

FILE NO. 131028

Petitions and Communications received from October 28, 2013, through November 8, 2013, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on November 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 Tax Collector, submitting tax exclusion reports for 2012 tax year. Copy: Each Supervisor. (1)

From Controller, submitting FY2012-2013 Surplus Transfers Report. Copy: Each Supervisor. (2)

From Controller, submitting 2012 Annual Report for Citizen's General Obligation Bond Oversight Committee. Copy: Each Supervisor. (3)

From District Attorney, submitting Real Estate Fraud Annual Report for FY2012-2013. Copy: Each Supervisor. (4)

From Controller, regarding memorandum on Port Commission's compliance with close-out requirements for Pier 35 North Apron Improvements Project. Copy: Each Supervisor. (5)

\*From Civil Service Commission, regarding Prevailing Wage Certification legislation. Copy: Each Supervisor. (6)

\*From Planning Department, submitting Commerce and Industry Inventory 2012. Copy: Each Supervisor. (7)

From Ethics Commission, submitting FY2012-2013 Annual Report. Copy: Each Supervisor. (8)

From San Francisco Bay Water Quality Control Board, submitting notice of revised hearing date for Renewal of Conditional Waiver. Copy: Each Supervisor. (9)

From Howard Chabner, regarding legislation that impacts people with major mobility disabilities. Copy: Each Supervisor. (10)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to Enhancement on Private Lands Management. Copy: Each Supervisor. (11)

\*From Public Utilities Commission, submitting certificates in accordance with Proposition E of 2002. File No. 120469. Copy: Each Supervisor. (12)

From Department of the Environment, submitting regulation for implementing Green Building Requirements. Copy: Each Supervisor. (13)

From Laguna Honda Hospital, submitting quarterly report on admissions, age, ethnicity and referral information. (14)

From Police Academy, submitting request for waiver of Administrative Code, Chapters 12B and 14B for Embassy Suites Hotel. (15)

From Assessor-Recorder, submitting 2012 Annual Report on Central Market Street and Tenderloin Area Exclusion. (16)

From Assessor-Recorder, submitting annual clean energy technology exclusion report. Copy: Each Supervisor. (17)

From Economic and Workforce Development, regarding release of Business Portal Project Reserve. File No. 131060. (18)

From concerned citizens, regarding parking meters in the North Mission. 9 letters. Copy: Each Supervisor. (19)

From Patrick Monette-Shaw, regarding article on San Francisco General Hospital's dialysis patients. Copy: Each Supervisor. (20)

From concerned citizens, regarding park closure legislation. File No. 130766. 6 letters. Copy: Each Supervisor. (21)

From Caltrain, regarding Holiday Train kick off. Copy: Each Supervisor. (22)

From Public Defender, announcing upcoming job openings. (23)

From Chamber of Commerce, regarding Film Production Daily Use Fees. File No. 130937. Copy: Each Supervisor. (24)

From concerned citizens, regarding Appeal of Permit Applications for 1050-1058 Valencia Street. File Nos. 130896-130899. 4 letters. Copy: Each Supervisor. (25)

From concerned citizens, regarding cell phone power increase. 4 signatures. File Nos. 131024-131027. Copy: Each Supervisor. (26)

From Sierra Club, regarding parking at 555 Fulton Street. Copy: Each Supervisor. (27)

From concerned citizens, submitting signatures for petition regarding police patrol in the Excelsior Neighborhood. 350 signatures. File Nos. 130084 and 130734. Copy: Each Supervisor. (28)

\*From concerned citizens, regarding Excelsior Outer Mission Neighborhood Commercial District. File Nos. 130084, 130734, and 131023. 11 letters. Copy: Each Supervisor. (29)

\*From Aaron M. Shank, regarding 725 Taraval Street. File Nos. 131024-131027. Copy: Each Supervisor. (30)

\*From CalTrain, regarding Progress Reports: SamTrans and Caltrain "By the Numbers." (31).

From James Chaffee, submitting a letter regarding the description of Ray Hartz's October 23, 2013, email in the communication pages. File No. 131053. (32)

From San Francisco International Airport, regarding Lease Agreements. File No. 130778. 2 letters. Copy: Budget & Finance Committee Members. (33)

\*From Controller, regarding memorandum on follow-up results of 2005 Audit of the Department of Aging and Adult Services. (34)

\*From concerned citizen, regarding Public Utilities Commission proposed decision on Transportation Network Companies. (35)

From concerned citizen, submitting signatures for petition regarding, prioritizing broadband. 1251 signatures. Copy: Each Supervisor. (36)

From concerned citizens, submitting signatures for petition regarding, reforming housing and employment background checks in San Francisco. 500 signatures. Copy: Each Supervisor. (37)

From City Attorney, regarding Gross Up Ordinance. Copy: Each Supervisor. (38)

From Matthew Steen, regarding Bayview Shelter Loan Agreement. File No. 131034. Copy: Each Supervisor. (39)

From Jake Dodge, regarding Masonic Avenue. File No. 120974. Copy Each Supervisor. (40)

\*(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.)

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**To:** BOS-Supervisors  
**Subject:** 2013 TTX tax exclusion reports for 2012 tax year  
**Attachments:** 2012PayrollExpenseTaxExclusion-Clean Tech Business.pdf;  
2012PayrollExpenseTaxExclusion-CentralMarketSt&Tenderloin Area.PDF;  
2012PayrollExpenseTaxExclusion-New New Payroll.PDF; 2012PayrollExpenseTaxExclusion-  
Stock-Based Compensation.PDF; 2012PayrollExpenseTaxCredit-Enterprise Zone.PDF;  
2012PayrollExpenseTaxCredit-Surplus Business Tax Revenue.PDF

Hello Supervisors:

Please see attached annual reports from the Office of the Treasurer and Tax Collector;

Peggy

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**From:** Mar, Florence  
**Sent:** Friday, November 01, 2013 4:31 PM  
**To:** Augustine, David  
**Cc:** Nevin, Peggy  
**Subject:** RE: 2013 TTX tax exclusion reports for 2012 tax year

Hi Peggy, please see attached for your files.

Thanks, Florence

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**From:** Augustine, David  
**Sent:** Friday, November 01, 2013 4:28 PM  
**To:** Mar, Florence  
**Cc:** Nevin, Peggy  
**Subject:** 2013 TTX tax exclusion reports for 2012 tax year

Florence, can you resend PDFs of these reports to Peggy Nevin in the Clerk of the Board's office? She needs them for her files. Thanks.

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David Augustine  
Tax Collector  
Office of the Treasurer & Tax Collector  
City Hall, Room 140  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4638  
Phone: 415-554-7601  
Fax: 415-554-4672  
<http://www.sftreasurer.org>

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



José Cisneros, Treasurer

September 13, 2013

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

Re: Annual Report to the Board of Supervisors  
2012 Payroll Expense Tax Exclusion - Clean Technology Business

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that were approved for the Clean Technology Business Exclusion for the 2012 calendar year.

Schedule A of the report summarizes for the number of businesses approved for the exclusion, the total number of San Francisco employees at those businesses, the number of employees, and the total amount of Clean Technology Business Exclusion claimed for calendar year 2012. Twenty-two (22) businesses were approved for the Clean Technology Business Exclusion, and they excluded \$76,680,629.96 in payroll expense, which represents \$1,150,209.45 in forgone payroll expense tax for this exclusion at those businesses that are eligible for the exclusion. These businesses reported 720 employees that qualified for the exclusion.

Schedule B of the report summarizes the Clean Technology Business Exclusion for calendar years 2010 through 2012. Compared to the calendar year 2011, results indicate an increase of 91 jobs in the clean technology business sector for the calendar year 2012 in San Francisco.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Very truly yours,

David Augustine  
Tax Collector

cc: José Cisneros  
San Francisco Public Library

Attachment

TAX COLLECTOR'S ANNUAL REPORT  
 CLEAN TECHNOLOGY PAYROLL EXPENSE TAX EXCLUSION  
 CALENDAR YEAR 2012

Schedule A

Year	Number of Businesses Approved	Total SF Employees	Number of Eligible Employees	Clean Technology Exclusion	Payroll Expense Tax Forgone due to Clean Technology Exclusion
2012	22	728	720	\$76,680,629.96	\$1,150,209.45

TAX COLLECTOR'S ANNUAL REPORT  
 CLEAN TECHNOLOGY PAYROLL EXPENSE TAX EXCLUSION  
 FOR CALENDAR YEARS 2010 THROUGH 2012

Schedule B

Year	Number of Businesses Approved	Total SF Employees	Number of Eligible Employees	Clean Technology Exclusion	Payroll Expense Tax Forgone due to Clean Technology Exclusion
2010	20	1015	525	\$63,049,995.00	\$945,749.93
2011	22	684	629	\$57,563,544.50	\$863,453.17
2012	22	728	720	\$76,680,629.96	\$1,150,209.45
Change from 2011 to 2012	0	44	91	\$19,117,085.46	\$286,756.28

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



José Cisneros, Treasurer

September 13, 2013

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

Re: Annual Report to the Board of Supervisors  
2012 Payroll Expense Tax Exclusion – Central Market Street & Tenderloin Area

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that were approved for the Central Market Street & Tenderloin Area Exclusion from the payroll expense tax for the 2012 calendar year.

Schedule A of the report summarizes the number of businesses approved for the exclusion, the total number of San Francisco employees, the number of employees at those businesses, and the total amount of Central Market Street & Tenderloin Area Exclusion claimed for calendar year 2012. Fourteen (14) businesses were approved for the Central Market Street & Tenderloin Area Exclusion, and they excluded a total of \$126,888,132.52 in payroll expense, which represents \$1,903,321.99 in forgone payroll expense tax at those businesses that are eligible for the exclusion.

Schedule B of the report summarizes the Central Market Street & Tenderloin Area Exclusion for calendar years 2011 and 2012. Compared to the calendar year 2011, results indicate an increase of 12 businesses claiming this exclusion the Central Market Street & Tenderloin Area for the calendar year 2012 in San Francisco.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Very truly yours,

David Augustine  
Tax Collector

cc: José Cisneros  
San Francisco Public Library

Attachment

TAX COLLECTOR'S ANNUAL REPORT  
CENTRAL MARKET/TENDERLOIN PAYROLL EXPENSE TAX EXCLUSION  
CALENDAR YEAR 2012

Schedule A

Year	Number of Businesses Approved	Total SF Employees	Number of Eligible Employees	Central Market Exclusion	Payroll Expense Tax Forgone due to CMTE
2012	14	2562	1810	\$126,888,132.52	\$1,903,321.99

TAX COLLECTOR'S ANNUAL REPORT  
CENTRAL MARKET/TENDERLOIN PAYROLL EXPENSE TAX EXCLUSION  
FOR CALENDAR YEARS 2011 THROUGH 2012

Schedule B

Year	Number of Businesses Approved	Total SF Employees	Number of Eligible Employees	Central Market Exclusion	Payroll Expense Tax Forgone due to CMTE
2011*	2	219	131	\$2,317,422.19	\$34,761.33
2012	14	2562	1810	\$126,888,132.52	\$1,903,321.99
Change from 2011 to 2012	12	2343	1679	\$124,570,710.33	\$1,868,560.66

\* - amended



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



José Cisneros, Treasurer

September 13, 2013

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

Re: Annual Report to the Board of Supervisors  
2012 Payroll Expense Tax Exclusion - Net New Payroll

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that were approved for the Net New Payroll Exclusion from the payroll expense tax for the 2012 calendar year.

Schedule A of the report summarizes the number of businesses which claimed the exclusion, the total amount of Net New Payroll Exclusion claimed, and the total Payroll Tax forgone due to the exclusion for calendar year 2012. One thousand six hundred and seventy-two (1,672) businesses were approved for the Net New Payroll Exclusion, and they excluded a total of \$145,287,902.50 in payroll expense, which represents \$2,179,318.54 in forgone payroll expense tax.

This is the first year this particular exclusion has been in effect and therefore no comparative data for prior years is provided.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Very truly yours,

David Augustine  
Tax Collector

cc: José Cisneros  
San Francisco Public Library

Attachment

**TAX COLLECTOR'S ANNUAL REPORT  
NET NEW PAYROLL EXCLUSION  
CALENDAR YEAR 2012**

**Schedule A**

<b>Year</b>	<b>Number of Businesses Claimed</b>	<b>Net New Payroll Exclusion</b>	<b>Total Payroll Expense Tax Forgone after NNP Exclusion</b>
2012	1672	\$145,287,902.50	\$2,179,318.54

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



José Cisneros, Treasurer

September 13, 2013

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

Re: Annual Report to the Board of Supervisors  
2012 Payroll Expense Tax Exclusion – Stock-Based Compensation

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that were approved for the Stock-Based Compensation Exclusion from the payroll expense tax for the 2012 calendar year.

Schedule A of the report summarizes the number of businesses approved for the exclusion and the total amount of Stock-Based Compensation Exclusion claimed for calendar year 2012. Two (2) businesses were approved for the Stock-Based Compensation Exclusion, and they excluded a total of \$223,527,383.00 in payroll expense, which represents \$3,352,910.75 in forgone payroll expense tax.

Schedule B of the report summarizes the Stock-Based Compensation Exclusion for calendar years 2011 through 2012. Compared to the preceding calendar year 2011, results indicate an increase of 1 business approved for the Stock-Based Compensation Exclusion in San Francisco.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Very truly yours,

David Augustine  
Tax Collector

cc: José Cisneros  
San Francisco Public Library

Attachment

TAX COLLECTOR'S ANNUAL REPORT  
STOCK BASED COMPENSATION PAYROLL EXPENSE TAX EXCLUSION  
CALENDAR YEAR 2012

Schedule A

Year	Number of Businesses Approved	Total SF Employees	Stock Based Compensation Exclusion	Payroll Expense Tax Forgone
2012	2	2134	\$223,527,383.00	\$3,352,910.75

TAX COLLECTOR'S ANNUAL REPORT  
STOCK BASED COMPENSATION PAYROLL EXPENSE TAX EXCLUSION  
CALENDAR YEAR 2011 THROUGH 2012

Schedule B

Year	Number of Businesses Approved	Total SF Employees	Stock Based Comp Exclusion	Payroll Expense Tax Forgone
2011	1	1975	\$100,621,719.00	\$1,509,325.79
2012	2	2134	\$223,527,383.00	\$3,352,910.75
Change from 2011 to 2012	1	159	\$122,905,664.00	\$1,843,584.96

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



José Cisneros, Treasurer

September 13, 2013

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

Re: Annual Report  
2012 Payroll Expense Tax Credit - Enterprise Zone

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that received the Enterprise Zone Tax Credit for the 2012 calendar year.

Schedule A of the report summarizes the total number of businesses approved for the Enterprise Zone Tax Credit, the total number of San Francisco employees, the total number of eligible employees, and the total amount of tax credit claimed. One hundred and forty-nine (149) businesses were approved for the Enterprise Zone Tax Credit in the amount of \$593,013.10. These businesses reported 807 employees that qualified for this tax credit.

Schedule B of the report compares the Enterprise Zone Tax Credits for tax years 2010 through 2012.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Very truly yours,

David Augustine  
Tax Collector

cc: José Cisneros  
San Francisco Public Library

Attachments

**TAX COLLECTOR'S ANNUAL REPORT  
PAYROLL EXPENSE - ENTERPRISE ZONE TAX CREDIT  
CALENDAR YEAR 2012**

**Schedule A**

Year	Number of Businesses	Total SF Employees	Number of Eligible Employees	Total Enterprise Zone Tax Credit
2012	149	13,398	807	\$593,013.10

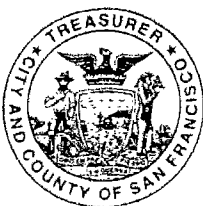
**TAX COLLECTOR'S ANNUAL REPORT  
PAYROLL EXPENSE - ENTERPRISE ZONE TAX CREDIT  
CALENDAR YEARS 2010 THROUGH 2012**

**Schedule B**

Year	Number of Businesses	Total SF Employees	Number of Eligible Employees	Total Enterprise Zone Tax Credit
2010 *	63	7,119	287	\$212,510.94
2011*	115	13,645	578	\$379,209.32
2012	149	13,398	807	\$593,013.10
Change from 2011 to 2012	34	(247)	229	\$213,803.78

\* AMENDED

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



José Cisneros, Treasurer

September 13, 2013

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

Re: Annual Report  
2012 Payroll Expense Tax Credit – Surplus Business Tax Revenue

Dear Ms. Calvillo:

The Tax Collector, pursuant to the provisions of the San Francisco Business and Tax Regulations Code, herewith submits the annual report of businesses that received the Surplus Business Tax Revenue Tax Credit for the 2012 calendar year.

Schedule A of the report summarizes the number of businesses approved for the Surplus Business Tax Revenue Tax Credit, and the amount of tax credit claimed. Six thousand seven hundred and eighty-one (6,781) businesses were approved for the Surplus Business Tax Revenue Tax Credit in the amount of \$3,390,500.00.

If you have any questions regarding this report, please contact me at (415) 554-7601.

Very truly yours,

David Augustine  
Tax Collector

cc: José Cisneros  
San Francisco Public Library

Attachments

**SURPLUS BUSINESS TAX CREDIT  
CALENDAR YEAR 2012**

**Schedule A**

<b>Year</b>	<b>Number of Businesses Approved</b>	<b>Surplus Business Tax Credit</b>
2012	6781	\$3,390,500.00



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**To:** BOS-Supervisors  
**Subject:** Fiscal Year 2012-13 Surplus Transfers Report  
**Attachments:** surplus-transfer-letter\_20131031095342.PDF; surplus-transfer-report\_20131031095204.PDF

Per Section 3.18 of the San Francisco Administrative Code, "the Controller shall notify the Mayor and Board of Supervisors of any transfer of funds made pursuant to this section which exceeds 10% of the original appropriation to which the transfer is made."

The attached schedules of operating and project transfers that have exceeded 10 percent of Fiscal Year 2012-13 are attached.

Best,

Maura Lane  
Executive Assistant to the Controller





**CITY AND COUNTY OF SAN FRANCISCO**

**OFFICE OF THE CONTROLLER**

**Ben Rosenfield**  
Controller

**Monique Zmuda**  
Deputy Controller

October 30, 2013

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

The Honorable Board of Supervisors  
Room 244, City Hall

Re: Fiscal Year 2012-13 Surplus Transfers Report

Dear Mayor Lee, Ladies and Gentlemen:

According to Section 3.18 of the San Francisco Administrative Code, "the Controller shall notify the Mayor and the Board of Supervisors of any transfer of funds made pursuant to this section which exceeds 10 percent of the original appropriation to which the transfer is made." With that in mind, I have attached schedules of operating and project transfers that have exceeded 10 percent for Fiscal Year 2012-13.

Please feel free to contact me at 554-7500 if you would like to discuss this report in further detail.

Sincerely,

A handwritten signature in black ink, appearing to be "B. Rosenfield", written over a horizontal line.

Ben Rosenfield  
Controller

# Operating Budget Transfers in excess of 10% per Admin Code 3.18

Fiscal Year 2012-13 (July 2012 - June 2013)

Office of the Controller - Data as of Fiscal Month 12 Close June 30, 2013

DEPARTMENT	CHARACTER	BUDGET	TRANSFER (FROM) / TO	REV. BGT.	TFR. %	EXPLANATION
Administrative Services/Central Shop	001 Salaries	8,464,324	(537,000)	7,927,324	-6%	
	013 Mandatory Fringe Benefits	4,356,896	(413,000)	3,943,896	-9%	
	040 Materials and Supplies	9,984,626	950,000	10,934,626	10%	
						To transfer surplus funds from salaries and fringes to purchase fuel and parts to provide uninterrupted services to requesting departments.

Adult Probation/ General Fund	001 Salaries	11,907,742	(234,547)	11,673,195	-2%	
	081 Services of Other Departments	2,915,022	(275,187)	2,639,835	-9%	
	021 Non-Personnel Services	3,056,411	482,069	3,538,480	16%	To transfer surplus funds available in salaries due to delayed hiring and in Mental Health Services work order funds due to lack of social workers to support the transition of the department's clients from supervision to community to fund the following various needs: (1) mandatory training courses for sworn officers, psychiatric evaluations for recruitment of twenty (20) vacant probation officers positions; (2) professional services to support, coordinate and implement technology, telephone, and equipment structure at the community assessment center; and (3) moving costs of staff and equipment from 1650 Mission to Hall of Justice and from Hall of Justice to Community Assessment and Services Center at 6th Street.
	040 Materials and Supplies	277,459	27,665	305,124	10%	
						To transfer surplus funds from salaries to purchase ergonomic desks and chairs, safety equipment, and start up office supplies for the new Community Assessment and Services Center; and to use available funds from closed work order with Department of Telecommunications and Information to purchase supplies that DTIS was unable to order for Adult Probation.

Art Commission/General Fund	021 Non-Personnel Services	75,117	(600)	74,517	-1%	To re-align the budget for small dollar catering services from non-personnel services to food under materials and supplies.
	040	2,980	600	3,580	20%	

# Operating Budget Transfers in excess of 10% per Admin Code 3.18

Fiscal Year 2012-13 (July 2012 - June 2013)

Office of the Controller - Data as of Fiscal Month 12 Close June 30, 2013

DEPARTMENT	CHARACTER	BUDGET	TRANSFER (FROM) / TO	REV. BGT.	TFR. %	EXPLANATION
Child Support Services/ Operating- Non Project	021 Non-Personnel Services	1,263,985	(39,103)	1,224,882	-3%	
	040 Materials and Supplies	101,711	25,000	126,711	25%	To transfer funds available in non-personnel services due to conservative spending throughout the year to purchase materials and supplies to support computers and printers received from the State based on the new requirements for accessing the state's CSE website more efficiently.
	060 Equipment	9,715	14,103	23,818	145%	To transfer savings from training costs and other current expenses to purchase twenty-four (24) hard drives necessary for the system storage hardware to function for growing data facility and consolidation of servers to a virtual system, and to purchase an IBM blade server, express seller, hard drive, and external cables to replace one of the five department's five year old servers.
Public Works/General Fund	021 Non-Personnel Services	540,510	(243,380)	297,130	-45%	
	040 Materials and Supplies	535,875	243,380	779,255	45%	To transfer savings from street environmental services resulting from delay in cleaning, graffiti, and Proposition C contract award until FY2014 to purchase protective equipment and materials and supplies for field staff to continue daily operations and handle unexpected increase in service requests which increased the consumption rate of materials and supplies over the budgeted amount.
Public Works/Overhead Fund	021 Non-Personnel Services	2,512,065	(95,000)	2,417,065	-4%	
	038 City Grant Programs	0	95,000	95,000	100%	To transfer funds from professional services to community-based organization services to administer the Summer Youth Employment Program which was changed back to a grant agreement from professional service contract as non-profit organizations are most appropriate to administer such program.

# Operating Budget Transfers in excess of 10% per Admin Code 3.18

Fiscal Year 2012-13 (July 2012 - June 2013)

Office of the Controller - Data as of Fiscal Month 12 Close June 30, 2013

DEPARTMENT	CHARACTER	BUDGET	TRANSFER (FROM) / TO	REV. BGT.	TFR. %	EXPLANATION
Human Rights Commission/General Fund	021 Non-Personnel Services	34,300	(4,500)	29,800	-13%	
	040 Materials and supplies	5,000	4,500	9,500	90%	To transfer funds from non-personnel services to materials and supplies to pay office supplies needed for the rest of the year.
Mayor/General Fund	040 Materials and Supplies	43,689	(32,571)	11,118	-75%	
	021 Non-Personnel Services	133,001	32,571	165,572	24%	To transfer unused carry forward budget of materials and supplies to professional services to pay for the remaining membership dues to League of California Cities.
Elections/General Fund	021 Non-Personnel Services	5,814,337	(110,000)	5,704,337	-2%	
	060 Equipment	29,838	110,000	139,838	369%	To transfer surplus funds from printing services due to lower quotation from vendor selected to print voters' pamphlets to purchase additional equipment to further automate processing of vote by mail ballots and reduce costs for the upcoming high-turnout elections.
Rent Arbitration Board/Special Revenue fund	081 Services of Other Departments	1,072,138	(14,000)	1,058,138	-1%	
	040 Materials and supplies	37,499	14,000	51,499	37%	To transfer surplus funds from work order with City Attorney due to lower litigation costs of defending writs of mandamus to replace 20-year old fabric chairs in the hearing room with non-fabric ones to contain pest infestation, and to purchase four (4) new computers to cycle through and provide immediate replacement pending repairs of the older computers.

# Operating Budget Transfers in excess of 10% per Admin Code 3.18

Fiscal Year 2012-13 (July 2012 - June 2013)

Office of the Controller - Data as of Fiscal Month 12 Close June 30, 2013

DEPARTMENT	CHARACTER	BUDGET	TRANSFER (FROM) / TO	REV. BGT.	TFR. %	EXPLANATION
Telecommunication and Information/ Cable TV Access Development & Program Fund	060 Equipment	1,109,086	(400,000)	709,086	-36%	
	040 Materials and Supplies	0	400,000	400,000	100%	To transfer surplus funds from equipment budget due to change from large scale video production facilities to smaller scale and decline in cost per unit of technology no longer considered as capital asset to purchase computers to equip public technology labs for digital inclusion and media training in the branch libraries, mobile computer lab operated by the Library, and a program for children with intellectual and developmental disabilities. This purchase is part of City's matching share of Federal Broadband Opportunity (BTOP) grant.
Water/Operating Fund	038 City Grant Programs	2,995,125	(500,000)	2,495,125	-17%	
	070 Debt Service	180,632,865	(2,267,923)	178,364,942	-1%	
	081 Services of Other Departments	62,296,163	(125,000)	62,171,163	0%	
	021 Non-Personnel Services	12,551,431	2,892,923	15,444,354	23%	To transfer surplus in debt service interest expense due to lower interest rate to reimburse Hetch Hetchy for Water's annual share of the lease payment under a seventy-five year lease agreement for Civic Center Garage entered into by San Francisco Public Utilities Commission with Recreation and Park funded through Hetch Hetchy purchase of property project CUH997.

Projects Transfers in excess of 10% per Admin Code 3.18  
Fiscal Year 2012-13

Office of the Controller - Data as of Fiscal Month 12 Close June 30, 2013

DEPARTMENT	PROJECT	ORIGINAL BUDGET	TRANSFER TO/(FROM)	REVISED BUDGET	TFR. %	EXPLANATION
General Services Agency-City Administrator/Special Revenue Fund-Real Estate	PRE30V	19,794,231	(1,034,336)	18,759,895	-5%	To transfer from available fund balances of 1650 Mission Street Building project and 30 Van Ness Building project to a new project CADGEN to supplement funding for the 1650 Mission emergency generator project due to overall deficit in the original project CADBLD funded by Certificate of Participation proceeds.
General Services Agency-City Administrator/Special Revenue Fund-Real Estate	PRE50M	5,104,630	(711,217)	4,393,413	-14%	
General Services Agency-City Administrator/City Facilities Improvement Fund	CADGEN	0	1,746,553	1,745,553	100%	
Art Commission/General Fund Continuing Project Fund	FARMCH	214,760	(214,760)	0	-100%	To transfer the full budget of the capital project for the Mission Cultural Center for Latino Arts (MCCLA) HVAC system to the MCCLA roof replacement project based on evaluation that the immediate roof replacement is of a higher priority and necessary as the current roof is at the end of its useful life.
	FARMCR	227,563	214,760	442,323	94%	
Art Commission/General Fund Continuing Project Fund	FAR403	839,594	(116,171)	723,423	-14%	To transfer unused carry forward funds in maintenance project to the Bayview Opera House capital project for work authorization to Public Works for as needed construction services contract.
	CAR403	852,935	116,171	969,106	14%	
Art Commission/Special Revenue- Art Enrichment Fund	FARMNT	4,267,965	(250,000)	4,017,965	-6%	To transfer surplus funds from PUC art enrichment program project to Bayview Opera House construction project to support renovation of the Bayview Opera House plaza and stage in keeping with PUC's commitment to support community arts and education programs including the facility needs of the four cultural centers.
	CAR403	0	250,000	250,000	100%	
Asian Art Museum/General Fund- Non-Project	001	3,931,610	(172,430)	3,759,180	-4%	To transfer FY2013 salary savings from unfilled vacant positions to capital renewal project CAA06R to purchase security cameras for FY2014.
	013	1,587,264	(51,190)	1,536,074	-3%	
Asian Art Museum/General Fund- Annual Project	CAA06R	0	223,620	223,620	100%	

Projects Transfers in excess of 10% per Admin Code 3.18  
Fiscal Year 2012-13

Office of the Controller - Data as of Fiscal Month 12 Close June 30, 2013

DEPARTMENT	PROJECT	ORIGINAL BUDGET	TRANSFER TO/(FROM)	REVISED BUDGET	TFR. %	EXPLANATION
Laguna Honda/Capital Projects Fund	CHLSNF	145,000,000	(2,806,824)	142,193,176	-2%	To redirect surplus Certificate of Participation funding under Public Works/Laguna Honda replacement project CHLSNF initially budgeted for demolition of Laguna Honda old hospital to a new remodel project CHLREM resulting from change of work scope to renovate the buildings instead to maintain space capacity consistent with COP offering statement and Board of Supervisors' resolution no. 351-08 authorizing the execution and delivery of COP to finance the acquisition, demolition, improvement, installation, equipping, rehabilitation, construction, and/or reconstruction of the Laguna Hospital.
	CHLREM	0	2,806,824	2,806,824	100%	
Human Services Agency/ Human Welfare Special Revenue Fund	PSSCLT	25,271,972	(600,000)	24,671,972	-2%	To transfer surplus funds in community living trust fund project originally intended to backfill the adult health center's closure but no longer required due to advent of Community Based Adult Services (CBAS) to fund the San Francisco transitional care program's start up needs to hire staff and set up the infrastructure needed prior to billing Center for Medicare and Medicaid Services (CMS).
	PSSCTP	0	600,000	600,000	100%	
Recreation and Park/General Fund-Continuing Project	CRPNBP	170,000	(44,746)	125,254	-26%	To transfer surplus funds from various completed projects to fund the emergency demolition work at Fleishhacker pool bathhouse damaged by fire.
	CRPNPS	165,000	(65,454)	99,546	-40%	
	CRPVVT	1,246,463	(234,800)	1,011,663	-19%	
Recreation and Park/General Fund-Annual Project	FRPGEN	685,375	345,000	1,030,375	50%	
Recreation and Park/Open Space Continuing Projects	CRPCON	10,755,939	(252,152)	10,503,787	-2%	To transfer surplus funds from various completed contingency projects to fund additional costs to renovate elevators at the Civic Center Plaza
	CRPCCP	0	252,152	252,152	100%	



Projects Transfers in excess of 10% per Admin Code 3.18

Fiscal Year 2012-13

Office of the Controller - Data as of Fiscal Month 12 Close June 30, 2013

DEPARTMENT	PROJECT	ORIGINAL BUDGET	TRANSFER TO/(FROM)	REVISED BUDGET	TFR. %	EXPLANATION
Water/Operating Non-Project Fund	040	13,594,569	(271,010)	13,323,559	-2%	To transfer surplus funds in materials and supplies due to underspending to Treasure Island water service project PUW511 to cover yearend shortage in water service costs.
Water/Operating Annual Project Fund	PUW511	1,132,000	271,010	1,403,010	24%	
Water/Operating Non-Project Fund	021	12,551,431	(697,291)	11,854,140	-6%	To transfer surplus funds due to underspending in contractual services, city grant programs, and materials and supplies, to project PUW697 to restore the appropriation to settle claims or litigation arising out of the February 27, 2013 flooding at 15th Avenue and Wawona per Board of Supervisors Ordinance no. 102-13, File No. 130465, approved on June 11, 2013.
	038	2,995,125	(177,971)	2,817,154	-6%	
	040	13,594,569	(350,000)	13,244,569	-3%	
Water/Operating Annual Project Fund	PUW697	0	1,225,262	1,225,262	100%	

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**From:** Lane, Maura  
**Sent:** Wednesday, October 30, 2013 4:09 PM *Revised 11/4/13*  
**To:** Calvillo, Angela; Sesay, Nadia; Wong, Jeannie; Steeves, Asja; Pat Kilkenny  
**Cc:** Nevin, Peggy  
**Subject:** 2012 CGOBOC Annual Report  
**Attachments:** gcoboc.annual.report\_20130627124554.PDF

Dear Colleagues,

The Citizen's General Obligation Bond Oversight Committee (CGOBOC) is required to submit an annual report each year to your respective offices. The report is subsequently scheduled for presentation at the Government Audit and Oversight Committee in the fall.

