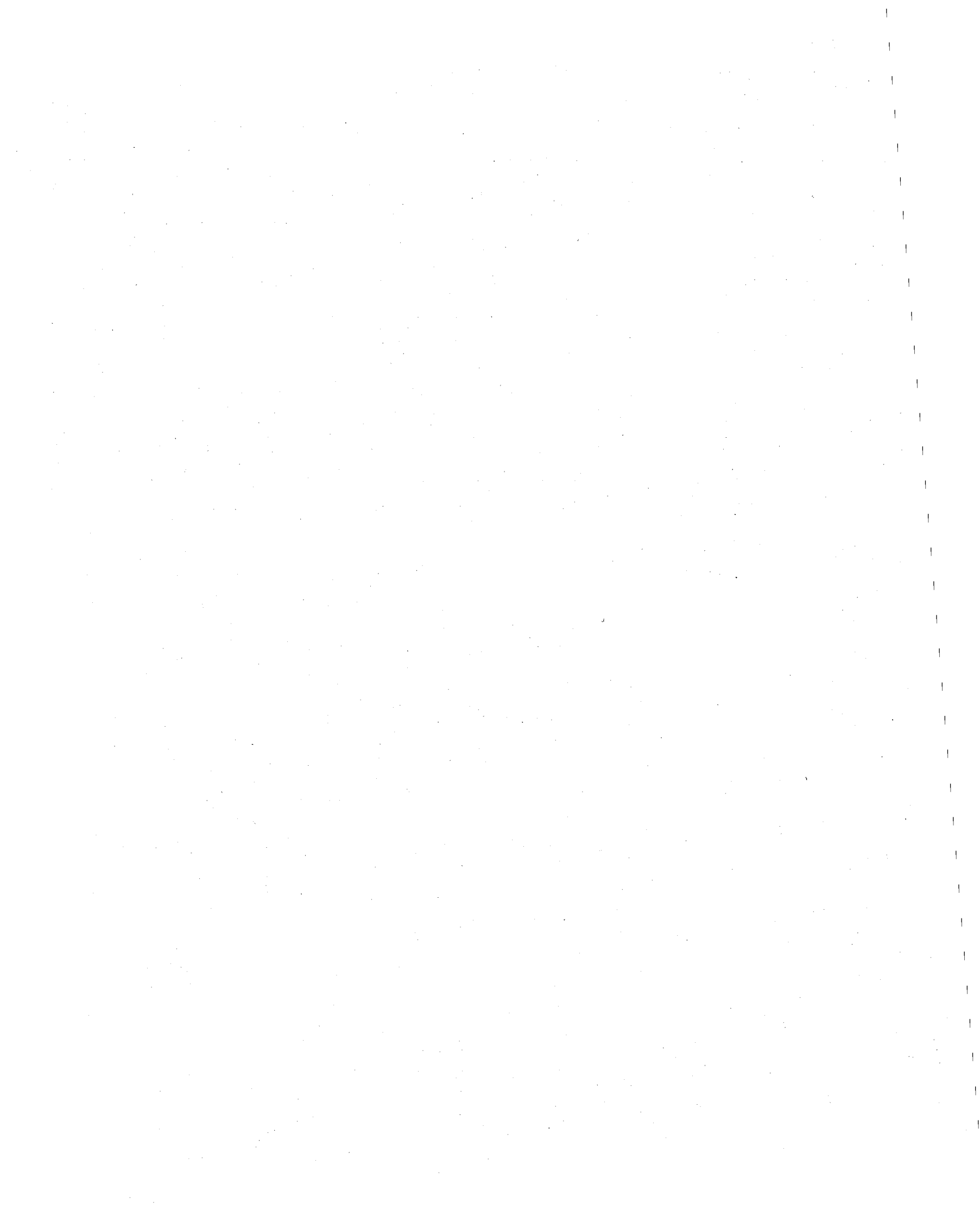
The Marina Green is a recreational area for the City's residents as well as its many visitors. Parks and Recreation should not be allowed to lease this park to developers whose only concern is to turn a profit at the expense of destroying this natural, beautiful area. Parks and Recreation, as well as the Marina Community Association and Mark Farrell, need to consider the long term impact that commercialization such as this will have on the residents of this neighborhood and the Marina waterfront, and ultimately the entire City of San Francisco.

As this proposed project has been moving forward for a couple of years (unbeknownst to most Marina residents) it appears that the concerns of the residents/voters have not been considered or addressed. Now that this matter has finally surfaced (and not as a hidden agenda item on some upcoming meeting notice), the people will have a voice and hopefully put an end to this proposal to commercialize the Marina Green and its waterfront.

Residents of San Francisco, as well as visitors, come to this area to enjoy and appreciate the natural beauty of the City's shoreline and the bay. They come to enjoy the magnificent views, run, bike, walk, skate, walk/run their dogs and play with their children; they do not come here looking for a great fish taco and a beer, as they can get those items just a few blocks from the Green on Chestnut or Union Streets, where there is an abundance of excellent eateries.

As a native San Franciscan and resident of the Marina for 25 years, I was shocked to learn that the Marina Community Association and our supervisor, the people that are supposed to be protecting our interests and this community, would support such a destructive proposal. The environmental impact of this proposed establishment would have on this area is huge. It would create more traffic congestion (in an already congested area) with delivery trucks arriving prior to 7:00 a.m., as well as increased restaurant traffic. In addition, it would also create more noise, trash and perhaps crime (as the proposal includes alcohol sales up to 10:30 p.m.) Alcohol should not be allowed in a city park where children are present/playing. It is also important to note that although the proposed restaurant closes at 10:30 p.m., it will not actually shut down probably until around midnight after cleaning and trash removal tasks are performed.

It appears that within the past couple of years, the Green has been utilized for an unprecedented number of events; it seems like something is going on almost every weekend. Recently, there was a "meet and greet" for singles, that went on into the late night even though the actual event was set to end at a reasonable hour. Whenever liquor is served, there are always a number of stragglers that gather on the street corners after the event,



talking, yelling and laughing loudly, thus disturbing Marina residents. It also appears that a number of events include loud music/microphones which are also disturbing no matter what time of day this occurs. This impacts the quiet enjoyment that all San Francisco residents are entitled to. One should be able to watch Television or take a nap during the day without being disturbed by loud, amplified music. I have no objection to the occasional races, triathlons, kid's soccer games, volleyball games, etc. that take place on the Green, but I do take issue with the growing number of disruptive events that take place, and feel that construction of a restaurant that serves alcohol all day and into the night would only increase the amount of noise and disturbances in the area.

This is a desirable area in which to live and to visit. However, if the City is going to allow the Marina Green and its waterfront to be developed and commercialized for profit, then it will not be long before this area will be just another Wharf, Coney Island, Santa Cruz Boardwalk, etc. Once the first commercial establishment is allowed, the second proposal passes through pretty easily. To see this wonderful park area and neighborhood transformed into a commercial development would be extremely sad indeed. Hopefully, the community can come together to stop this initiative and preserve this area as it was meant to be, a natural, undeveloped recreational area for all San Francisco residents and visitors to enjoy for generations to come.

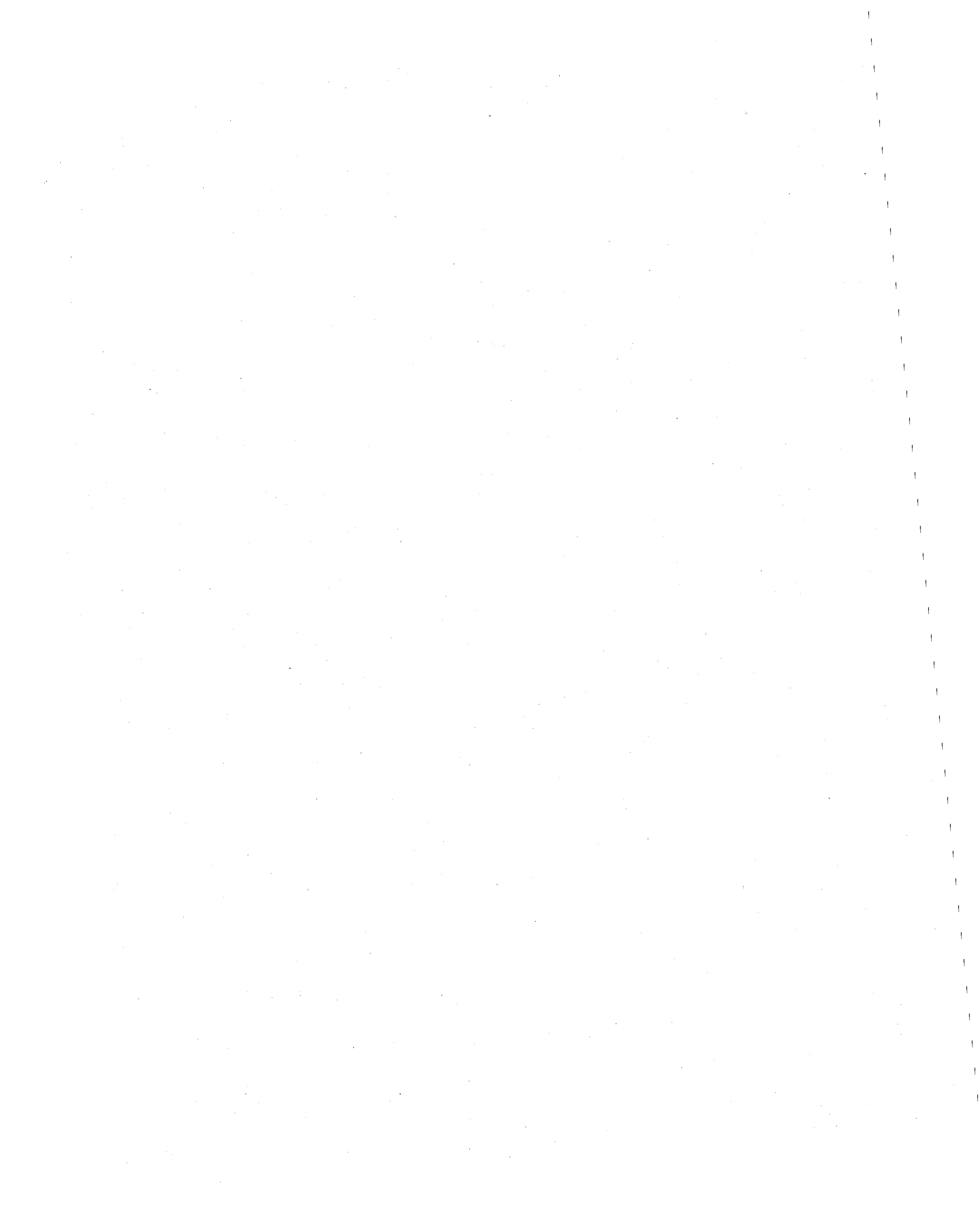
Thank you for considering my thoughts regarding this most-damaging proposal for the residents of the Marina and the City of San Francisco. I ask that the City reconsider the Woodhouse proposal, as it does not provide any benefit to our community. The Department of Parks and Recreation is supposed to be protecting our parks, not developing/profitting from them. If this initiative is allowed to move forward it will be the beginning of the end of the Marina Green and its waterfront as we now know and enjoy it.

Sincerely,

Sherry Smith, a concerned Marina resident

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This message, and any attachments, is for the intended recipient(s) only, may contain information that is privileged, confidential and/or proprietary and subject to important terms and conditions available at <http://www.bankofamerica.com/emaildisclaimer>. If you are not the intended recipient, please delete this message.



## Board of Supervisors

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**To:** BOS-Supervisors; Calonsag, Rana  
**Subject:** File No. 120987 - marina green

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**From:** Ravi [<mailto:221870@gmail.com>]  
**Sent:** Tuesday, March 05, 2013 10:34 PM  
**To:** Lee, Mayor; [jasonelliott@sfgov.org](mailto:jasonelliott@sfgov.org); Board of Supervisors  
**Subject:** File No. 120987 - marina green

no restaurant or development



## Board of Supervisors

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**To:** BOS-Supervisors; Calonsag, Rana  
**Subject:** File 120987: Why I signed -- More money to our

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**From:** Matthew Welters [mailto:mail@change.org]  
**Sent:** Monday, March 11, 2013 3:13 PM  
**To:** Board of Supervisors  
**Subject:** Why I signed -- More money to our

Dear San Francisco Board of Supervisors,

I just signed Dylan MacNiven's petition "[Yes to Woodhouse on Marina Green!](#)" on Change.org.