The 2012 CGOBOC Annual Report is attached.

Please feel free to contact me if you have questions or anything is unclear.

Best,

Maura Lane  
Executive Assistant to the Controller  
415-554-7502

October 30, 2013

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

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

Dear Mayor Lee and Members of the Board of Supervisors:

On behalf of my fellow members, I am pleased to present you with the 2012 Annual Report of the Citizen's General Obligation Bond Oversight Committee (CGOBOC). It may seem as if you just received our 2011 Annual Report (provided in December of 2012) but the Committee has made progress on several significant initiatives and thought it timely to refresh that 2011 report.

You will recall that CGOBOC was established in 2002 with Proposition F, passed by the voters of San Francisco to review and oversee the delivery of general obligation bond programs. A year later, Proposition C authorized and required CGOBOC to also review and provide input on the work of the City Services Auditor Division (CSA) of the Office of the Controller, including the Whistleblower Program.

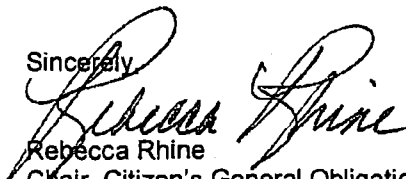
We have worked diligently over the last two years, under the guidance of former Chair Thea Selby, to improve the effectiveness of CGOBOC's work; assist bond programs to ensure that projects stay on time, on scope and on budget; and provide stronger oversight for both the CSA and the Whistleblower Program. This report contains updates from all of the current bond programs as well as the Whistleblower Program, but does not include a CSA section. Unfortunately, our Committee's liaison to that particular program – former Grand Jury Member Terrence Flanagan – was unable to continue his service and therefore contribute to the report. We have since named two new CGOBOC liaison's to CSA and expect to resume our work in that area.

In addition to continue to expand our knowledge base in the interest of serving the City's residents in the most effective and thoughtful manner, we recently concluded two important benchmarking projects. They are focused on two critical areas for bond oversight – 1) community engagement and 2) compliance and approval processes – and we are happy to be able to share the Executive Summaries with you in this report. The full studies can be found online at <http://sfcontroller.org/index.aspx?page=86>.

Finally, I have been asked to communicate a recurring concern expressed by members of CGOBOC relating to the budget for ongoing maintenance of the public assets that have been funded and built through the bond program. Specifically, CGOBOC feels compelled to request that the Board and the Mayor give serious consideration to developing and implementing long-term funding in the budget that maintains the great libraries, parks, hospitals and other general obligation bond projects. The ramifications of investing taxpayer money in capital projects without simultaneously planning for their continued viability are sobering.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rebecca Rhine".

Rebecca Rhine  
Chair, Citizen's General Obligation Bond Oversight Committee

Cc: Angela Calvillo, Clerk of the Board  
Ben Rosenfield, Controller  
Nadia Sesay, Director, Office of Public Finance  
Civil Grand Jury

## Citizen's General Obligation Bond Oversight Committee 2012 Annual Report

This report covers three main areas: (1) use of oversight funds, (2) key updates on bond programs and (3) the Whistleblower Program.

### **AREA 1: Use of Oversight Funds**

Last year CGOBOC began developing a process and plans for using the statutory set-aside of 0.1% of bond revenue that is allocated to CGOBOC to conduct oversight activities in order to guide City departments in staying on time, on scope and on budget. This initiative is now well underway and will be discussed later in this report.

### **History of Oversight Funds**

When CGOBOC was established, it was granted a set-aside funding of 1/10<sup>th</sup> of 1% of each bond's value for oversight of that bond program. These oversight funds total \$1,461,710 since 2008 (see the chart below). Of these funds, \$120,239 has been spent leaving a remaining balance of \$1,341,471. In FY13-14, CGOBOC is projecting to spend \$132,504. If these funds are not used by the end of the bond, they go back to the bond. These set-aside funds were not established when the Laguna Honda Hospital (the reason for CGOBOC being established) or the Branch Library Improvement bond measures were passed. These funds, however, are available for the bond programs that were more recently approved, including the General Hospital, Clean & Safe Neighborhood Parks, Earthquake Safety and Emergency Response, and the Road Repaving and Street Safety bond programs.

As of September 2013, bond issuance and CGOBOC funds available totaled as follows:

General Obligation Bonds Issued Since 2008

Description of Issue (Date of Authorization)	Authorized	Issued	CGOBOC (1/10 of 1%)	Audit (2/10 of 1%)	Total
Clean and Safe N. Park (2/2008): Series 2008B, 2010BD & 2012B	\$185,000,000	\$176,305,000	\$176,305	\$349,940	\$526,245
San Francisco General Hospital (11/2008): Series 2009A, 2010AC & 2013D	\$887,400,000	\$677,445,000	\$677,445	\$846,272	\$1,523,717
Earthquake Safety & Emergency Response (6/2010): Series 2010E, 2012A, 2012E & 2013B	\$412,300,000	\$332,135,000	\$332,135	\$659,478	\$991,613
Road Repaving and Street Safety (11/2011): 2012C & 2013C	\$248,000,000	\$203,855,000	\$203,855	\$404,830	\$608,685
Clean and Safe N. Park (11/2012): Series 2013A	\$195,000,000	\$71,970,000	\$71,970	\$143,061	\$215,031
	<b>\$1,927,700,000</b>	<b>\$1,461,710,000</b>	<b>\$1,461,710</b>	<b>\$2,403,581</b>	<b>\$3,865,291</b>

Pursuant to Administrative Code, Section 5.31.c: one-tenth of one percent (0.1%) of the par amount  
Pursuant to Charter, Section F1.113: two-tenths of one percent (0.2%) of project fund deposit

Cognizant that these funds support CGOBOC's mission to ensure that bond programs are on time, on budget and on scope, we set out to establish a system for determining (1) what the funds should be spent on and (2) how to appropriately use the funds.

As a result of that analysis, CGOBOC has allocated funding to engage professional services on two benchmarking studies.

## **Community Engagement Benchmarking**

*Liaisons: Rebecca Rhine and Minnie Ingersoll*

The Center for Collaborative Policy (CCP) – a program of California State University, Sacramento – was engaged to provide this benchmarking study and plans to present a draft to the full Committee on October 3, 2013. A summary of their report is provided below. Their full report can be found at <http://www.sfcontroller.org/index.aspx?page=86>.

### **Summary of Findings**

The purpose of this report is to allow the Citizens' General Obligation Bond Oversight Committee (CGOBOC) to understand more accurately and analyze more effectively how community engagement impacts the general obligation bond program and to provide specific guidance on community engagement best practices as new projects are undertaken. The study examines lessons from external jurisdictions and recommends that the City build on its existing practices.

### ***Build on San Francisco's Existing Practices***

City staff responsible for community engagement for bond capital projects generally use a three-meeting model as the foundation for community engagement. Staff expands the number and type of meetings as needed based on the complexity of the project and level of community interest or potential conflict. Project web sites complement the meeting process to provide project information and updates. The library program also had a valuable expert review process. Given feedback that the City's community engagement varies depending on who is in charge of the project and based our knowledge of the field, we think the City has an opportunity to strengthen its community engagement in several ways.

#### **Conduct an assessment of stakeholders: internal and external.**

Conducting an assessment is a critical tool to identify stakeholders, issues and potential project challenges and learn about the best methods of engagement, including the digital landscape of a community. Staff can also assess internal capacity to support a project, inter-departmental issues, and review process timelines.

#### **Build the project schedule and budget in concert with a community engagement plan.**

Some capital improvement projects will take more time than others, depending on the nature of the project and the community. The project schedule needs to reflect the level of community interest, if unanticipated, the project can go off schedule, which costs money. Setting aside funding to manage community engagement and accommodate the schedule is necessary.

#### **Consider convening an advisory group if needed.**

Some projects are more complex than others. An advisory committee can serve as representative for the larger community and provide invaluable insight for staff in designing and navigating a community engagement process.

#### **Expand the suite of outreach tools to engage a broader audience.**

Requests for on-site signage that describe the project are heralded as prime sources of information. Using technology to solicit ideas and share information is yet another way to engage a broader audience and complement in-person meetings and outreach efforts.

**Reflect on recommended principles and best practices to support successful outcomes.**

Principles and associated best practices are strong indicators of successful community engagement. Quality community engagement produces successful outcomes and project benefits.

### ***External Jurisdictions***

We interviewed three external jurisdictions to benchmark community engagement: Portland, San Jose, and Denver.

Portland offers significant lessons for San Francisco: (1) it has public involvement principles and a suite of tools used for community engagement; (2) it has institutionalized the process of public involvement by requiring staff to complete a public involvement audit before the city council can approve the project within the government system; (3) it has established a shared governance structure (with staff and community members) to improve community engagement; and (4) most bureaus with significant capital improvement budgets have dedicated public involvement staff.

San Jose has demonstrated that making collaboration with the community explicit and responding to the priorities of the community can support an enduring relationship with community members who expand their civic engagement over time. Being transparent about funding and creating realistic timelines also support community members' commitment to engage over time. Substantial effort was put into community organizing to develop clear priorities with broad community support to guide the selection of capital projects.

Denver used advisory committees, convening respected civic leaders to take the time to work through difficult issues, and then community meetings and presentations to communicate projects as part of the larger public education process. Denver demonstrates that drawing on leaders is an effective tool to guide efforts and strengthen and tailor the message to garner support and understanding.

### **Other Findings**

**There is no perfect community engagement recipe or number of meetings.** Although numerous people asked us to give them the perfect recipe for the number of meetings and timing of community engagement, it doesn't exist. Making a commitment to listen and authentic engagement is the foundation for successful community engagement. It is hard work and requires expertise. Implementing the principles and best practices tailored to the needs of the community and the project will support successful projects being completed on time and on budget.

**No direct correlation exists between community engagement and delays.** The complexity of the project and the level of controversy is the source of project delay, rather than community engagement. Delays can happen as a result of community interest and processes that have not allocated enough time for community engagement to occur.

**Capital projects plan the schedule around community engagement rather than the community engagement around the capital project.** This assessment process can drive the schedule and plan for community engagement. The design phase offers an opportunity for the community to truly engage and shape a capital project.

**Early outreach should target the "silent many" by broadening times, language and formats of meetings and instituting other methods of input such as surveys and other online forums.**

**Technology should be used, whenever possible, to expand access to information and input.** Technology also has the opportunity to expand the audience to citizens who are unlikely to attend a public meeting. Interviewees report that the biggest challenge to online engagement is getting people to participate, and drawing on existing community networks are important vehicles for expanding the audience online. Mobile could be used for public service announcements.

**Use of professionals can be helpful.** Community engagement requires expertise. Hiring dedicated staff or outside professionals, such as facilitators, can help. Also, consider bringing in a mediator early when a conflict emerges. The city could also consider dedicated staff for community engagement.

**This report and the report on project approval process improvement must be looked at together.** The permitting and internal approval process is both cause of delay and frustration. Often, internal approvals come after the community design process, and approvals are contingent on changes that may contradict community input. The CGOBOC is looking at both community engagement and the approval process.

**Use the project to empower the community to shape the neighborhood.** Community members and staff who work together on capital improvement projects are better able to work together in the future. Everyone develops capacity to engage and relationships upon which to draw. This capacity building and the relationships can assist the community and the city as it moves on to other capital improvement projects.

#### **Project Compliance and Approval Process Benchmarking**

*Liaisons: Corey Marshall*

### **EXECUTIVE SUMMARY**

This Study was conducted by the San Francisco Controller's Office on behalf of the Citizen's General Obligation Bond Oversight Committee (CGOBOC) to document and analyze the regulatory processes affecting General Obligation (GO) Bond projects. IN addition to summarizing and mapping the project compliance and approvals process in San Francisco, this Study also provides an overview of best practices from three comparable US jurisdictions and provides recommendations for improving the project delivery process in San Francisco.

#### **Overview of Compliance and Approvals Process**

When the City contemplates using a General Obligation Bond structure to finance public improvements, the package of proposed projects must first be outlines in a Bond Report, which describes the projects and serves as the basis for a preliminary level of environmental review pursuant to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). If approved by the voters, the Bond program is assigned to a City agency for implementation, referred to in this study as the project sponsor. The project sponsor then assigns a team of staff to the project, led by a project manager who becomes responsible for implementing the project. Currently, seven voter-approved GO bonds financing a wide range of public improvements and capital facilities projects in San Francisco fall under the oversight of CGOBOC.

#### **Phases of Project Delivery**

Bond-funded public projects go through a four-phase delivery process, with each phase incorporating some level of review or oversight from local, regional, state, and /or federal agencies. These four phases



are summarized below, including "minimum: timeframes which should be assigned for each phase for CCSF public projects, based on stated policy guidelines and/or study interviewees' practical experience.

**I. Project Planning (minimum of 3 to 6 months)**

The purpose, location, core features, and timing of the project are identified at a conceptual level. This phase may include extensive community outreach and coordination with other stakeholders and usually includes preliminary consultations with environmental and design review entities. This phase may be performed by City staff or consultants and takes a minimum of three to six months, depending on the scale of the project.

**II. Project Design (minimum of 5 to 12 months)**

The project concept is translated into site plans and blueprints by architects, engineers, and designers, who may be City staff or outside consultants. This phase proceeds from the Schematic Design to Design Development to Construction Documents stage. At each stage, the design must be reviewed and approved by various environmental and design review entities, which specify certain modifications and conditions that must be incorporated before the project design can be approved. This phase takes a minimum of between five and twelve months, depending on the scale of the project.

**III. Bid/Award (minimum of 4 to 6 months)**

Once the design is finalized, the project sponsor advertises a contract to perform the work specified in the construction documents. In this phase, building permits must be obtained and the contract and award process itself must be approved before construction can commence on the project. This phase takes a minimum of between four and six months, depending on the scale of the project.

**IV. Construction/Closeout (minimum of 6 to 12 months)**

Construction commences only after the project design and construction documents have been reviewed for compliance with environmental, design and other regulatory and policy requirements. The work is completed by the selected contractor and subcontractors, who may also need to apply for various electrical, plumbing, and grading permits as construction proceeds. Construction takes a minimum of between six and twelve months, depending on the scale of the project.

**Timeframes for Compliance, Review and Approval**

During each phase described above, a project may also undergo several rounds of environmental, design and other types of review. These steps are summarized below, with "minimum" possible timeframes also shown.

**Environmental Review**

Environmental review focuses on identifying a project's impact on the environment and ensuring that the project is in compliance with all applicable local, state and federal laws.

**CEQA and NEPA (minimum of 1 week to 30 months).** Every project undertaken by a public agency or private developer in California is subject to the California Environmental Quality Act (CEQA), which requires a series of procedures to document the environmental impact. In San Francisco, the Planning Department is the CEQA Lead Agency for projects sponsored by CCSF agencies. The CEQA process can take between one and nine months for outcomes resulting in less than a full Environmental Impact

Report (EIR), and a minimum of 24 to 30 months when an EIR is required. In addition to CEQA compliance, the National Environmental Protection Act (NEPA) requires review if a project is significantly funded or administered by a federal agency. The relevant federal agency manages the required NEPA process in collaboration with the project sponsor.

**Resource Agencies and Regional Bodies (minimum of 1.5 to 9 months).** Some projects are subject to additional State and Federal statutes that lay out protections for specific natural resources, such as air, water, wetlands, or wildlife. These statutes require that designated regional, state, and federal review entities issue permits to verify that a proposed project is in compliance with whatever environmental protections apply. Some of these statutes are enforced by a series of state and federal agencies commonly referred to as “resource agencies” and others are administered by regional bodies established by state laws. These permitting processes vary widely and can take a minimum of between six weeks and nine months to complete.

#### Design Review

Design review focuses on the physical design of a project and may be concerned with the aesthetics, accessibility, historical context, functionality, or safety of the proposed project.

**Civic Design Review Committee (minimum of 2 to 4 months).** All projects involving the construction or major renovation of a structure located on City property are reviewed by this Committee of the San Francisco Arts Commission. The Committee reviews each project at least three times during the course of its monthly public meeting schedule: Schematic (Phase 1), Design Development (Phase 2), and Construction Documents (Phase 3). Projects are presented to the Committee a minimum of two to four times. If modifications are requested by the Committee, the project is then modified and resubmitted for Committee review. This process takes a minimum of two to four months to complete, based on the Committee’s monthly meeting schedule.

**Department of Building Inspections (DBI) (minimum of 3 to 6 months).** Every construction or major renovation project in San Francisco, except those on Port of San Francisco property, must obtain building and other permits from DBI before demolition or construction begins. Permits can only be issued after construction documents are finalized. DBI permits take a minimum of three to six months for most new free-standing structures, (permitting for some small pre-fabricated structures can be approved in two weeks or less).

**Bay Conservation and Development Commission (BCDC) (minimum of 6 weeks to 4 months).** Projects along the San Francisco waterfront are subject to additional design review. The Bay Conservation and Development Commission (BCDC) review projects located within 100 feet of the Bay shoreline; these projects must be reviewed by its Design Review Board (DRB) before the Commission can give approval. For projects on Port of San Francisco property, its Waterfront Design Advisory Committee (WDAC) also reviews project designs. Often conducted jointly, this BCDC and WDAC review process can take between 1.5 and 4 months.

#### Policy Review

Policy Review includes many different types of review that focus on the consistency of a proposed project with existing policies and monitors how the administration of a project may impact residents or the local economy.

**Planning Department (early, concurrent with other time frames).** Every major project in San Francisco undergoes a General Plan Referral from Planning, to evaluate the proposed project's consistency with General Plan goals. The timeframe for a General Plan Referral is tied to whatever level of CEQA review is required of the project, in most cases.

**Human Rights Commission (early, concurrent with other timeframes).** The Human Rights Commission (HRC) reviews all contracts advertised for outside services by CCSF, and can modify or block contracting if not in compliance with CCSF's nondiscrimination and other laws. The Civil Service Commission (CSC) ensures that professional consultant services are procured in a manner that is complementary with the City's in-house capacity to perform the same work at agencies, such as the Department of Public Works (DPW). The CSC must approve contracts for outside services when the scope of work could be provided by a City agency. The HRC and CSC review, when required, occur within the overall contract approval timeframe, which typically lasts a minimum of three to six months.

**Minimum Timeframes for Project Approvals.** Based on stated policy guidelines and/or meeting schedules and staff capacity, CCSF bond-funded projects can be delivered in a minimum of between 18 and 36 months, depending on a project's scale and complexity. It should be noted that timeframes for the CEQA and Civic Design Review Committee processes are governed by explicit review period thresholds, although the actual time elapsed between thresholds can still vary based on staff capacity and citizen concerns. Timeframes for regional and state resource agencies, as well as the Human Resource Commission and Civil Service Commission (local review for contracting) can vary based on staff capacity and project-specific issues.

## **AREA 2. Key Updates on Select Bond Programs**

Below are key updates on the bond programs currently ongoing and overseen by CGOBOC.

### **2000 Branch Library Improvement Program (BLIP)**

The goal of this program is to provide the public with seismically safe, accessible, technologically updated, and code compliant City-owned branch libraries in every San Francisco neighborhood. The program consists of 16 library renovations, construction of 8 new buildings, and one support services center. Since July 2013, 23 out of the 24 branches and the support services center are complete and open to the public. One more branch library, the North Beach Branch Library, is in the construction phase and is expected to be complete and open to the public by spring 2014. The original budget was increased by over \$60 million due to:

- Changes in project scope. It was decided that two branch libraries needed to be reconstructed instead of the original plan to only renovate the libraries.
- Changes in standards. Changes in ADA code requirements were not known before cost estimating and scheduling and the project goals were increased to allow for LEED certification for up to 10 BLIP projects.
- Unforeseen site conditions in several project sites and rising construction costs.

### **2008 Clean and Safe Neighborhood Parks**

The majority of the funding from the 2008 Clean and Safe Neighborhood Parks Bond is dedicated to capital renovation of parks that are deemed to be unsafe in the event of an earthquake or in poor physical condition. The bond program is divided into two parts: \$150 million for the Recreation and

Parks Department (RPD) and \$35 million for the Port of San Francisco (PRT) for voter-approved parks and open space recreation projects. As of July 2013, seven RPD projects are complete and open to the public, four projects are in construction, one project is in design, and one project is simultaneously in design and planning phase. All projects are expected to be complete by June 2015. Three of the ten PRT projects are complete and open to the public. Another two projects are expected to be completed the fall of 2013. The fourth and final bond sale is solely for the PRT's projects and is expected to be issued in the fall of 2013. The program is currently following tightly controlled schedules due to delays from:

- Environmental reviews
- Extended time for obtaining Department of Building Inspection permits
- Unanticipated requirements from the Civic Design Review and the Historical Preservation Commission

#### **2008 SF General Hospital Rebuild Program**

The SFGH Improvement Program is executed through an integrated delivery model where design and construction partners are involved throughout the design phase and into construction. Because of this execution model, the construction contract sum is established incrementally as design, permitting, and bidding occur. The SFGH Rebuild Team and SFGH are continuously monitoring contract modifications of scope (i.e., change orders) which are cost drivers. As of July 2013, change orders consist of 1.5% of the entire contracted value. In February 2013, 50% completion was reached, but 75% of the contingency remains unused.

The core build-out of the new hospital is on schedule, but the biggest concern for the program is the Emergency Generator Project. There are delays due to a possible need to redesign and review the project, as well as issues related to the Generator Project's contractor.

#### **2010 Earthquake Safety Emergency Response Bond (ESER)**

The ESER bond program's main objective is to retrofit and seismically rehabilitate San Francisco's aging public safety infrastructure. This will expedite San Francisco's recovery after a major earthquake or disaster and allow San Francisco's emergency first responders to respond more quickly. The program consists of three components: the Public Safety Building (PSB), the Critical Firefighting Facilities and Infrastructure (CFFI), and the Auxiliary Water Supply System (AWSS). As of July 2013, the PSB project continues to stay on budget and on schedule, with a projected substantial completion in June 2014. Of the five AWSS projects, one is complete; one will be completed in December 2013, two in 2015, and one in 2016. For the CFFI project, there are three focus areas: (1) neighborhood fire stations; (2) neighborhood cisterns and; (3) firefighting pipes and tunnels. Many CFFI projects are still in the design and planning phases, and the appropriation of its \$134 million budget may change depending on the shifting priority and scope of the projects.

#### **2011 Road Repaving Street Safety Bond**

Critical to the improvement of the City's infrastructure, this bond program was recommended as part of the citywide Ten-Year Capital Plan to revitalize city streets and public right of ways. First appropriations were disbursed March 2012 with the intention to begin work on projects including street resurfacing,

curb ramp and sidewalk improvements, street structure improvements, Streetscape projects, and traffic signal improvements. With street resurfacing being the major area of concentration, project prioritization was determined using several factors including the classification of the route, the street PCI Score, project readiness, and equitable distribution across the City. As of May 2013, three projects (encompassing 150 city blocks) have been substantially completed, eleven are in construction phase, two are in the award phase, and fourteen more are in the design phase. All aspects of the program are on-time and on-budget, with a completion goal of late 2016. The program has been able to exceed the established goals for the amount of sidewalk repairs and has therefore allowed for increased goals for the remaining years of bond funding.

#### **2012 Clean and Safe Neighborhood Parks Bond**

In an effort to continue investment toward San Francisco's park system, the 2012 Parks Bond was approved to stimulate funding of park, playground, and waterfront infrastructures. This bond program includes over thirty projects slated for completion from early 2013 until project close-outs in 2018. To apply lessons learned from the 2008 Parks Bond, management of the new bond will include staggering of projects with consideration of programming needs, establishing realistic schedules, and performance of full site assessments early in the process. Allocations from the first sale have been scheduled to fund thirteen neighborhood parks projects, three Citywide parks, five Citywide programs, and three Waterfront parks projects. Of those projects, eight are in their planning phase, one is in the design phase, and fifteen others are scheduled to start in late 2014 or early 2015. With a six-year time frame, the program is on track to be completed by late 2018.

#### **AREA 3: Whistleblower Program**

##### **Whistleblower Program**

*Liaisons: John Madden and Regina Callan*

##### **Whistleblower History**

The Whistleblower Program was initially created in 1988. Between 1988 and 2003, it resided in a variety of City departments. In 2003, a charter amendment adopted by the voters created the City Services Auditor, legislatively established the Program, and placed the Whistleblower Program under the City Services Auditor Division of the Office of the Controller.

The legislation, contained in Appendix F to the San Francisco City Charter, gives the Controller broad authority to administer and publicize a whistleblower hotline and website for citizens and employees to report wrongdoing, waste, inefficient practices and poor performance in city government and service delivery. The legislation (Charter Appendix F) also authorizes CGOBOC to function as an independent Citizens Audit Review Board to advise the Controller/City Services Auditor, to recommend departments in need of comprehensive audit, and to review citizen complaints received through the Whistleblower Program. The legislation provides that the Controller investigate and report and gives the CGOBOC review duties but ultimately places resolution and/or corrective practice with the affected department head, board or commission (in some cases the affected department might be Ethics Commission, Human Resources Department or one of the City's civil or criminal law agencies).

### **Whistleblower Complaint Process**

Both the City and State legislation (Appendix F to the City Charter and State Government Code section 53087.6) authorize the creation of a process to deal with whistleblower complaints. Specific legislation provides for creation of a whistleblower process under the Controller of the City and County of San Francisco.

The Controller's Whistleblower Policy and Procedures Guide is used to advise and inform City staff. Controller staff also do outreach and education to remind City employees of the Whistleblower Program through orientation of new employees, newsletters, periodic notices in employee electronic paychecks, meetings with large departments and education efforts to provide the City's 311 call center staff with adequate criteria so that complaints not of the Whistleblower type are directed to the appropriate City department. This allows the Controller staff to concentrate on complaints that are more appropriate to the aim of the enabling legislation.

### **CGOBOC Liaison Activities FY12-13**

Approximately 300 Whistleblower complaints were received by the Controller during FY12-13. In FY12-13, CGOBOC liaisons met at least quarterly with Controller staff to discuss complaints filed, processed, investigated and completed. The Chairperson of CGOBOC also attended several meetings along with the liaisons. The data reviewed was presented with due regard to the confidentiality of both the type of complaint and the employees potentially involved. We were, however, provided unfiltered access to the details of the various complaints and staff was very forthcoming in response to our questions and provided additional information about the period of time it took to resolve several of the complaints reviewed.

We also discussed outreach efforts by Controller staff to educate staff of the City's 311 call center about what type of complaint is a whistleblower issue and what type of call should be referred to another department (e.g., a complaint about the type of medication received at a health clinic should be referred to Department of Public Health professionals). Additionally, we reviewed staff efforts to provide outreach and education to new employees in their introduction to city service as well as publishing a periodic newsletter and putting periodic notices in employee electronic pay checks that explain how to report improper activities to the Whistleblower Program.

The effect of this outreach and education seems to result in better evaluation and direction of complaints received at the City's 311 Call Center. This allows Controller Whistleblower staff to focus in a more timely fashion and provide better responses on more meaningful complaints.

### **Whistleblower Efforts and Ethics Commission**

Some Whistleblower complaints appear to involve real or potential conflicts of interest that may be covered in the State Government Conduct Code in which case Controller staff would refer them to the City's Ethics Commission. The Ethics Commission staff then decides whether the complaint is within their jurisdiction and whether to conduct their own investigation. Under Chapter 4 of the Government Conduct Code the Ethics Commission is charged with a narrower jurisdiction than that of the Whistleblower Program. Issues involving campaign finance, conflict of interest and some other matters narrow their scope to much less than the City's Whistleblower legislation.

There is no provision for CGOBOC to oversee or review the work of the Ethics Commission staff or the manner in which it conducts its mandate under the law. While there have been expressions of frustration by members of the public at CGOBOC meetings over the length of time or the absence of

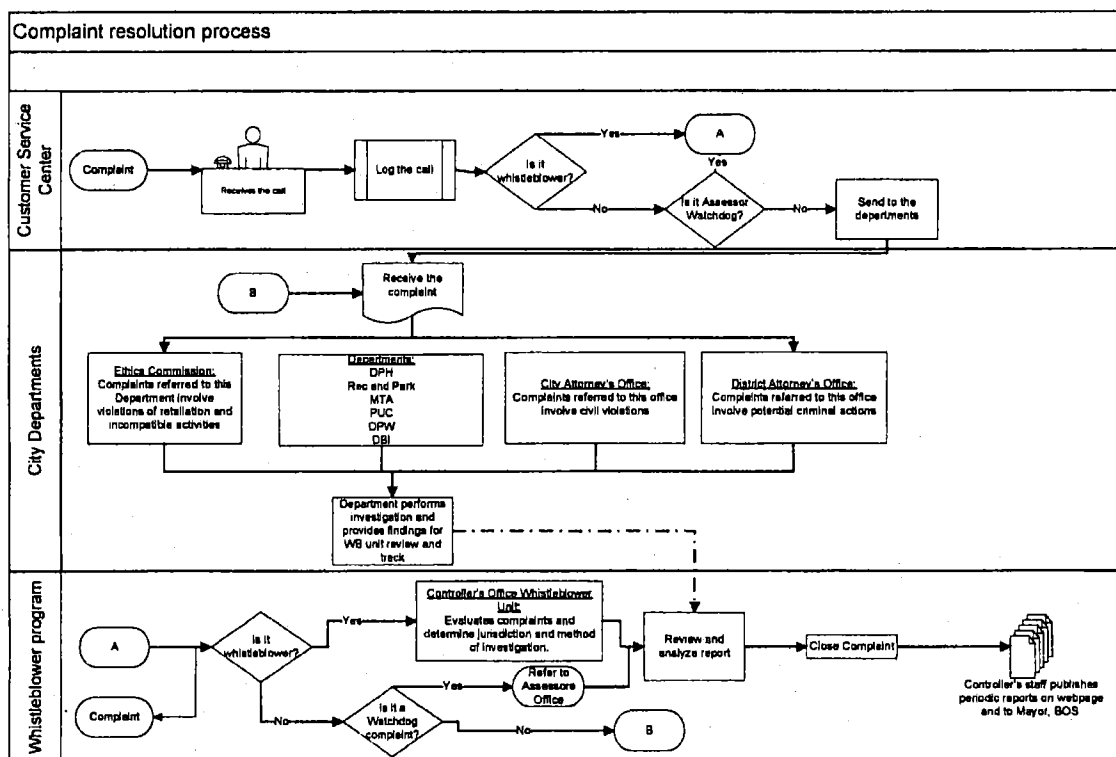
findings by the Ethics Commission, CGOBC can only attempt to work cooperatively with another city entity to achieve the respective goals of the two legislatively created bodies.

### **Whistleblower Program Staffing**

The Controller's Audit Division continues to provide staffing for the Whistleblower Program that attempts to meet the goals of both the City Services Auditor and the Internal Audit requirements assigned the Controller by City Charter. We remain confident that the Audit Director will continue to provide adequate staff for the Whistleblower Program to meet program needs and insure that complaints are adequately investigated in a timely fashion.

### **Description of the Whistleblower Process**

The Controller has established a Whistleblower Program Policy and Procedures Manual covering the various aspects of the Program including goals and objectives and examples of best practice standards in Civic Accountability, communications, engaging the public and responsive organizational values to advance the mission of the Program. The following is a flow chart showing how a complaint is processed through the system.



### **Complaint Receipt**

The Whistleblower Program receives complaints from various sources including the City's 311 call center, letters, emails, phone calls, and walk-ins. Each complaint is assigned a unique tracking number. The Whistleblower Program team then either refers the complaint to the relevant City department for investigation or investigates it internally.

Complaint receipt process: Complainants filing through the Whistleblower Program webpage are automatically provided a tracking number when they submit their complaint. When complainants file through another means, and contact information is provided, the Whistleblower Program acknowledges the complaint within 5 days by an email to the complainant showing the complaint number assigned to provide tracking ability. The Whistleblower Team then determines jurisdiction and, where applicable, refers the complaint to the proper authority or City department or agency. Once the investigator finds that complaint is valid, the investigator determines if the complaint is complete (i.e., there is a documented explanation of what happened, identified the proper respondent and sufficient information to understand the facts).

If it is necessary to contact the complainant, the investigator usually sends correspondence which includes the case number, citation of the statute or policy under which the investigation is being conducted, a clear description of the information requested and a deadline for responding.

#### **Complaint Resolution**

Once a complaint has been received, it is entered in the Controller's Office Whistleblower System. Each complaint is assigned a unique tracking number. An evaluation is performed to determine if the complaint falls within the jurisdiction of the Controller's Office, and if the complaint will be referred to the relevant department for response, or investigated by the Whistleblower Program.

The Whistleblower Program Policy and Procedures Manual has numerous suggestions on how to interview city employees and others, admonitions to stick strictly to facts and to not permit "off the record" comments.

#### **Complaint Reporting & Closure**

If a complaint is found to have merit, and there is a need for corrective or preventative action, an investigative report is prepared. The investigative report should detail allegations, how the investigation was conducted, a response from the respondent or, if the respondent does not respond, the investigator's efforts to elicit a response. A conclusion should analyze the facts presented and validity of the allegations followed by a recommendation how the department can minimize repetition of the violation by ensuring that adequate controls are in place. The ultimate resolution of the complaint is in the hands of the responsible department, board of commission.

Complaint Closures can be either "No Violation" or "Violation" letter of findings. In both cases the department is notified. If a complainant provides contact information, they are noticed when their complaint is closed. Complainants that do not provide contact information can, via their unique complaint tracking number, check the status of their complaint on the Whistleblower Program website.

#### **Other Investigative Agencies**

Whistleblower complaints can be referred to a variety of other agencies for resolution depending on the issue raised in the complaint and the jurisdiction for resolution, including the following:

- Administrative Services Department receives reports of misuse of City vehicles.
- Department of Building Inspection receives reports of residential maintenance and structural hazards.
- City Attorney investigates claims made against the City.
- District Attorney investigates criminal allegations.



- Ethics Commission investigates possible violations of governmental ethics laws and other laws, regulations and rules governing the unethical conduct of City officers and employees.
- Human Resources Department is ultimately responsible for employee misconduct issues if not resolved by the employee's department (with possible appeal to Civil Service Commission).
- Human Services Agency investigates all welfare related complaints.
- Mayor's Disability Office receives reports of violations of disability access.
- Municipal Transportation Agency (MUNI) can receive complaints regarding MUNI service.
- Office of Citizen Complaints investigates complaints against San Francisco Police Officers.
- Police Department investigates criminal allegations such as illegal drug use. Sunshine Ordinance Task Force receives complaints related to access to public records

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**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** Real Estate Fraud Annual Report  
**Attachments:** CoverLetter2013.pdf; RealEstate\_GrantStatReport2012-2013\_Final.pdf

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**From:** Maria.McKee@sfgov.org [mailto:Maria.McKee@sfgov.org]  
**Sent:** Thursday, October 31, 2013 1:14 PM  
**To:** Board of Supervisors  
**Cc:** Clendinen, Eugene  
**Subject:** Real Estate Fraud Annual Report

To Whom It May Concern:

Attached, please find the San Francisco District Attorney's Office Real Estate Fraud Report for fiscal year 2012-2013.

Please let me know if you have any questions.

Sincerely,  
Maria

Maria McKee, MPP  
Policy & Grants Manager  
The Office of District Attorney George Gascón  
City and County of San Francisco  
850 Bryant Street, Room 322  
San Francisco, CA 94103  
Phone: (415) 553 1189  
Fax: (415) 575 8815  
[maria.mckee@sfgov.org](mailto:maria.mckee@sfgov.org)

The information contained in this electronic message may be confidential and may be subject to the attorney-client privilege and/or the attorney work product doctrine. It is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, you are hereby notified that any use, dissemination or copying of this communication is strictly prohibited. If you have received this electronic message in error, please delete the original message from your e-mail system. Thank you.



GEORGE GASCON  
DISTRICT ATTORNEY  
CITY AND COUNTY OF SAN FRANCISCO

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October 28, 2013

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

Re: Real Estate Fraud Annual Report pursuant to Government Code § 27388

Dear Ms. Calvillo:

Enclosed, please find the San Francisco District Attorney's Office Real Estate Fraud Annual Report for fiscal year 2013-2014. As required by Government Code § 27388, the District Attorney's Office is submitting this report to our local Board of Supervisors.

If you have any questions, please do not hesitate to contact me: (415) 551 9581,  
[Julius.DeGuia@sfgov.org](mailto:Julius.DeGuia@sfgov.org).

Sincerely,

Julius DeGuia  
Assistant District Attorney  
Special Operations Department

**Fiscal Year 2012-13 Real Estate Fraud Prosecution Trust Fund Report  
(Government Code Section 27388)**

**October 25, 2013**

**I. Case Statistics**

1. Name of Reporting County: San Francisco
2. Reporting Period (Fiscal Year): July 1, 2012-June 30, 2013
3. Number of referrals entering in the fiscal year: 2
4. Number of referrals initiated during the fiscal year: 41
5. Total number of referrals: 43
6. Number of investigations entering in the fiscal year: 6
7. Number of investigations initiated in the fiscal year: 8
8. Total number of investigations: 14
9. Number of filed cases entering in the fiscal year: 4
10. Number of filed cases initiated in the fiscal year: 0
11. Total number of filed cases: 4
12. Number of victims in filed cases entering in the fiscal year: 4
13. Number of victims in filed cases initiated in the fiscal year: 0
14. Total number of victims in filed cases: 4
15. Number of convictions obtained in the fiscal year: 3
16. Aggregate monetary loss suffered by victims for cases entering in the fiscal year: \$684,279
17. Aggregate monetary loss suffered by victims for cases initiated during the fiscal year: \$3,560,200
18. Aggregate monetary loss suffered by victims in cases in which there has been an investigation, filing, or conviction: \$4,244,479

## **II. Accounting Information**

Funds available: \$497,582

Funds expended: \$412,831

Salary: \$308,034

Fringe benefits: \$100,313

Travel and Training: \$854

Legal Services: \$3,630

Materials and Supplies: \$1

## **III. Contact Information**

Maria McKee

Policy & Grants Manager

Office of the District Attorney

850 Bryant Street, Room 322

San Francisco, CA 94103

[Maria.mckee@sfgov.org](mailto:Maria.mckee@sfgov.org)

415-553-1189

(415) 553-9700

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**To:** BOS-Supervisors  
**Subject:** Memorandum Issued: The Port Complied With All Close-out Requirements in Its Contract for the Pier 35 North Apron Improvements Project

**From:** Chapin-Rienzo, Shanda **On Behalf Of** Reports, Controller

**Sent:** Thursday, October 31, 2013 1:29 PM

**To:** Moyer, Monique; Forbes, Elaine; Woo, John; tim.leung@sfport.com; Onderdonk, Evelyn; Calvillo, Angela; Nevin, Peggy; Kawa, Steve; Howard, Kate; Falvey, Christine; Elliott, Jason; Campbell, Severin; Newman, Debra; Rose, Harvey; Gabriel Metcalf; Rosenfield, Ben; Zmuda, Monique; Lane, Maura; CON-EVERYONE; CON-CCSF Dept Heads; CON-Finance Officers; sfdocs@sfpl.info

**Subject:** Memorandum Issued: The Port Complied With All Close-out Requirements in Its Contract for the Pier 35 North Apron Improvements Project

The Office of the Controller's City Services Auditor Division (CSA) today issued a memorandum on its assessment of the Port Commission's compliance with the close-out requirements in its contract with MH Construction Company, Inc., for the Pier 35 North Apron Improvements project. The assessment found that the Port complied with all the applicable close-out provisions in the contract.

To view the full memorandum, please visit our Web site at:  
<http://openbook.sfgov.org/webreports/details3.aspx?id=1624>

This is a send-only e-mail address.

For questions about the memorandum, please contact Director of City Audits Tonia Lediju at [Tonia.Lediju@sfgov.org](mailto:Tonia.Lediju@sfgov.org) or 415-554-5393 or the CSA Audits Unit at 415-554-7469.

Follow us on Twitter [@sfcontroller](https://twitter.com/sfcontroller)



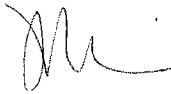
**CITY AND COUNTY OF SAN FRANCISCO**  
**OFFICE OF THE CONTROLLER**

**Ben Rosenfield**  
**Controller**

**Monique Zmuda**  
**Deputy Controller**

## **MEMORANDUM**

**TO:** Monique Moyer, Executive Director  
Port of San Francisco

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

**DATE:** October 31, 2013

**SUBJECT:** The Port Complied With All Applicable Close-out Procedures in Its  
Contract for the Pier 35 North Apron Improvements Project

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### **EXECUTIVE SUMMARY**

The Port Commission (Port) of the City and County of San Francisco (City) complied with all the applicable close-out provisions in its contract with Huey Construction Management Company, Inc., dba MH Construction Management Company, for the Pier 35 North Apron Improvements project.

### **BACKGROUND, OBJECTIVES & METHODOLOGY**

#### **Background**

Basis for Assessment. In accordance with its work plan for fiscal year 2013-14, the Office of the Controller's City Services Auditor Division (CSA) assessed the Port's compliance with contract close-out procedures as part of CSA's ongoing program of assessing compliance with contract close-out procedures in various city departments. The focus of this assessment was the Pier 35 North Apron Improvements project, executed under Contract No. 2752.

Port. The Port of San Francisco is a 150-year-old public enterprise committed to promoting a balance of maritime, recreational, industrial, transportation, public access, and commercial activities, on a self-supporting basis, through appropriate management and development of the San Francisco's waterfront for the public's benefit. The Port Commission is the governing body of the Port of San Francisco.

Project Details. The objective of this project was to strengthen the Pier 35 North Apron deck to make it capable of supporting forklifts used for cruise ship operations over its entire length. (A portion of the deck already had this capability.) The work consisted of demolishing any remaining wood framing, tracks, ties, and wood decking; laying asphalt paving; and installing reinforced stem walls and a concrete deck. All work on the project was completed on March 14, 2012. The original contract amount was \$786,000. However, two change orders with a net value of \$47,865 resulted in a final contract amount of \$833,865. The Port authorized the release of all securities, amounting to \$83,386.50, and related interest held in escrow on November 14, 2012, and issued the final payment under the contract, for \$9,212, on November 28, 2012.

Close-out Defined. Contract close-out formally ends the construction phase of a capital project and ensures the fulfillment of all contractual and legal obligations before final payment is released to the contractor. Ensuring compliance with all close-out procedures assures that the contractor has used city resources appropriately and that the contractor has completed the work in accordance with contract terms. Prompt completion of close-out procedures limits the administrative costs that continue to accrue during the close-out period.

## **Objectives**

The objectives of the assessment were to determine whether:

- The Port adequately oversaw compliance with the close-out procedures in the contract for the Pier 35 North Apron Improvement Project.
- The general contractor complied with the contract's close-out procedures.

## **Methodology**

To achieve the objectives, CSA:

- Reviewed the Port's procedures for contract close-out.
- Developed a checklist of requirements for all phases of close-out based on the Port's required procedures.
- Reviewed close-out documentation provided by the Port.
- Determined whether the Port complied with each applicable requirement.
- Reviewed relevant best practices.

CSA selected the Pier 35 North Apron Improvements project on the basis of a risk assessment process conducted on the Port's capital projects completed in fiscal years 2010-11 and 2011-12. CSA discussed the close-out process and specific close-out requirements with key Port employees. CSA also obtained documentation from the Port verifying that procedures were followed for substantial completion, final completion, and close-out of the project



## RESULTS

The Port complied with all applicable close-out procedures in its contract for the Pier 35 North Apron Improvements project.

The Port's response is attached. CSA extends its appreciation to you and your staff who assisted with this project. If you have any questions or concerns, please contact me at (415) 554-5393 or [tonia.lediju@sfgov.org](mailto:tonia.lediju@sfgov.org).

cc: Port  
Elaine Forbes  
John Woo  
Tim Leung  
Evelyn Onderdonk

Controller  
Ben Rosenfield  
Monique Zmuda  
Mark de la Rosa  
Nicholas Delgado  
Edvida Moore

## **ATTACHMENT: DEPARTMENT RESPONSE**

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October 22, 2013

Ms. Tonia Lediju, Director  
City Services Auditor Division  
Office of the Controller  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA

**Subject:       Assessment of the Port of San Francisco Compliance with Close-Out Procedures for  
                  the Pier 35 North Apron Repair Project**

Dear Ms. Lediju:

The Port of San Francisco is in receipt of the Draft Assessment Report for the subject project. We accept the report, and we are pleased to know that the Port complied with all applicable close-out procedures. The Port appreciates the courtesy extended by the City Services Auditor Division (CSA) staff throughout the audit assessment project period.

Sincerely,

A handwritten signature in black ink, appearing to read "Monique Moyer", is written over the typed name.

Monique Moyer  
Executive Director

Cc: Port  
Elaine Forbes, Deputy Director, Finance and Administration  
John Woo, Fiscal Officer  
Uday Prasad, Interim Chief Harbor Engineer  
Tim Leung, Contracts and Construction Manager  
Evelyn Onderdonk, Resident

Controller's Office  
Ben Rosenfield, Controller, City and County of San Francisco  
Monique Zimuda, Deputy Controller, City and County of San Francisco  
Mark de la Rosa, City Services Auditor  
Nicholas Delgado, City Services Auditor  
Edvida Moore, City Services Auditor



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

Memo to BOS-11  
orig: Leg Clerk  
ipage

October 25, 2013

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
OCT 25 PM 4:00  
AK

SCOTT R. HELDFOND  
PRESIDENT

E. DENNIS NORMANDY  
VICE PRESIDENT

DOUGLAS S. CHAN  
COMMISSIONER

KATE FAVETTI  
COMMISSIONER

GINA M. ROCCANOVA  
COMMISSIONER

JENNIFER C. JOHNSTON  
EXECUTIVE OFFICER

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

SUBJECT: Prevailing Wage Certification Legislation

Dear Ms. Calvillo:

At its meeting of October 21, 2013 the Civil Service Commission had for its consideration the certification of the highest prevailing rate of wages of the various crafts and kinds of labor paid in private employment in the City and County of San Francisco (CSC File No. 0277-13-3). A copy of the report prepared by the Office of Labor Standards Enforcement is attached.

It was the decision of the Civil Service Commission, in accordance with Charter Section A7.204 and Administrative Code Section 6.22, to adopt the Office of Labor Standards Enforcement's report.

The Civil Service Commission requested the City Attorney to draft legislation to accompany the report being forwarded to the Board of Supervisors as required by the Administrative Code. The draft legislation prepared by the City Attorney will be forwarded to you shortly.

Please call me at 252-3250, if there are questions or if further information is needed related to the action of the Civil Service Commission.

Sincerely,

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON  
Executive Officer

Attachment

Cc: Sallie Gibson, Deputy City Attorney

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



SAN FRANCISCO  
**PLANNING DEPARTMENT**

BOS-11 (Electronically)  
Cpage

**MEMO**

## Notice of Electronic Transmittal

### SF Planning Department Publication *San Francisco Commerce & Industry Inventory 2012* (Published OCTOBER 2013)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**DATE:** October 31, 2013

**TO:** Angela Calvillo, Clerk of the Board of Supervisors

**FROM:** John Rahaim, Director – Planning Department (415) 558-6411  
Paolo Ikezoe, Planner, Planning Department (415) 575-9137

**RE:** Publication, *San Francisco Commerce & Industry Inventory 2012*

**HEARING DATE:** None. Informational item

This notice and the attached *Commerce & Industry Inventory 2012* (published October 31, 2013) are being sent via email in compliance with San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-Page Documents."

A hard copy of this document is also being sent along with a hard copy of this notice to the Clerk of the Board.

Additional hard copies may be printed from the digital copy or requested from Paolo Ikezoe, the Planning Department, 415-575-9137 or [paolo.ikezoe@sfgov.org](mailto:paolo.ikezoe@sfgov.org).

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

[http://www.sf-planning.org/ftp/files/publications\\_reports/Commerce\\_Industry\\_Inventory\\_Report\\_2012.pdf](http://www.sf-planning.org/ftp/files/publications_reports/Commerce_Industry_Inventory_Report_2012.pdf)



Paolo Ikezoe  
Planner, Information and Analysis Group

T: 415.575.9137  
F: 415.558.6409  
[paolo.ikezoe@sfgov.org](mailto:paolo.ikezoe@sfgov.org)

SAN FRANCISCO  
**PLANNING DEPARTMENT**

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

7

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**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** Annual Report  
**Attachments:** 2012-2013final.docx

**From:** St.Croix, John  
**Sent:** Wednesday, October 30, 2013 3:09 PM  
**To:** Board of Supervisors; Lee, Mayor  
**Cc:** Ng, Mabel  
**Subject:** Annual Report

I hereby submit the Ethics Commission's Annual Report for FY 2012-13.

John St. Croix  
Executive Director  
San Francisco Ethics Commission



# San Francisco Ethics Commission

## Annual Report July 1, 2012 - June 30, 2013

The Ethics Commission is pleased to present this report on the activities, progress, and accomplishments of its **eighteenth** year of operation to the Mayor, Board of Supervisors, and citizens of San Francisco.

Beverly Hayon  
Chairperson

San Francisco Ethics Commission  
25 Van Ness Avenue, Suite 220  
San Francisco, CA 94102

Email: [ethics.commission@sfgov.org](mailto:ethics.commission@sfgov.org)  
Web site: [www.sfethics.org](http://www.sfethics.org)  
Telephone: 415/252-3100  
Fax: 415/252-3112

**SAN FRANCISCO ETHICS COMMISSION  
ANNUAL REPORT FY 2012-2013**

The Ethics Commission serves the citizens of San Francisco, City employees, elected and appointed officials, and candidates for public office by enforcing the City's governmental ethics laws, providing education about their provisions, and serving as a repository for information.

The Commission acts as filing officer for campaign finance disclosure statements; audits statements for compliance with state and local laws; administers City laws regulating lobbyists and campaign consultants; investigates complaints alleging ethics law violations; serves as the filing officer for financial disclosure statements required from City officials; raises public awareness of ethics laws; researches and proposes ethics-related legislative changes; and provides ethics advice to candidates, office-holders, public officials, City and County employees and the general public.

The Commission is pledged to a high standard of excellence in government accountability, and to that end has worked not only to implement the law, but also to amend existing law or create new law that will further the principle of the voters' right to know and to ensure integrity in government decision-making and in the campaigns of those who wish to govern.

**HIGHLIGHTS OF THE EIGHTEENTH YEAR**

The Commission delivered a diverse array of work products and services to the citizens of San Francisco, managing to meet its mandates during a year of budget cutbacks and other resource limitations:

- One of the Commission's duties is to educate members of the public about local laws governing campaign contributions. This year, staff drafted and the Commission, by a 5-0 vote at its meeting on June 24, 2013, adopted a comprehensive Contributor Guide to Local Laws Governing Campaign Contributions. The Guide summarizes the local laws applicable to campaign contributions, including contribution limits, who may make contributions to committees, and which contributors and committees are required to report their activities.
- On March 21, 2012, Mayor Ed Lee suspended Sheriff Ross Mirkarimi from the Office of Sheriff and submitted written charges of official misconduct seeking his removal from office, pursuant to section 15.105 of the City Charter. This matter presented the second time that the Ethics Commission heard charges under section 15.105 and the first time that the Commission provided a recommendation to the Board of Supervisors. The Ethics Commission met regarding these charges on the following dates: April 23, 2012; May 29, 2012; June 19, 2012; June 28, 2012; June 29, 2012; July 18, 2012; July 19, 2012; August 16, 2012; and September 11, 2012. Among other things, the Ethics Commission heard from counsel for both parties regarding procedural issues; set a schedule for the submission of declarations, objections, requests for subpoenas, and other

matters; made rulings regarding the admissibility of documentary evidence submitted by the parties; heard live testimony of witnesses the parties wished to cross-examine; received public comment; and considered closing arguments, deliberated and made Findings of Fact and Recommendation to the Board of Supervisors. On September 18, 2012, the Ethics Commission delivered its Findings of Fact and Recommendation to the Board of Supervisors, along with the full record relating to the charges of Official Misconduct. On October 9, 2012, the Board of Supervisors did not sustain the charges of Official Misconduct.

- On July 23, 2012, by a vote of 4-0, the Commission approved amendments to the Campaign Finance Reform Ordinance (CFRO), San Francisco Campaign and Governmental Conduct Code section 1.112, to require that all campaign statements submitted to the Ethics Commission be filed electronically. The changes became effective with the first semi-annual report due July 31, 2013.
- On July 23, 2012, by a vote of 4-0, the Commission also approved amendments to regulations for section 1.126 of the CFRO. The amendments clarify the scope of section 1.126, including the application of the section to local officials seeking election to state office, and address other technical changes.
- On November 26, 2012, by a pair of 5-0 votes, the Commission approved amendments to the CFRO to impose disclosure requirements on “draft committees” that support the qualification and/or election of an identifiable person for City elective office.
- At the same meeting on November 26, 2012, the Commission approved, by a series of 5-0 votes, separate regulations governing the handling of Sunshine Ordinance-related complaints. The Commission then removed references to the Sunshine Ordinance from the Regulations for Investigations and Enforcement Proceedings, as Sunshine Ordinance matters will now be handled under their own set of regulations.
- In open session on February 25 and June 24, 2013, the Commission considered and resolved several matters submitted under the Commission’s new regulations that govern the handling of alleged violations of the Sunshine Ordinance.
- At its April 22, 2013 meeting, by a vote of 3-0, the Commission adopted regulations to require each signer of an electronic campaign finance report to file a completed Signature Verification Form with the Commission in order to provide authenticity to the electronic signature.
- On April 22, 2013, the Commission, by a 3-0 vote, granted a waiver to Jonathan Pearlman from the ban on compensated advocacy under San Francisco Campaign and Governmental Conduct Code section 3.224. Mr. Pearlman is a licensed architect who occupies Seat 3, the architectural historian seat, on the Historic Preservation Commission.
- On May 30, 2013, by a vote of 4-0, the Commission granted a waiver to Alan Martinez from the one-year post-employment ban under San Francisco Campaign and Governmental Conduct Code section 3/234(a)(2). Mr. Martinez is a licensed architect solo practitioner who formerly served on the Historic Preservation Commission (HPC).



The waiver allows him to contact the Planning Department or Planning Commission—but not the HPC—on behalf of his clients regarding their architectural plans.

- On June 5, 2012, the Budget Analyst issued a report comparing the laws of the City and County of San Francisco and the City of Los Angeles. The report examined four areas of policy and enforcement: campaign financing, enforcement and education, lobbying, and transparency. On December 4 and 10, 2012, and again on February 27, 2013, staff held interested persons meetings to obtain feedback on the policy options listed by the Budget Analyst. The Commission considered the content of this report, a staff memoranda and public input at the May 2013 meeting; the reports and feedback are available on the Commission's website.
- In August 2012, the Commission released a new campaign finance dashboard web site for the November 6, 2012 election. The dashboard summarized campaign finance activity using easy-to-read charts, maps, and graphs including candidate and ballot measure committee activity, public financing, and third-party spending. (See below for more information.)
- On June 11, 2013, Ethics Commission staff met with staff members from the Fair Political Practices Commission, the Los Angeles Ethics Commission, San Diego Ethics Commission and Oakland Ethics Commission. Throughout the day-long meeting in Sacramento, staff from the different agencies learned and exchanged ideas about the FPPC's new gift reporting app, upcoming and recent legislative and regulatory developments, enforcement matters and education programs. It was a very fruitful gathering.
- The odd-numbered districts for the Board of Supervisors and four seats each for the Board of Education and Community College Board were voted on in the November 6, 2012 election. Twenty-six candidates for the Board of Supervisors, eleven candidates for the Board of Education and ten candidates for the Community College Board qualified for the ballot.
- At its meeting on May 30, 2013, by a vote of 4-0, the Commission approved regulations to require persons who file the Form 700 Statement of Economic Interests with the Ethics Commission to file them in electronic format beginning in January 2014.

## **MANDATES AND ACCOMPLISHMENTS OF THE COMMISSION**

### **Campaign Finance Reform Ordinance**

At its meeting on July 23, 2012, the Commission by a 4-0 vote approved amendments to the Campaign Finance Reform Ordinance (CFRO), San Francisco Campaign and Governmental Conduct Code section 1.112 to require that all campaign statements submitted to the Ethics Commission be filed electronically. The amendments were made possible when the State Legislature passed AB 2452, which permits local government agencies to require local

candidates and committees to file campaign disclosure reports electronically, thereby eliminating the need for paper filings. Passage of AB 2452 was due in part to staff's efforts to support electronic filing and to dispense with paper requirements. The amendments took effect with the campaign finance reports that were due July 31, 2013. The amendments include the following changes:

- Committees that are required to file electronic campaign finance statements will no longer be required to file duplicate paper copies;
- Committees will be required to file electronic statements if they receive contributions or make expenditures that total \$1,000 or more in a calendar year;
- County Central Committee candidate controlled committees and primarily formed committees will be required to file electronically; and
- Any committee not required to file electronic statements may voluntarily opt to file electronic statements.

At the same July 23, 2012 meeting, the Commission also approved, by 4-0, amendments to regulations related to section 1.126 of the CFRO. The amended regulations, which took effect on September 21, 2012, clarify that "an individual holding City elective office" in CFRO section 1.126(b)(1)(A) includes any committee controlled by that individual formed to support that individual's election to a local or state elective office; and that "a committee controlled by such individual or candidate" in CFRO section 1.126(b)(1)(C) includes any committee controlled by the individual or candidate formed either to support or oppose a candidate for local or state elective office or to support or oppose a local or state ballot measure. The amended regulations also address other technical changes.

At its November 26, 2012 meeting, the Commission, by a series of 5-0 votes, approved amendments to the CFRO to regulate "Draft Committees." A "draft committee" is defined as any person, group of persons, or entity that receives at least \$1,000 in contributions or makes at least \$1,000 in expenditures to support the qualification or election of an identifiable person who has not declared as a candidate. Under the amendments, such committees will be subject to reporting requirements. The language that describes "identifiable person" in the proposal generally tracks language that defines "candidate" under state law. Under the legislation, a committee that receives contributions or makes expenditures to support the election of *an identifiable person who has not yet qualified as a candidate* will have the same filing obligations as a primarily formed committee that receives contributions or makes expenditures to support a declared candidate. The "draft committee" must register as a committee and file reports disclosing contributions and expenditures during set time periods, just like other primarily formed committees that support candidates. The Commission continues to seek a sponsor for the legislation at the Board of Supervisors.

On April 22, 2013, the Commission voted 3-0 to approve regulations to require signers of electronic campaign finance reports to file a completed Signature Verification Form with the Commission in order to file their reports electronically.

### Public Financing

For the November 6, 2012 election, 12 candidates for the Board of Supervisors qualified to receive public funding. A total of \$5,613,030 in the Election Campaign Fund was available for disbursement. Eligible candidates were able to receive up to a maximum amount of \$155,000 in

public funds (or up to \$152,500 for an incumbent). Unlike the public financing programs of 2008, 2010, and 2011, the 2012 public financing program did not provide a mechanism for candidates to receive additional public funding beyond the \$155,000 cap (\$152,500 for incumbents).

The 12 eligible candidates received a total of \$1,228,097 in public funds, an average of \$102,341 per candidate. Two candidates received the maximum amount possible. The highest amount disbursed to any candidate was \$155,000 and the lowest amount disbursed was \$34,540.

Candidate spending in the election totaled \$2,987,290 and third party spending totaled \$1,507,057. The highest level to which the Ethics Commission raised a candidate's Individual Expenditure Ceiling was \$970,000.

In spring 2012, the Board of Supervisors approved changes to the public financing program in response to the decision in *Arizona Free Enterprise Club's Freedom Club PAC, et al. v. Bennett*. The changes also involved raising the qualification threshold for Supervisorial candidates from \$5,000 to \$10,000 in contributions and raising the individual expenditure ceiling for qualified Supervisorial candidates from \$143,000 to \$250,000.

The Commission conducted several trainings and provided other outreach on the supervisorial program.

#### Audit Program

The Commission serves as the filing officer of campaign statements that are filed by San Francisco candidates and other committees that support or oppose local ballot measures or candidates. The Commission conducts audits of committees that are selected under a random selection process and mandatory audits of publicly funded candidates.

#### Statement of Economic Interests (SEI), Sunshine Ordinance Declaration, and Certificate of Ethics Training

Staff continues to process manually the Statements of Economic Interests (SEIs), Sunshine Ordinance Declarations, and Certificates of Ethics Training that are filed at the Commission. The 575 Statements of Economic Interests, 535 Sunshine Ordinance Declarations, and 416 Certificates of Ethics Training filed with the Commission this year are available on the Commission's website.

Staff experienced increased success this year in reducing the number of non-filers. Due to the large number of filers who filed late in the past, then requested late fee waivers based on non-medical related reasons, staff issued a warning in this year's SEI Filing Officer Memo that the Commission would not consider late fee waivers for filers whose commission or board secretaries did not attend the Commission's filing officer trainings. Last year, a total of 150 SEI filers were deemed to have filed late; this year, the total was reduced to 48 late filers. In addition, staff notified 82 filers who filed their SEIs but failed to file their respective Certificate of Ethics Training or Sunshine Ordinance Declaration Forms. Thus far, the Commission has

received 24 out of 31 delinquent Certificate of Ethics Training Forms, and 15 out of 25 delinquent Sunshine Ordinance Declaration Forms. In past years, these statements would not have been filed.

On September 24, 2012 Assembly Bill No. 2062 was approved by the Governor, permitting local agencies to develop and implement a system for the electronic filing of SEIs, in accordance with regulations adopted by the Fair Political Practices Commission (FPPC). As prescribed under the law, the Commission worked with Netfile, one of two systems already certified by the FPPC for use in other jurisdictions, and submitted a proposal describing an e-filing system for SEIs filed with the Commission to the FPPC for certification. The Commission's e-filing system has been certified. Thus, beginning on January 1, 2014, all department heads, elected officials and appointed members of decision-making boards and commissions will be required to file their annual, assuming office and leaving office SEIs electronically with the Commission.

On the heels of the previous work done to insure a smooth transition into e-filing, staff has been updating information within the Commission's electronic filing system to insure that all SEI filers will have the ability to file their statements electronically. This work includes updating filers' email addresses in the system. Each filer will be required to have an email address on file with the Commission before he or she can file; staff is now contacting filers to inform them of the new requirement.

When e-filing becomes a reality, staff will no longer have to spend months to scan and upload manually to our website the SEIs. In the past, due to staffing constraints, staff was limited in its ability to track and notify filers. Staff will continue to refine the way it administers the program, to insure that filers are held to the standards set forth in the law.

#### Lobbyist Registration and Reporting

Lobbyists are required by ordinance to register with the City and file monthly reports about any activity intended to influence local legislative or administrative action. The Commission reviews lobbyist statements to ensure that they are accurate and complete.

The electronic filing process has enabled more timely filings and greater public access to individual lobbyist disclosure statements. The electronic database enables the public to conduct customized searches rather than tedious manual paper searches. The electronic database has reduced the number of public records requests regarding lobbyist records as all records and lobbyist information are readily available through the online system and searchable. Staff has worked with the filing system provider to streamline the system and continues to listen to feedback from the public and registered lobbyists to ensure that they are able to access the system with greater ease.

At the end of the fiscal year, 86 individual lobbyists were registered with the Commission, reporting \$6,223,644 in promised payments. Total revenues collected by the Commission amounted to \$49,175, including \$48,575 in lobbyist registration fees and \$600 in late fines.

## Campaign Consultant Registration and Reporting

The Campaign Consultant Ordinance, passed in 1997, requires any individual or entity that earns \$1,000 or more in a calendar year in exchange for providing campaign consultant services to register with the Ethics Commission and file quarterly disclosure statements. The Campaign Consultant Ordinance is the result of a voter referendum and therefore is not subject to changes without additional voter approval.