Here's why I signed:

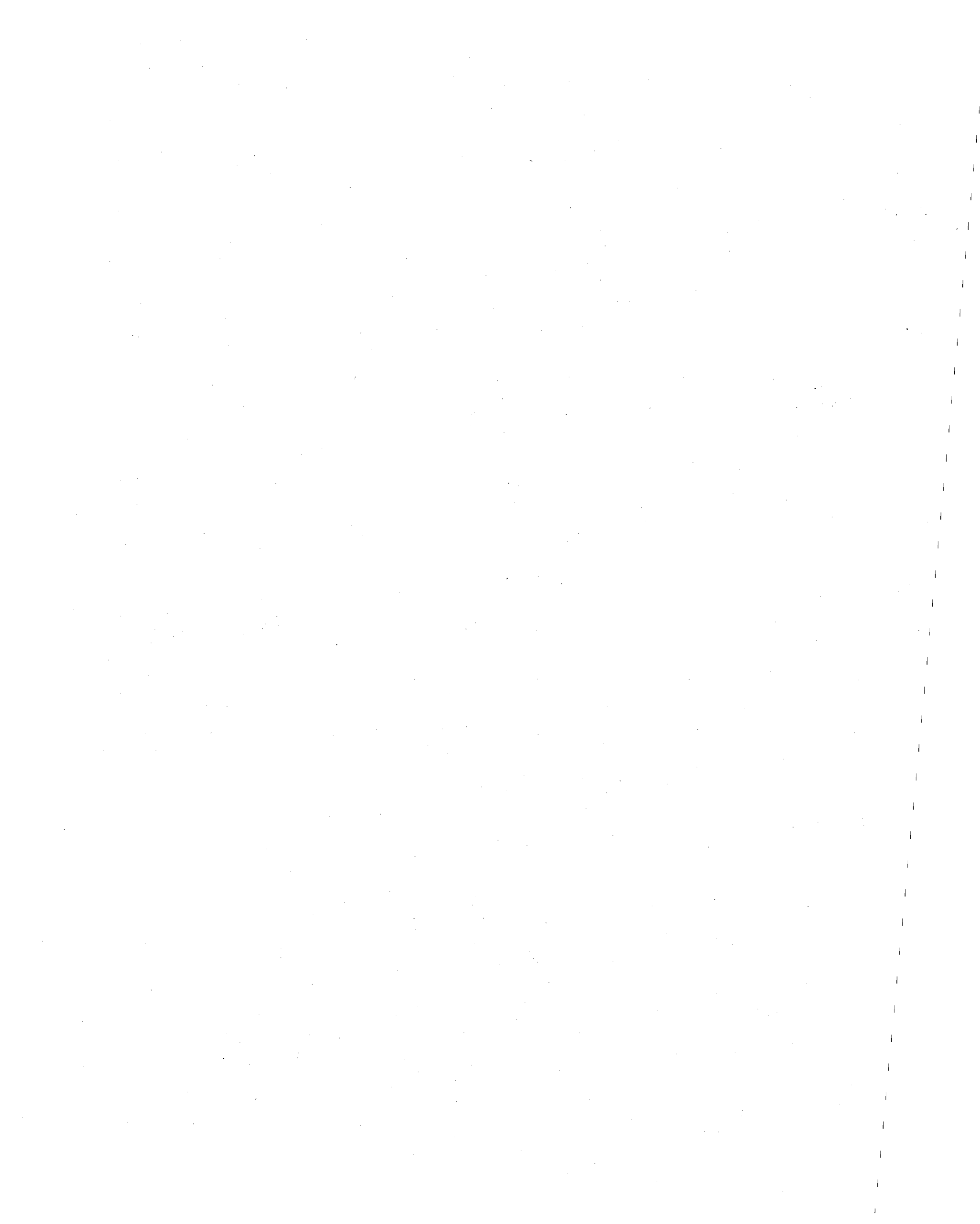
More money to our city. Great restaurant, won't have to look for parking on Fillmore.

Sincerely,  
Matthew Welters  
San Francisco, California

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There are now 595 signatures on this petition. Read reasons why people are signing, and respond to Dylan MacNiven by clicking here:

<http://www.change.org/petitions/yes-to-woodhouse-on-marina-green?response=9272c59f571d>





**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** CHP's Annual Report, Solutions to Homelessness

**From:** Community Housing Partnership [<mailto:info@chp-sf.org>]  
**Sent:** Tuesday, March 05, 2013 8:07 AM  
**To:** Board of Supervisors  
**Subject:** CHP's Annual Report, Solutions to Homelessness

If you're having trouble viewing this email, you may [see it online](#).

Share This:

## Community Housing Partnership's ANNUAL REPORT

Please [click here](#) to read our fiscal year 2011-2012 Annual Report, *Solutions to Homelessness*. In this report you will find:

- A letter from our Executive Director, Gail Gilman
- Statistics on our programs
- Images that represent our work and people
- Lists of our generous donors, volunteers, and stakeholders
- Information on our current and upcoming housing developments
- Charts that represent our organization's financials

We look forward to continuing to provide solutions to homelessness for years to come! To learn more or invest in our work, visit our [website](#) or call us at 415.852.5300.

20 Jones Street, Suite 200 | San Francisco, CA 94102 US

This email was sent to [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org). To ensure that you continue receiving our emails, please add us to your address book or safe list.

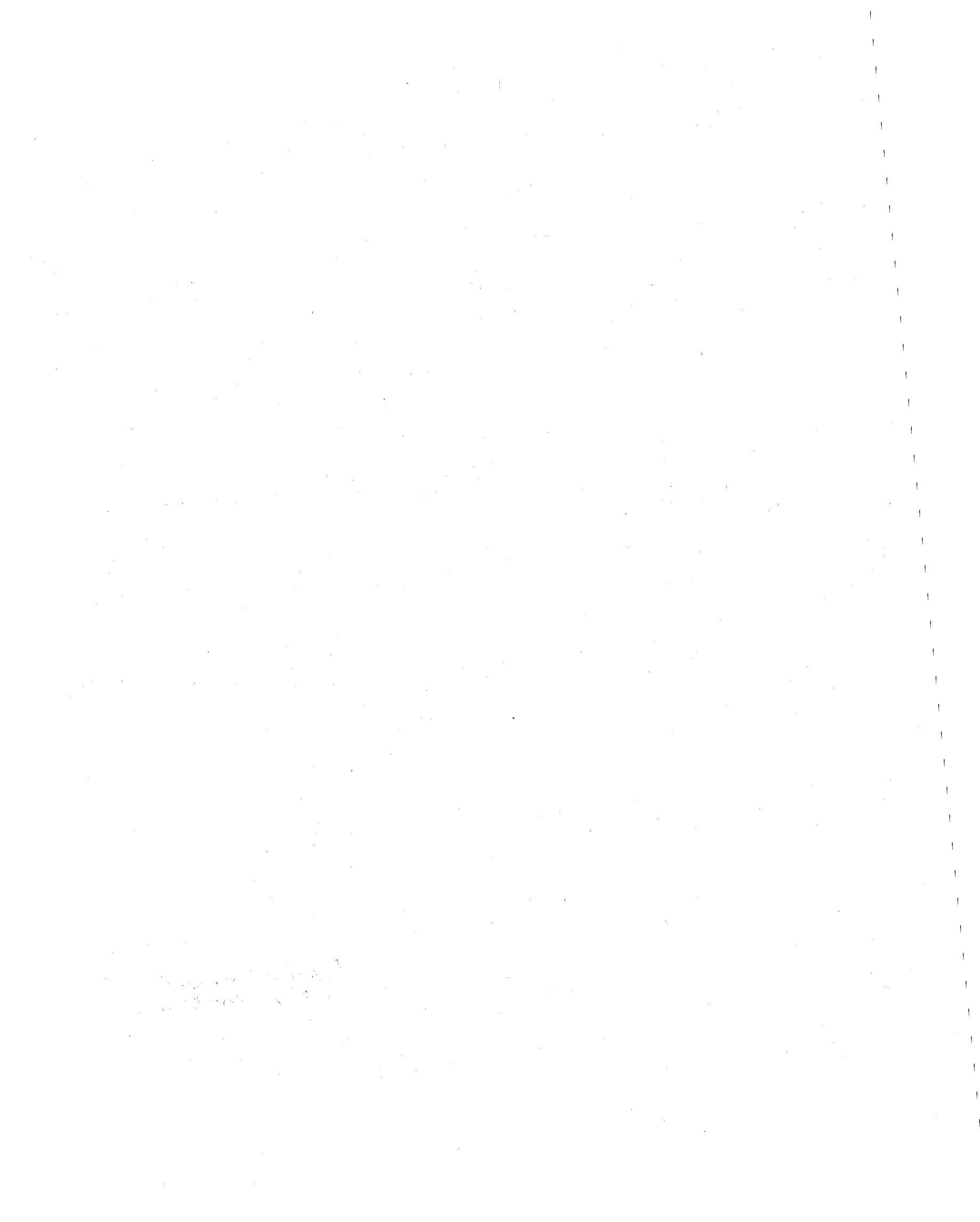
[manage](#) your preferences | [opt out](#) using TrueRemove™

Got this as a forward? [Sign up](#) to receive our future emails.

EmailNow powered by Emma

*Virgil, CHP  
Desk Clerk  
Training  
Program  
graduate, meets  
with Azizi  
Gupton, CHP  
Employment  
Counselor*

*Report online  
not printable*



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**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** File 130037: copy of memo sent to Supervisor campos

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**From:** Allen Jones [mailto:jones-allen@att.net]  
**Sent:** Tuesday, March 05, 2013 1:16 PM  
**To:** Board of Supervisors  
**Subject:** copy of memo sent to Supervisor campos

Attention: All Members of the San Francisco Board of Supervisors

Supervisor David Campos,

With all due respect, for you to suggest that Harvey Milk, naive, gullible and loyal to the Rev. Jim Jones, would be a "Beacon of hope" to all homosexuals is offensive to all Blacks and many homosexuals who did not approve of Harvey Milk and his relationship with a mass murderer..

You, nor any other member of this board were old enough to know of the events surrounded by November 1978, where more then 900 people were killed by cyanide poison.

I do not claim to have all facts straight myself but I was 22-years-old at the time and never understood why people showed so much respect for Milk, after learning of his relationship with the Rev. Jim Jones.

I believe you should research the fact(s) that the Jonestown tragedy was the END result of an 18 month custody battle between the Rev. Jim Jones and a former SF assistant district attorney and people's Temple member, Timothy Stoen. You will discover that Harvey Milk stayed loyal to Jim Jones when Stoen only wanted to save a little boy who was among those who perished that day.

The boy was the result of a request by Timothy Stoen to have Jim Jones sire a child with Stoen's wife.

The importance of this is because even if the board receives your legislation as is, there will be a question of your integrity and the naivety or gullible state of those who co-sponsored this otherwise good idea.

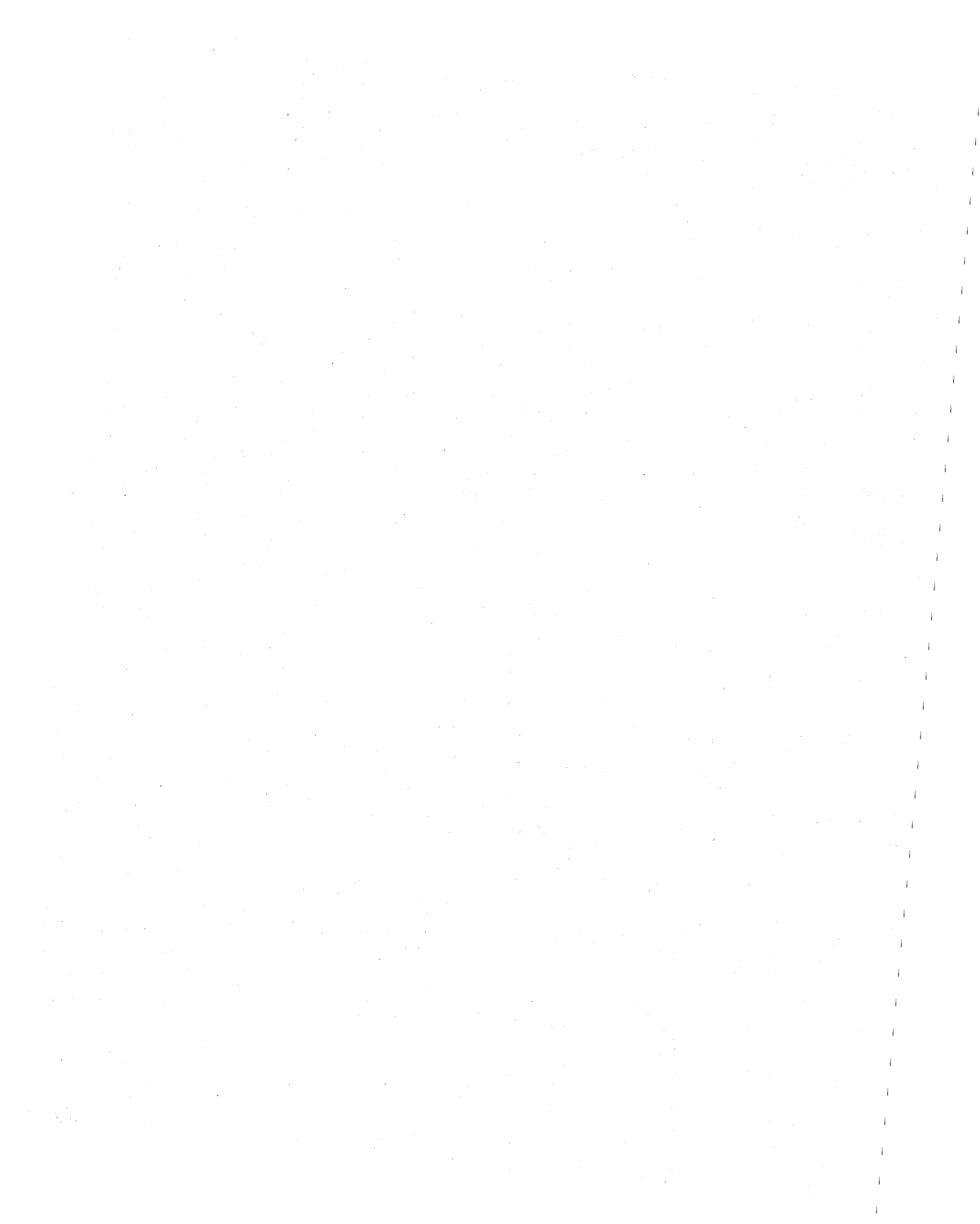
I believe in your idea but Harvey Milk is no beacon of hope for homosexuals; certainly not today.

Finally, I am 99% sure that a better solution to your idea can be worked out. However, I have no faith in your desire to admit that your intentions are self-serving and should be questioned by the entire board before the media takes you to task, as Mellisa Griffin of the SF Examiner pointed out in her article.

You have my contact and I hope you do not blow off my desire to save a good idea. But no I am not waiting by my phone because I know how hard it is to change the mind of a politician.

Sincerely,

Allen Jones



(415) 756-7733  
[jones-allen@att.net](mailto:jones-allen@att.net)



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**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** ParkWide bicycle contract in the park.

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**From:** Chris Giorni [<mailto:chris@treefrogtreks.com>]  
**Sent:** Tuesday, March 05, 2013 4:17 PM  
**To:** Board of Supervisors  
**Subject:** ParkWide bicycle contract in the park.

Dear Board of Supervisors,

I support the agreement that there should be a ParkWide bicycle rental at the entrance to Alvord Lake. As many of you may already know Sitting/Inactivity is the new Smoking – in terms of obesity and diabetes increases in our society. We need to encourage all our park goers to get out of their cars and to walk, hike and bike the park.

ParkWide has already demonstrated their operation and value, as well as commitment to helping people enjoy Golden Gate Park.

I do not believe that this is about "privatization of the park." Rec & Park is chartered with stewardship of our parks and how to increase the recreational opportunities therein. The bicycle rental business is widely viewed as a positive development for greater enjoyment of park land. ParkWide has made a commitment to deliver a quality rental experience to visitors and residents. They have demonstrated success in doing that, along with providing R&P with revenue...much needed to sustain our parks in these times of budget shortfalls. The ParkWide contract is a win-win-win solution.

Get out and Get dirty!

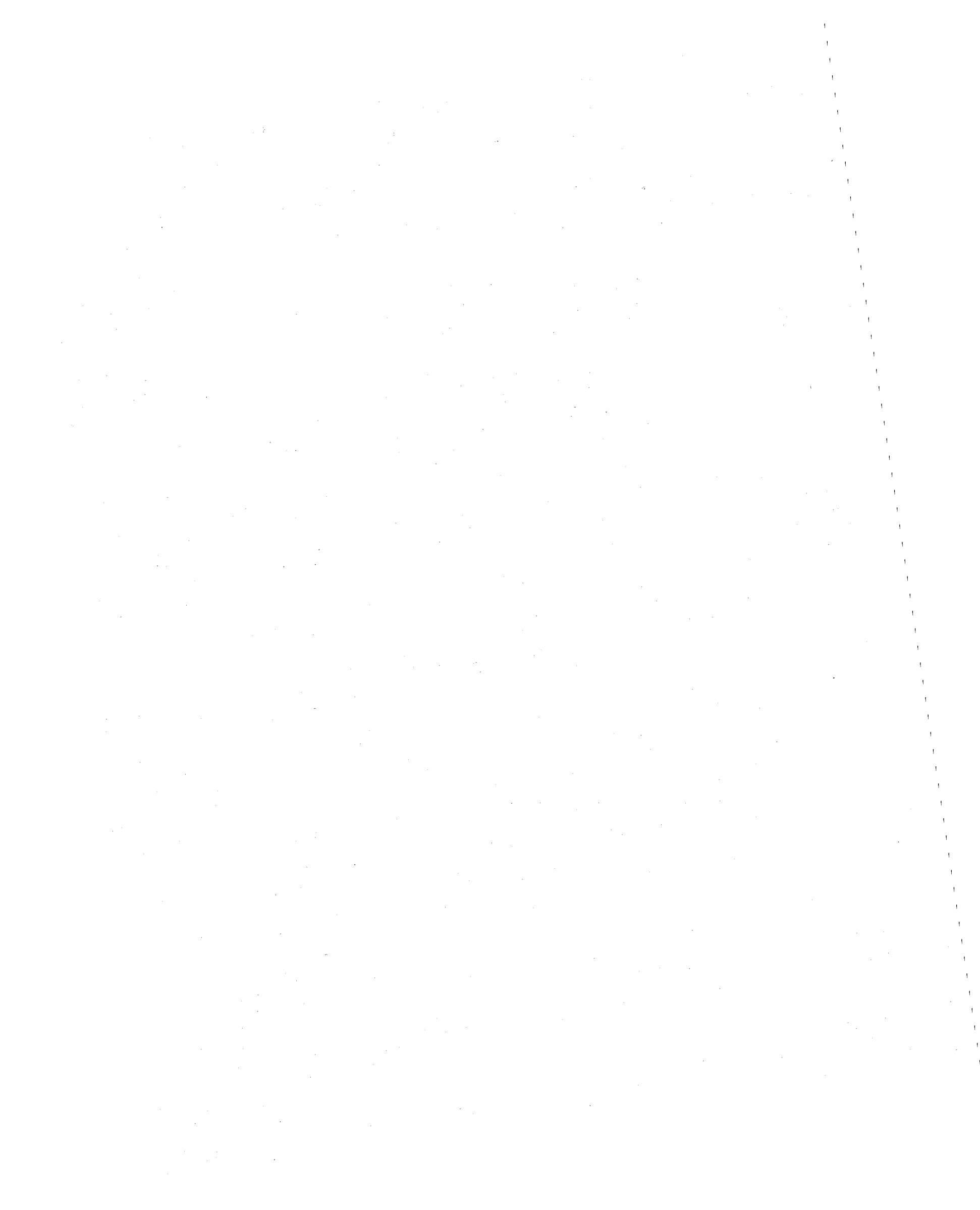
Best regards,

Chris Giorni  
Director

[Chris@treefrogtreks.com](mailto:Chris@treefrogtreks.com)

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**Chris Giorni**  
*Executive Director*  
**Tree Frog Treks**  
p: 415.876.FROG (3764)  
[www.treefrogtreks.com](http://www.treefrogtreks.com)





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**From:** Board of Supervisors  
**To:** BOS-Supervisors; Young, Victor  
**Subject:** File 130123: Support for SFERS Carbon Divestment Resolution

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**From:** Anabel Cassady [mailto:[anabel@energyinnovation.org](mailto:anabel@energyinnovation.org)]  
**Sent:** Monday, March 04, 2013 1:10 PM  
**To:** Board of Supervisors  
**Subject:** Support for SFERS Carbon Divestment Resolution

Dear Supervisors of San Francisco,

**I'm writing to support Supervisor Avalos' proposed resolutions for the San Francisco Employees' Retirement System to divest more than \$1.9 billion away from fossil fuel and firearm companies over the next five years.**

Climate change is one of the most important challenges we currently face as a city and as a society. In recent months, we have witnessed the significant damage and financial impacts of climate change on our fellow East Coast communities. As fossil fuel corporations now have 2,795 gigatons of carbon dioxide in their reserves - five times the amount considered safe to avoid catastrophic climate change - we know the problem will only get worse if we don't take action.

**As a city and community, we have committed to addressing climate change, promoting renewable energy sources, and advancing efforts to control access to firearms - it's time for our investment decisions to reflect these values.**

There is a clear economic argument for divestment. While fossil fuel companies do generate a return on investment, San Francisco and our neighboring communities will suffer greater economic and financial losses from the impact of unchecked climate change. Our infrastructure, our businesses, and our communities would face greater risk of damages and losses due to turbulent weather that climate change causes. As a waterfront city, several of our neighborhoods and industrial districts are at risk if climate change causes a significant rise in sea level.

Seattle was the first city to join the growing Go Fossil Free divestment campaign, an effort that has already spread to over 192 campuses across the country. **It's time for San Francisco to join the movement and invest the SFERS pension funds in companies that can provide a good return on our investment without putting our city and our future at risk.**

Sincerely,

Anabel Cassady  
SF Resident, North Beach



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**From:** janstephens\_06@yahoo.com.au  
**Sent:** Monday, March 04, 2013 1:44 PM  
**To:** Board of Supervisors  
**Subject:** Fwd: Re. Charlie the dog.

Sent from my iPad

Begin forwarded message:

**From:** [janstephens\\_06@yahoo.com.au](mailto:janstephens_06@yahoo.com.au)  
**Date:** 5 March 2013 8:41:44 AM AEDT  
**To:** [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org), [cityattorney@sfgov.org](mailto:cityattorney@sfgov.org), [city.administrator@sfgov.org](mailto:city.administrator@sfgov.org), [mayoredwinlee@sfgov.org](mailto:mayoredwinlee@sfgov.org), [Rebecca.Katz@sfgov.org](mailto:Rebecca.Katz@sfgov.org), [ACC@sfgov.org](mailto:ACC@sfgov.org), [John.Denny@sfgov.org](mailto:John.Denny@sfgov.org)  
**Subject:** Re. Charlie the dog.

Hello yet again,

Can you people please explain a couple of things to me. May be I'm stupid or something, or am missing something .Or may be just may be I'm right.

1. Why have not one of you people ,had the common curtsey to answer any of my mail. and that of other people who have also contacted you.

Not one email that I have sent to you people has ever been acknowledged that it has been received. In fact not one of these emails has been answered at all.And I have put my snail mail address on them as well. Bit prefer to receive answers via emails.

I was brought up with the common curtsey of replying to people if they had taken their time to contact me. It would seem that not one of you people are willing to talk about this case to any one you seem to think is below you. Well I can assure you, that as servants of the public you are answerable to the public.

Why wont you answer the questions I posed in these emails.

2. I believe all Federal Charges against Charlie's owner have been squashed. In other words I feel that this means that there is no longer a case.

3. if there is no longer a case , then why are you the City Officials of a city named after a Saint whose love for animals is well known. Still refuse to allow Charlie to be where he should have been all the time. With his loving family..Not spending months in a cage being so cruelly treated by those whose duty of care is to PROTECT ANIMALS. Not ABUSE them, as what happened in this case. ABUSE because of little physical human contact, Abuse because he was not allowed out of his cage, Abuse because he was not walked, Abuse because he was not allowed & still not allowed to see those who loved him & still love him..Mental Abuse because he was given NOTHING to STIMULATE him MENTALLY.Even a condemned prisoner is treated far better than people at the ACC treated this poor fur baby.

4. Why was the word of this officer taken as GOSPEL he had no WITNESS. we don't know



what he may or may have not done to aggravate the situation.

5. He says he can remember, the whole incident. HOW?? He admits he was knocked UNCONSCIOUS when he fell from this horse. Gosh he must be good to remember things when he was in this state.

6. Why did you treat this case differently to another exactly the same where, a therapy dog attacked a horse....? In this case the owner was fined & kept their dog  
Another case where a dog was ordered to attack an officer. Here again this case was treated differently. The owner was fined & allowed to keep their dog...Nothing adds up here.

7. As in previous emails to the Board of Supervisors, I am again asking for a FULL & OPEN PUBLIC ENQUIRY in to this case. This is the only way that things can be brought in to the open. I am also going to contact the Governor of California, again asking him to set up such an enquiry.

8. To me things in this case have not been right from the very start.  
People have to be made accountable for their actions in this case.  
There have been to many inconsistencies .  
People who should know better are stating their opinion wether it be in private or public.  
And this can be seen as being the opinion of the ACC & all those involved in this matter. Wether that it the case or not.

9. And yet again I ask WHY HASN'T THIS OFFICER BEEN CHARGED WITH ANIMAL CRUELTY. / . ENDANGERMENT. Because he clearly does not UNDERSTAND ANIMAL BEHAVIOUR..And as such did place his horse at risk..