Campaign consultants are required to report names of clients, services provided for those clients, payments promised or received, political contributions, gifts made to local officials, and other information. Beginning with the first quarter of 2013, the Commission no longer issues quarterly report summaries of campaign consultant activity. Instead, information regarding all activity has been and will continue to be provided via the Campaign Consultant Activity Dashboard on the Commission's website and made available for download through the City's [data.sfgov.org](http://data.sfgov.org) open data system. Staff continues to ensure that all consultants who are required to be registered with the Commission file their registration forms and pay their registration fees.

During the 2012-2013 fiscal year, 43 filers registered as consultants with the Commission. As of June 30, 2013, 21 remain active. Consultants reported receiving approximately \$2.5 million in payments from relevant clients. Of the 21 currently active registered filers, 13 have active clients. So far, only five clients are campaigning for candidates or measures on the ballot for the November 2013 election.

## Investigations and Enforcement

The Ethics Commission has the authority to investigate complaints that allege violations of certain state and local laws that relate to campaign finance, conflicts of interest, lobbying, campaign consultants, and governmental ethics. During the 2012-2013 fiscal year, 146 pending and/or new complaints were under review by Ethics Commission Enforcement staff. 115 complaints were resolved during the fiscal year; 87 of these complaints were determined not to be within the jurisdiction of the Commission and/or not to warrant further action. Throughout the year, the Executive Director's Reports submitted to the Commission at each of its regular meetings show the number of complaints that have warranted further action.

Chapter IV of the San Francisco Campaign & Governmental Conduct Code requires the Commission to investigate complaints filed with the Commission under section 4.105(b) alleging improper government activity, and complaints filed by City officers or employees or former City officers or employees alleging retaliation as defined in section 4.115(a).

*"Improper government activity"* by a City officer or employee includes the following:

- Violating local campaign finance, lobbying, conflicts of interests or governmental ethics laws, regulations or rules;
- Violating the California Penal Code by misusing City resources;
- Creating a specified and substantial danger to public health or safety by failing to perform duties required by the officer or employee's City position; or

- Abusing his or her City position to advance a private interest.

Section 4.115(a) defines “retaliation” as the “termination, demotion, suspension, or other similar adverse employment action” taken against any City officer or employee for having in good faith participated in any of the following protected activities:

- Filing a complaint with the Ethics Commission, Controller, District Attorney or City Attorney, or a written complaint with the Complainant's department, alleging that a City officer or employee engaged in *improper governmental activity*;
- Filing a complaint with the Controller's Whistleblower Program; or
- Cooperating with an investigation of a complaint conducted under the Ordinance.

Section 4.130 requires the Commission to provide an annual report to the Board of Supervisors, reporting the following information: (1) number of complaints received; (2) the type of conduct complained about; (3) the number of referrals to the Civil Service Commission, other City departments, or other government agencies; (4) the number of investigations the Ethics Commission conducted; (5) findings or recommendations on policies or practices resulting from the Ethics Commission's investigations; (6) the number of disciplinary actions taken by the City as a result of complaints made to the Ethics Commission; and (7) the number and amount of administrative penalties imposed by the Ethics Commission as a result of complaints made to the Commission. Pursuant to section 4.130, the Commission reports the following regarding complaints filed under Chapter IV during the 2012-2013 fiscal year: (1) 19 complaints received; (2) ten complaints alleged improper governmental activity; nine complaints alleged retaliation; (3) six complaints were referred to the Civil Service Commission, other City departments, or other government agencies; (4) zero; (5) none; (6) unknown; and (7) zero and \$0.

#### Enforcement Regulations

During the year, staff proposed separate enforcement regulations for handling violations of the Sunshine Ordinance. After discussion during various meetings, the Commission approved new enforcement regulations during its regular meeting on November 26, 2012. These regulations went into effect on January 25, 2013. Thus far, the Commission has held seven hearings using these new regulations.

#### Education and Outreach

During the year, staff provided or participated in 27 trainings or meetings related to matters within the jurisdiction of the Ethics Commission.

Presently, the Commission is without an educator/outreach coordinator. When the Commission is able to fill the position, staff anticipates that there will be a focus on training City officers and employees on the City's conflict of interest rules, in addition to training related to the electronic filing of SEIs.

## Advice and Opinions

The Commission is charged with interpreting and applying the conflict laws under its jurisdiction, requiring that it consider requests for waivers, which it routinely does, and that it issue formal and informal written advice on matters requiring interpretation.

Commission staff is available each workday to answer public inquiries about San Francisco ethics laws. During the course of the year, the number of inquiries runs into the hundreds.

## Electronic Advances

During FY 12-13 the Commission significantly improved electronic data access and migrated additional paper forms to electronic format. In July, the Commission approved amendments to Section 1.112 of the Campaign and Governmental Conduct Code requiring all campaign committees to file electronic statements and to eliminate the paper filing requirement. The amendments were made possible because of the Commission's work on Assembly Bill 2452 during FY 11-12. In August 2012, the Commission released a new campaign finance dashboard web site for the November 6, 2012 election. The dashboard summarized campaign finance activity using easy-to-read charts, maps, and graphs including candidate and ballot measure committee activity, public financing, and third-party spending. The data updated daily with the latest information from both the Commission's electronic filing system and Commission staff's data analysis. In addition, users of the dashboard could download all of the original data used to build each chart, map or graph. The dashboard quickly became one of the most accessed parts of the Commission's web site. The dashboard was featured in a case study called "Set it and Forget it" Saves San Francisco Time, written by Socrata, the company that built some of the technology used by Commission staff to create the dashboards.

- In December, the Commission released a new version of its campaign finance electronic filing application through its contract with Netfile. The new version added many frequently requested features including single sign-on for treasurers with multiple committees, revisions to data entry for Form 460 schedules D and G, and an easier process for filing amendments.
- Staff worked with other cities and Netfile to develop a method for committee officers to sign electronic statements. In May, the Commission passed new regulations requiring committee officers that file electronic statements to complete Signature Verification Cards to authenticate their electronic signature on campaign finance statements. The new regulations and signature verification process went into effect in June.
- In May, the Commission also passed regulations requiring elected officials, department heads, and members of decision-making boards and commission to file the Statement of Economic Interests (Form 700) with the Ethics Commission in electronic format. Commission staff expects to complete the transition to electronic filing by January 1, 2014.
- The Commission's web site remained a popular resource with significant traffic during the first half of the fiscal year. Traffic considerably decreased after the Commission's official misconduct hearings and November 6, 2012 election concluded.
- Users visited the web site 53,617 times during the year, a 15 percent decrease over FY 11-12; and
- There were 169,406 "pageviews" of the web site, an 11 percent decrease over FY 11-12.

## AFFILIATIONS

The Commission is a member of the Council on Governmental Ethics Laws (COGEL) but due to budget limitations no longer attends the annual convention.

## BUDGET

The Commission's annual approved budget totals are below. Please note that recent years indicate "non-grant funding." Non-grant funding is the actual operating budget of the Commission. The remaining funding for each of those years are deposits into the Election Campaign Fund and are used exclusively for payments to publicly-financed candidates for Board of Supervisors and for Mayor.

FY 94 - 95	157,000
FY 95 - 96	261,000
FY 96 - 97	313,274
FY 97 - 98	394,184
FY 98 - 99	475,646
FY 99 - 00	610,931
FY 00 - 01	727,787
FY 01 - 02	877,740
FY 02 - 03	1,156,295
FY 03 - 04	909,518
FY 04 - 05	1,052,389
FY 05 - 06	1,382,441
FY 06 - 07	8,416,109* (1,711,835 non-grant funding)
FY 07 - 08	3,592,078 (2,261,877 non-grant funding)
FY 08 - 09	5,453,874 (2,241,818 non-grant funding)
FY 09 - 10	6,011,566 (2,283,368 non-grant funding)
FY 10 - 11	4,177,819 (2,201,325 non-grant funding)**
FY 11 - 12	8,348,537 (2,259,979 non-grant funding)***
FY 12 - 13	4,155,547 (2,256,239 non-grant funding)

\*Includes 6,704,274 front-loaded funding for Mayoral Election Campaign Fund

\*\*Agencies Citywide absorbed across-the-board budget cuts.

\*\*\*Includes annual deposit of \$2,009,451 for the Election Campaign Fund (ECF) plus a repayment of \$4,079,107 borrowed in previous years



## MEMBERSHIP AND ADMINISTRATION

Commission membership was as follows:

<u>Commissioner</u>	<u>Appointed By</u>	<u>Dates of Service</u>
Jamienne S. Studley	City Attorney	1-2007 to 2-2008 2-2008 to 2-2014
Dorothy S. Liu Brett Andrews	Board of Supervisors	4-2011 to 4-2013 6-2013 to 2-2017
Beverly Hayon	Mayor	1-2011 to 2-2012 2-2012 to 2-2018
Paul Renne	District Attorney	2-2012 to 2-2013 2-2013 to 2-2019
Benedict Y. Hur	Assessor-Recorder	3-2010 to 2-2016

Commissioner Beverly Hayon was elected to serve as Chair at the April 1, 2013 meeting and Commissioner Paul Renne was elected to serve as Vice-Chair.

The Ethics Commission had a staff of 17, supported by interns throughout the year. Staff included Executive Director John St. Croix; Deputy Executive Director Mabel Ng; Assistant Deputy Director Shaista Shaikh; Auditors Angeles Huang, Amy Li, Alex Lewis-Koskinen and Cathy Davey; Office Manager Jen Taloa; Campaign Finance Officer Jarrod Flores; Fines Collection Officer Ernestine Braxton; Campaign Finance Assistants Teresa Shew and Lawrence Shum; Assistant Investigators Garrett Chatfield and Catherine Argumedo; IT Officer Steven Massey; Education and Outreach Coordinator Judy Chang (resigned in November 2012) and Special Projects Assistant Johnny Hosey. During the fiscal year, the Commission was fortunate to have had the services of several interns: Robert Lopez, a student at USF; Alana Taloa, a student at Kimball High School; Athalie Tom, a student at SFSU; Danielle Sarayan, a student at USF; Amanda Tan, a student at UC Berkeley; Randy Russell, a student at SFSU; and Nan Li, a student at Palo Alto High School.

## FUTURE INITIATIVES

The Commission will continue to fulfill its mandated duties in the forthcoming years, with a particular focus on achieving the following priority objectives:

- The Commission will work with filers to implement the electronic filing of the Form 700 Statement of Economic Interests (SEI).
- The Commission will provide expanded training on local and state ethics rules that govern City officers and employees.

- The Commission may propose regulations or amendments to the Campaign Consultant Ordinance to require that filings be submitted electronically by campaign consultants.
- The Commission will continue its efforts to implement electronic filing only for all disclosure forms and declarations submitted to the Commission.

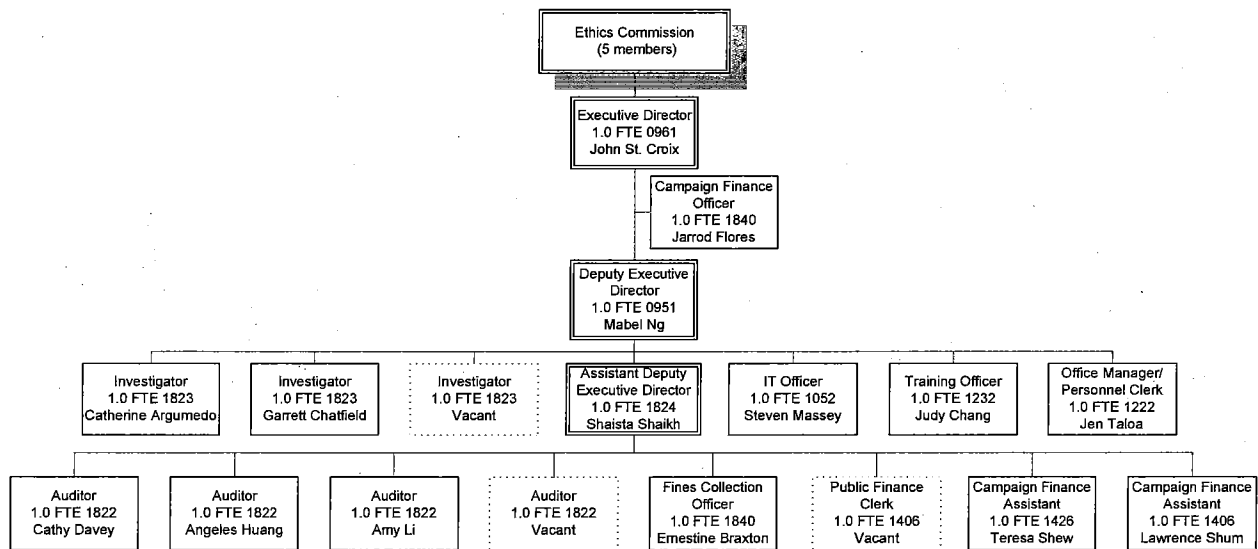
Respectfully Submitted,

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John St. Croix, Executive Director

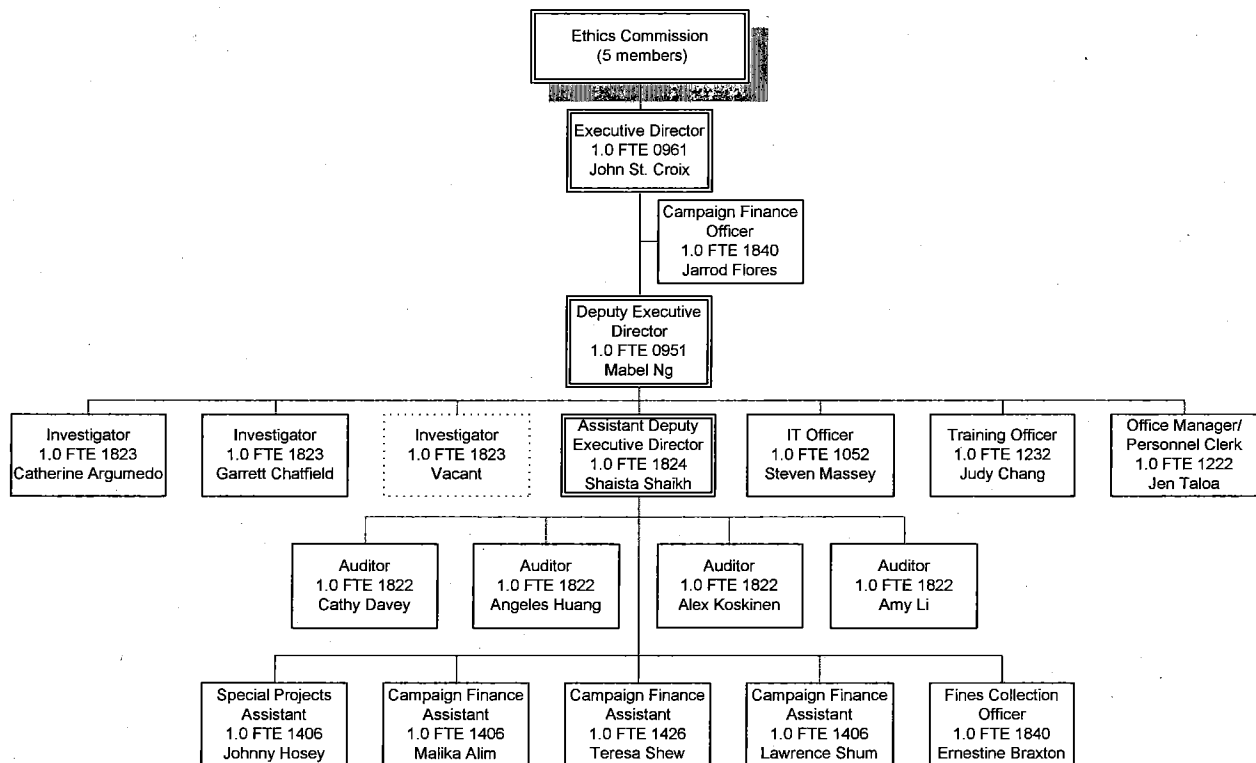
# San Francisco Ethics Commission

FY 11-12  
(18 Positions)



# San Francisco Ethics Commission

FY 12-13  
(19 Positions)



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**Subject:** REVISED Hearing Date - Renewal of Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed  
**Attachments:** TB\_Revised\_notice\_final\_jdp.pdf

**From:** lyris@swrcb18.waterboards.ca.gov [mailto:lyris@swrcb18.waterboards.ca.gov]

**Sent:** Monday, November 04, 2013 09:13

**To:** Calvillo, Angela

**Subject:** REVISED Hearing Date - Renewal of Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed

**This is a message from the San Francisco Bay Regional Water Quality Control Board**

Notice is hereby given, (see attached), that the San Francisco Bay Regional Water Quality Control Board (Board) will consider adoption of the Renewal of Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed (Conditional Waiver) on **December 11, 2013**.

Scheduling constraints require us to postpone Board consideration of adoption of the Conditional Waiver from the November to December Board hearing calendar.

The proposed Conditional Waiver, its attachments, and any additional information and developments on this matter are available at:

[http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/TMDLs/tomalesbaypathogenstmdl.shtml](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/tomalesbaypathogenstmdl.shtml).

Please direct questions about this notice to Laurent Meillier, at (510) 622-3277 ([LMeillier@waterboards.ca.gov](mailto:LMeillier@waterboards.ca.gov)).

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You are currently subscribed to reg2\_tmdl\_basinplanning as: [angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org).

To unsubscribe click here: [leave-529461-248079.8183712791a0c9284ba3a3bfeb729995@swrcb18.waterboards.ca.gov](mailto:leave-529461-248079.8183712791a0c9284ba3a3bfeb729995@swrcb18.waterboards.ca.gov)

San Francisco Bay Regional Water Quality Control Board

REVISED  
NOTICE OF PUBLIC HEARING

RENEWAL OF CONDITIONAL WAIVER OF WASTE DISCHARGE  
REQUIREMENTS FOR GRAZING OPERATIONS  
IN THE TOMALES BAY WATERSHED

**NOTICE IS HEREBY GIVEN THAT** the San Francisco Bay Regional Water Quality Control Board will hold a public meeting on **December 11, 2013** to consider renewing the Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the Tomales Bay Watershed (Conditional Waiver).

The Conditional Waiver applies to existing and potential future grazing operations in the Tomales Bay Watershed.

The Conditional Waiver is consistent with the State Water Resources Control Board's 2004 *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program*. The 2004 Policy requires all sources of nonpoint source pollution be regulated through waste discharge requirements (WDRs), through waivers of WDRs, or through prohibitions.

Details on the public meeting are as follows:

**Date:** December 11, 2013  
**Time:** 9:00 A.M.  
**Location:** Auditorium, Elihu Harris State Building  
1515 Clay Street  
Oakland, California 94612

Please direct questions about this notice to Laurent Meillier, Engineering Geologist, at (510) 622-3277 ([LMeillier@waterboards.ca.gov](mailto:LMeillier@waterboards.ca.gov)). Please check our website at <http://www.waterboards.ca.gov/sanfranciscobay/> for updates and Board hearing agendas.

All documents related to the proposed Conditional Waiver may be inspected and copied at the Water Board office. The proposed Conditional Waiver, its attachments, and any additional information and developments on this matter are available at:  
[http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/TMDLs/tomalesbaypathogenstmdl.shtml](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/tomalesbaypathogenstmdl.shtml).

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**From:** Howard Chabner [hlchabner@jps.net]  
**Sent:** Thursday, October 31, 2013 7:51 PM  
**To:** Farrell, Mark; Breed, London; Mar, Eric (BOS); maria.lombardo@sfcta.org; tilly.chang@sfcta.org; Board of Supervisors; Avalos, John; Cohen, Malia; Chiu, David; Tang, Katy; Kim, Jane; Yee, Norman (BOS); Campos, David; scott.weiner@sfgov.org; Lee, Mayor; Johnston, Conor; Stefani, Catherine; Lauterborn, Peter; Lee, Edwin (Mayor); Summers, Ashley; True, Judson; Bruss, Andrea; Ronen, Hillary  
**Cc:** hlchabner@jps.net  
**Subject:** PEOPLE WITH MAJOR MOBILITY DISABILITIES RELY HEAVILY ON AUTOMOBILES AND PARATRANSIT

Dear Mayor Lee, President Chiu, Supervisors and staff members:

Please consider the following when you are considering any legislation or policies that impact the availability, cost, location or configuration of parking.

Sincerely

Howard Chabner

.....

Transportation is essential to living a full, independent life - attending school, working, spending time with family, socializing, volunteering, participating in civic life, attending cultural, entertainment and sports events, shopping, maintaining a home, going on vacation. Broadly speaking, the goal of the disability rights laws is to ensure that disabled people have an equal opportunity in all areas of life. Accessible transportation, and an equal opportunity to choose among modes of transportation, are essential disability rights.

Civil rights laws prohibit discrimination on the basis of disability in programs of local government, use of streets and sidewalks, and transportation. California Civil Code Section 54(a) provides that "Individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways... public facilities, and other public places." Title II of the Americans with Disabilities Act requires local governments to provide people with disabilities an equal opportunity to benefit from all of their programs, services and activities. Sidewalks, streets and parking are programs provided by ADA Title II entities, and therefore are subject to ADA requirements.

Most people with major mobility disabilities are unable to bike, ride a motorcycle, or use a skateboard, razor style scooters, rollerblades or roller skates. Most slow walkers (people who walk slowly and with difficulty, and who may or may not use devices such as canes, crutches or a walker) and many manual wheelchair users can go only a limited distance. Although many pedestrians who use electric wheelchairs and scooters are able to go far, some of them, too, can go only a limited distance. Many people with major mobility disabilities are unable to hold an umbrella, especially while in their wheelchair or when using a cane, crutches or walker, so rainy weather is especially challenging. Many also have difficulty in hot weather (e.g. those with spinal cord injuries) or cold weather (e.g. those with neuromuscular diseases). Carrying packages can also be difficult or impossible for many.

Finding a taxi that can accommodate an electric wheelchair, non-folding manual wheelchair or scooter is problematic. For many years it's been extremely difficult to find an accessible taxi in San Francisco except to/from the airport, and recently it's even become difficult to find one to/from the airport.

Ride sharing companies such as Lyft and Uber don't offer accessible transportation.

Public transportation systems have major access limitations, flaws and gaps. In San Francisco, for example, many of the light rail stops are still not accessible. In some places the accessible rail boarding platform is after the regular (inaccessible) stop, and at rush hour the first car (the only car that wheelchair passengers can board) is full by the time it reaches the accessible platform, so passengers in wheelchairs are passed up even though there may be space in the second car and often despite being at the accessible platform before other passengers are at the regular stop. Unlike regular stops, the accessible boarding platforms are not sheltered from the elements (except for the stops along the Embarcadero, where the regular platform is accessible). Elevators break. Elevators often smell of urine. Instead of leading directly to the boarding platform, the elevators in some underground Muni stations lead to a potentially dangerous alley beyond the platform, and passengers in the alley are not visible to those at the boarding platform.

In San Francisco during rush hour, the buses are often so crowded that there isn't space for any passengers in wheelchairs. For years now, I've essentially given up trying to take the bus during rush hour in the crowded direction. Some bus stops are flag stops, which can be difficult for people with mobility disabilities to access. Not all bus stops have shelters. Most buses are still of the high floor design and have cumbersome, unpleasant wheelchair lifts that can be problematic. Bus lifts break. Some bus boarding platforms, especially on Market Street, are too narrow for a wheelchair, so passengers in wheelchairs must board and exit in the street. Sometimes both wheelchair spaces on a bus are already occupied.

Individual circumstances also limit many disabled people's ability to use public transportation. Some bus routes are too steep for some people with mobility disabilities. As described above, it is especially difficult, or impossible, for some of us with major mobility disabilities to use public transportation in the rain or cold weather. Fatigue is a factor for many people with mobility disabilities, and using public transportation is more tiring than driving or riding in a car.

Many people, including disabled people, are uncomfortable using public transportation at night or in certain neighborhoods. Also, if they have a choice, it is prudent for everyone, disabled and able-bodied alike, to avoid public transportation when they have a contagious illness or feel they are becoming sick.

Many people with major mobility disabilities rely on paratransit. But in order to be eligible for paratransit service, one has to be unable to use regular public transportation, so not everyone with a mobility disability qualifies. Moreover, paratransit has limited availability, must be scheduled in advance, requires a wide time window and allows no spontaneity. In some places, paratransit does not provide intercounty or intercity service, making it difficult or impossible to use for certain destinations and precluding commuting to work in a different city or county from where one lives.

Many people with mobility disabilities rely heavily on automobiles not only because of the limitations, disadvantages and, in some cases, complete unavailability of some of the other forms of transportation, but also because of the great advantages autos afford. Like everyone else, we appreciate the privacy of an automobile, especially on a date or special occasion, with friends, family and colleagues, and when dressed up. An auto is often the fastest transportation mode, especially when one is making several stops far from each other and time is important. It is also the most convenient mode when carrying perishables, valuables or packages. Autos also have major advantages for parents, especially parents of small children. And autos are the only practical way to get to many places outside the city, whether for a drive in the country or dinner at friends.

Whether they drive or are always a passenger, many slow walkers and manual wheelchair users own or rent regular automobiles.

If he or she owns a vehicle, almost everyone who uses an electric wheelchair, and many who use scooters and manual wheelchairs, have either a lowered floor minivan with a passenger-side ramp or a full-size

van. (Lowered floor minivans are also available with the ramp in the rear, but this configuration is rare except in taxis.) The largest manufacturers of these minivans are BraunAbility [www.braunability.com](http://www.braunability.com) and VMI [www.vantagemobility.com](http://www.vantagemobility.com). Full-size vans have lifts on the side or the rear; the side configuration is more common. Many wheelchair users own these vehicles even if they don't drive and are always passengers.

Regular car rental companies such as Hertz or Avis don't offer accessible vehicles (although some offer standard vehicles with manual hand controls, enabling some drivers who use manual wheelchairs to rent from them). The short-term, urban companies such as Zipcar or City Car Share typically don't offer accessible vehicles or, at best, have extremely limited availability. There are specialized companies that rent accessible minivans, typically with side ramps. Prices are much more expensive than renting an ordinary vehicle, and these companies don't have physical locations or parking lots, so one must arrange for delivery and drop-off, usually for a costly fee. The fleets are small, availability is limited, and reservations typically must be made far in advance.

For those with accessible minivans and vans with ramps or lifts on the side, all street parking spaces (except perpendicular and angled spaces, those on the driver's side of a one-way street, and those on a steep hill) are, in effect, accessible spaces even though they are not designated accessible spaces (in California, blue zones). In fact, disabled people park in regular street parking spaces far more often than in blue zones because: (a) the number of blue zones is limited and they are often occupied; and (b) quite often a regular space is available closer to the destination than a blue zone.

Therefore, removing street parking spaces, replacing parallel spaces with perpendicular or angled ones, and moving the parking lane away from the curb all disproportionately impact people with major mobility disabilities.

There is another way in which those with mobility disabilities rely heavily on automobiles. Many rely on service providers coming to their homes, and, therefore, are especially affected by parking scarcity, the high cost of parking, and traffic congestion. We have caregivers who come to our homes to help us with activities of daily living. We get food from Meals on Wheels; home visits from physical, respiratory, occupational and other therapists; and sales visits and repair service from wheelchair dealers. These providers typically use cars, vans and trucks, so as parking and traffic lanes are removed, as free parking is replaced with meters, and as metered parking becomes more expensive, it will become more time-consuming and costly to provide these services, and people with mobility disabilities will be increasingly impacted.



**Commissioners**  
**Michael Sutton**, President  
Monterey  
**Richard Rogers**, Vice President  
Santa Barbara  
**Jim Kellogg**, Member  
Discovery Bay  
**Jack Baylis**, Member  
Los Angeles  
**Jacque Hostler-Carmesin**, Member  
McKinleyville

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

## Fish and Game Commission



*Electronically BOS-11, cpages*

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

October 25, 2013

### TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 601 and subsection 702(a)(1), Title 14, California Code of Regulations, relating to Enhancement on Private Lands Management, which will be published in the California Regulatory Notice Register on October 25, 2013.

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

**Victoria Barr**, Department of Fish and Wildlife, phone (916) 445-5034, has been designated to respond to questions you may have on the substance of the proposed regulations.

Sincerely,

Jon D. Snellstrom  
Associate Government Program Analyst

Attachment

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## **TITLE 14. Fish and Game Commission**

### **Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 713, 3402, 3404, and 3406 of the Fish and Game Code and to implement, interpret or make specific sections 3400, 3401, 3402, 3403, 3404, 3406, 3407, 3408, 3409, 4331, 4332 and 4341 of said Code, proposes to amend Section 601 and subsection 702(a)(1), Title 14, California Code of Regulations, relating to Enhancement on Private Lands Management.

#### **Informative Digest/Policy Statement Overview**

Current regulations in Section 601, Title 14, California Code of Regulations (CCR) describe the procedures required for the operation of the Private Lands Wildlife Habitat Enhancement and Management Area (PLM) Program. Current regulations specify tag reporting and payment requirements, initial year hunting restrictions, due dates, and annual reporting procedures.

Current regulations require licensees to sign an application annually. This is redundant paperwork for the landowner, Department and the Commission. Each Initial/5-Year Application and subsequent approval by the Commission licenses the PLM for 5 years. Modifying the language in subsection 601(b)(6) will reduce the workload on Department and Commission staff by removing the requirement for the annual application. Current regulations in subsection 702(a)(1) specify application forms for PLMs. These forms are consolidated and revised to reflect the proposed amendments to Section 601.

The proposed regulatory changes will establish new tag reporting requirements, due dates, and replace tag applications with PLM vouchers. In addition, the proposed changes would allow elk and antelope hunting during the first year of enrollment in the PLM Program. Modifying tag reporting requirements will allow the PLM tag holder flexibility in validating and reporting the PLM tag. Replacing PLM tag applications with vouchers allows the use of the Automated License Data System (ALDS). Adding language to allow wardens to make unannounced property visits will deter poaching or trespass by unauthorized hunters and ensure compliance with existing laws and regulations. The proposed change to allow elk and antelope hunting the initial year of enrollment is intended to create consistency for all big game hunting.

Editorial changes are also proposed to improve the clarity and consistency of the regulations.

#### **Benefits of the Regulations**

The proposed changes to Section 601 will improve implementation of the PLM Program, increase flexibility for hunters to validate PLM tags and report their harvest, reduce workload for both Department staff and landowners, and improve compatibility with the Department's Automated License Data System. Overall, the PLM Program benefits the environment by providing incentives for landowners to improve wildlife habitat on approximately 1 million acres of private lands.

#### **Non-monetary benefits to the public**

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity or the increase in openness and transparency in business and government.

#### Evaluation of incompatibility with existing regulations

The proposed regulations in this rulemaking action are neither inconsistent nor incompatible with existing State regulations. A key word search in the California Code of Regulations resulted in no other State agency having the authority to promulgate Private Land Management Regulations. There are no comparable federal regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Embassy Suites La Quinta Hotel & Spa, 50-777 Santa Rosa Plaza, La Quinta, California, on Wednesday, November 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Hilton San Diego Mission Valley, 901 Camino del Rio South, San Diego, California, on Wednesday, December 11, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov).

All comments must be received no later than December 11, 2013 at the hearing in San Diego, CA.

If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Victoria Barr, Department of Fish and Wildlife, phone (916) 445-5034, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

## **Impact of Regulatory Action/Results of the Economic Impact Analysis**

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the proposed regulatory change will not apply to businesses directly or indirectly. The amendments are administrative improvements to licensing procedures that will not reduce the number of visits to areas surrounding private lands participating in the PLM program. Licensee and hunter spending on gas, food, sporting equipment and other area businesses are not anticipated to change.

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

Because the proposed regulatory change makes only technical, administrative changes to the current regulations, it is not anticipated to impact visits or spending in the areas surrounding private lands. Since the number of visitors and the volume of spending are not anticipated to change, direct or indirect impacts on job creation or elimination; business creation, elimination or expansion are not expected.

Significant direct benefits to the health and welfare of California residents are not anticipated, although improved wildlife habitat and sustainable wildlife populations contribute to the general health and welfare of the public.