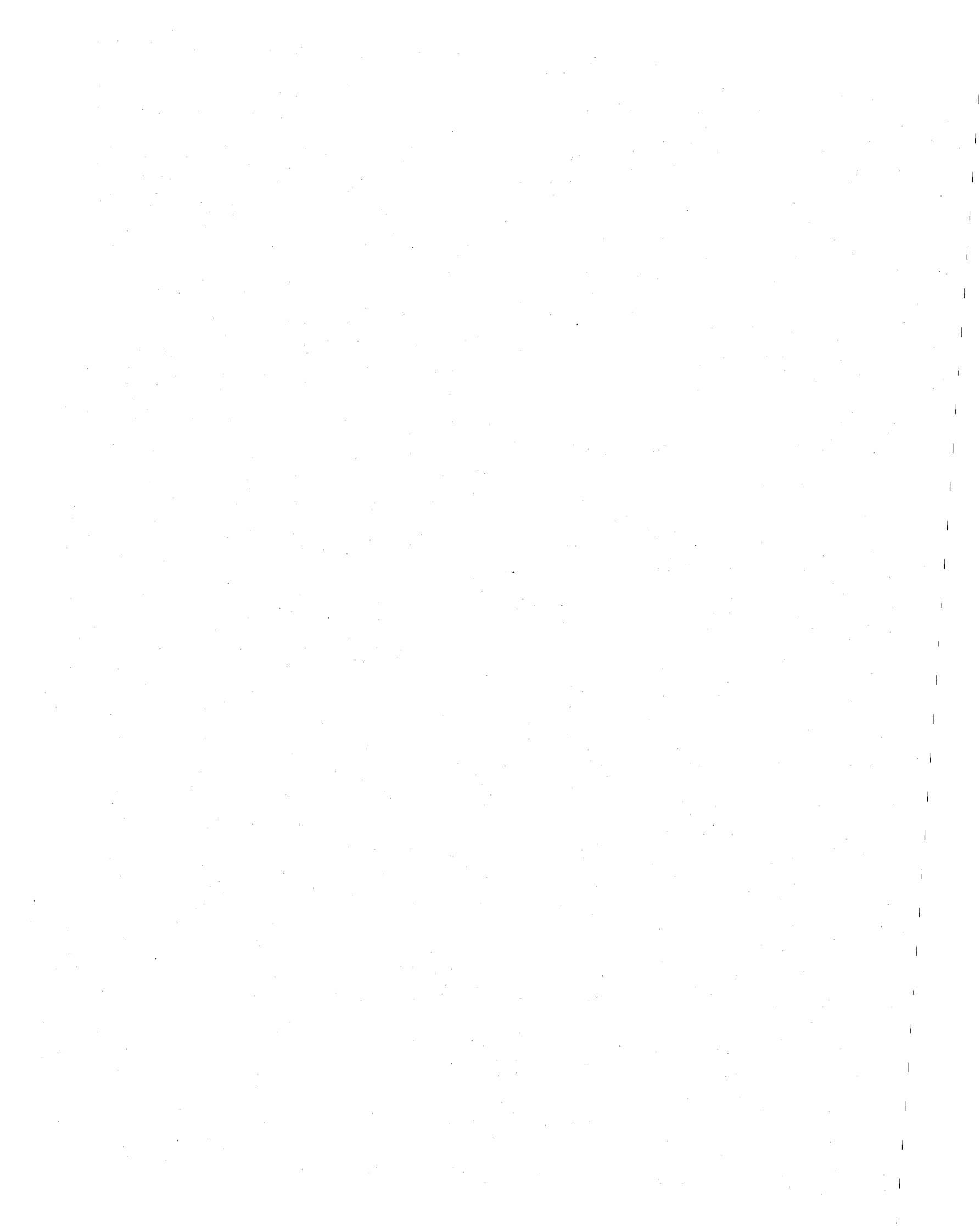
10. I close & Yet again await a reply to these questions in this & my, other emails.

Yours

Mrs. J. Stephens

Preferred reply via email ....[janstephen\\_06@yahoo.com.au](mailto:janstephen_06@yahoo.com.au)

Box.371  
Mailing Boxes,  
Ascot Vale Post Office,  
Union Road,  
Ascot Vale  
Victoria  
Australia....3032



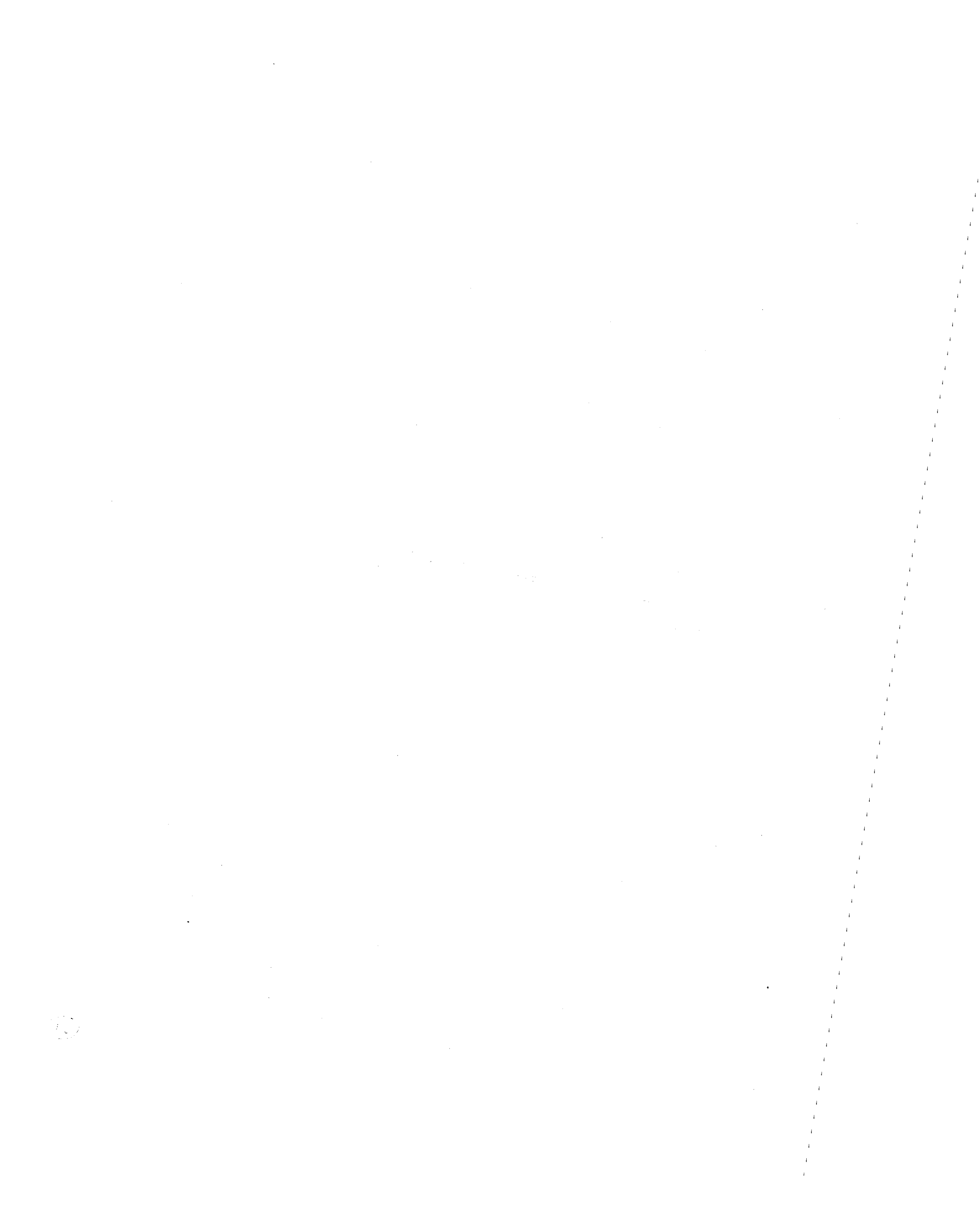
To SAN FRANCISCO BOARD OF SUPERVISORS

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 MAR - 5 PM 4:55

I'm having several problems with the local homeless coordinating board

- 1) the chair is continuously blocking and or abridging public comment
- 2) the chair on 1-7-2013 meeting cut public comment off saying that that public comment was irrelevant when someone known for speaking up for the homeless was trying to start to speak
  - (a) considering the homeless are the most dehumanize and marginalized is the type of life philosophy constructive to helping the homeless
- 3) several members are missing meetings so much so that i'll be sending a information request out regarding peoples missed meetings and who's currently on the board
  - (a) the way the agendas are written the list of members are not listed and it changes monthly
- 4) secondly to point 3 the chair and the board it appears has done nothing to have the people that are continually miss these meetings quit or show up regularly
- 5) the chair said the it follows the sunshine ordnance but it just recently brought it's web-sight up to date it's been behind for several months
  - (a) it is not recording it's meetings as required .the room it's in has all the equipment necessary to record in
  - (b) the chair's actions have lead to 3 sunshine ordnance complaints and 1 or 2 more that have to be filed
- 6) in section 20.312 of san Francisco administrative code a person is to show up to from the shelter monitoring committee to report on the committees shelter visits
- 7) several times the local homeless coordinating board has left and or lost quorum right when public comment was to be heard
- 8) during the 3-4 2013 meeting it appears again the chair was obstructing and abridging the public comment of the poor and homeless one of those persons is rumored to be 91 years old

thank you  
Charles Pitts  
[pakasaw@yahoo.com](mailto:pakasaw@yahoo.com)







ROSALES LAW PARTNERS LLP

March 4, 2013

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2013 MAR -4 PM 1:30

BOS-11  
File # 130072

C-PAGES

Mara E. Rosales  
mara@rosaleslawpartners.com

Honorable Members of the Board of Supervisors  
c/o Angela Calvillo, Clerk of the Board  
San Francisco, City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4698

**Re: Written Statement of Susana Razo in Support of JCDecaux North America, Inc. Protest Letter**

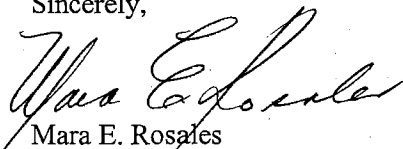
Dear Supervisors:

On February 8, 2013, the undersigned, on behalf of JCDecaux North America, Inc., presented correspondence and supporting documentation entitled: "Protest to the Airport Commission's Award of the SFO Advertising Lease to Clear Channel Airports" (hereinafter "JCDecaux Protest").

Attached to this letter is a written statement by Susana Razo wherein she provides a first-hand account of SFO's presentation at the non-mandatory Informal Conference for the SFO Advertising Lease RFP regarding the Minimum Annual Guarantee ("MAG") scoring issue, as well as her interpretation that the historical data provided in the RFP did not support a MAG offer higher than the Minimum Acceptable Financial Offer. While Ms. Razo is not available to appear on March 6, 2013, she can be reached by telephone or she may be able to appear in person on another date and time that is convenient.

We ask that Ms. Razo's statement be considered in support of JCDecaux Protest, filed with the Board of Supervisors' Clerk Office on February 8, 2013. I enclose eleven courtesy copies for Board members.

Sincerely,

  
Mara E. Rosales

cc: City Attorney Dennis Herrera  
John L. Martin, Airport Director  
Hon. Airport Commission, c/o Jean Caramatti, Secretary  
Sheryl Bregman, Airport General Counsel  
Harvey Rose, Board of Supervisors Budget Analyst  
Bernard Parisot, Co-CEO, JCDecaux

433 California Street, Suite 630 • San Francisco, CA 94104 • (415) 986-4760 Office • (415) 766-4510 Fax  
www.rosaleslawpartners.com



March 1, 2013

President David Chiu  
Supervisor Mark Farrell, Finance Committee Chair  
Honorable Members of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

Re: **Written Statement of Susana Razo**  
**SFO Airport Advertising Lease (Item #7; 130072 Budget and Finance Committee)**

Dear Members of the Board of Supervisors:

I provide you with this written statement of the following facts from my own, first-hand, knowledge. I apologize that I cannot personally attend the hearing for the Board of Supervisors relating to this matter on March 6, 2013, but I have another obligation that requires my presence on that day.

I am a public relations professional, with over 15 years of experience in strategic planning, program development, communications and community/stakeholder/client engagement. In the past three years, I have been working with a large public utility as a public relations consultant, developing and executing public relations and communication strategies. In that role, I facilitate and help my clients prepare for meetings that require public comment.

On May 10, 2012, I personally attended the informal Pre-proposal Conference for the SFO Advertising Lease Request for Proposals on behalf of AstraPacific. AstraPacific was interested in responding to the Request for Proposal (RFP) for the Airport's advertisement contracting opportunity.

At the conference, on May 10, 2012, the presenter, Gigi Ricasa, made her presentation with the help of PowerPoint slides. She did not deviate from the PowerPoint presentation, and in fact, she read directly from the slides. Also, attendees at the Informal Conference were instructed to submit any and all questions formally and in writing. Consequently, no information was presented at the Conference that was not part of the PowerPoint presentation.

At the Conference, Ms. Ricasa shared only what was already stated in the RFP. New information was not presented. I am confident of this because of my own experience with public meetings and knowledge of presentation styles.

I distinctly recall that Ms. Ricasa only reiterated what was listed in the written RFP with regard to the scoring of the Minimum Annual Guarantee amount. She did not present any new information or provide any additional scoring methodology for the Minimum Annual Guarantee that was not included in the Airport's written Request for Proposal. Based on the Request for Proposal and the information received at the Informal Conference, I understood that if a proposer satisfied the Minimum Annual Financial Offer, the proposer would get the full amount of points for the MAG category. It was never suggested orally or otherwise that a competitive advantage could be gained by exceeding the MAG.



March 1, 2013  
Written Statement of Susana Razo  
Page 2

My client ultimately declined to pursue the Airport's advertising opportunity. During our discussions regarding whether to submit a proposal, AstraPacific never contemplated exceeding the Minimum Acceptable Financial Offer identified in the Request for Proposal, because an analysis of the available data simply did not support a guarantee of income to the Airport in an amount beyond the Minimum Acceptable Financial Offer of \$7 Million. This was reinforced by the tour we received of San Francisco Airport's advertising spaces. Moreover, the data provided showed gross annual receipts averaged approximately \$9 Million. The overall advertising market experienced an increase in 2011, which was reflected in an increase in revenue for that year. When projecting income for an 8-year lease period it would not be prudent to base projected earnings on one year for a variety of reasons, included amongst them, the advertising market's sensitivity to financial markets and catastrophic events.