Benefits to worker safety from the proposed regulation are not anticipated because the proposed regulation will not affect worker conditions.

The Private Lands Management Program (PLM) overall provides substantial environmental benefits by creating landowner incentives to improve habitat for wildlife on approximately 1 million acres of private lands in California.

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

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The proposed regulations are expected to improve administrative procedures by eliminating unnecessary annual applications and approvals for PLMs. It is expected that these changes will improve program efficiency and allow existing staff to spend more time reviewing reports and inspecting habitat improvements on existing PLMs. Therefore, no fiscal impact (cost or savings) to State Agencies and Federal Funding to the State.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

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

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.

Effect on Small Business

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

Consideration of Alternatives

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

FISH AND GAME COMMISSION

Dated: October 25, 2013

Sonke Mastrup  
Executive Director



# San Francisco Water Power Sewer

Services of the San Francisco Public Utilities Commission

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525 Golden Gate Avenue, 4th Floor

San Francisco, CA 94102

T 415.551.2973

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TTY 415.554.3488

October 29, 2013

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

Dear Ms. Calvillo,

Please see the attached Certificates in accordance with Proposition E of 2002, as amended by San Francisco Charter Section 8B.124. The certificates complete File Number 120469, Board of Supervisors Ordinance 115-12, which authorizes the funding of Wastewater Enterprise capital projects in an amount up to \$195,029,514, plus associated financing costs, for Fiscal Year 2013-2014.

Sincerely,

Richard Morales  
Debt Manager  
San Francisco Public Utilities Commission

BOS-11  
File 120469  
page

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

**Edwin M. Lee**  
Mayor

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Vice President

**Francesca Vietor**  
Commissioner

**Anson Moran**  
Commissioner

**Art Torres**  
Commissioner

**Harlan L. Kelly, Jr.**  
General Manager

(12)



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**To:** BOS-Supervisors  
**Subject:** Green Building Regulation Transmittal  
**Attachments:** 131028 Regulations SF Env Code Ch7 signed.pdf; Transmittal to Clerk of the Board 102713 Green Building Regulation.pdf

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**From:** Fish, Monica  
**Sent:** Monday, October 28, 2013 5:01 PM  
**Cc:** Palmer, Mark  
**Subject:** Green Building Regulation Transmittal

See attached transmittal letter and Green Building regulation as required by Charter Section 4.104.

Best regards,

**Monica Fish, Commission Secretary**  
San Francisco Department of the Environment  
1455 Market Street, Suite 1200, San Francisco, CA 94103  
[Monica.Fish@sfgov.org](mailto:Monica.Fish@sfgov.org) T: (415) 355-3709



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**SF Environment**

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EDWIN M. LEE  
Mayor

MELANIE NUTTER  
Director

October 27, 2013

**EMAIL TRANSMITTAL**

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

SUBJECT: Charter Section 4.104 Rules and Regulations to be filed with the Clerk of the Board of Supervisors

Pursuant to Charter Section 4.104 requirement that Rules and Regulations are to be filed with the Clerk of the Board of Supervisors, enclosed is the Department of the Environment's Regulation No. SFE-13-03-GB and forms for implementing Green Building Requirements for City Buildings Ordinance (Ordinance No. 204-11, amending San Francisco Environment Code, Chapter 7, Section 700 through 713). If you have any questions, please contact Mark Palmer, LEED Fellow, Senior Green Building Coordinator, telephone (415) 355-3710 or email [Mark.Palmer@sfgov.org](mailto:Mark.Palmer@sfgov.org).

Best Regards,

*Monica Fish*

Monica Fish, Commission Secretary  
Commission on the Environment

Attachments: Regulation No. SFE 13-03-GB

Cc: Mark Palmer, Senior Green Building Coordinator



**San Francisco Department of the Environment Regulation No. SFE13-03-GB**

Regulations Implementing Green Building Requirements for City Buildings Ordinance  
(Ordinance No. 204-11, amending San Francisco Environment Code, Chapter 7, Section 700 through 713)

Effective Date: October 21, 2013

**A. Authorization**

The Ordinance amending the San Francisco Environment Code, Chapter 7, Sections 700 through 713 (Ordinance) was signed by Mayor Lee on 10/10/2011 and became effective on 11/4/2011. The Ordinance creates a program implemented by the Department of the Environment (Department), with oversight by the Municipal Green Building Task Force. Among other provisions, the Ordinance requires LEED Gold Certification for Municipal Construction Projects; provides for Collection, Storage and Loading of Recyclable and Compostable Materials for City departments; provides requirements for diverting debris generated at City construction and/or demolition projects from landfill; and establishes water conservation and energy efficient lighting retrofit and indoor environmental quality requirements.

The Director of the Department (Director) promulgates these regulations pursuant to the Director's authority to develop guidance, forms, performance procedures, rules and regulations Environment Code Section 703(b). Section numbers in these regulations refer to Environment Code Chapter 7, as amended.

**B. Scope**

The purpose of these regulations is to provide the forms, performance procedures, rules and regulations to carry out the provisions of that Chapter. These regulations do not duplicate the Ordinance and must be read together with the Ordinance.

**C. Process**

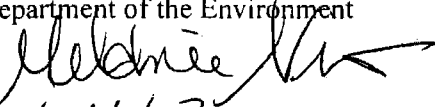
The Department has consulted with the Municipal Green Building Task Force with representation from 12 City Departments in promulgating these regulations. The Task Force unanimously recommended the regulations for approval. The Director held a public meeting to discuss these regulations on October 21, 2013.

**D. Requirements**

See Attached.

The Director of the Department of the Environment hereby adopts these regulations as of the date specified below.

Melanie Nutter  
Director Department of the Environment

Approved: 

Date: 10/24/13

Monday, October 21, 2013

**Regulation No. SFE13-03-GB**  
**Implementing Green Building Requirements for City Buildings Ordinance**  
**(Ordinance No. 204-11, amending San Francisco Environment Code,**  
**Chapter 7, Section 700 through 713**

## **I. Definitions**

The terms used in these Regulations have the same meanings as in the Ordinance. The definitions are in Section 701.

## **II. Forms, Regulations and Guidelines**

As provided by Section 703 (b) the Director may adopt necessary forms, regulations and guidelines to implement this Chapter.

## **III. Regulations**

A. Current applicable versions of LEED—Sec. 705(g): The USGBC updates the LEED rating system on a three-year cycle. The Director shall as necessary adopt by the regulation the current applicable versions of LEED pursuant to Section 703(b).

Regulation:

Wherever specific LEED® prerequisites or credits are cited, such references are to LEED BD&C 2009 or LEED ID&C 2009. More recent LEED versions may be used, provided the credits and points achieved are at least as stringent as LEED BD&C 2009 or LEED ID&C 2009.

B. Construction and Demolition Debris Management—Sec. 708: provides requirements for managing debris generated during each construction and/or demolition project for City-owned Facilities or City leaseholds located within the nine counties surrounding the San Francisco Bay, regardless of size of the project. Requirements include various requests, procedures and forms as follows:

Regulations:

**1. Request to Send Construction & Demolition (C&D) Debris Material Directly to Landfill**

The Ordinance allows for a Contractor to submit a request to the Department to send Construction & Demolition (C&D) debris material directly to landfill; the requirements for this request are set forth in Section 708(a)(3). The form in Attachment A is the Request to Send Construction & Demolition Debris Material Directly to Landfill, and the form is designed for either an original or an amended request. All sections of the form must be completed, including a signed affidavit under penalty of perjury; if any section is omitted, the request will not be considered by the Department.

## **2. Request to Send C&D Debris Material to BioMass Energy Generation Facility**

The Ordinance allows for a Contractor to submit a request to the Department to send C&D debris material to a facility using the material as boiler fuel in BioMass Energy Generation; the requirements for this request are set forth in Section 708(a)(4). The form in Attachment B is the Request to Send Construction & Demolition Debris Material to a BioMass Energy Generation Facility. All sections of the form must be completed, including a signed affidavit under penalty of perjury; if any section is omitted, the request will not be considered by the Department.

## **3. Construction & Demolition Debris Management Plan Requirements**

The Ordinance requires the Contractor to prepare and submit a Construction & Demolition Debris Management Plan (CDDMP) prior to commencement of the demolition or construction project [Section 708(b)]. Pursuant to Section 708(b)(2)(B) the Director shall specify the form to be used by regulation, and Attachment C (Construction & Demolition Debris Recovery Worksheet) is the form for this purpose, and can be designated as such by checking the first box in the center of page 1 of the form.

The contractor must manage all project C&D debris materials to meet a minimum diversion rate of 75%.

For projects located within the legal and geographical boundaries of the City and County of San Francisco, Mixed C&D Debris material must be taken to a Registered Facility by a Registered Transporter, per Environment Code 14. The diversion rate for Mixed C&D Debris taken to one of San Francisco's Registered Facilities is 65%.

For projects outside San Francisco, the diversion rate for Mixed C&D Debris is 65% if taken to one of San Francisco's Registered Facilities; if taken to a non-registered facility the diversion rate approved by the local jurisdiction will be used, and official documentation of the diversion rate approved by the local jurisdiction must be provided by the Contractor. If a facility does not have a locally approved recycling rate, the diversion rate is calculated as zero.

When submitting the CDDMP, the Contractor shall include a brief explanation of how all subcontractors will be informed of the reuse and recycling goals, and how the jobsite will be managed to ensure compliance with all aspects of the plan by all persons working on the project.

The Contractor will obtain tonnage estimates from all subcontractors working on the project and compile data from subcontractors onto one CDDMP to submit to the City Representative stating under penalty of perjury that all materials will be taken to locations indicated on the form and hauled by the named transporters. Contractor is responsible for compliance by all subcontractors. If an unforeseen circumstance requires a change to the facilities or transporters named and approved on the original CDDMP, the Contractor must submit a written request to the City Representative for approval prior to the change being made; a copy should be sent to the Department. The request must provide documentation explaining why the change may be necessary, and must include a signed affidavit under penalty of perjury agreeing to use new facilities or transporters if approved. Attachment D is the Request to Change Facilities or Transporters; all sections of the form must be completed; if any section is omitted, the request will not be considered.

After reviewing and approving the CDDMP pursuant to Section 708(b)(3) the City Representative shall send the approved CDDMP to the Department electronically if possible for optional review and approval if the project involves a Full Demolition Permit from the code official having jurisdiction or if the project cost of the project exceeds \$100,000. The City Representative must secure a Return Receipt for this transmittal, indicating the date the Department receives the plan. The Department shall issue any comments or requests to the City Representative within 10 business days of CDDMP receipt. In the absence of such notification, the City Representative shall authorize work on the project to commence.

Approval of the contractor's CDDMP by the City Representative shall not relieve the contractor of the duty to comply with any other applicable laws regulating control or disposal of solid waste or other pollutants.

#### **4. Summary of Diversion**

The Ordinance requires that the Contractor shall submit a signed Summary of Diversion to the City Representative showing actual C&D debris material diversion coinciding with the time period of the Progress Payment [Section 708(c)]. The contractor shall compile data from all subcontractors into one plan/report, all weights of materials are reported in tons, and documentation supporting the reported weights shall be attached. Documentation shall include weight tags or other similar proof the hauler received from a facility where material was transported; if a facility issues a receipt with cubic yards only, the contractor shall use the Conversion Rates found in Attachment E. The documentation issued by the facility shall include the commodity or material type that was delivered to the facility and shall include evidence that the material was from the contracted job; such evidence may include the project address or project/job number provided by the facility on the weight tags or receipts it creates. Diversion reports prepared by vendors, work orders or invoices for services shall not be acceptable unless accompanied by requirements noted above. Attachment C (Construction & Demolition Debris Recovery Worksheet) is the form for this purpose, and can be designated as such by checking the second box in the center of page 1 of the form. The Contractor shall sign the Summary under penalty of perjury.

Failure to submit the Summary of Diversion and supporting documents shall render the application for progress payment incomplete and delay progress payment.

After review and approval the City Representative shall send the Department a copy of the Summary Diversion Report and supporting documentation for any project involving a full demolition or exceeding a cost of \$100,000.

#### **5. Final Diversion Report**

The Ordinance requires that the Contractor shall submit a signed Final Diversion Report showing weight of C&D debris material diverted for the entire project and the overall diversion rate achieved [Section 708(d)]. Attachment C (Construction & Demolition Debris Recovery Worksheet) is the form for this purpose, and can be designated as such by checking the third box in the center of page 1 of the form. The Final Diversion Report shall be prepared into one plan/report by the Contractor with data from all subcontractors, shall be signed under penalty of perjury and submitted to the City Representative for approval prior to final payment; the City Representative shall send a copy to the Department.

#### **6. Retention of Records**

Pursuant to Section 708(e) of the Ordinance the Department has determined that the City Representative for a project shall retain all C&D Debris Management Plans, Summaries of Diversion, Final Diversion Reports and all supporting documentation after completion of the project for three (3) years. These retained items are available to the Department upon request.

C. Indoor Environmental Quality—Sec. 711: Additional IEQ construction specifications and facility maintenance protocols for City-owned Facilities and City Leaseholds may be adopted by regulation pursuant to Section 703(b).

Regulations:

1. **Eliminate materials with lead**

For new construction and major alterations, eliminate building materials manufactured with lead, specifically for surfaces that can be touched or that can weather onto areas accessible to children and the public, such as exterior lead-coated copper sheets and gutters. This includes solder, roofing (specifically terne, copper roofing, and roof flashing), finishes with lead-coated copper, and leaded wiring. For renovation projects, ensure the removal and appropriate disposal of disconnected wires with lead stabilizers.

2. **Precautionary Purchasing**

Commodities and cleaning products purchased for use in City-Owned Facilities and Leaseholds shall be selected from the SF Approved list. The SF Approved List includes vendors, costs, and criteria for over 1,000 safer, more environmentally friendly products to help City Departments be in compliance with the SF Environment Code Chapter 2: Precautionary Purchasing Ordinance. <http://www.sfapproved.org/>

D. Procedures to Request a Waiver—Sec. 713: Waivers.

Regulations:

1. **Emergency Waiver:** A City Department may grant itself a waiver for emergency purposes by submitting a completed Emergency Waiver Notification (Attachment F) to the Municipal Green Building Coordinator for recordkeeping purposes.

2. **Cost Prohibitive or Other Specific Circumstances:** A City Department seeking a waiver shall submit the Municipal Green Building Waiver Request (Attachment G) to the Municipal Green Building Coordinator on behalf of the Municipal Green Building Task Force. The Task Force shall make a recommendation to the Director of the Department of the Environment who shall grant or deny waiver requests, for specific portions of the ordinance and for specific time frames. The Director's decision to grant or deny a waiver shall be in writing and shall be final. The Director may not grant a waiver of the requirements of Sections 706(a)(1), 707 and 708 based on a claim that compliance would be Cost Prohibitive or for Other Specific Circumstances.

E. Forms

**Attachment A**—Request to Send Construction & Demolition (C&D) Debris Material Directly to Landfill

**Attachment B**—Request to Send Construction & Demolition Debris Material to BioMass Energy Generation Facility

**Attachment C**—Construction & Demolition Debris Recovery Worksheet. Attachment C is the form to be used for (a) Construction & Demolition Debris Management Plan; (b) Summary of Diversion; and (c) Final Diversion Report, and checking a box in the center of page will designate the purpose of the worksheet.

**Attachment D**—Request to Change Facilities or Transporters.

**Attachment E**—C&D Debris Material Conversion Rates

**Attachment F**—Emergency Waiver Notification

**Attachment G**—Cost Prohibitive or Other Specific Circumstances Waiver Request



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## REQUEST TO SEND CONSTRUCTION & DEMOLITION DEBRIS MATERIAL DIRECTLY TO LANDFILL

City and County of San Francisco

Environment Code 7; Ordinance No. **204-11**; SFE Regulations **SFE13-03-GB**

Environment Code Chapter 7 Section 708(a)(3) states that a contractor is prohibited from sending any Construction & Demolition (C&D) debris material directly to a landfill without submitting a request to and receiving approval from the Department of the Environment. This request form must demonstrate that all reuse and recycling options for the material have been evaluated and determined to be not possible.

<b><u>Section 1: Project Information</u></b>		City Department:	
1. Project Name:		2. Project/Job Number:	3. Reporting Period:
4. Project Street Address:		5. City & County (if not in SF):	
6. Contractor's Company Name:			
7. Contractor's Address:		8. City, State, Zip Code:	
9. Contractor's Contact:		10. Contact's Title:	
11. Office Phone:	12. Cell Phone:	13. e-mail:	

<b><u>Section 2: Request Information</u></b>
15. <u>Type of Request</u> (please check):  _____ Initial Request. Submit to the City Representative with the Construction & Demolition Debris Management Plan (CCDMP), and send a copy to the Department of Environment for review and possible approval.  _____ Request due to unforeseen circumstances occurring during the project affecting disposition of the material. Send to City Representative and to the Department of Environment for review and possible approval.
16. <u>Material Description</u> :  Type of Material:  Approximate Tons:  Why can't this material be reused or recycled?  What landfill do you intend to use (Name & Location)
17. Provide a comprehensive & detailed description of all efforts you (and/or your subcontractors) have made to find a location to take this material for reuse or recycling. List must include names and locations of all facilities contacted to take the material, name of person(s) you spoke with, date of conversation, and why the material was refused. <b><u>If the material was deemed hazardous after the project commenced</u></b> , please provide official documentation from an independent professional (See Env Code Chapt 7, Sec 708(a)(6) for complete requirements). Attach an additional sheet if necessary.

18. Provide information and attach documentation on how this material will be used at the landfill. Your request must demonstrate that the material will be used for beneficial reuse, if possible, before any material is used as alternative daily cover (ADC), and that material is used as landfill disposal only as a last resort if necessary. Please include documentation such as a written statement by the landfill operator that the material will be used as designated.

19. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING AND INFORMATION IN ALL ATTACHMENTS ARE TRUE AND CORRECT AND THE MATERIAL DESCRIBED WILL BE HANDLED AS NOTED IF THIS REQUEST IS APPROVED.

Submitted by: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Submittal Instructions:**

**Initial Request:** Submit completed and signed form to the City Representative with the Construction & Demolition Debris Management Plan (CCDMP) and send a copy to the Department of Environment for review and possible approval.

**Request due to unforeseen circumstances occurring during the project affecting disposition of the material:** Send completed and signed form to City Representative and to the Department of Environment for review and possible approval.

Submit completed and signed form to: Department of the Environment, 1455 Market St, Suite 1200, San Francisco, CA 94103. Attention: C&D Landfill Request. Or email: [mary.williams@sfgov.org](mailto:mary.williams@sfgov.org)

For questions regarding completion of this request, please call the Department of the Environment at (415) 355-3700.

**FOR OFFICIAL CITY USE ONLY**

DATE REQUEST RECEIVED \_\_\_\_\_

APPROVED \_\_\_\_\_ NOT APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

COMMENTS \_\_\_\_\_

NAME \_\_\_\_\_ SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_



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## REQUEST TO SEND CONSTRUCTION & DEMOLITION DEBRIS MATERIAL TO BIOMASS ENERGY GENERATION FACILITY

City and County of San Francisco

Environment Code 7; Ordinance No. **204-11**; SFE Regulations **SFE13-03-GB**

Environment Code Chapter 7 Section 708(a)(4) states that a contractor is prohibited from sending any Construction & Demolition (C&D) debris material directly to any facility that would incinerate such debris or otherwise process such debris using high temperature technology, unless the debris is used as boiler fuel in BioMass Energy Generation, which will only be allowed after the contractor has submitted a request to and received approval from the Department of the Environment. Types of material acceptable for BioMass Energy Generation are wood, wood chips, wood waste and tree and brush prunings. This request must demonstrate that all reuse and recycling options for the material have been evaluated and determined to be not possible.

<b><u>Section 1: Project Information</u></b>		City Department:	
1. Project Name:		2. Project/Job Number:	3. Reporting Period:
4. Project Street Address:		5. City & County (if not in SF):	
6. Contractor's Company Name:			
7. Contractor's Address:		8. City, State, Zip Code:	
9. Contractor's Contact:		10. Contact's Title:	
11. Office Phone:	12. Cell Phone:	13. e-mail:	

### **Section 2: Request Information**

#### 14. Material Description:

Type of Material (wood, wood chips, wood waste, tree or brush prunings):

Approximate Tons:

What facility do you intend to use (Name & Location)?

Why can't this material be reused or recycled?

15. Provide a comprehensive & detailed description of all efforts you (and/or your subcontractors) have made to find a location to take this material for reuse or recycling. List must include names and locations of all facilities contacted to take the material, name of person(s) you spoke with, date of conversation, and why the material was refused. Attach a separate sheet if necessary.



16. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING AND INFORMATION IN ALL ATTACHMENTS ARE TRUE AND CORRECT AND THE MATERIAL DESCRIBED WILL BE HANDLED AS NOTED IF THIS REQUEST IS APPROVED.

Submitted by: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Submittal Instructions:**

Submit completed and signed form to: Department of the Environment, 1455 Market Street, Suite 1200, San Francisco, CA 94103. Attention: C&D BioMass Energy Request. Or email: [mary.williams@sfgov.org](mailto:mary.williams@sfgov.org)

For questions regarding completion of this request, please call the Department of the Environment at (415) 355-3700.

**FOR OFFICIAL CITY USE ONLY**

DATE REQUEST RECEIVED \_\_\_\_\_

APPROVED \_\_\_\_\_

NOT APPROVED \_\_\_\_\_

DATE \_\_\_\_\_

COMMENTS \_\_\_\_\_

\_\_\_\_\_

NAME \_\_\_\_\_ SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_



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## CONSTRUCTION & DEMOLITION DEBRIS RECOVERY WORKSHEET

City and County of San Francisco

Environment Code 7; Ordinance No. 204-11; SFE Regulations **SFE13-03-GB**

<b>Section 1: Project Information</b>		City Department: _____	
1. Project Name: _____		2. Project/Job Number: _____	3. Reporting Period: _____
4. Project Street Address: _____		5. City & County (if not in SF): _____	
6. Contractor's Company Name: _____			
7. Contractor's Address: _____		8. City, State, Zip Code: _____	
9. Contractor's Contact: _____		10. Contact's Title: _____	
11. Office Phone: _____	12. Cell Phone: _____	13. e-mail: _____	
<p>I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOLLOWING IS TRUE AND CORRECT. I AGREE TO USE THE FACILITIES AND TRANSPORTERS NAMED ON THE ORIGINAL PLAN, AND I UNDERSTAND I AM RESPONSIBLE FOR COMPLIANCE BY ALL SUBCONTRACTORS. IF CHANGES ARE NECESSARY TO THE ORIGINAL PLAN, WRITTEN APPROVAL MUST BE RECEIVED FROM CITY REPRESENTATIVE BEFORE CHANGE MAY COMMENCE (See "Request to Change Facilities or Transporters" Form).</p>			
Submitted by: _____		Title: _____	
Signature: _____		Date: _____	

- ☐ **Construction & Demolition Debris Management Plan (CDDMP)\* (Include estimates from all Subcontractors)**

Estimated Start Date: \_\_\_\_\_ Estimated End Date: \_\_\_\_\_

\*Attach a brief description of how this jobsite will be managed to ensure compliance with all aspects of the plan by all persons working on the project

- ☐ **Summary of Diversion: Submitted with Progress Payment Application (Compile Diversion Data from all Subcontractors)**

Reporting Period (mm/yy): \_\_\_\_\_ Progress Payment No.: \_\_\_\_\_

- ☐ **Final Diversion Report (Compile Diversion Data for Entire Project)**

Date Project Completed: \_\_\_\_\_

### City Representative Review & Approval

I declare under Penalty of Perjury under the Laws of the State of California that I have reviewed the information provided herein including supporting documentation to ensure that Contractor is in compliance with all Construction/Demolition debris diversion requirements.

City Representative

Signature: \_\_\_\_\_

Name (print) \_\_\_\_\_

Date \_\_\_\_\_

### **Instructions for Completing Section 2 on Page 2 - Debris Recovery Worksheet: (refer to Section 701 of Environment Code Chapter 7 for all definitions)**

- Contractor is responsible for preparing and submitting all C&D management plans & reports.
- Contractor shall compile data from all subcontractors into one plan/report.
- Column (a): Enter the appropriate Diversion Activity Code associated with the kind of material being handled and how the material is being processed.
- Column (b): Enter Total Tons of material for each type of material being diverted.
- Column (c): Enter Tons Recycled for each type of material being diverted.
- Column (d): Enter Tons Reused for each type of material being diverted.
- Column (e): Enter name of facility where material will be taken. If project is located in San Francisco, Mixed Debris must be taken to a Registered Facility authorized to process the material.
- Column (f): Enter name of Transporter hauling the material. If project is located in San Francisco, only Registered Transporters are authorized to haul Mixed Debris.
- Line (g) below worksheet: Calculate Diversion Rate per formulas provided & instructions.
- Submit completed form to City Representative for review and approval.

Project/Job Number: \_\_\_\_\_

Reporting Period: \_\_\_\_\_

Progress Pmt. Number: \_\_\_\_\_

**Section 2: Debris Recovery Worksheet**

**IMPORTANT: HAZARDOUS MATERIAL OR U-WASTE IS SUMMARIZED SEPARATELY FROM THIS REPORT. ATTACH A SEPARATE LIST OF THESE MATERIALS, DISPOSAL PLANS & PROFESSIONAL WASTE DETERMINATION. DO NOT INCLUDE ANY HAZARDOUS MATERIALS AND UNIVERSAL WASTE ON THIS WORKSHEET.**

**Diversion Activity Codes:**

- |                                                                   |                                                              |
|-------------------------------------------------------------------|--------------------------------------------------------------|
| 1 - Recycling source-separated materials at a recycling facility. | 4 - Reuse of salvageable items.                              |
| 2 - On-site concrete or asphalt crushing for use on site.         | 5 - Reuse of soil or dirt on site.                           |
| 3 - Recycling of mixed C&D debris.                                | 6 - Reuse of dirt or mixed inerts for landfill construction. |
|                                                                   | 7 - Other diversion - please describe:                       |

**WORKSHEET**

Type of Material	Diversion Activity Code	Total Tons	Tons Recycled	Tons Reused	Facility Used*	Transporter*	Balance from Original Plan
	(a)	(b)	(c)	(d)	(e)	(f)	
<b>MIXED C&amp;D DEBRIS*</b>	<b>3</b>	<b>(A)</b>					
<b>SOURCE SEPARATED MATERIALS</b>							
Asphalt							
Acoustical Ceiling Tiles							
Bricks, Granite, Finished Stone							
Carpet & Padding							
Concrete							
Corrugated Cardboard							
Dimensional Lumber & Beams							
Fixtures, Hardware, Doors, Windows							
Metal							
Mixed Inerts							
Rigid Plastic							
Soil/dirt/rock							
Trees, Landscape Debris, Wood Scraps							
Wallboard, Gypsum Sheet							
Rock							
Other:							
<b>Sub-Totals (source separated)</b>		<b>(B)</b>	<b>(C)</b>	<b>(D)</b>			
<b>Total (E = A + B)</b>		<b>(E)</b>					

**\* Diversion Rate Calculation Formulas:**  
 Projects in SF:  $[C+D+(A \times 0.65^*)] \div E \times 100$   
 Outside SF:  $[C+D+(A \times \text{Rate}^*)] \div E \times 100$

$$(g) \left[ \frac{(C)}{(C)} + \frac{(D)}{(D)} + \left( \frac{(A)}{(A)} \times \text{Rate}^* \right) \right] \div \frac{(E)}{(E)} = \text{DIVERSION RATE} \%$$

\* For projects located in San Francisco: Mixed C&D Debris must be taken to a Registered Facility authorized to process the material, and it must be hauled by a Registered Transporter (lists available at [sfenvironment.org/c&d](http://sfenvironment.org/c&d)); **diversion rate for Registered Facilities is 65%.** For projects outside SF: the diversion rate for Mixed C&D Debris is 65% if taken to one of our Registered Facilities; if taken to a non-registered facility check with local jurisdiction for that facility's recycling rate. ATTACH OFFICIAL DOCUMENTATION FROM LOCAL JURISDICTION. If a facility does not have a local approved recycling rate, the diversion rate is calculated as zero.



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# REQUEST TO CHANGE FACILITIES OR TRANSPORTERS APPROVED ON CONSTRUCTION & DEMOLITION DEBRIS MANAGEMENT PLAN

City and County of San Francisco  
Environment Code 7; Ordinance No. 204-11; SFE Regulations SFE13-03-GB

If an unforeseen circumstance requires a change to the Facilities or Transporters named and approved on the original Construction & Demolition Debris Management Plan (CDDMP), the Contractor may use this form to submit a written request to the City Representative for approval prior to the change being made.

<b><u>Section 1: Project Information</u></b>		City Department	
1. Project Name:		2. Project/Job Number:	3. Reporting Period:
4. Project Street Address:		5. City & County (if not in SF):	
6. Contractor's Company Name:			
7. Contractor's Address:		8. City, State, Zip Code:	
9. Contractor's Contact:		10. Contact's Title:	
11. Office Phone:	12. Cell Phone:	13. e-mail:	

## **Section 2: FACILITY CHANGE REQUEST**

From original, approved plan:

Name of facility \_\_\_\_\_ Type of material \_\_\_\_\_ Approximate tons \_\_\_\_\_

New Facility Requested:

Name of facility \_\_\_\_\_ Location \_\_\_\_\_ Approximate tons \_\_\_\_\_

Please explain why this change may be necessary. Use an additional sheet if necessary. If material has been determined to be hazardous, please attach written determination or other verification from an independent professional.

## **Section 3: TRANSPORTER CHANGE REQUEST**

From original, approved plan:

Name of Transporter \_\_\_\_\_ Material hauled \_\_\_\_\_ Approximate tons \_\_\_\_\_

New Transporter Requested:

Name of Company \_\_\_\_\_ Material hauled \_\_\_\_\_ Approximate tons \_\_\_\_\_

Please explain why this change may be necessary. Use an additional sheet if necessary.

(PLEASE COMPLETE THE BACK PAGE OF THIS REQUEST)

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING AND INFORMATION IN ALL ATTACHMENTS ARE TRUE AND CORRECT. IF THIS REQUEST IS APPROVED I AGREE TO USE THE NEW FACILITIES AND/OR TRANSPORTERS NAMED:

Submitted by: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Submittal Instructions:**

Submit to the City Representative for review and approval. A copy should be sent to the Department of Environment at 1455 Market Street, Suite 1200, San Francisco, CA 94103, or email to [mary.williams@sfgov.org](mailto:mary.williams@sfgov.org).

For questions regarding completion of this request, please call the Department of the Environment at (415) 355-3700.

**FOR OFFICIAL CITY USE ONLY**

DATE REQUEST RECEIVED \_\_\_\_\_

APPROVED \_\_\_\_\_ NOT APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

COMMENTS \_\_\_\_\_

\_\_\_\_\_

NAME \_\_\_\_\_ SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_



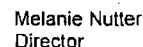
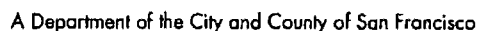
## CONSTRUCTION & DEMOLITION DEBRIS MATERIAL CONVERSION RATES (CUBIC YARDS TO TONS)

City and County of San Francisco  
Environment Code 7; Ordinance No. 204-11 ; SFE Regulations **SFE13-03-GB**

**IMPORTANT:** The weights shown are in POUNDS, and they need to be converted to TONS for use on the waste management report.  
**2000 pounds = 1 ton**

<u>Material</u>	<u>Size/Amount</u>	<u>Weight/POUNDS</u>
Asphalt/paving, crushed	1 cubic yard	1,380
Brick	1 cubic yard	3,024
Concrete	1 cubic yard	1,855
Dirt	1 cubic yard	2,052
Gravel	1 cubic yard	2,565
Greenwaste - large limbs, stumps	1 cubic yard	1,080
Greenwaste - prunings	1 cubic yard	46.69
Metal, aluminum scrap	1 cubic yard	175
Metal, brass	1 cubic yard	906.43
Metal, copper	1 cubic yard	1,093.52
Metal, ferrous, scrap	1 cubic yard	906
Metal, steel	1 cubic yard	1,620
Mixed C&D Debris	1 cubic yard	400
Mixed inerts	1 cubic yard	2,000
OCC (Cardboard), flattened, uncompacted	1 cubic yard	100
Pallets	1 each 48"x48"	40
Rock	1 cubic yard	2,570
Sand	1 cubic yard	2,441
Wallboard -sheetrock scrap	1 cubic yard	393.5
Wood, scrap	1 cubic yard	329.5

For additional information, visit <http://www.calrecycle.ca.gov/LGCentral/Library/DSG/Appendix1.htm>  
& CLICK ON CONVERSION FACTOR TABLES AT BOTTOM OF PAGE.



Environment Code Chapter 7; Ordinance No. **204-11**; SFE Regulations **SFE13-03-GB**

Description of Green Building design strategy and environmental benefits of the project:

Plan to maximize LEED credits attained without certification:

Signature of notifying Department Head:

(Printed Name):

Submit completed and signed form to: Department of the Environment, 1455 Market Street, Suite 1200, San Francisco, CA 94102. Attention: Municipal Green Building Coordinator.  
Or email: [mark.palmer@sfgov.org](mailto:mark.palmer@sfgov.org)

For questions regarding completion of this request, please call the Department of the Environment at (415) 355-3700.

**FOR OFFICIAL CITY USE ONLY**

Date Waiver Notification Received:





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A Department of the City and County of San Francisco



EDWIN M. LEE  
Mayor

Melanie Nutter  
Director

## MUNICIPAL GREEN BUILDING WAIVER REQUEST

Environment Code Chapter 7; Ordinance No. 204-11 ; SFE Regulations **SFE13-03-GB**

<b>Project Information</b>		
1. Project Name:	2. Project/Job Number:	3. Date of Request
4. Project Street Address:	5. Project Sponsor (City Department):	
6. Project Manager:	6. Phone:	7. Email address:

**San Francisco Environment Code CHAPTER 7: Green Building Requirements for City Buildings  
SEC. 713. WAIVERS.**

(a) Waivers from the requirements of this Chapter are available under the following circumstances:

(2) **Cost Prohibitive.** A City department may request a waiver from the Director on a form provided by the Director if compliance with this Chapter is cost prohibitive. The Task Force shall provide the Director with a recommendation with respect to the waiver request. The Director may grant a waiver upon a finding that the requesting department has:

- (A) Demonstrated which specific requirements are cost prohibitive as weighed against the potential economic, environmental and health benefits posed by a particular requirement; and
- (B) If applicable for Section 705, developed a reasonable plan to maximize the number of LEED points attainable.

(3) **Other.** If, due to specific circumstances, compliance would defeat the intent of this Chapter or create an unreasonable burden on the construction project or City department, the City department may request a waiver from that requirement from the Director on a form provided by the Director. The Task Force shall provide the Director with a recommendation with respect to the waiver request. The Director may grant a waiver upon a finding that the requesting Department has:

- (A) Documented the circumstances and burdens at issue; and
- (B) If applicable for Section 705, developed a reasonable plan to maximize the number of LEED points attainable.

(b) The Director shall respond to a request for a waiver within 35 days

(c) **The Director may not waive the requirements of Sections 706(a)(1), 707, and 708, except in the case of emergencies as provided in subsection (a)(1).** Departments seeking waivers of the requirements of Section 710(b) must follow the procedures provided for in Section 710(b)(2)(F). Granting of a waiver for any requirement of this Chapter does not waive any requirement of San Francisco Building Code Chapter 13C.

(d) The Director shall report to the Commission on the Environment regularly on waivers requested, granted and denied.

Indicate Type of Waiver Requested:	<u>Cost Prohibitive</u>	-or-	<u>Other</u>
------------------------------------	-------------------------	------	--------------

Project Narrative:
Circumstances for requesting a waiver:
Description of Green Building design strategy and environmental benefits of the project:
Plan to maximize LEED credits attained:
Signature of requesting Department Head:
(Printed Name):

Submit completed and signed form to: Department of the Environment, 1455 Market Street, Suite 1200, San Francisco, CA 94103. Attention: Municipal Green Building Coordinator.  
Or email: [mark.palmer@sfgov.org](mailto:mark.palmer@sfgov.org)

For questions regarding completion of this request, please call the Department of the Environment at (415) 355-3700.

FOR OFFICIAL CITY USE ONLY		
Date Waiver Request Received:		
Recommendation by Municipal Green Building Task Force:		
Action Taken by SF Environment:	APPROVED	NOT APPROVED
Signature of Director, SF Environment:		Date:

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



Edwin M. Lee  
Mayor

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BOARD OF SUPERVISORS  
SAN FRANCISCO

2013 OCT 30 PM 1:48

Laguna Honda Hospital and Rehabilitation Center  
Mivic Hirose, RN, CNS, Executive Administrator

October 28, 2013

✓ Honorable Malia Cohen  
Committee Chair, Board of Supervisors

✓ Honorable David Campos  
Committee Vice Chair, Board of Supervisors

✓ Honorable Katy Tang  
Member, Board of Supervisors

Government Audit and Oversight Committee  
City Hall, Room 244  
San Francisco, CA 94102

Dear Supervisors Cohen, Campos and Tang:

I am enclosing the quarterly report on behalf of Laguna Honda Hospital and Rehabilitation Center. This report is referred to by Resolution No. 200-05, File No. 050396.

The report details statistics data for Laguna Honda's admissions, age, ethnicity and referral information.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mivic Hirose".

Mivic Hirose  
Executive Administrator  
Laguna Honda Hospital and Rehabilitation Center

**Attachments:**

**A. Sources of New SNF Admissions to Laguna Honda**

- A-1 2013 (through 3rd Quarter)
- A-2 2012
- A-3 2011
- A-4 2010
- A-5 2009
- A-6 2008

**B. Laguna Honda Distribution of Residents by Race**

- B-1 9/30/13 and 9/30/12 Snapshot
- B-2 9/30/11 and 9/30/10 Snapshot
- B-3 9/30/09 and 9/30/08 Snapshot

**C. Laguna Honda Gender Distribution 2008 to 2013 (through 3rd Quarter)**

**D. Laguna Honda Age Distribution 2008 to 2013 (through 3rd Quarter)**

cc: Honorable Norman Yee, Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Barbara A. Garcia, Director of Health

SOURCES OF NEW ADMISSIONS TO LAGUNA HONDA HOSPITAL \*  
JANUARY 2013 – SEPTEMBER 2013

		%		%		%		%		%		%		%		%		%		%		%		%		
Source of Admission	Jan	SFGH	Feb	SFGH	Mar	SFGH	Apr	SFGH	May	SFGH	June	SFGH	July	SFGH	Aug	SFGH	Sept	SFGH	Oct	SFGH	Nov	SFGH	Dec	SFGH	Total	%
Board and Care	1		1						1																3	1%
Cal Pac Acute			3		1				1		2		2												9	3%
Cal Pac SNF									1																1	0%
Chinese Hospital Acute																									0	0%
Chinese Hospital SNF																									0	0%
Home	5		4		7		8		6		3		6		8		3								50	15%
Home Health									1																1	0%
Kaiser Acute																									0	0%
Kaiser SNF																									0	0%
Mt. Zion Acute			1		1		2																		4	1%
Other Misc							1				5														6	2%
Other SNF	1				1				1				1												4	1%
Seton Acute																									0	0%
SFGH Acute	28	76%	32	68%	19	59%	32	70%	25	60%	21	58%	26	61%	17	61%	21	70%		0%		0%		0%	222	65%
SFGH SNF	1	3%		0%		0%	1	2%		0%	2	6%	8	16%	1	4%	2	7%		0%		0%		0%	14	4%
St. Francis Acute			1				1		1								2								5	1%
St. Francis SNF																									0	0%
St. Luke's Acute			2																						2	1%
St. Luke's SNF																									0	0%
St. Mary's Acute	1		1		1		1		1		2		1		1										9	3%
St. Mary's SNF																									0	0%
Seton Acute																									0	0%
Seton SNF																									0	0%
UC Med Acute			2		2				4		1				1		2								12	4%
UC Med SNF																									0	0%
VA Hospital Acute																									0	0%
VA Hospital SNF																									0	0%
TOTAL	37	78%	47	68%	32	59%	46	72%	42	60%	36	64%	44	77%	28	64%	30	77%	0	0%	0	0%	0	0%	342	100%

\*Effective 12/8/2010, all Laguna Honda Hospital residents were relocated to the new building and the total licensed bed capacity is 780.

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

		%		%		%		%		%		%		%		%		%		%		%		%		%		%
Source of Admission	Jan	SFGH	Feb	SFGH	Mar	SFGH	Apr	SFGH	May	SFGH	June	SFGH	July	SFGH	Aug	SFGH	Sept	SFGH	Oct	SFGH	Nov	SFGH	Dec	SFGH	Total	%		
Board and Care					1		2												1				1		5	1%		
Cal Pac Acute	5		2		2		4		2		2		2		3		1		2		3		2		30	7%		
Cal Pac SNF																					1				1	0%		
Chinese Hospital Acute																	1								1	0%		
Chinese Hospital SNF																									0	0%		
Home	2		2		4		3		2		3		8		4		4		4		5		9		50	12%		
Home Health																									0	0%		
Kaiser Acute	1																						1		2	0%		
Kaiser SNF																									0	0%		
Mt. Zion Acute			1				1		1		3						2		3						11	3%		
Other Misc							1		1														2		4	1%		
Other SNF			1		1		1																		3	1%		
Seton Acute																									0	0%		
SFGH Acute	14	44%	12	50%	25	60%	23	56%	26	70%	22	69%	24	63%	14	50%	20	61%	25	63%	22	59%	24	55%	251	59%		
SFGH SNF		0%		0%	2	5%		0%	1	3%		0%		0%	5	18%		0%	1	3%		0%		0%	9	2%		
St. Francis Acute	1		2		1		2		1		1		2		1		1						2		14	3%		
St. Francis SNF																									0	0%		
St. Luke's Acute	1				1								1								2				5	1%		
St. Luke's SNF																									0	0%		
St. Mary's Acute	3				2		1		2		1						1		3		1		1		15	4%		
St. Mary's SNF	1																								1	0%		
Seton Acute																									0	0%		
Seton SNF																									0	0%		
UC Med Acute	4		3		3		3		1				1		1		2		1		3		2		24	6%		
UC Med SNF																									0	0%		
VA Hospital Acute			1														1								2	0%		
VA Hospital SNF																									0	0%		
TOTAL	32	44%	24	50%	42	64%	41	56%	37	73%	32	69%	38	63%	28	68%	33	61%	40	65%	37	59%	44	55%	428	100%		

\*Effective 12/8/2010, all Laguna Honda Hospital residents were relocated to the new building and the total licensed bed capacity is 780.

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

		%		%		%		%		%		%		%		%		%		%		%		%		
Source of Admission	Jan	SFGH	Feb	SFGH	Mar	SFGH	Apr	SFGH	May	SFGH	June	SFGH	July	SFGH	Aug	SFGH	Sept	SFGH	Oct	SFGH	Nov	SFGH	Dec	SFGH	Total	%
Board and Care					2				1		1				1		2		1						8	2%
Cal Pac Acute	3										2				1		1				2		1		10	3%
Cal Pac SNF									1				2												3	1%
Chinese Hospital Acute							1		1						1										3	1%
Chinese Hospital SNF																									0	0%
Home	8		3		1		4				5		3		3		3		3		7		2		42	11%
Home Health																									0	0%
Kaiser Acute																			1						1	0%
Kaiser SNF																									0	0%
Mt. Zion Acute	1		1		1		1				3						1				1		2		11	3%
Other Misc	3		1		1		1		1		1				4		5		3		1		1		22	6%
Other SNF	1								1				1						2				2		7	2%
Seton Acute																									0	0%
SFGH Acute	23	49%	12	46%	17	65%	13	57%	16	53%	15	43%	10	43%	17	61%	21	58%	17	55%	19	49%	23	64%	203	53%
SFGH SNF	2	4%	1	4%	2	8%	2	9%	4	13%	4	11%	2	9%		0%		0%	1	3%	2	5%		0%	20	5%
St. Francis Acute	1		2						1		1		1		1		1				3		1		12	3%
St. Francis SNF																									0	0%
St. Luke's Acute	1		1		1				2										1						6	2%
St. Luke's SNF	1		2										1												4	1%
St. Mary's Acute	1		3								1								1						6	2%
St. Mary's SNF																									0	0%
Seton Acute																									0	0%
Seton SNF																									0	0%
UC Med Acute	2				1		1		1		2		3				2		1		4		3		20	5%
UC Med SNF									1																1	0%
VA Hospital Acute																							1		1	0%
VA Hospital SNF																									0	0%
<b>TOTAL</b>	<b>47</b>	<b>53%</b>	<b>26</b>	<b>50%</b>	<b>26</b>	<b>73%</b>	<b>23</b>	<b>65%</b>	<b>30</b>	<b>67%</b>	<b>35</b>	<b>54%</b>	<b>23</b>	<b>52%</b>	<b>28</b>	<b>61%</b>	<b>36</b>	<b>58%</b>	<b>31</b>	<b>58%</b>	<b>39</b>	<b>54%</b>	<b>36</b>	<b>64%</b>	<b>380</b>	<b>100%</b>

\*Effective 12/8/2010, all Laguna Honda Hospital residents were relocated to the new building and the total licensed bed capacity is 780 (15 for General Acute Care and 765 for SNF).

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

		%		%		%		%		%		%		%		%		%		%		%		%		%
Source of Admission	Jan	SFGH	Feb	SFGH	Mar	SFGH	Apr	SFGH	May	SFGH	June	SFGH	July	SFGH	Aug	SFGH	Sept	SFGH	Oct	SFGH	Nov	SFGH	Dec	SFGH	Total	%
Board and Care	1		2		2								1		2				1				1		10	3%
Cal Pac Acute															2		1								3	1%
Cal Pac SNF											2														2	1%
Chinese Hospital Acute					1								1												2	1%
Chinese Hospital SNF																									0	0%
Home	3		1		1		3		1		4		4		2		2		2		6		2		31	10%
Home Health																									0	0%
Kaiser Acute									1										1						2	1%
Kaiser SNF																									0	0%
Mt. Zion Acute	2						2								2		1				2				9	3%
Other Misc	1				3		1		1		4				2						1		4		17	5%
Other SNF	1		2		2								1						1						7	2%
Seton Acute																									0	0%
SFGH Acute	16	52%	15	52%	13	43%	15	45%	12	60%	16	59%	13	43%	14	41%	18	75%	14	56%	8	36%	11	55%	165	51%
SFGH SNF	4	13%	2	7%	1	3%	4	12%	1	5%	1	4%	3	10%	5	15%		0%	2	8%	2	9%		0%	25	8%
St. Francis Acute	1		3		1		1						2		2		2		2		1				15	5%
St. Francis SNF																									0	0%
St. Luke's Acute							1		2				2		2										7	2%
St. Luke's SNF			1				2		1																4	1%
St. Mary's Acute	1				1								1		1				1						5	2%
St. Mary's SNF																									0	0%
Seton Acute																									0	0%
Seton SNF																									0	0%
UC Med Acute	1		3		5		4		1				2						1		2		2		21	6%
UC Med SNF																									0	0%
VA Hospital Acute																									0	0%
VA Hospital SNF																									0	0%
<b>TOTAL</b>	<b>31</b>	<b>65%</b>	<b>29</b>	<b>59%</b>	<b>30</b>	<b>47%</b>	<b>33</b>	<b>58%</b>	<b>20</b>	<b>65%</b>	<b>27</b>	<b>63%</b>	<b>30</b>	<b>53%</b>	<b>34</b>	<b>56%</b>	<b>24</b>	<b>75%</b>	<b>25</b>	<b>64%</b>	<b>22</b>	<b>45%</b>	<b>20</b>	<b>55%</b>	<b>325</b>	<b>100%</b>

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



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

		%		%		%		%		%		%		%		%		%		%		%			
Source of Admission	Jan	SFGH	Feb	SFGH	Mar	SFGH	Apr	SFGH	May	SFGH	June	SFGH	July	SFGH	Aug	SFGH	Sept	SFGH	Oct	SFGH	Nov	SFGH	Dec	Total	%
Board and Care													2		1									3	1%
Cal Pac Acute	1		2		2		2				2		1		1								1	12	4%
Cal Pac SNF							1										1		1					3	1%
Chinese Hospital Acute																								0	0%
Chinese Hospital SNF																								0	0%
Home	1		1				3		2		1		3				2		2		2		2	19	7%
Home Health																								0	0%
Kaiser Acute													1											1	0%
Kaiser SNF																								0	0%
Mt. Zion Acute							1		1		1				1		2							6	2%
Other Misc					1				1						2				2		2			8	3%
Other SNF					1		1		3		3		3		1				2				1	15	5%
Seton Acute							1						1											2	1%
SFGH Acute	8	53%	17	74%	11	55%	12	38%	10	42%	16	47%	15	50%	17	63%	12	67%	5	33%	17	65%	12	152	53%
SFGH SNF	2	13%	1	4%		0%	2	6%	4	17%	5	15%		0%		0%	1	6%	1	7%	2	8%	3	21	7%
St. Francis Acute			1				4		1		1		1		1				1		1			11	4%
St. Francis SNF																								0	0%
St. Luke's Acute	1						1				1		1		1				1				2	8	3%
St. Luke's SNF									1															1	0%
St. Mary's Acute	1		1				1																	3	1%
St. Mary's SNF					1																			1	0%
Seton Acute																								0	0%
Seton SNF																								0	0%
UC Med Acute	1				4		3		1		4		2		2						2			19	7%
UC Med SNF																								0	0%
VA Hospital Acute																								0	0%
VA Hospital SNF																								0	0%
<b>TOTAL</b>	<b>15</b>	<b>67%</b>	<b>23</b>	<b>78%</b>	<b>20</b>	<b>55%</b>	<b>32</b>	<b>44%</b>	<b>24</b>	<b>58%</b>	<b>34</b>	<b>62%</b>	<b>30</b>	<b>50%</b>	<b>27</b>	<b>63%</b>	<b>18</b>	<b>72%</b>	<b>15</b>	<b>40%</b>	<b>26</b>	<b>73%</b>	<b>21</b>	<b>285</b>	<b>100%</b>

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

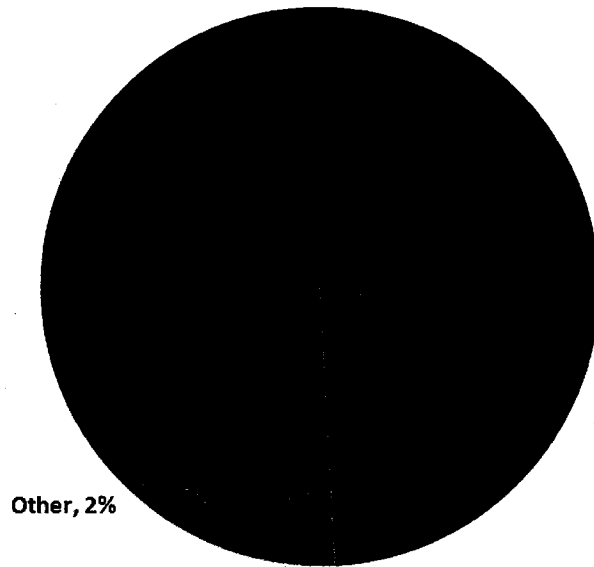
\*\* Data re-run March 2011

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

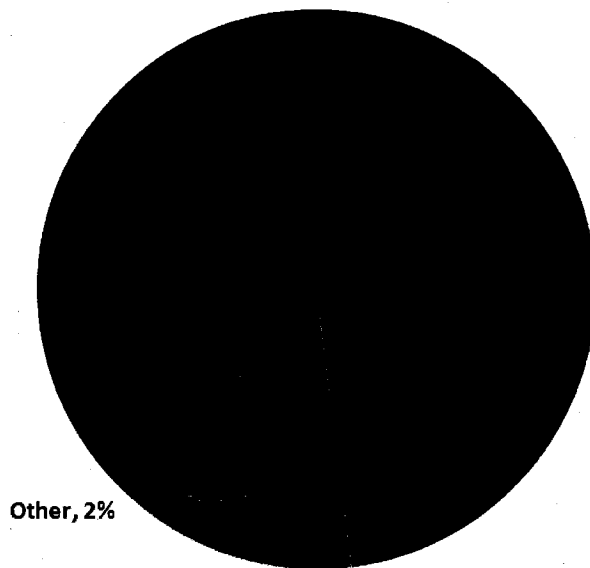
		%		%		%		%		%		%		%		%		%		%		%			
Source of Admission	Jan	SFGH	Feb	SFGH	Mar	SFGH	Apr	SFGH	May	SFGH	Jun	SFGH	Jul	SFGH	Aug	SFGH	Sep	SFGH	Oct	SFGH	Nov	SFGH	Dec	Total	%
Board and Care			1		1				1		1										1			5	2%
Cal Pac Acute	1						3						1		1		1		1		1		1	10	4%
Cal Pac SNF																							1	1	0%
Chinese Hospital Acute			1				1						1											3	1%
Chinese Hospital SNF																								0	0%
Home	1		3		1		1		1		2		3		3		1		1		2		1	20	8%
Home Health																								0	0%
Kaiser Acute							1																	1	0%
Kaiser SNF																								0	0%
Mt. Zion Acute																								0	0%
Other Misc.									2						1						1			4	2%
Other SNF															2		2		1		1			6	3%
Seton Acute																								0	0%
SFGH Acute	7	58%	12	60%	8	53%	18	60%	18	64%	10	45%	8	53%	13	57%	10	53%	13	68%	7	47%	10	134	57%
SFGH SNF		0%		0%		0%		0%		0%		0%		0%		0%		0%		0%		0%		0	0%
St. Francis Acute	2		1		3		1		1		1		2		1		1		1					14	6%
St. Francis SNF																								0	0%
St. Luke's Acute			1		1		1								1									4	2%
St. Luke's SNF																	1							1	0%
St. Mary's Acute					1				1		2						1				1		1	7	3%
St. Mary's SNF																								0	0%
Seton Acute																								0	0%
Seton SNF																								0	0%
UC Med Acute	1		1				4		4		6				1		2		2		1		3	25	11%
UC Med SNF																								0	0%
VA Hospital Acute																							1	1	0%
VA Hospital SNF																								0	0%
<b>TOTAL</b>	<b>12</b>	<b>58%</b>	<b>20</b>	<b>60%</b>	<b>15</b>	<b>53%</b>	<b>30</b>	<b>60%</b>	<b>28</b>	<b>64%</b>	<b>22</b>	<b>45%</b>	<b>15</b>	<b>53%</b>	<b>23</b>	<b>57%</b>	<b>19</b>	<b>53%</b>	<b>19</b>	<b>68%</b>	<b>15</b>	<b>47%</b>	<b>18</b>	<b>236</b>	<b>100%</b>

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

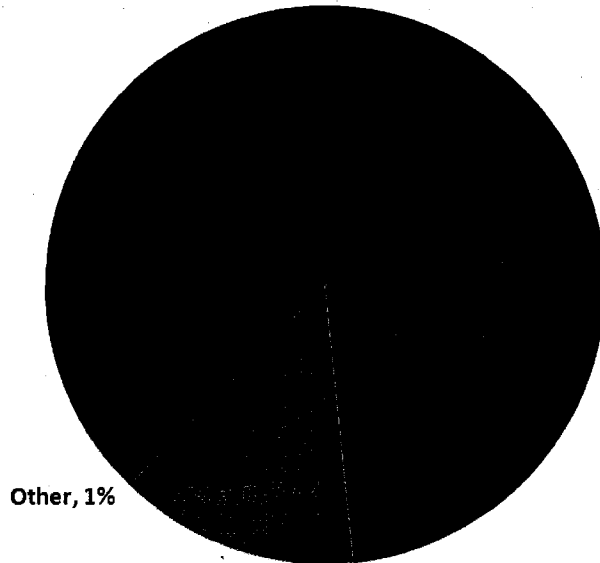
**Laguna Honda Hospital Distribution of Residents by Race as of 9/30/2013  
(n = 761)**



**Laguna Honda Hospital Distribution of Residents by Race as of 9/30/2012  
(n = 760)**



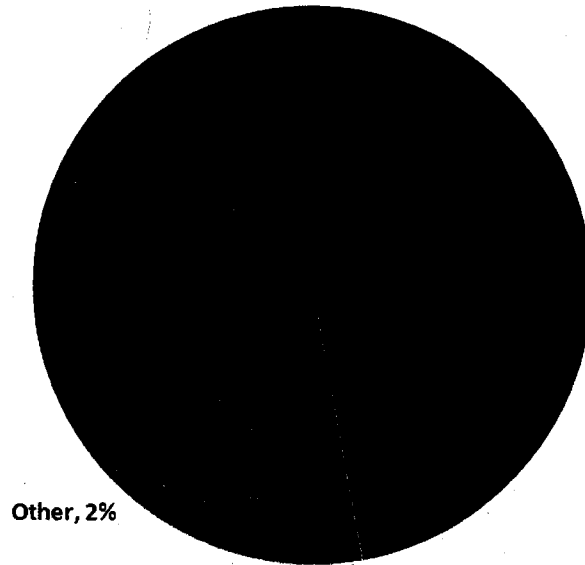
**Laguna Honda Hospital Distribution of Residents by Race as of 9/30/2011**  
**(n = 756)**



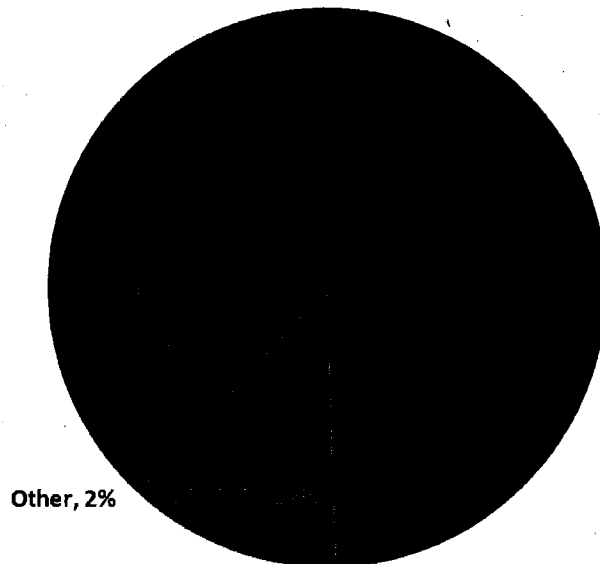
**Laguna Honda Hospital Distribution of Residents by Race as of 9/30/2010**  
**(n = 746)**



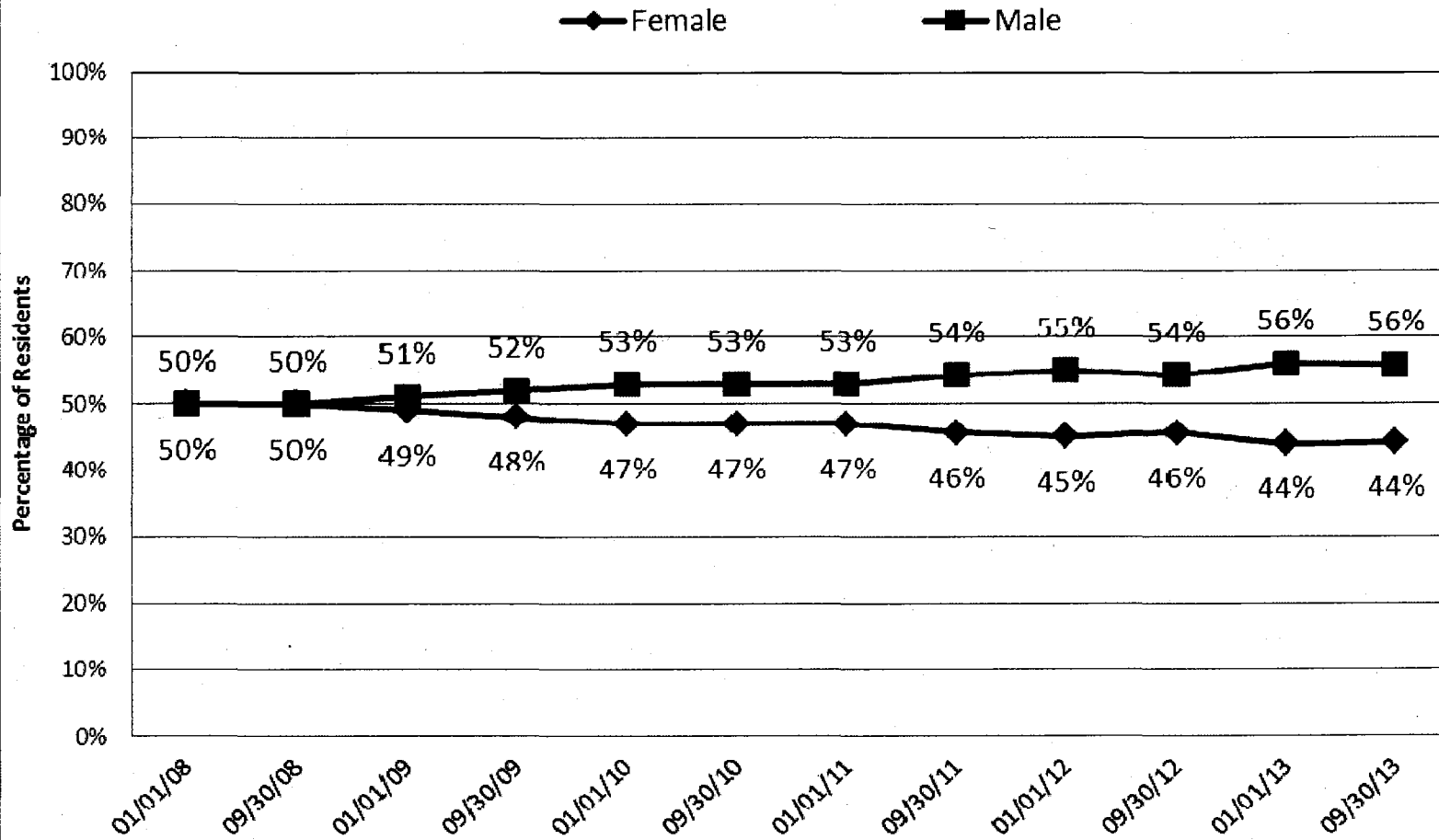
**Laguna Honda Hospital Distribution of Residents by Race as of 9/30/2009**  
**(n = 769)**



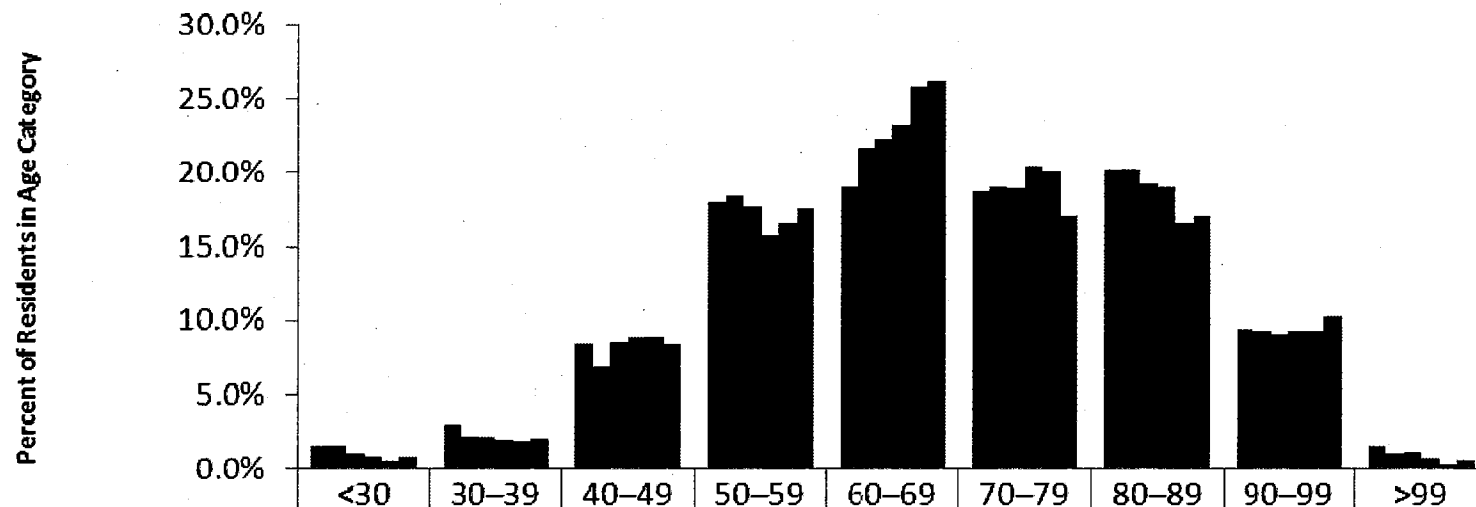
**Laguna Honda Hospital Distribution of Residents by Race as of 9/30/2008**  
**(n = 845)**



**Laguna Honda Hospital  
Gender Distribution of Residents  
2008 – First 9 months of 2013**



# **Laguna Honda Hospital Age Distribution of Residents 2008 – First 9 months of 2013**



	<30	30-39	40-49	50-59	60-69	70-79	80-89	90-99	>99
■ Calendar 2008	1.5%	3.0%	8.5%	18.0%	19.1%	18.8%	20.2%	9.3%	1.5%
■ Calendar 2009	1.5%	2.1%	6.9%	18.4%	21.6%	19.1%	20.2%	9.3%	0.9%
■ Calendar 2010	0.9%	2.2%	8.5%	17.8%	22.2%	19.0%	19.2%	9.1%	1.1%
■ Calendar 2011	0.8%	1.9%	8.8%	15.8%	23.3%	20.5%	19.1%	9.2%	0.7%
■ Calendar 2012	0.5%	1.9%	8.9%	16.7%	25.8%	20.1%	16.7%	9.3%	0.3%
■ First 9 months of 2013	0.8%	2.0%	8.4%	17.6%	26.1%	17.1%	17.1%	10.2%	0.7%



# CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

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

## WAIVER REQUEST FORM

(HRC Form 201)

### ► Section 1. Department Information

Department Head Signature: Capt. David Lazar #971

Training Division

Name of Department: San Francisco Police Academy

Department Address: 350 Amber Drive, San Francisco, Ca 94131

Contact Person: Sergeant Nathaniel Steger

Phone Number: 4154014721

Fax Number: 4154014747

FOR HRC USE ONLY

Request Number:

### ► Section 2. Contractor Information

Contractor Name: Embassy Suites Hotel

Contact Person: Nicole Thompson

Contractor Address: 250 Gateway Boulevard, South San Francisco, Ca 94080

Vendor Number (if known): 76972

Contact Phone No.: 6505891183

### ► Section 3. Transaction Information

Date Waiver Request Submitted: October 24, 2013

Type of Contract:

Contract Start Date: 120122013

End Date: 12132013

Dollar Amount of Contract:

\$ 15,204.75 *nd*

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 OCT 30 AM 10:00  
*SLB*

### ► Section 4. Administrative Code Chapter to be Waived (please check all that apply)

- ☒ Chapter 12B
- ☐ Chapter 14B *Note:* Employment and LBE subcontracting requirements may still be in force even when a 14B waiver (type A or B) is granted.