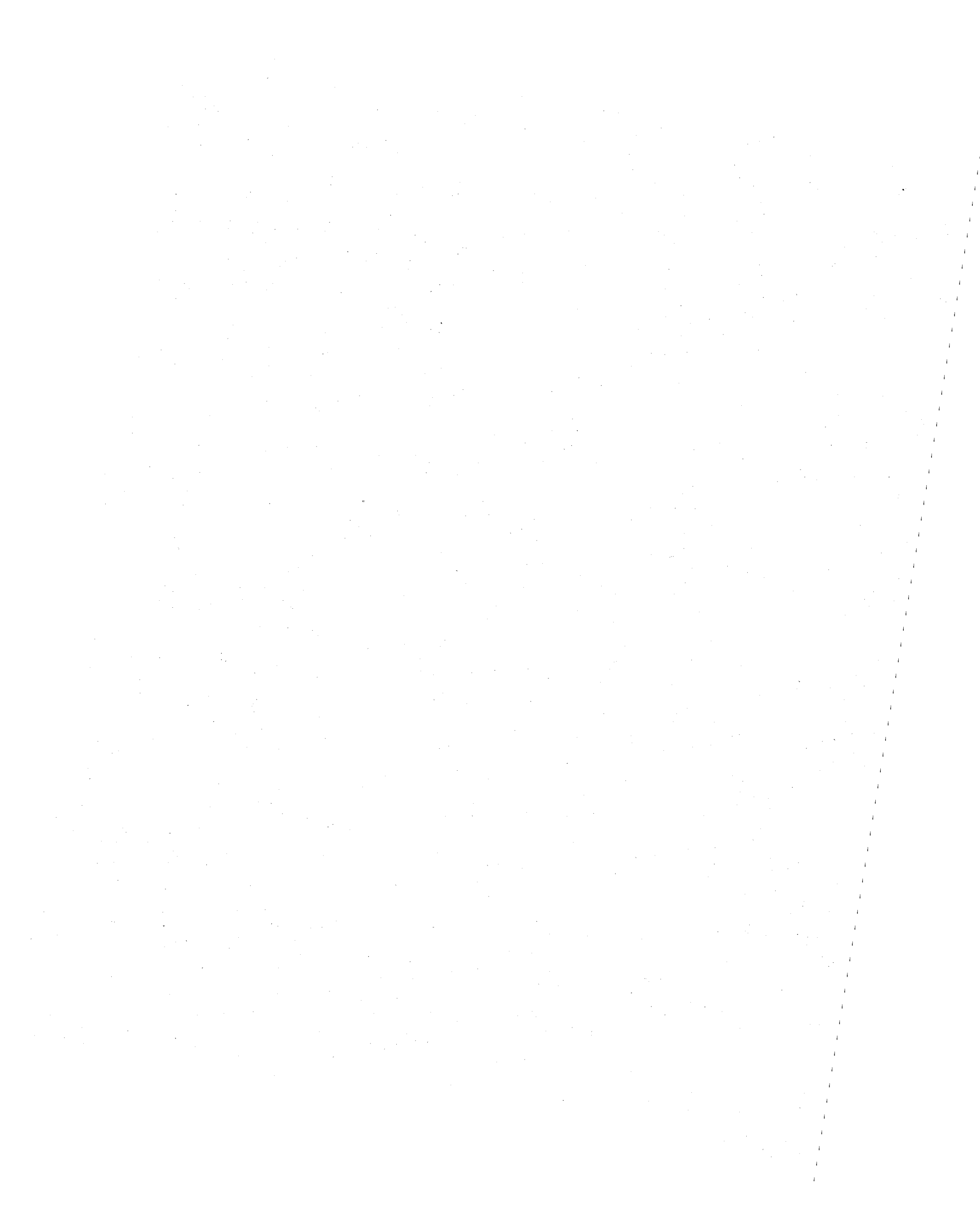
Please accept this written statement in lieu of my personal appearance before your honorable Board.

Sincerely,



Susana Razo  
(415) 810-8717  
razosusana@gmail.com

cc: John L. Martin, Airport Director



BOS-11

File 130072  
B/F Clerk  
cpay



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 MAR -6 PM 4:22

March 4, 2013

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

Re: SFO Advertising RFP

Dear Honorable Supervisors:

The Coalition for Economic Equity (CEE) for over 30+ years has been a strong advocate for small, minority and woman owned business participation in City contracts, including concession leases. We'd like to take this opportunity to highlight San Francisco International Airport's "out of the box" approach in maximizing local community and business engagement in the RFP for SFO Advertising Lease.

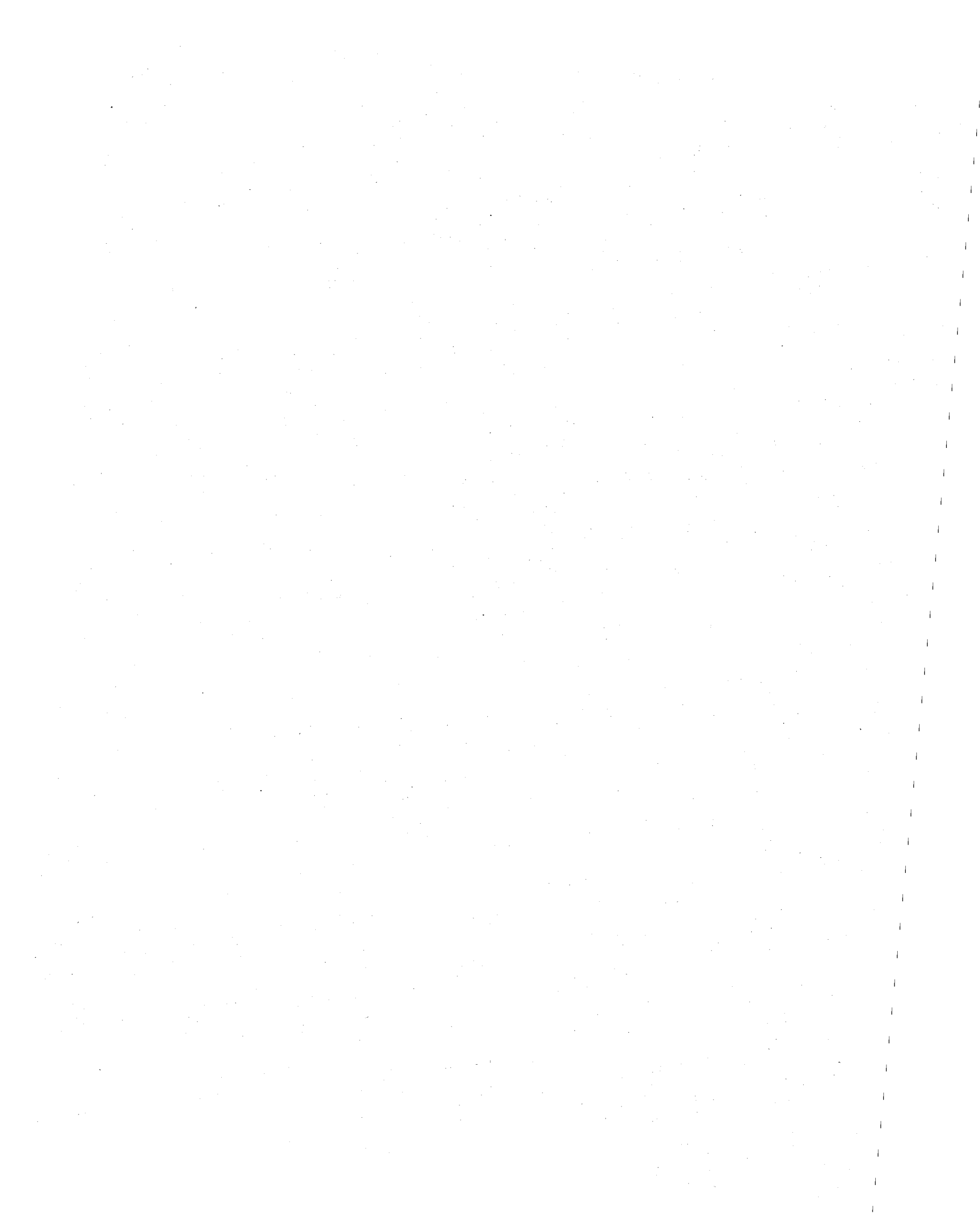
The CEE is pleased to see the extent to which the Airport made its desires clear to proposers that their proposals were expected to include diverse concepts and local owners, and that this RFP goal would be seriously considered as part of the contract award decision. The Airport's creative approach, in turn, spawned innovative proposals in response. As we understand it, one proposer introduced a way to utilize technology as a tool to provide advertising exposure of the City's smaller and diverse businesses to the incoming Airport travelers. This opens up a major advertising medium for small businesses to millions of San Francisco's visitors that would otherwise be out of their economic reach.

In addition, we see the engagement of small women owned professional firms like Davis & Associates who will have exposure to mainstream advertising and marketing germane to airport operations, giving the firm the opportunity to expand capacity and access new markets. It is this type of response to the City's expectations that personifies the letter, and more importantly the spirit of the City's LBE and Small Business programs.

In closing, we offer "kudos" to the Airport and its leadership for representing the City's commitment to our small and diverse local businesses- the life blood and the authentic character of San Francisco!

Sincerely,

Ingrid Merriwether  
Chair





File 130067  
N SSC Clerk DE

Nosa Ria: Letter of Support, License to sell Alcoholic Beverages; O Camino, DBA  
Nosa Ria, 500 Laguna , San Francisco, Ca. 94102

BOS-11

To: Angela Calvillo, Clerk of the Board  
San Francisco Board of Supervisors

cpage

From: Russell Pritchard  
President, Hayes Valley Merchants Assn.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 MAR -4 PM 4:25  
6

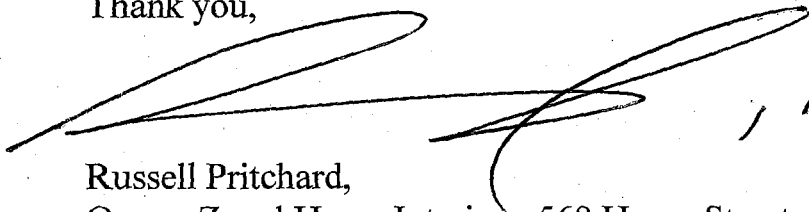
Dear Clerk Calvillo,

I wanted to let you know that our wonderful neighbor, Nosa Ria Spanish Food Market, has the full support of the Hayes Valley Merchants Assn., for their application for a license to sell alcoholic beverages. We understand that their license requires a special exception to sell specialty Sherries because of the alcohol content and we are in full support of this complete license.

Nosa Ria is such a wonderful addition to our neighborhood because of the very unique and specialized Spanish food and products which they offer. The addition of hard to find Spanish wines and sherries, will further add to the draw to our neighborhood for people seeking these fantastic products.

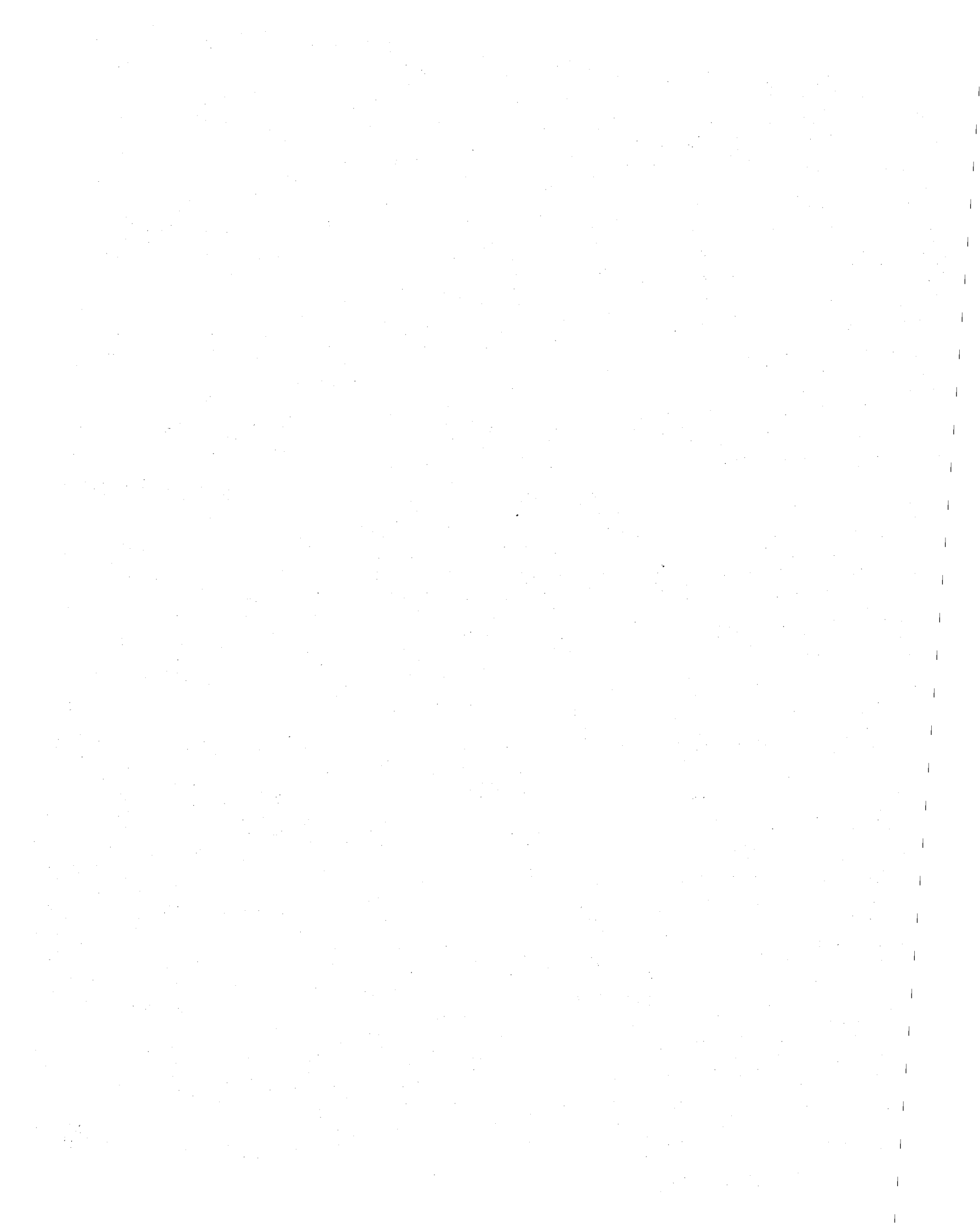
Also, for people who live in Hayes Valley, as I do, it is terrific to be able buy tasty treats from Spain. Nosa Ria is a great addition to our neighborhood and we are excited for their continued growth and success.