### ► Section 5. Waiver Type (Letter of Justification *must* be attached, see Check List on back of page.)

- ☐ A. Sole Source
- ☐ B. Emergency (pursuant to Administrative Code §6.60 or 21.15)
- ☐ C. Public Entity
- ☒ D. No Potential Contractors Comply – Copy of waiver request sent to Board of Supervisors on: 10/24/2013
- ☐ E. Government Bulk Purchasing Arrangement – Copy of waiver request sent to Board of Supervisors on:
- ☐ F. Sham/Shell Entity – Copy of waiver request sent to Board of Supervisors on:
- ☐ G. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)
- ☐ H. Subcontracting Goals

### HRC ACTION

12B Waiver Granted: \_\_\_\_\_  
12B Waiver Denied: \_\_\_\_\_

14B Waiver Granted: \_\_\_\_\_  
14B Waiver Denied: \_\_\_\_\_

Reason for Action: \_\_\_\_\_

HRC Staff: \_\_\_\_\_ Date: \_\_\_\_\_

HRC Staff: \_\_\_\_\_ Date: \_\_\_\_\_

HRC Director: \_\_\_\_\_ Date: \_\_\_\_\_

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

Date Waiver Granted: \_\_\_\_\_ Contract Dollar Amount: \_\_\_\_\_

15





# CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

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

### WAIVER REQUEST FORM

(HRC Form 201)

10/24/13

#### ► Section 1. Department Information

Department Head Signature: Capt. David Lazar #971

Training Division

Name of Department: San Francisco Police Academy

Department Address: 350 Amber Drive, San Francisco, Ca 94131

Contact Person: Sergeant Nathaniel Steger

Phone Number: 4154014721

Fax Number: 4154014747

FOR HRC USE ONLY

Request Number:

#### ► Section 2. Contractor Information

Contractor Name: Embassy Suites Hotel

Contact Person: Nicole Thompson

Contractor Address: 250 Gateway Boulevard, South San Francisco, Ca 94080

Vendor Number (if known): 76972

Contact Phone No.: 6505891183

#### ► Section 3. Transaction Information

Date Waiver Request Submitted: October 24, 2013

Type of Contract:

Contract Start Date: 020812014

End Date: 02212014

Dollar Amount of Contract:

\$15,204,750

#### ► Section 4. Administrative Code Chapter to be Waived (please check all that apply)

- ☒ Chapter 12B
- ☐ Chapter 14B *Note:* Employment and LBE subcontracting requirements may still be in force even when a 14B waiver (type A or B) is granted.

#### ► Section 5. Waiver Type (Letter of Justification *must* be attached, see Check List on back of page.)

- ☐ A. Sole Source
- ☐ B. Emergency (pursuant to Administrative Code §6.60 or 21.15)
- ☐ C. Public Entity
- ☒ D. No Potential Contractors Comply – Copy of waiver request sent to Board of Supervisors on: 10/24/2013
- ☐ E. Government Bulk Purchasing Arrangement – Copy of waiver request sent to Board of Supervisors on: 08/14/2009
- ☐ F. Sham/Shell Entity – Copy of waiver request sent to Board of Supervisors on:
- ☐ G. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)
- ☐ H. Subcontracting Goals

#### HRC ACTION

12B Waiver Granted: \_\_\_\_\_

14B Waiver Granted: \_\_\_\_\_

12B Waiver Denied: \_\_\_\_\_

14B Waiver Denied: \_\_\_\_\_

Reason for Action: \_\_\_\_\_

HRC Staff: \_\_\_\_\_ Date: \_\_\_\_\_

HRC Staff: \_\_\_\_\_ Date: \_\_\_\_\_

HRC Director: \_\_\_\_\_ Date: \_\_\_\_\_

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

Date Waiver Granted: \_\_\_\_\_ Contract Dollar Amount: \_\_\_\_\_



# CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

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

## WAIVER REQUEST FORM

(HRC Form 201)

10/24/13

### ► Section 1. Department Information

Capt. David Lazar #971

Training Division

Department Head Signature: \_\_\_\_\_

Name of Department: San Francisco Police Academy

Department Address: 350 Amber Drive, San Francisco, Ca 94131

Contact Person: Sergeant Nathaniel Steger

Phone Number: 4154014721

Fax Number: 4154014747

FOR HRC USE ONLY

Request Number: \_\_\_\_\_

### ► Section 2. Contractor Information

Contractor Name: Embassy Suites Hotel

Contact Person: Nicole Thompson

Contractor Address: 250 Gateway Boulevard, South San Francisco, Ca 94080

Vendor Number (if known): 76972

Contact Phone No.: 6505891183

### ► Section 3. Transaction Information

Date Waiver Request Submitted: October 24, 2013

Type of Contract: \_\_\_\_\_

Contract Start Date: 03232014

End Date: 04042014

Dollar Amount of Contract: \_\_\_\_\_

\$15,294.75

### ► Section 4. Administrative Code Chapter to be Waived (please check all that apply)

- ☒ Chapter 12B
- ☐ Chapter 14B *Note:* Employment and LBE subcontracting requirements may still be in force even when a 14B waiver (type A or B) is granted.

### ► Section 5. Waiver Type (Letter of Justification *must* be attached, see Check List on back of page.)

- ☐ A. Sole Source
- ☐ B. Emergency (pursuant to Administrative Code §6.60 or 21.15)
- ☐ C. Public Entity
- ☒ D. No Potential Contractors Comply – Copy of waiver request sent to Board of Supervisors on: 10/24/2013
- ☐ E. Government Bulk Purchasing Arrangement – Copy of waiver request sent to Board of Supervisors on: 08/14/2009
- ☐ F. Sham/Shell Entity – Copy of waiver request sent to Board of Supervisors on: \_\_\_\_\_
- ☐ G. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)
- ☐ H. Subcontracting Goals

### HRC ACTION

12B Waiver Granted: \_\_\_\_\_

14B Waiver Granted: \_\_\_\_\_

12B Waiver Denied: \_\_\_\_\_

14B Waiver Denied: \_\_\_\_\_

Reason for Action: \_\_\_\_\_

HRC Staff: \_\_\_\_\_ Date: \_\_\_\_\_

HRC Staff: \_\_\_\_\_ Date: \_\_\_\_\_

HRC Director: \_\_\_\_\_ Date: \_\_\_\_\_

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

Date Waiver Granted: \_\_\_\_\_ Contract Dollar Amount: \_\_\_\_\_



# CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

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

### WAIVER REQUEST FORM

(HRC Form 201)

#### ► Section 1. Department Information

Department Head Signature: Capt. David Lazar #971 *10/24/13*

**Training Division**

Name of Department: San Francisco Police Academy

Department Address: 350 Amber Drive, San Francisco, Ca 94131

Contact Person: Sergeant Nathaniel Steger

Phone Number: 4154014721

Fax Number: 4154014747

FOR HRC USE ONLY

Request Number:

#### ► Section 2. Contractor Information

Contractor Name: Embassy Suites Hotel

Contact Person: Nicole Thompson

Contractor Address: 250 Gateway Boulevard, South San Francisco, Ca 94080

Vendor Number (if known): 76972

Contact Phone No.: 6505891183

#### ► Section 3. Transaction Information

Date Waiver Request Submitted: October 24, 2013

Type of Contract:

Contract Start Date: 06072014

End Date: 06202014

Dollar Amount of Contract:

*\$15,204.75*

#### ► Section 4. Administrative Code Chapter to be Waived (please check all that apply)

- ☒ Chapter 12B
- ☐ Chapter 14B *Note:* Employment and LBE subcontracting requirements may still be in force even when a 14B waiver (type A or B) is granted.

#### ► Section 5. Waiver Type (Letter of Justification *must* be attached, see Check List on back of page.)

- ☐ A. Sole Source
- ☐ B. Emergency (pursuant to Administrative Code §6.60 or 21.15)
- ☐ C. Public Entity
- ☒ D. No Potential Contractors Comply – Copy of waiver request sent to Board of Supervisors on: *10/24/2013*
- ☐ E. Government Bulk Purchasing Arrangement – Copy of waiver request sent to Board of Supervisors on:
- ☐ F. Sham/Shell Entity – Copy of waiver request sent to Board of Supervisors on:
- ☐ G. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)
- ☐ H. Subcontracting Goals

#### HRC ACTION

12B Waiver Granted: \_\_\_\_\_

14B Waiver Granted: \_\_\_\_\_

12B Waiver Denied: \_\_\_\_\_

14B Waiver Denied: \_\_\_\_\_

Reason for Action: \_\_\_\_\_

HRC Staff: \_\_\_\_\_ Date: \_\_\_\_\_

HRC Staff: \_\_\_\_\_ Date: \_\_\_\_\_

HRC Director: \_\_\_\_\_ Date: \_\_\_\_\_

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

Date Waiver Granted: \_\_\_\_\_ Contract Dollar Amount: \_\_\_\_\_

CARMEN CHU  
ASSESSOR-RECORDER



SAN FRANCISCO  
OFFICE OF THE ASSESSOR-RECORDER

October 31, 2013

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

Subject: 2012 Assessor-Recorder's Annual Report to the Board of Supervisors regarding the Central Market Street and Tenderloin Area Exclusion

Dear Ms. Calvillo,

The Assessor-Recorder, pursuant to Section 906.3 (k) of Article 12-A of the San Francisco Business and Tax Regulations Code, herewith submit the annual report of increases in property taxes resulting from businesses' location, relocation or expansion to or within the Central Market Street and Tenderloin Area.

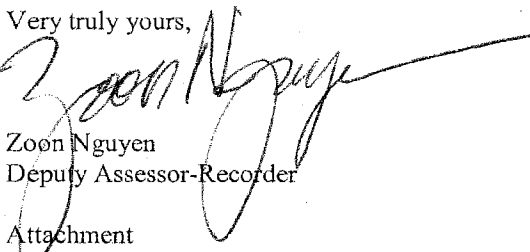
This report summarizes the number of Central Market Street and Tenderloin Area businesses receiving the payroll expense tax exclusion, and the property taxes paid by these businesses for 2012.

The Office of the Assessor-Recorder has no record of secured property ownership for any of the businesses which have received the Central Market Street and Tenderloin Area exclusion. Under Proposition 13 tenancy changes are not reassessable events.

Schedule A of this report summarizes the business personal property that was subject to taxation under Section 201 of California's Revenue and Taxation Code for the businesses that received the Central Market Street and Tenderloin Area payroll expense tax exclusion in 2012. The businesses that received the Central Market Street and Tenderloin Area payroll expense tax exclusion in 2012 paid a total of \$470,801 in business personal property taxes.

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

Very truly yours,

  
Zoon Nguyen  
Deputy Assessor-Recorder

Attachment

**Assessor-Recorder's Annual Report on  
Central Market Street and Tenderloin Area Exclusion  
For Calendar Year 2012**

**Schedule A**

<b>Year</b>	<b>Number of Businesses Receiving Central Market Street &amp; Tenderloin Area Payroll Expense Tax Exclusion</b>	<b>Total Business Personal Property Reported</b>	<b>Resulting Personal Property Taxes Paid</b>
<b>2012</b>	<b>14</b>	<b>\$40,270,411</b>	<b>\$470,801.38</b>

---

**To:** BOS-Supervisors  
**Subject:** Cleantech Annual Reporting  
**Attachments:** 2012 Clean Tech report.pdf

Attached is the Assessor-Recorder's annual clean tech exclusion report.

Thank you and have a wonderful day!

Zoon Nguyen  
Deputy Assessor-Recorder

CARMEN CHU  
ASSESSOR-RECORDER



SAN FRANCISCO  
OFFICE OF THE ASSESSOR-RECORDER

October 31, 2013

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

**Subject: 2012 Assessor-Recorder Annual Report to Board of Supervisors regarding clean energy technology exclusion.**

Dear Ms. Calvillo,

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

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

Schedule A of this report summarizes the business personal property that was subject to taxation under Section 201 of California's Revenue and Taxation Code for the businesses that received the clean energy technology payroll expense tax exclusion in 2012. The businesses that received the clean energy technology payroll expense tax exclusion in 2012 paid a total of \$50,007.54 in business personal property taxes.

If you have any questions regarding this report, please contact Zoon Nguyen with the Office of the Assessor-Recorder at (415) 554-5575.

Sincerely,

A handwritten signature in black ink, appearing to read "Zoon Nguyen", with a long horizontal line extending to the right.

Zoon Nguyen  
Deputy Assessor-Recorder

**Schedule A**

<b>Year</b>	<b>Number of Businesses Claiming Clean Energy Technology Payroll Expense Tax Exclusion</b>	<b>Total Business Personal Property Reported</b>	<b>Resulting Personal Property Taxes Paid</b>
<b>2012</b>	<b>22</b>	<b>\$4,277,439</b>	<b>\$50,007.54</b>



ECONOMIC AND WORKFORCE DEVELOPMENT  
TODD RUFO, DIRECTOR



ong file 131060  
COB, cpage, B/F clerk  
CITY AND COUNTY OF SAN FRANCISCO  
EDWIN M. LEE, MAYOR

November 1, 2013

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 NOV -1 PM 3:20

Subject: **Release of Business Portal Project Reserve**

Dear Ms. Calvillo:

I respectfully request that the reserve in the amount of \$217,200 on the Business Portal Project be released and scheduled to be heard before the Budget and Finance Committee on November 6, 2013. The original reserve in the amount of \$217,200 was placed on this project by the Budget Committee during the June 2013 budget hearings.


Business Portal is a joint program with the Office of Economic & Workforce Development, Department of Technology and the Mayor's Office of Civic Innovation. This program will implement #13 of the Mayor's Jobs Plan through the use technology enhancements to make the City's business permit and licensing process more efficient and easier to navigate. Goals of the program are to:

- Streamline and simplify business interactions with the City, making it easier to start, stay and grow jobs in San Francisco.
- Use innovative technologies to create a great experience for San Francisco businesses.
- Ensure our business owners have the right information at the right time
- Provide reporting to City leadership using agreed performance goals and service delivery standards

If there are any questions in regards to this request, please contact the Mayor's Chief Innovation Officer, Jay Nath at (415) 830-5175 or jay.nath@sfgov.org.

Sincerely,

  
Todd Rufo  
Director, Office of Economic & Workforce Development

  
Marc Touitou  
CIO of San Francisco (City & County)  
Director of the Department of Technology

cc: Kate Howard  
Harvey Rose  
Ben Rosenfield

---

**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** Public Hearing-Parking Meters in the North Mission

**From:** D. Robert Foster [mailto:drf2005@sbcglobal.net]  
**Sent:** Wednesday, October 30, 2013 5:50 PM  
**To:** parkingplanning@sfmta.com; MTABoard@sfmta.com; Streets, Sustainable; Board of Supervisors  
**Cc:** ed.reiskin@sfmta.com; mtaboard@sfmta.com  
**Subject:** Public Hearing-Parking Meters in the North Mission

Last Friday, October 25, we found a notice from SFMTA announcing a hearing on Ordinance 5176, adopted October 18, 2013, announcing that they intend to plant parking meters on residential streets in our neighborhood.

This notice was given by posting a flyer on a pole and sending out a few emails. The meeting is scheduled on a weekday -- the day after Halloween when most people are at work.

I am writing to express my strong opposition to Ordinance 5176.

This action is a slap in the face to all those who trust the SFMTA, is without merit, and is meant to restrict parking in the eastern neighborhoods.

Many residents, merchants and neighborhood groups spent countless hours working with SFMTA and other city officials on a comprehensive neighborhood plan, thinking that the SFMTA was committed to helping us. This ordinance breaks that trust.

Thank you for considering this point of view.

Sincerely,

D. Robert Foster  
1353 Stevenson St.  
San Francisco, CA 94103

---

**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** Meters in our neighborhood

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

From: Joanne [mailto:[Pinktool@Pacbell.net](mailto:Pinktool@Pacbell.net)]  
Sent: Wednesday, October 30, 2013 8:37 PM  
To: Board of Supervisors  
Subject: Meters in our neighborhood

Last Friday, October 25, we found a notice from SFMTA announcing a hearing on Ordinance 5176, adopted October 18, 2013, announcing that they intend to plant parking meters on residential streets in our neighborhood. This notice was given by posting a few flyers on poles (we found two so far) and sending out a few emails.

I am writing to express my strong opposition to Ordinance 5176. This action is a slap in the face to all those who trust the SFMTA, is without merit, and is meant to restrict parking in the eastern neighborhoods. Many residents, merchants and neighborhood groups spent countless hours working with SFMTA and other city officials on a comprehensive neighborhood plan, thinking that the SFMTA was committed to helping us. This ordinance breaks that trust.

Thank you for considering this point of view.

Sincerely,

-Joanne Bloomfield  
540 Alabama St. #318  
SF, CA 94110

---

**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** More meters

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

From: Lori Tooker [mailto:loritooker@me.com]  
Sent: Thursday, October 31, 2013 7:41 PM  
To: Board of Supervisors  
Subject: More meters

I oppose the plan to add more meters. I don't care if you change existing ones to Smart meters, but I don't want more meters added. What the city needs is lots more parking garages. At low cost. Stop milking those of us who need to drive just because you think you can.  
Regards,

Lori Tooker

---

**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** Do the right thing

**From:** Rosa De Anda [mailto:rosadeanda@earthlink.net]  
**Sent:** Thursday, October 31, 2013 9:10 PM  
**To:** parkingplanning@sfmta.com; MTABoard@sfmta.com; Board of Supervisors; ed.reiskin@sfmta.com  
**Subject:** Do the right thing

Dear San Francisco City Representative,

Last Friday, October 25, we found a notice from SFMTA announcing a hearing on Ordinance 5176, adopted October 18, 2013, announcing that they intend to plant parking meters on residential streets in our neighborhood. This notice was given by posting a few flyers on poles (we found two so far) and sending out a few emails.

I am writing to express my strong opposition to Ordinance 5176 to install meters in the NE Mission for the following reasons:

- The installation of meters is contrary to what the SFMTA has promised which is a COMPREHENSIVE plan for the entire area, before any installation of meters would take place.
- 
- Our Supervisor David Campos, Director Ed Reiskin and members of the SFMTA Board of Directors have promised us a process and comprehensive plan that engages the neighborhood and works with the stakeholders, and is not done piecemeal.
- 
- We are not opposed to meters if requested by our local businesses. However, this week having spoken with local businesses: no local business is confirming they requested meters to be installed. Thus, I insist that proof of requests be made available to the public before any ordinance is passed.

Finally, many residents, merchants and neighborhood groups spent countless hours working with SFMTA and other city officials on a comprehensive neighborhood plan, thinking that the SFMTA was committed to helping us. This ordinance breaks that trust.

Thank you for your attention to this matter.

Sincerely

Rosa De Anda

---

**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** Parking meters

**From:** RIchard Deutman [mailto:deutman@gmail.com]  
**Sent:** Thursday, October 31, 2013 8:50 AM  
**To:** parkingplanning@sfmta.com  
**Cc:** Board of Supervisors; ed.reiskin@sfmta.com; mtaboard@sfmta.com  
**Subject:** Parking meters

I am writing to express my strong support to Ordinance 5176.

The area in and around my neighborhood would be better served with 7 day a week parking meters on every street, including Mc Coppin Stevenson , Mission and Valencia street.

Presently many of not all un metered parking spaces are taken 8-12 hours a day by employees at various nearby businesses. The Mc Coppin hub area has many secure paid parking alternatives available for people needing to park for 8-12 hours. For our neighborhood locals and those patronizing local business the alternative of convenient on street parking is not being met.

Once again *I fully support metered parking in my neighborhood.*

Richard Deutman  
Resident @ 101 Valencia

---

**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** This is WRONG... You LIED to us

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

From: Marc De Anda [mailto:marcdeanda@earthlink.net]  
Sent: Thursday, October 31, 2013 10:08 AM  
To: Board of Supervisors  
Subject: This is WRONG... You LIED to us

Dear San Francisco City Representative,

Last Friday, October 25, we found a notice from SFMTA announcing a hearing on Ordinance 5176, adopted October 18, 2013, announcing that they intend to plant parking meters on residential streets in our neighborhood. This notice was given by posting a few flyers on poles (we found two so far) and sending out a few emails.

I am writing to express my strong opposition to Ordinance 5176 to install meters in the NE Mission for the following reasons:

- The installation of meters is contrary to what the SFMTA has promised which is a COMPREHENSIVE plan for the entire area, before any installation of meters would take place.

- Our Supervisor David Campos, Director Ed Reiskin and members of the SFMTA Board of Directors have promised us a process and comprehensive plan that engages the neighborhood and works with the stakeholders, and is not done piecemeal.

- We are not opposed to meters if requested by our local businesses. However, this week having spoken with local businesses: no local business is confirming they requested meters to be installed. Thus, I insist that proof of requests be made available to the public before any ordinance is passed.

Finally, many residents, merchants and neighborhood groups spent countless hours working with SFMTA and other city officials on a comprehensive neighborhood plan, thinking that the SFMTA was committed to helping us. This ordinance breaks that trust.

Thank you for your attention to this matter.

Sincerely Rev. Marc Jondall

---

**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** Nov 1 Hearing re Ordinance 5176

---

**From:** Gabrielle Thormann [mailto:gthormann@gmail.com]  
**Sent:** Friday, November 01, 2013 12:21 AM  
**To:** parkingplanning@sfmta.com; MTABoard; Board of Supervisors  
**Subject:** Nov 1 Hearing re Ordinance 5176

Dear San Francisco City Representative,

Last Friday, October 25, we found a notice from SFMTA announcing a hearing on Ordinance 5176, adopted October 18, 2013, announcing that they intend to plant parking meters on residential streets in our neighborhood. This notice was given by posting a few flyers on poles (we found two so far) and sending out a few emails.

I am writing to express my strong opposition to Ordinance 5176 to install meters in the NE Mission for the following reasons:

- The installation of meters is contrary to what the SFMTA has promised which is a COMPREHENSIVE plan for the entire area - including residents' needs, and the varying needs of different kinds of businesses – before any installation of meters would take place.
- Our Supervisor David Campos, Director Ed Reiskin and members of the SFMTA Board of Directors have promised us a process and comprehensive plan that engages the neighborhood and works with the stakeholders, and is not done piecemeal.
- We are not opposed to meters if requested by our local businesses, and alongside other solutions proposed by local businesses. Meters appear to be the singular solution to business needs, while other proposals are nixed with little reasoning provided.

Many residents, merchants and neighborhood groups spent countless hours working with SFMTA and other city officials on a comprehensive neighborhood plan, thinking that the SFMTA was committed to working with us. I ask that this ordinance be denied until other pieces of a comprehensive plan are in place.

Thank you for your attention to this matter.

Sincerely,

Gabrielle Thormann



---

**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** People Ignored

---

**From:** Ryan Kowdley [mailto:rkeez@hotmai.com]  
**Sent:** Tuesday, October 29, 2013 4:09 PM  
**To:** Board of Supervisors; MTABoard@sfmta.com; parkingplanning@sfmta.com; ed.reiskin@sfmta.com  
**Subject:** People Ignored

After all the resistance of the folks who actually live in the neighborhood, you have decided to install meters via city ordinance #5071 in areas that NO ONE wants other than the government. Stop hiding behind the lies of "congestion management" and "parking management" as a way to raise funds for city coffers. Then you turn around and spend the money extorted from the innocent people on art projects, cell phones from homeless, and basically nothing that the people you are taking the money from want.

You are not helping us. You are hurting us. And there are few voters that trust you. Your "community outreach" met stiff opposition, yet still you move forward. Your honesty is questionable, your honor dubious. A small handful of folks overrule the wishes of tens of thousands regularly. Why doesn't ANYTHING come up for a vote that actually affects us? Instead we get non-binding resolutions on medicine and multiple measures on some condo project I couldn't care less about.

Reiskin, you should be fired for your personal bias shaping public policy. When is the last time you did anything for motorists? Is it having to pay \$4.50 to park at a meter in the Mission for an hour's lunch? How about turning previously moving auto corridors into parking lots (Cesar Chavez, Oak/Fell, Masonic, 7th Ave)? How about the parking permit price going up every year? Or the street sweeping ticket going up every single year?

I'm getting less, why am I not paying less, but I'm actually paying more? Why is almost everyone paying more and getting less?

No one believes you listen, you will just do what you want to do, the people be damned. Well, of course, people who disagree with you anyways.

"Parking management" is the biggest crock of lies and you know it. Everyone knows the city is just trying to raise cash. The Emperor is wearing no clothes!

-Ryan K.

---

**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** Parking meters  
**Attachments:** Nov 1 doc..docx

**From:** Karin Wikstrom [mailto:[karinwikstrom@sbcglobal.net](mailto:karinwikstrom@sbcglobal.net)]  
**Sent:** Friday, November 01, 2013 11:22 AM  
**To:** Board of Supervisors  
**Subject:** Parking meters

Dear San Francisco City Representative,

Last Friday, October 25, we found a notice from SFMTA announcing a hearing on Ordinance 5176, adopted October 18, 2013, announcing that they intend to plant parking meters on residential streets in our neighborhood. This notice was given by posting a few flyers on poles (we found two so far) and sending out a few emails.

I am writing to express my strong opposition to Ordinance 5176 to install meters in the NE Mission for the following reasons:

- The installation of meters is contrary to what the SFMTA has promised which is a COMPREHENSIVE plan for the entire area, before any installation of meters would take place.
- 
- Our Supervisor David Campos, Director Ed Reiskin and members of the SFMTA Board of Directors have promised us a process and comprehensive plan that engages the neighborhood and works with the stakeholders, and is not done piecemeal.
- 
- We are not opposed to meters if requested by our local businesses. However, this week having spoken with local businesses: no local business is confirming they requested meters to be installed. Thus, I insist that proof of requests be made available to the public before any ordinance is passed.

Finally, many residents, merchants and neighborhood groups spent countless hours working with SFMTA and other city officials on a comprehensive neighborhood plan, thinking that the SFMTA was committed to helping us. This ordinance breaks that trust.

Thank you for your attention to this matter.

Sincerely

Karin Wikström

---

**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** A Victory for SFGH's Dialysis Patients (Now In Print)

**From:** pmonette-shaw [mailto:Pmonette-shaw@earthlink.net]  
**Sent:** Sunday, November 03, 2013 7:21 PM  
**Subject:** A Victory for SFGH's Dialysis Patients (Now In Print)

My new article, "A Victory for SFGH's Dialysis Patients" is in press at the *Westside Observer*. It is now available on-line at [www.stopLHHdownsize.com](http://www.stopLHHdownsize.com):

**"A Victory for SFGH's Dialysis Patients"**

The RFP to outsource SFGH's dialysis Renal Center has been suspended.

It was dead on arrival when it eventually reached San Francisco's Board of Supervisors — after it had sailed through San Francisco's asleep-at-the-wheel Health Commission, which had made a lot of noises about keeping dialysis services at SFGH, but then did nothing meaningful at the Health Commission to stop the privatization of dialysis services to the City's most vulnerable of patients.

"The conduct of Supervisors Campos and Mar during the hearing demonstrated their ability to analyze proposals, ask very relevant questions, truly listen to impassioned testimony, and respect those who came forward to give public comment," retired LHH employee Vivian Imperiale says.

The 40-plus people who testified during the October 17 hearing ended up changing the world for dialysis patients treated at SFGH.

*Please feel free to widely share the printer-friendly version of this article available on my web site, or a link to my web site.*

***Patrick Monette-Shaw***

[Read more](#) (in the printer-friendly PDF file on-line)

To unsubscribe, send me an e-mail



C-PAGES  
File 130766  
BOS-11

---

**From:** Carroll, John  
**Sent:** Tuesday, October 29, 2013 11:16 AM  
**To:** BOS-Supervisors  
**Subject:** FW: File No. 130766

---

**From:** Roger Kat [mailto:rager4@sbcglobal.net]  
**Sent:** Tuesday, October 29, 2013 10:26 AM  
**To:** Board of Supervisors  
**Subject:**

Please vote no in Scott Weiner's legislation about closing parks and other public areas.

Regards,  
Roger

Communications W & Rd

10/29/12

Box-11

COB

page

File: 130766

October 28, 2013 RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

BUS —

2013 OCT 29 PM 12:07

In the view of this citizen, Supervisor Scott Weiner's proposed nighttime curfew on access to parks would not only confiscate, that is, steal our liberty fully to enjoy nature in our City of St Francis. <sup>AK</sup>

It would be an abdication of Supervisors' governmental role to supervise.

Are Park & Rec's rangers, Police Department patrols and Sheriff's remits not qualified to cope with homeless encampments in Golden Gate Park? Law enforcers unable to identify and constrain a known, repeat vandalizer of Portsmouth Square? Lacking imagination and initiative to enlist talent and resources in the world's capital of technology, for example, to deploy inexpensive ad hoc cameras at McLaren Park sites of materials theft? Too squad-car-captive, politically intimidated or untrained to curtail public sexual activity in Buena Vista Park? I don't think so. Imagination, art and benevolence made our parks. Supervision is indicated.

"Every other city does it"—an easy but bootless fix to timeless nuisances and episodic problems which challenge competence, compassion and capability—is a feckless, unworthy reason for curtailing a basic freedom: to enjoy at will our parks.