Thank you,



, March 01, 2013

Russell Pritchard,  
Owner Zonal Home Interiors, 568 Hayes Street  
President: Hayes Valley Merchants Assn.  
415.255.9307



**Board of Supervisors**

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File 130119

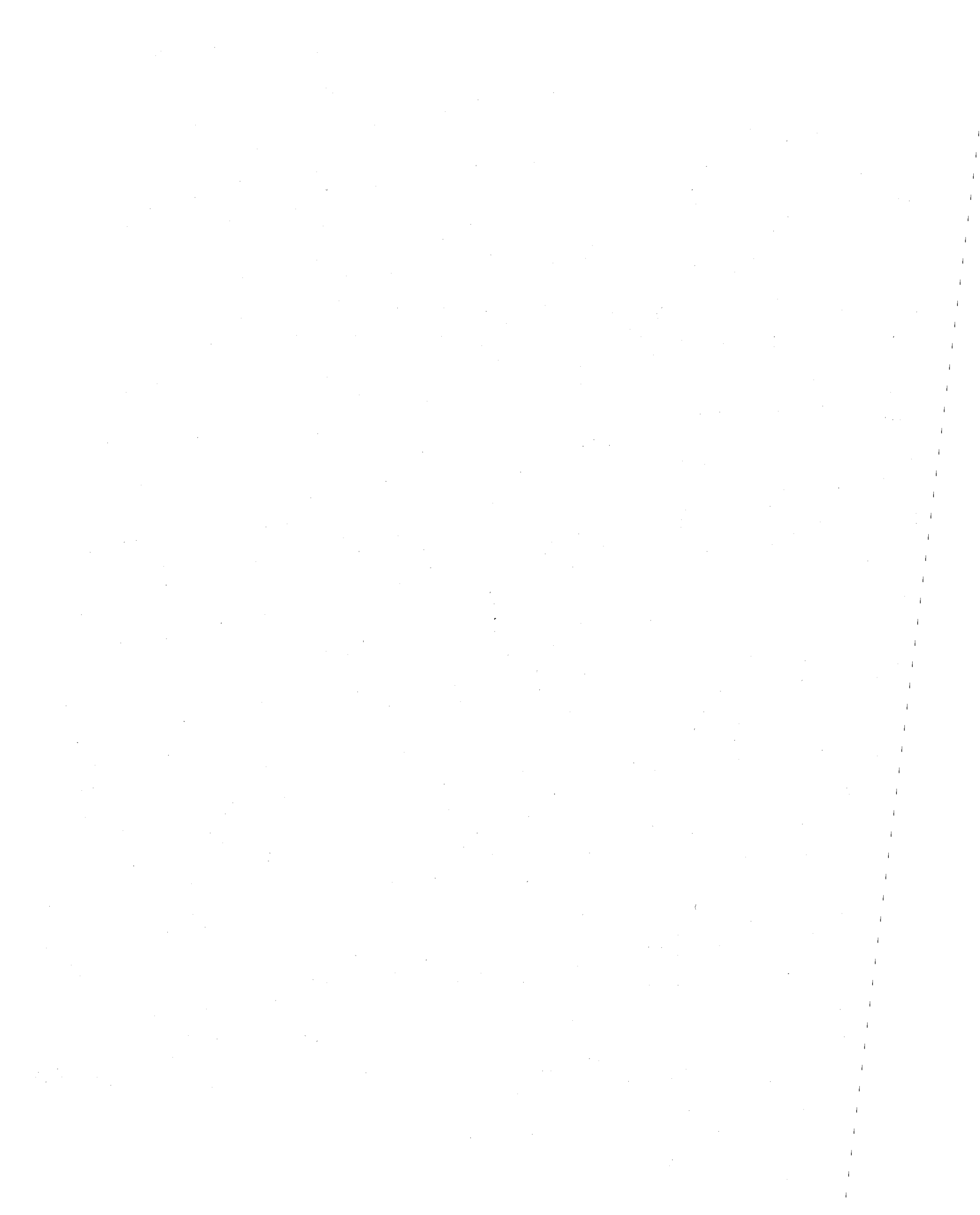
**To:** BOS-Supervisors; Miller, Alisa  
**Subject:** File 130119: Support letter for proposed mandatory seismic retrofit ordinance  
**Attachments:** BOS support letter 130311.pdf

**From:** David Bonowitz [<mailto:dbonowitz@att.net>]  
**Sent:** Monday, March 11, 2013 10:37 AM  
**To:** Board of Supervisors  
**Cc:** Otellini, Patrick  
**Subject:** Support letter for proposed mandatory seismic retrofit ordinance

Ms. Calvillo,  
Please share the attached letter with each Supervisor.

Thank you,

**David Bonowitz, S.E.**  
605A Baker Street  
San Francisco, CA 94117  
415-771-3227  
[dbonowitz@att.net](mailto:dbonowitz@att.net)



**DAVID BONOWITZ, S.E.**

605A BAKER STREET  
SAN FRANCISCO, CA 94117  
415-771-3227  
DBONOWITZ@ATT.NET

March 11, 2013

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

BY EMAIL ONLY: Board.of.Supervisors@sfgov.org

**SUBJECT** Support for Mandatory Seismic Retrofit Program for Wood-Frame Buildings

Supervisors:

I urge you to support the proposed ordinance addressing our collapse-prone wood-frame buildings – buildings just like those that collapsed in the Loma Prieta and Northridge earthquakes.

Our engineering community has been studying these buildings and San Francisco's earthquake risk for years, and we know two things with high confidence:

- The buildings targeted by this ordinance are legitimate collapse risks.
- If you were to rank the seismic vulnerability of every building in the city, these few thousand would be among the very worst.

So if you want to be serious about reducing San Francisco's earthquake risk, approving this ordinance should be your top priority.

Thank you,



DAVID BONOWITZ, S.E.

P.S. For identification purposes only: I am a Fellow Member of the Structural Engineers Association of Northern California, and I chair the Existing Buildings Committee of the National Council of Structural Engineers Associations. For disclosure purposes, please note that I served as a volunteer on the CAPSS Community Advisory Panel and later had a small contracted role on part of the project. I have also provided professional services that helped to develop the proposed ordinance, and I am in the process of being considered for a paid advisory role to the city's Earthquake Safety Implementation Program.

CC: Patrick Otellini, Director of Earthquake Safety, Patrick.Otellini@sfgov.org



1111 Eighth Street  
San Francisco, CA 94107  
(415) 704.9500

3411 Broadway  
Oakland, CA 94618  
(415) 594.1600

BOS-11  
cpage

File Nos. 130001, 130002, 130003, 130004



06 March 2013

Supervisors Wiener, Kim and Chiu  
**Land Use & Economic Development Committee**  
SF City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

RE: proposed zoning changes for the SALI district in Western SOMA

Dear Supervisors,

Although California College of the Arts sits just outside the boundaries Western SOMA, I'm writing to voice our concern about a negative effect that we feel might be triggered by not allowing design professionals as a principal use in the SALI district.

As one of the nation's leading art and design colleges, we pride ourselves in connecting with the small innovation studios that dot the SOMA landscape. We draw faculty from them to teach, we send students out to them to do paid internships and then after graduating to seek permanent employment opportunities. Many of our graduates from decades past are now heading these small design studios in architecture, interiors, landscape, industrial design, fashion, furniture, and product design.

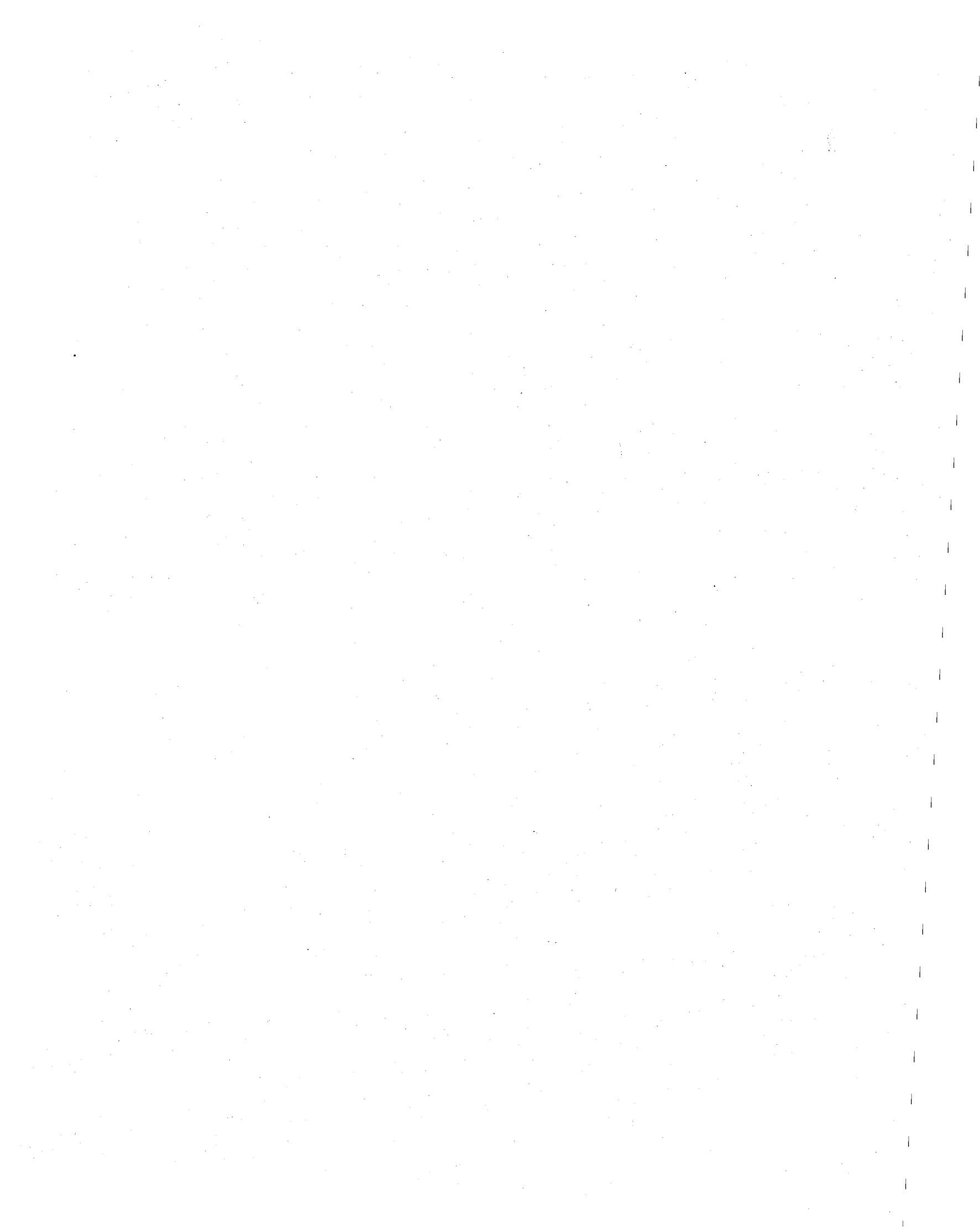
San Francisco is widely admired as a center of design innovation, not because of its large firms, although there are a few terrific large global design firms here, but rather because of the hundreds of small innovative firms like Astro Studios on 6<sup>th</sup> Street, the designers of the Nike+ Fuelband, or Smart Design on Bryant, the design studio that developed the Flip video camera. These firms have a disproportionately large influence on the rest of the design world, exporting ideas globally from a few dozen blocks south of Market.

These are not firms that would thrive elsewhere. They're way too small – usually less than 20 employees - to have Silicon Valley campuses. Plus, they rely on the synergies of the south of Market neighborhood to give them an advantage. Their model maker is often a few doors down the street, or they run over to Tech Shop themselves to prototype an idea.

It would be a mistake to confuse these scrappy innovation studios with much larger design firms like Gensler and IDEO. They are often just a few people working in a very non-corporate way, which is how they have created San Francisco's reputation as a design incubator. I hope the language in the proposed legislation is able to recognize this important difference and preserve San Francisco's advantage as a design innovation zone.

Respectfully,

David Meckel  
Director of Campus Planning





March 4, 2013

BOS-11  
cpage  
file 130001, 130002, 130003

**Tenant Associations Coalition  
of San Francisco  
(TAC)**  
P. O. Box 420846  
San Francisco, CA 94142-0846  
Phone: (415) 339-8327  
tac\_sf@yahoo.com  
TenantAssociationsCoalition  
@Yahoogroups.com  
http://10thanniversarytac.blogspot.com/  
http://tenantassociationscoalition.blogspot.com/

**San Francisco Board of Supervisors  
Land Use and Economic Development Committee  
1 Dr. Carlton Goodlett Place, Room 244  
San Francisco, CA 94102**

**Re: Western South of Market Area Plan**

**File No: 130001, 13002, 13003**

**Dear Supervisor Scott Wiener, Jane Kim, and David Chiu :**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 MAR -4 PM 1:45

**Coalition Members**

Representatives affiliated with

- 205 Jones Apartments
- 381 Turk Street
- Alder Hotel
- Alexander Tenants Association, Inc.
- Alliance For A Better District 6
- Altamont
- Ambassador Hotel
- Antonia Manor
- Baldwin House Hotel
- Bayanihan House
- Blackstone Apartments
- Cadillac Hotel
- Cambridge
- Canon Kip Community House
- Coatrice Plotte
- Cecil Williams Housing
- Central Towers
- Civic Center Residence
- Conard House
- Crescent Manor
- Dalt Residence
- Desmond Hotel
- Derek Silva Community
- Donnelly Hotel
- Dorothy Day Community
- Franciscan Towers
- Hamiln Hotel
- Henry Hotel
- Herald Apartments
- Hillsdale Hotel
- Hurley Hotel
- Iroquois Residence Tenant Council
- Jefferson Hotel
- Havell Hotel
- La Nain Hotel
- Leland Apartments
- Lytic
- Manor Advocates
- Maris Manor
- Marina Cove Apartments
- Market Heights Apartments
- Marlton Manor Tenants Association, Inc.
- Mission Hotel
- Oaktree Hotel
- Pacific Bay Inn
- Padre Apartments
- Parkview Hotel
- Peter Claver Community
- Ritz Hotel
- San Cristina Residence
- Senator Hotel
- Seneca Hotel
- Shoreview Residents Associations, Inc.
- Silvercrest Residence
- South Park Residence
- Sunnyside Hotel
- Supportive Housing Network
- The Knox
- The Rose
- Warfield Hotel
- Washburn Residence
- Winsor Hotel  
(Partial List)

The Tenant Associations Coalition of San Francisco (TAC) held a special meeting of resident stakeholders to discuss the Western SoMa Area Plan . We are concern that your amending legislation for the Western SoMa Area Plan will take away more fees for affordable housing.

We should not lessen the affordable housing fees if developers want to build higher in West SoMa Plan because the developers need to pay their fair share and help off-set community impacts. Affordable housing is needed to keep existing communities together and help retain our multi-culture diversity.

Our Coalition affiliate members are concerned about transportation too - but not if it means that we will continue to be forced out of the City. A more logical solution is having a HIGHER Affordable Housing Fee and HIGHER Impact Fee versus taking away from affordable housing!

As an elected official, I urge you to not pick one over the other. San Francisco needs affordable housing, better jobs and affordable transportation. Therefore, we urge you to vote for a HIGHER Affordable Housing Fee and HIGHER Impact Fee versus taking away from affordable housing fee!

If there are any questions about this letter we can be reached at (415) 339-8327.

Sincerely,

**Susan Bryan  
Facilitator**

**cc: Board of Supervisors  
Coalition Members  
File**

**Alliance for a  
Better District 6**

Files 130001, 13002,  
BOS-11  
cpage 13003

San Francisco Board of Supervisors  
Land Use and Economic Development Committee  
1 Dr. Carlton Goodlett Place, Room 244  
San Francisco, CA 94102

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 MAR -4 PM 1:45

Re: Western South of Market Area Plan

File No: 130001, 13002, 13003

March 4, 2013

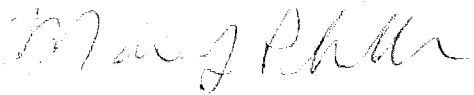
Dear Supervisor Wiener, Kim, and Chiu :

The Alliance for a Better District 6 is in full support of the "Western South of Market Area Plan" that the residents, businesses, and property owners hammered out in countless community meetings.

The proposal before you is the result of those meetings with the help of the Planning Department. This agreement needs your full support to bring housing and business opportunities to improve the quality of life in Western SoMa.

Again the Alliance for a Better District 6 is in full support and ask for your support to the "Western South of Market Area Plan".

Sincerely,



Marvis J. Phillips  
Land Use Chair  
Alliance for a Better District 6

cc: File  
Board of Supervisors Clerk

# Board of Supervisors

**Subject:** Your attempts to curb OVERTIME in City Departments. There is room for improvement.  
**Attachments:** Calendar Year 2012 Fire Department Employees for PUBLIC Highest to Lowest 2013-03-01  
2.numbers

**From:** MaryLou Corrigan [mailto:marylouc@mac.com]

**Sent:** Wednesday, March 06, 2013 3:19 PM

**To:** Board of Supervisors

**Cc:** Avalos, John; Yee, Norman (BOS); Breed, London; Mar, Eric (BOS); Farrell, Mark; Chiu, David; Kim, Jane; Wiener, Scott; Campos, David; Cohen, Malia

**Subject:** Your attempts to curb OVERTIME in City Departments. There is room for improvement.

Dear Members of the Board of Supervisors:

In 2012, how many SFFD Firefighters earned more than \$200,000 in OVERTIME alone?

Answer: 1

CONTROLLERS PAYROLL PUBLIC INFORMATION  
CALENDAR YEAR 2012

YTD DATA

DEPARTMENT NAME

LAST NAME

FIRST NAME

MI

JOBCODE

JOBCODE DESCRIPTION

YTD REG PAY

YTD OVERTIME

YTD OTHER PAY

YTD TOTAL YPAY

Fire Department

Altenberg

Gary

L

H020

Lieutenant, Fire Suppression

\$128,808.87

\$220,909.48

\$13,126.31

\$362,844.66

Who won the Silver medal of OVERTIME in the SFFD in 2012?

Fire Department	Binkley	Frederick			
H003	EMT/Paramedic/Fire	\$126,863.19	\$191,397.15	\$18,944.52	\$337,204.86

And the Bronze Medal goes to:

Fire Department	Scholzen	Scott	K	H002	Firefighter	\$109,783.86	\$160,418.47	\$19,873.80	\$290,076.13
-----------------	----------	-------	---	------	-------------	--------------	--------------	-------------	--------------

In 2012, how many SFFD Firefighters earned more than \$100,000 in OVERTIME alone?

Answer: 35

In 2012, how many SFFD Firefighters earned more than \$50,000 in OVERTIME alone?

Answer: 280

In 2012, how many SFFD Firefighters earned more than \$250,000 in TOTAL pay?

Answer: 50



In 2012, how many SFFD Firefighters earned more than \$200,000 in TOTAL pay:(including above 50) Answer: 211

In 2012, how many SFFD Firefighters earned more than \$150,000 in TOTAL pay:(including above 211) Answer: 813

In 2012, how many SFFD Firefighters earned more than \$125,000 in TOTAL pay:(including above) Answer: 1,215

Sincerely yours,

Jim Corrigan



## Board of Supervisors

---

**To:** BOS-Supervisors  
**Subject:** Central Subway Outreach...awful!

**From:** Jerbo43@aol.com [mailto:Jerbo43@aol.com]

**Sent:** Tuesday, March 05, 2013 7:45 PM

**To:** Board of Supervisors

**Cc:** [marcabruno@yahoo.com](mailto:marcabruno@yahoo.com); [foeleigh@yahoo.com](mailto:foeleigh@yahoo.com); [lacarnes@gmail.com](mailto:lacarnes@gmail.com); [lgoodin1@mindspring.com](mailto:lgoodin1@mindspring.com); [aaron.peskin@earthlink.net](mailto:aaron.peskin@earthlink.net); [panasiansf@yahoo.com](mailto:panasiansf@yahoo.com); [lyfong@pacbell.net](mailto:lyfong@pacbell.net); [joanwood@earthlink.net](mailto:joanwood@earthlink.net)

**Subject:** Central Subway Outreach...awful!

Dear Supervisors,

The MTA's manager claims he's attended so many north beach meetings he's "lost count". Yet people in that part of San Francisco all say that there has been only one public meeting. At the meeting a number of important questions were raised, which Supervisor David Chew and the Muni did not want to answer. So the meeting was conveniently cut short by a fire alarm, and Supervisor Chew subsequently refused to schedule another meeting. Central subway outreach in North Beach has become a joke.

The outreach program in southeast San Francisco was equally bad. Almost no one in our part of the city knows that the central subway would take them away from many important T-line destinations, including U.C. Med and the market street subway stations. Based upon what the Muni has repeatedly told them, some people actually believe that the central subway will cut their time to downtown San Francisco in half...which isn't even close to being true.

Unfortunately the central subway has turned out to be a weak project very ineptly and deceptively managed. Are any of you willing to stand with the Grand Jury on this?

Ben Hayashi  
Little Hollywood  
San Francisco

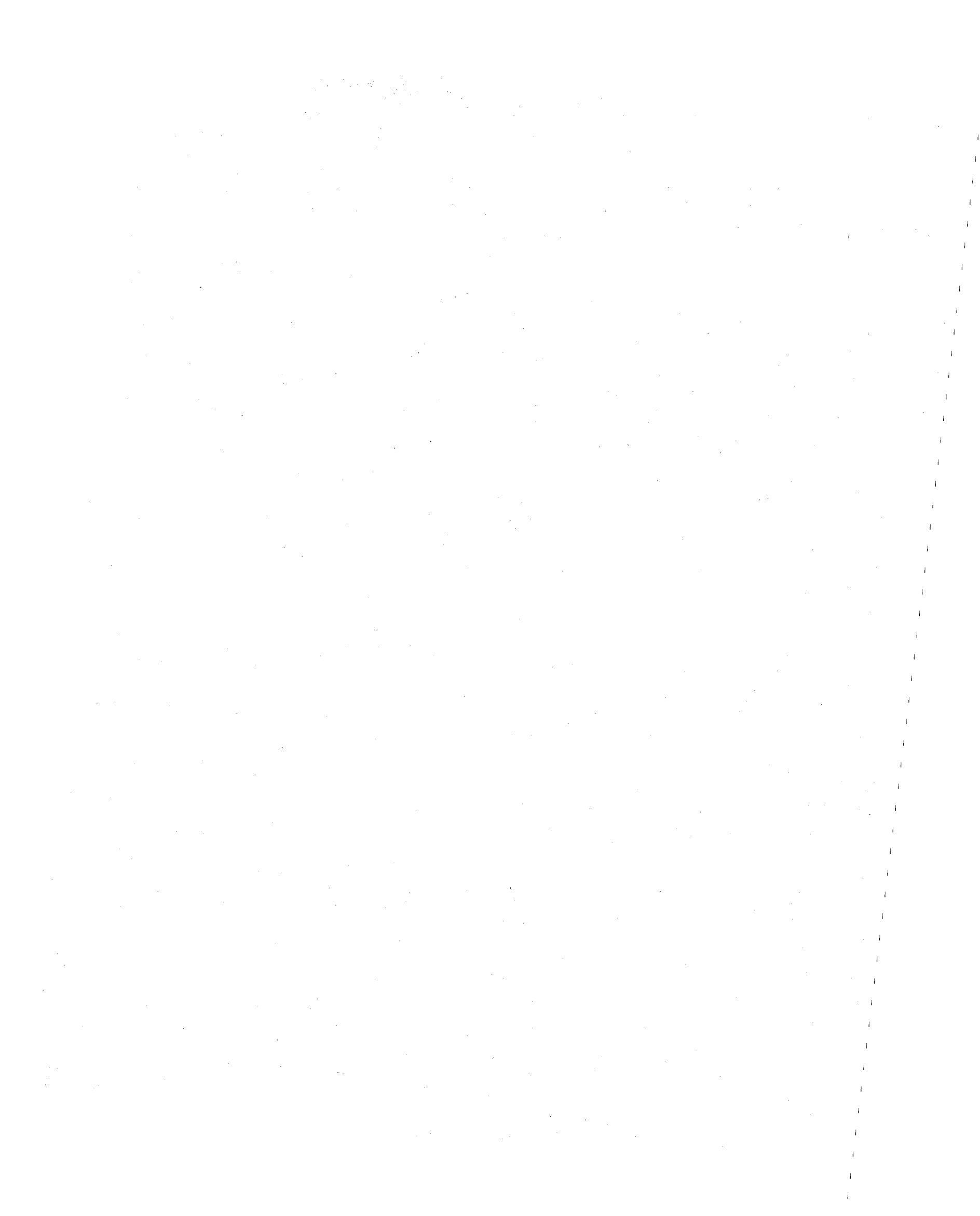
**From:** Lee Goodin

**Sent:** Saturday, February 23, 2013 9:10 AM

**To:** [carmen.chu](mailto:carmen.chu) ; [Eric.L.Mar](mailto:Eric.L.Mar) ; [john.avalos](mailto:john.avalos) ; [david.campos](mailto:david.campos) ; [David.Chiu](mailto:David.Chiu) ; [board.of.supervisors](mailto:board.of.supervisors) ; [Malia.Cohen](mailto:Malia.Cohen) ; [Mark.Farrell](mailto:Mark.Farrell) ; [Jane.Kim](mailto:Jane.Kim) ; [Scott.Wiener](mailto:Scott.Wiener) ; [London.Breed@sfgov.org](mailto:London.Breed@sfgov.org)

**Subject:** Central Subway aka Billion Dollar Boondoggle

Supervisors,

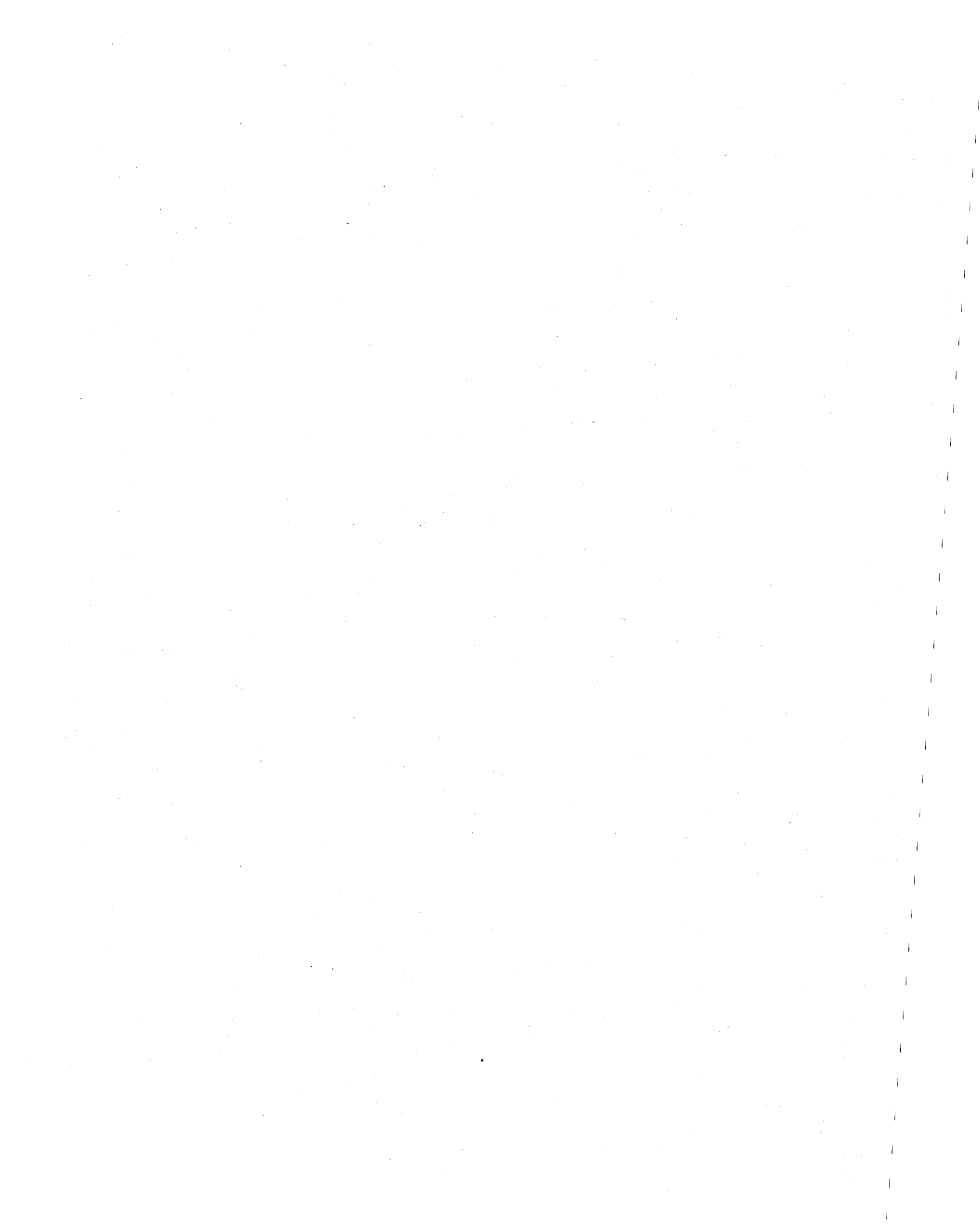




The North Beach Community will suffer greatly from the Pagoda Theater's unnecessary work. Tunnel Boring Machines (TBMs) can be buried underground or extracted in Chinatown . The Pagoda Theater requires a Supplemental EIR---due to unstable soil conditions, adjacent buildings and spot-zoning to benefit one property. **All** North Beach merchants and neighbors need to be considered. The Pagoda Theater TBMs extraction is totally unnecessary. It is fiscally irresponsible to spend up to \$80 million for the northern tunnel extension to North Beach ---to get only \$4.4 million in TBM salvage value. Instead, per the original plans in 2005-08, the TBMs can be extracted or buried in Chinatown , saving up to \$80 million and eliminating all disruptions. TBMs extraction at the Pagoda will cost an unnecessary \$9.15 million in Muni operating funds. If built, the Central Subway Project will reduce surface transit throughout the northeast quadrant. In the Federal Transit Administration's summary, the Central Subway will take \$15.21 million in operating funds from Muni---annually. Per the Final SEIS/SEIR, the subway will cause 76,400 hours of reduced Annual Diesel/ Trolley Bus Hours. In the FY 2012 New Starts Criteria Report, the subway will cause 34,426 hours of reduced Annual Trolley Bus Hours. TBMs are frequently entombed in concrete and placed in out-of-the-way locations if future line extensions are contemplated. Other subway projects have avoided disruptions to neighborhoods.


While I would love to see the Pagoda Theater - a monument to blight - torn down, digging this hole will require 530 cubic yards of removed soil "**in addition to**" what already has been projected. How many trucks filled with dirt are going to be rumbling through North Beach for how many days/weeks? This was a fatally flawed project from the beginning - and it is just now becoming obvious what a cockamamie idea it really is. If it can't be stopped entirely then at least stop it in Chinatown for whom it is being built.

Lee Goodin  
600 Chestnut Street #408  
North Beach  
415 346-4335



**Willie B. Kennedy**  
*President*  
**Bobbrie Brown**  
*Vice-President*  
**Armina Brown**  
*Commissioner*  
**Karen Chung**  
*Commissioner*  
**Brigette R. LeBlanc**  
*Commissioner*  
**Al Norman**  
*Commissioner*

**SOUTHEAST COMMUNITY FACILITY COMMISSION**  
**CITY and COUNTY of SAN FRANCISCO**

BOS-11  
Cprg  


**Edwin M. Lee, Mayor**

**Toye Moses,**  
*Executive Director*

March 6, 2013

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

Thru: Ms. Angela Calvillo, Clerk Of The Board

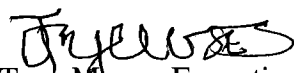
RE: Resolution Supporting The Renovation and Creation Of A 100 Bed Homeless Shelter At 2111 – 2115 Jennings Street

Dear Honorable Supervisors:

Enclosed is a Resolution from the Southeast Community Facility Commission urging support for the Human Services Agency to renovate and create a 100 bed homeless shelter located at 2111 – 2115 Jennings Street in the Bayview District.

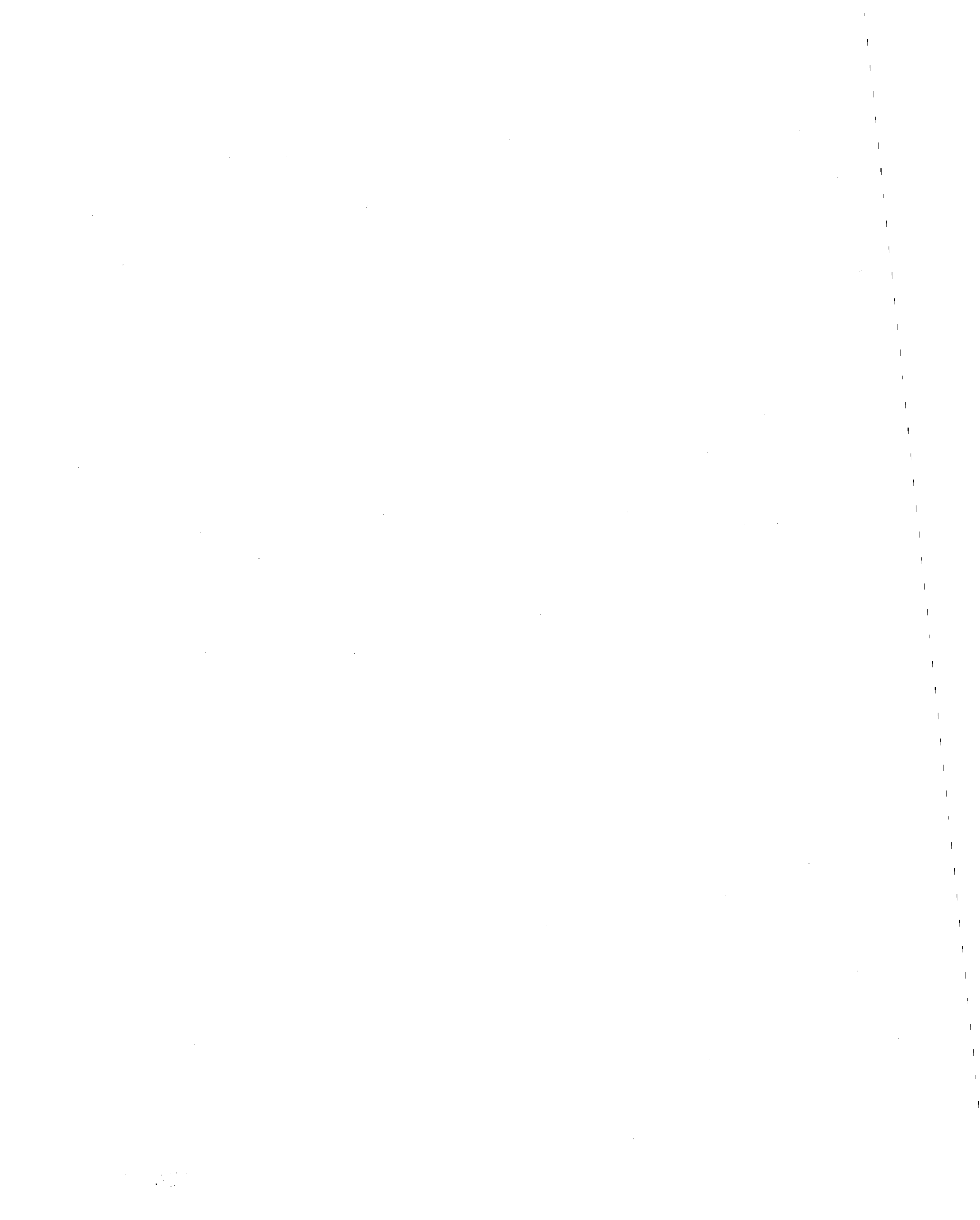
We appreciate the efforts of Director, Bevan Dufty from the Mayor's Office of HOPE and we look forward to participating in a process that will enable homeless individuals to transition from sleeping in chairs to sleeping in beds.

Respectfully submitted,

  
Toye Moses, Executive Director  
Southeast Community Facility Commission

TM:cv  
3/6

file



**Willie B. Kennedy**

*President*

**Bobbrrie Brown**

*Vice-President*

**Armina Brown**

*Commissioner*

**Karen Chung**

*Commissioner*

**Brigette R. LeBlanc**

*Commissioner*

**Al Norman**

*Commissioner*

**SOUTHEAST COMMUNITY FACILITY COMMISSION  
CITY and COUNTY of SAN FRANCISCO**

**Edwin M. Lee, Mayor**



**Toye Moses,**  
*Executive Director*

FILE NO. 001

RESOLUTION NO.001-2013

**Resolution urging support for the Human Services Agency to renovate and create a 100 Bed Homeless Shelter located at 2111 – 2115 Jennings Street in the Bayview District.**

**WHEREAS,** The unsheltered homeless population of San Francisco's 10<sup>th</sup> Supervisorial District rose from approximately 450 individuals in 2009 to over 1100 individuals in 2011; and,

**WHEREAS,** The Mayor's Office of HOPE (Housing Opportunity, Partnerships and Engagement) and the HSA (Human Services Agency) arranged community meetings to discuss these plans seeking community input; and,

**WHEREAS,** The HSA hopes to create a 100 bed Homeless Shelter adjacent to the existing Homeless Resource Center located at 2111 Jennings Street in response to the need for shelter beds in the Bayview District; and,

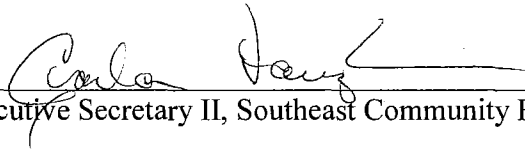
**WHEREAS,** The HSA has applied for and was granted an Emergency Housing and Assistance Capital Development (11-EHAPCD-7974) forgivable loan from the State Department of Housing and Community Development in the amount of \$978,000 for the conversion of 2115 Jennings Street into a 100 Bed Homeless shelter, that will replace and improve upon the current 50 chair sleeping locations, under the August 15, 2011 NOFA; and,

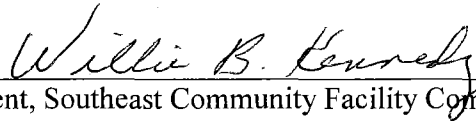
**WHEREAS,** The 2111 – 2115 Jennings Street facilities will provide both Resource Center Services and 100 Shelter Beds, at the two adjoining buildings in the Bayview District; now, therefore, be it

**RESOLVED,** That after the presentation of Bevan Dufty, Director, Mayor's Office of Hope, the Southeast Community Facility Commission at its regular scheduled meeting of February 27, 2013 unanimously passed a resolution, hereby expressing its support for the Human Services Agency in its efforts to convert 2115 Jennings Street into a 100 Bed Homeless Shelter.

**BE IT FURTHER RESOLVED,** that the Southeast Community Facility Commission hereby directs the staff to transmit this resolution to the Human Services Agency and copies to Mayor Edwin M. Lee, the San Francisco Board of Supervisors and Bevan Dufty, Director, Mayor's Office of Hope.

I hereby certify that the foregoing resolution was adopted by the Southeast Community Facility Commission at its meeting of February 27, 2013.

Carla Vaughn  Date 3-5-13  
Commission Executive Secretary II, Southeast Community Facility Commission

Willie B. Kennedy  Date 3-5-13  
Commission President, Southeast Community Facility Commission