Slippery slope— Prohibiting anytime use\* of City parks could be an enclosures precedent for, say, the Presidio Trust, then, perhaps GGNRA some day, for reasons of budget economies, tidiness or simply sloth further to restrict citizens to the built, paved, increasingly dense and regulated, unequally privileged environment.

Our urban green commons whether pocket-sized, neighborhood or magnificent require dedicated, determined stewardship of these horticultural and recreational oases and escapes. Not forfeit of civic liberty and pleasures to illusory security.

Any one of our parks *should* be as safe a place as any corner or sector of the City! *That's* our challenge, in this unique city of possibilities beloved by the world.

For the Board of Supervisors to outsource a failure of management and oversight to the (burdened as well as cluttered) justice system would be inappropriate, a shirking of responsibility. Closing our City & County's parks at night is an ill-advised, myopic, immature idea. Please reject this proposed legislation. Thank you,

*John Diamante*

\*A poet's walk; evening-shift worker's run; lovers' stroll; bereaved's consolation; citizen's meditation; scientist's or coder's inspiration; even youth's exploration....

John C Diamante 268 Bush St, PMB 1009 San Francisco 94104 415.392 3111

[Native. Owns a business in the City. Long active in civic affairs. Ran for mayor, 1971 [by bicycle], 1975 [with stage-coach], on an independent, details-specific, low-carbon, post-automotive, housing, social justice and arts platform.]

File: 130766

C. PAHES  
BOS-11 (electronically)

**From:** Jim Nemerovski [jim@pathways.com]  
**Sent:** Tuesday, October 29, 2013 12:38 PM  
**To:** Board of Supervisors  
**Subject:** Please submit this email into the record regarding the matter coming up today for public comment regarding daily park closures: Re: How would you spend \$1 million?

To Clerk:

Please submit this email into the record regarding the matter coming up today for public comment, as I will not be able to attend.

Note: this message was originally sent to members of the Board of Supervisors: I was advised by Supervisor Wiener's office to submit this direct to the Clerk to ensure it will be included in the conversation.

Thank you.

My best,

Jim

---

Jim Nemerovski  
jim@pathways.com  
(415) 387-8185 - land line - Pacific Standard Time  
(415) 385-0643 - mobile

Begin forwarded message:

**From:** Jim Nemerovski <jim@pathways.com>  
**Subject:** Re: How would you spend \$1 million?  
**Date:** October 18, 2013 at 11:00:33 AM PDT  
**To:** "advocacy@sfparksalliance.org" <advocacy@sfparksalliance.org>, "feedback@sfparksalliance.org" <feedback@sfparksalliance.org>  
**Cc:** Phil Ginsburg <phil.ginsburg@sfgov.org>, Eric Mar <Eric.L.Mar@sfgov.org>, Peter Lauterborn <peter.lauterborn@sfgov.org>, "Scott.Wiener@sfgov.org" <Scott.Wiener@sfgov.org>

Thank you for making us aware.

I would recommend a comprehensive monitoring system including cameras to guide law enforcement.

There is likely an incredible amount of illegal and inappropriate activity which takes place on city property.

Proper placement could help identify vehicles. Connecting Park-specific monitoring with other cameras could piece together a web or trail to locate and question and incarcerate actual offenders, including paid, city staff.

The example of the tragic loss of life near Cortland Ave, where the city employee has still yet to be prosecuted, comes to mind...

Also, as enforcement becomes more viable, cameras will become the only means for a check and balance to protect citizens from possible abuse of power by security and law enforcement.

My best.

Jim


Jim Nemerovski  
[jim@pathways.com](mailto:jim@pathways.com)  
(415) 387-8185 - Land line  
(415) 385-0643 - Mobile  
California Time - PST

My best,

Jim

Jim Nemerovski  
[jim@pathways.com](mailto:jim@pathways.com)  
(415) 387-8185 - Land line  
(415) 385-0643 - Mobile  
California Time - PST

On Oct 18, 2013, at 10:31 AM, San Francisco Parks Alliance <[advocacy@sfparksalliance.org](mailto:advocacy@sfparksalliance.org)> wrote:



**\*\* ADVOCACY ALERT FROM THE SAN FRANCISCO PARKS ALLIANCE \*\***

October 17, 2013

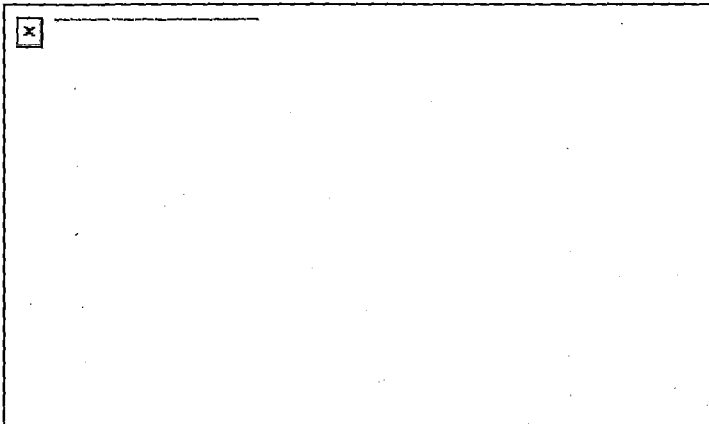
## How would you spend \$1 million?

**Learn more!**

**Visit our Park Hours Advocacy Page**

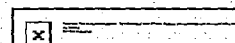
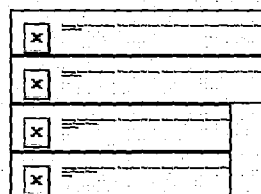
Learn about the legislation, download sample letters to edit and send to your supervisor, and see current news about the progress of the legislation!



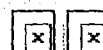


[Visit advocacy page>>](#)

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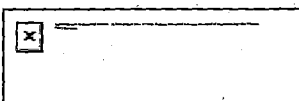


## In San Francisco, we spend it on repairing vandalism and illegal dumping in our parks.

Protect the condition of our San Francisco Parks and support Scott Weiner's Park Hours Legislation. By establishing clear, codified park closure hours from 12 AM to 5 AM (with exemptions for walking, biking and driving through certain parks) our Park Patrol and Police Department will have another tool to combat the nearly \$1 million in annual damages that result from vandalism and illegal dumping in our parks.

Join us by sending a **letter of support** and calling your **District Supervisor** TODAY!

Thank you for being an advocate of parks!



Matt O'Grady  
SFPA Executive Director

San Francisco Parks Alliance | [feedback@sfparksalliance.org](mailto:feedback@sfparksalliance.org) | <http://www.sfparksalliance.org>  
PO Box 170160  
San Francisco, CA 94117-0160

OUR CITY, OUR PARKS.

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**Forward this email**



This email was sent to [jim@pathways.com](mailto:jim@pathways.com) by [advocacy@sfparksalliance.org](mailto:advocacy@sfparksalliance.org) |  
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).  
San Francisco Parks Alliance | PO Box 170160 | San Francisco | CA | 94117-0160

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**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Cc:** jim@pathways.com  
**Subject:** FW: Daily Public park closure effort

Mr. Nemerovski:

Your email has been forwarded to the Board of Supervisors and placed in File 130766.

---

**From:** Jim Nemerovski [mailto:jim@pathways.com]  
**Sent:** Wednesday, October 30, 2013 3:41 PM  
**To:** Board of Supervisors  
**Subject:** Fwd: Daily Public park closure effort

Attention: Clerk:

Please add to public record, in addition to previous message emailed to you, yesterday.

Please advise this will be received by and ideally thoroughly reviewed by those considering the nightly park closure efforts.

Thank you.

My best,

Jim

Jim Nemerovski  
[jim@pathways.com](mailto:jim@pathways.com)  
(415) 387-8185 - Land line  
(415) 385-0643 - Mobile  
California Time - PST

Begin forwarded message:

**From:** Jim Nemerovski <[jim@pathways.com](mailto:jim@pathways.com)>  
**Date:** October 30, 2013 at 11:15:51 AM PDT  
**To:** "Wiener, Scott" <[scott.wiener@sfgov.org](mailto:scott.wiener@sfgov.org)>  
**Subject:** Re: Daily Public park closure effort

Thanks for replying, Scott.

I am wondering what your original, personal motivation was to implement this radical change and how you are addressing the feedback I see in the press, including sleep-ins.

This idea may be mainstream but there must be a reason San Francisco has not had park closure hours, which are or are not being addressed in the current effort.

It is stated that the effort will not impact those in need discovered in the park, including the homeless: that this might be better for them?

How does this actually change the equation regarding trash? Does this fund increasing the coverage by police in the late hours? If items are disposed of inside a park won't it require the police to travel deeper into the park during normal rounds rather than being visible on the streets deterring crime; able to observe and deter?

This idea seems to imply that the cost to remove refuse will go down or the cost of coverage by police will not go up; and any agencies who help the homeless to enter temporary housing facilities (if there are vacancies: what is the rate of access to those in need?) – or other intended facilities to address otherwise previously-unrecognized emergencies:

other than the implied reduced access to parks by law-abiding citizens this effort does not seem to address the likely pitfalls and excessive costly downsides without having in place the funding up front to address the needs which will be revealed.

Does the city have the funding and the will to arrest and incarcerate individuals in combination with citing with penalty fee?

Those who need and only have parks as refuge from personal situations, including youth in personal, abusive life situations, will not be deterred but likely find themselves confronted by abuse of authority rather than an opportunity to address their private situation in a meaningful and productive way:

unless this effort by the Board of Supervisors is not merely about handing refuse, but, a subversive method for helping the disenfranchised people to find the necessary refuge and resources they need to turn their lives around:

is that something this effort has adequate funding of the mandate and the will of all city and it's citizens and NGOs affiliated?

San Francisco is actually known as a city of compassion not just enforcement: it seems to also get us in trouble as a city visible to the world, when we live up to that reputation.

As it was recently revealed in the mainstream press, Nevada mentally-ill with no safety net provided one-way bus tickets to San Francisco; this story, whether or not true, has come up a number of times in the press, seemingly, an urban myth.

Assuming it is true: it is just one example of how we are viewed by those who are not will in to help compassionately and with adequate funding in place to actually help.

Under strains and constraints of the ongoing economic national crisis, while San Francisco seems to have been far less impacted than other cities, both large and small, we are unique in how we address homelessness, as a most contemporary example, as mandated under the Newsom administration.

Yet, as our economic growth offers challenges and opportunities, including real estate for the workers who commute to the Peninsula, many of whom now live in your own district, and the quality of life will continue to escalate due to that infusion of talent and means, the dynamic, including care for the less fortunate, will put pressure on you and your colleagues to find ways to solve persistent challenges, such as the pickup and disposal of refuse and care for the needy and challenged who occupy the public facilities.

I think you believe your idea is a good one.

I don't think however \$1,000,000 spent arbitrarily on the set of issues we are faced with truly addresses the source of the issues; it diverts attention from the truly meaningful and critical ones; there is no set of contingencies discussed that fund beyond the limited scope the \$1,000,000 could address.

I also do not see the real benefit in citing and extracting excessive funds from those who do not have the means, the likely candidates for your new program.

Will they be arrested and take up time in the courts at the city taxpayers' expense to contend with unpaid citations? Or, as most will be without residence, how will you follow up and use the citations as deterrent: how will you ensure recovery of penalties to find the basic intentions of your program?

Thank you, Scott – or Aid – for the time and consideration in reading and considering this through to the end.

My best,

Jim

Jim Nemerovski  
[jim@pathways.com](mailto:jim@pathways.com)  
(415) 387-8185 - Land line  
(415) 385-0643 - Mobile  
California Time - PST

On Oct 30, 2013, at 8:36 AM, "Wiener, Scott" <[scott.wiener@sfgov.org](mailto:scott.wiener@sfgov.org)> wrote:

Cameras on public property in San Francisco always cause a political explosion. I agree with you that they could be very useful here. As for other cities, they all have park hours - every single one - ranging from the big ones like New York and Chicago to the medium ones like Austin, Portland, and Seattle to the smaller ones like Berkeley and Santa Monica. We are out of step in a negative way for our park system.

Scott Wiener  
Supervisor, District 8  
(415) 554-6968

To read or subscribe to my monthly newsletter or to follow me on Facebook or Twitter, go to [www.scottwiener.com](http://www.scottwiener.com).

On Oct 29, 2013, at 1:16 PM, "[jim@pathways.com](mailto:jim@pathways.com)" <[jim@pathways.com](mailto:jim@pathways.com)> wrote:

To:[scott.wiener@sfgov.org](mailto:scott.wiener@sfgov.org)

Email:[jim@pathways.com](mailto:jim@pathways.com)

NAME:James S Nemerovski

PHONE:415-387-8185

EMAIL\_VERIFY:[jim@pathways.com](mailto:jim@pathways.com)

COMMENTS:Rather than impose constraints and restraints on the public, in a city which is NOT like other cities across the USA, let alone, of similar size: I would recommend a comprehensive monitoring system including cameras to guide law enforcement. There is likely an incredible amount of illegal and inappropriate activity which takes place on city property. Proper placement could help identify vehicles. Connecting Park-specific monitoring with other cameras could piece together a web or trail to locate and question and incarcerate actual offenders, including paid, city staff. The example of the tragic loss of life near Cortland Ave, where the city employee has still yet to be prosecuted, comes to mind... Also, as enforcement becomes more viable, cameras will become the only means for a check and balance to protect citizens from possible abuse of power by security and law enforcement.

“Everyone else is doing it” is not a sound rationale for legislation.

Secondly, this measure supposedly addresses vandalism and dumping in parks, yet we are presented with only the most general and nonspecific supporting information regarding the problem.

Both of dumping and vandalism are already against the law and it has not been explained why the existing laws are not sufficient.

For instance, exactly how little of the vandalism has occurred between the hours of 12 Am and 5 Am? If the vandalism or dumping occurred during the other 19 hours of the day, then this measure will do NOTHING to address that.

In fact, it is far more likely that less vandalism occurs in public space that is being enjoyed and is populated by the public, by people.

Where is crime most likely to occur?

In places where people are present, or deserted areas with no potential witnesses or people to alert the authorities?

The answer is obvious.

Additionally, if someone is breaking any of our already existing laws in a public park we have a police department to address that. In my opinion they do a good job of this without another redundant measure that would distract them from more important needs on the part of San Franciscans.

The representatives of the people of San Francisco should be encouraging MORE people to enjoy our public parks and all of our public spaces, our parklets, our streets, and our neighborhoods, MORE often.

Not making it a crime for someone to simply walk their dog, or sit on a park bench talking with friends or looking at the stars.

What if a person wants some fresh air, or a moment of peace and quiet after midnight and enters a public park?

Is that person a criminal? If you pass this measure they will be.

Many of my friends and neighbors enjoy public parks after a late dinner out at a restaurant or walking home from a neighbor's house. Why should Washington Square Park or Dolores Park be closed at midnight while neighboring restaurants are still open and people are out enjoying the evening?

Tourists from all over the world stop at Coit Tower and Twin Peaks and admire the sweeping views of our gorgeous city.

What impression will we leave our guests from other countries with, when a police officer arrives to chase them out of a public space for no discernible reason?

What will they tell their friends and family when they return home after being kicked out of Union Square by police? Can we reasonably expect them to ever return after having been treated so rudely? Can they really be expected to believe we value their visits and all of their spending that

supports this city?

It is nearly impossible to wrap one's head around the notion that the only way to preserve public space is to prevent the public from entering and enjoying it.

The same terrible logic would lead us to conclude that ALL public space would be better kept and all citizens more safe if we simply passed a law creating a dusk to dawn curfew.

There would certainly be less crime.

But at what point are we no longer a society that values the freedom of individuals to move about and to enjoy the public spaces they pay for with their taxes?

I would argue that this measure is a step in that very wrong direction, and that there has been very little specific factual support given for it's necessity.

Spending precious tax dollars on sending police into parks to chase, arrest or issue citations to people who are doing nothing wrong makes no sense whatsoever and the Board Of Supervisors should reject this measure that seems to solve none of our existing problems, but will succeed in creating many new ones.

This is a measure that makes criminals out of ordinary law abiding people who are using public space in a lawful and reasonable manner, and that is a terrible thing to do.

Thank you for your attention to this matter.

-Chris Farris



---

**From:** Board of Supervisors  
**To:** BOS-Supervisors; Miller, Alisa  
**Subject:** File 130766: Communication of Concern to the new ordinance 130766 [Park Code - Hours of Operation for City Parks] approved at BOS 11/5/13 meeting

---

**From:** carpihole@aol.com [mailto:carpihole@aol.com]  
**Sent:** Wednesday, November 06, 2013 11:47 AM  
**To:** Board of Supervisors  
**Subject:** Communication of Concern to the new ordinance 130766 [Park Code - Hours of Operation for City Parks] approved at BOS 11/5/13 meeting

Dear Supervisors,

I applaud the efforts of those who opposed this legislation. I know it must feel futile, as the majority of the board is blinded and misguided all in the name of "progress". I pray for you ... to give you strength and courage to continue as you are on the right track. Thank you for not sitting idly by.

Those who voted for this legislation in the name of progress, I remind you that those who live by the sword, die by the sword. Keep in mind the old saying that the pen is mightier than the sword, so those who use a pen to penalize indiscriminately versus eliminate bad laws, will inevitably become victims of their own works. I pray for you.....that sooner rather than later your shortsightedness abates enough to see the immediate impacts on humanity from these types of irresponsible legislation - I pray you become progressive enough to see beyond the mere vision of money, power, mine and my own philosophies, and the "glory" of all things new. Strike one.

The price of continuing to create legislation that serves corporate and faceless entities, who have abused the privilege of anonymity and skirted accountability through LLCs and corporate structure, rhetoric, and lawyers, re-defining "community benefit" to be self-serving, one-sided benefit to property owners and corporate entities only and re-defining "stakeholders" as anyone but the people who are directly impacted by the very laws that are promoted through false advertising will become evident. ( per SEC. 456. FALSE STATEMENTS RELATING TO MERCHANDISE OR SERVICES PROHIBITED-PENALTY. punishable by a fine of no less than \$25, no more than \$500).

For those who are interested, feel free to check out this article on the history of politics and homelessness in San Francisco. History does not have to repeat itself....it is not too late to undo this damage. I am confident that your names will be added to the next historical account of a San Franciscan administration that makes policy condoning cruelty to those most in need... if you don't.

<http://www.welcomeministry.org/resources/history/>

One of the many clear, substantial, and valid points made at yesterday's meeting is that passing duplicative, confusing, and ambiguous laws only add stress and confusion to those who are charged with enforcing the laws.....has anyone of you read the Charter? If so, has anyone tried to navigate the charter with the 250+ laws that are passed each and every year? Commissions cannot even keep up with the rule making..... how are they expected to know, abide by, work within, and enforce?

Please consider declaring November "Be kind to the Homeless" month - allowing usage of the Parks from 12am - 5 am for sleep only;

- a) Require the YMCA to open their doors back up to the indigent for restrooms, showers and exercise facilities - as originally intended;
- b) Require store owners to allow use of their bathrooms to all;
- c) Require the City to provide free transportation to those who simply state that they cannot afford it;
- d) Require citizens to offer excess food or money or a hug or a handshake or a ride to a homeless person;
- e) Require the City to keep park restrooms open 24/7 and hire homeless persons to manage;
- f) Require the City to add/maintain needle disposal receptacles in parks with posted info for needle exchanges locations and times;
- g) Require the City to add storage facilities in various parts of the City for the homeless to store their belongings;

h) Require that Ambassadors of BIDs and CBDs, officers, and city workers who take personal property that is unattended for more than 20 minutes to post a location for lost and found for each district to enable people to collect their belongings;

i) Create walk-in counseling centers - where no information is collected or sold....just a center with people who listen, validate, and understand;

j) Allow sitting down on sidewalks if there are no benches available;

k) Have the SFPD and communities sponsor BBQs in the parks weekly;

l) Create a program that provides incentives for interested people in the park that are witnesses to crimes in parks to encourage reporting (give them a phone with a camera so they can report it through 311 and send evidence for prosecution);

m) Waive and Expunge all existing camping, sit/lie, aggressive soliciting citations and records to all interested in doing so and provide \$100 per ticket turned in to the person who received it. (this will cost the City less than it would for the costs for prosecution, jail, court, etc.);

n) Add a bonus to all who have been falsely accused of a crime, falsely arrested, and incarcerated for months/years, later released without a dime of compensation, much less an apology.... who come forward and can verify this.

We cannot assume that our homeless are all persons with criminal intent (sitting on sidewalks), or drug dependent (needles could be from insulin), or "severely mentally ill" (though the stress of being homeless is a reasonable assumption, this latest propaganda seeks to promote fear instead of instill respect and compassion)..... they are a product of Corporate America and Public - Private governments, who are simply trying to navigate in a City with thousands of laws and hundreds of dead ends as it relates to the services that are advertised for them....and zero accountability. Many have been repeatedly injured, cited, arrested, failed, beaten down, looked upon with disgust.....but continue to live in this City that proclaims to be a World Class City of Human Rights and a sanctuary to all.

I remind the Board that false advertising could cost the City no less than \$25.00 for making these claims.

The homeless are not statistics or collateral damage....they are human beings.

I propose a challenge.....if anyone is interested, please feel free to contact me. It will be worth the hour.

Blessings,

Diane Carpio

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

From: carpihole <carpihole@aol.com>

To: Board.of.Supervisors <Board.of.Supervisors@sfgov.org>

Sent: Thu, Oct 17, 2013 1:31 pm

Subject: Communication in Opposition to File 130766 [Park Code - Hours of Operation for City Parks] for BOS 10/29/13 meeting

Dear Supervisors;

This letter is to express a great concern about the proposed Park Hours Legislation introduced first in December 14, 2010 by the Mayor to the City Operations and Neighborhood Services Committee, and more recently on July 23, 2013 by Supervisor Weiner assigned to the Land Use and Economic Development Committee.

As stated at the Land Use and Economic Development Committee meeting on October 7, 2013, I strongly oppose this legislation. I understand this legislation has been forwarded without recommendation to the Board of Supervisors to be heard on October 29, 2013. This legislation is discriminatory and only serves to convolute and skirt enforcement responsibility for crimes that occur in City parks and to continue diminishing the rights of all San Franciscan's - especially those who rely on public parks as their one last place of respite.

This proposed legislation and other laws and ordinances that have been enacted over the years directly contradict and conflict with upcoming legislation....specifically CA AB 5, The Homeless bill of rights (Attached

hereto for your convenience) which supports the constitutional rights of the poor and indigent. **San Francisco must evaluate many current laws, systems, and accepted practices in all City Departments, that conflict with this new law.**

Let's talk about obvious common sense concerns should the proposed legislation governing Park Hours reintroduced by Supervisor Weiner be enacted:

- The burden of knowing whether park hours apply to any given park lies on every single US citizen and tourist;
- Inconsistencies (carve outs) in the law would add fear (and stress) to all citizens of being targeted simply for being in the wrong place at the wrong time;
- In effect, imposes a curfew on the City subjecting anyone out after midnight to police scrutiny;
- The homeless would crowd the parks with exemptions to the law (thereby making attacks on homeless more efficient and profiling practices increased with zero citizen recourse); and,
- Dumping/Graffiti/Vandalism will still occur.

Prior to introducing any legislation relating to limiting civil rights under the guise of curbing crime are unacceptable without first providing the public common sense analysis' and reports that exhibit at bare minimum a modicum of need and alternate efforts taken to mitigate an issue (evidence of increased security in parks during those hours, specific numbers of incidents per park, enlisting assistance from homeless for reporting, evaluation of City Department practices, etc) prior to proposing to impose more rules and laws on the citizens of San Francisco. Without these efforts, submitting legislation that blatantly limit civil and human rights to be in public places and afford police/rangers the ability to indiscriminately target any occupant of any public space can be construed as an abuse of power and conflict of interest, and should be investigated as discriminatory and/or as crimes against humanity.

Bare minimum Analysis/Reports for this legislation should be mandatory prior to assuming that closing the parks for certain hours will allay the basis of this legislation:

- 1) # of incidents (dumping; vandalism; graffiti; underage drinking) per park per month from 1/1/2013 – 9/30/2013; how they would be prevented with this new legislation?
- 2) Parks & Rec costs for security at parks per year for 2010, 2011, & 2012 per park;
- 3) Vandalism & Graffiti costs with allocations per salary/vandalism/graffiti for 2010, 2011, & 2011 per park;
- 4) # of Park Rangers assigned per park per month during the hours of proposed closure from 1/1/13 – 9/30/13;
- 5) # of police reports/calls for any crime park per month from 1/1/13 – 9/30/13;
- 6) # of citations issued at parks, times of issuance per park per month from 1/1/13 – 9/30/13;
- 7) # of arrests (description of crime charged – including 5150s and Aggressive Solicitation which are not technically arrests) in parks from 1/1/13 – 9/30/13;
- 8) Are the Roles/responsibilities including enforcement of all parties clear and uniform;
- 9) A list of current laws that overlap with proposed legislation;
- 10) Alternate mitigation efforts and/or resolutions to a given issue;
- 11) A summary of all prior analysis performed on quality of life issues in San Francisco since 1990; and,
- 12) Proposed reporting requirements if enacted. (ie – updated # of incidents, costs, arrests of homeless as a result, impacts on legal system and hospitals, etc.)
- 13) Blocking Public rights of way – look at citations issued to individuals versus trucks/advertising boards
- 14) Public urination/excrement – Report on public restroom maintenance/availability; accessibility of public restroom – hours/locations

Penalizing the general public for City deficiencies in providing facilities for basic human care under the guise of random crime is not acceptable and will lead to a militarized city that specifically targets the homeless, poor, and indigent and allows for individual (potentially renegade) discretion of authority – leaving little to no remedy or defense against false and discriminatory actions of officers/rangers as a result of this legislation. Additionally, costs to litigate the impacts of the legislation would surely cost tax payers more than adding security cameras or other measures that should reasonably be taken prior to even introducing such legislation. Let's not forget about the impact on the individuals who have been subject to the existing laws.

Some of the current laws that serve target the poor and indigent population and warrant analysis are:

012-08 – prohibits camping/sleeping in parks 8pm-8am (3.12;3.13) 1/24/08 Newsom

MPC 120.2 – Aggressive Solicitation Ban/ Substance Abuse and Mental Health Diversion Program (Formerly Aggressive Panhandling –MPC 120.1. This has been repealed due to law suits and civil rights issues) it is curious that this does not apply to healthcare professionals; businesses spamming; restaurants leaving door hangers weekly who are able to repeatedly violate this law)

File # 120124 Large Vehicle Parking Restrictions 9/28/12 Chu/Cohen – Should look at studies of the prior proposed legislation (report on costs applied to fixing roads/contractors/ assessment)

Prop L - Sit/Lie 11/2010 (absolutely used against the homeless– should evaluate # of people with homes that have been cited (ages/disability/construction workers)

File # 120191 Building Code amending definition of Efficiency Unit 2/25/12 Weiner which reduces the size of affordable housing units living spaces by 70 square feet (from 220sqft to 150sqft).

0015-12 – Public Guardian/Public Administrator Gift Fund - Financial Management with “Voluntary” Informed Consent – the catch is, if a person is referred to a program in SF from drug court vs. jail, they are required to sign a document that gives authority to a person to collect their GA check and charge them a monthly fee for management – with zero oversight. This program must be audited and evaluated for legal issues.

5150 (CIT) – Individual rights, Patient rights and due process violations are all accepted practices in San Francisco

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In summary, I urge this Board to focus on legislation that will provide incentive for our City's Board of Supervisors, Mayor, and Department Heads to center their legislative focus on holding all bad actors (including corporations) accountable for crimes against the public – not promoting the restriction of basic civil and human rights based on random acts of a few bad actors who have violated **criminal** laws - which the City failed to investigate or enforce.

City leaders who choose to waste the public's time and money attempting to target the neediest in our city should be personally fined for the costs of litigation associated with a discriminatory law, the public's time and effort in having to divert focus from their own pursuit of happiness, and costs to non-profit and other organizations that are forced to divert their focus from helping individuals to fighting discriminatory legislation from becoming law. Repeat offenders should be subject to a three strikes provision.

Thank you for your consideration of this letter in opposition of the proposed park closure ordinance.

Sincerely,

Diane Carpio

This land is your land, this land is my land.....this land was made for you and me.

---

**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** FW: News: Holiday Train Kicks Off the Season Dec. 7 & 8

---

**From:** Dunn, Christine [mailto:dunnnc@samtrans.com]  
**Sent:** Monday, November 04, 2013 7:57 AM  
**To:** Dunn, Christine  
**Subject:** News: Holiday Train Kicks Off the Season Dec. 7 & 8



**Media Contacts:**

Caltrain - Christine Dunn, 650.508.6238  
Silicon Valley Community Foundation - Dipti Pratt, 650.450.5522

## **Holiday Train Kicks Off the Season Dec. 7 & 8**

Caltrain will once again be transformed into Santa's sleigh on the first weekend in December, as the Caltrain Holiday Train, presented by Silicon Valley Community Foundation, spreads holiday cheer from Santa Clara to San Francisco. Glowing with lights and holiday decorations, the glittering "show train" marks the start of the holiday season for local communities and, in the 11 years since its inception, has become a favorite holiday tradition for the Bay Area community.

In addition, one Caltrain passenger car "wrapped" in the Holiday Train artwork will be in service from early November to the end of December. For a preview this festive train, visit [holiday-train.org/train-wrap.php](http://holiday-train.org/train-wrap.php)

Decorated with tens of thousands of lights, the Holiday Train will visit nine Caltrain stations on the evenings of December 7<sup>th</sup> and 8<sup>th</sup>. At each of the train's 20-minute station stops, people can join in singing with onboard carolers and a Salvation Army brass band. Santa, Mrs. Claus and their extended family will get off the train to greet kids and pose for pictures.

"The Holiday Train gives us the opportunity to come together with our friends and neighbors and give to those in need during the holiday season," said Emmett D. Carson, Ph.D., CEO and president of SVCF.

Carson also announced that SVCF will be extending their support of the Holiday Train through 2014 and 2015. "We are proud to be a part of this great local tradition," he said. "The excitement and joy that the Holiday Train brings to people when it pulls into the stations is truly a gift to our local communities."

"I am happy that the Holiday Train will be chugging down the tracks once again, transporting the spirits of the young and young-at-heart," said Caltrain Chair Ken Yeager. "We are proud to have the continued support of Silicon Valley Community Foundation in providing this magical experience."

In keeping with the spirit of the season, the Holiday Train also offers people the opportunity to make a gift to a child in need. Representatives from The Salvation Army and the U.S. Marine Corps Reserve Toys for Tots program will be at every station collecting toys for local children. Since the inception of Holiday Train, generous Bay Area residents have brought more than 49,000 toys to Caltrain stations. People are again encouraged to help make the holidays brighter for local children by bringing a new, unwrapped toy when they visit the Holiday Train.

Santa's helpers can get into the holiday spirit by donating or becoming a sponsor on the Caltrain Holiday Train website: [holiday-train.org](http://holiday-train.org)

The Holiday Train would not be possible without generous support for everything from decorations and wiring to costumes.

### **Community Support**

Parsons and Whole Foods are Conductor Sponsors. The Nancy H. Handel/Handel Sunrise Foundation, Dirk and Charlene Kabcenell Foundation and Linear Technology Corporation are "Trainmaster" Sponsors.

Media sponsors include Comcast, the Daily Journal, San Francisco Examiner, San Francisco Magazine 94.5 KBAY, 95.7 THE GAME, 96.5 KOIT, 102.9 KBLX and 102.13/98.5 KFOX.

Bayside Equipment Company of Redwood City donated the use of a generator to light up the decorations. Other in-kind sponsors include Jim's Handyman Services, Locando Positano Restaurant, McCune Audio & Lighting, Peterson Technical Services, the Subway store located in the San Francisco Caltrain Station and Whole Foods Markets.

### **Saturday, December 7**

<b>Station</b>	<b>Arrive</b>
San Francisco	4:00 p.m.
Burlingame	5:15 p.m.
Redwood City	6:15 p.m.
Palo Alto (California Ave.)	6:50 p.m.
Santa Clara	8:10 p.m.

### **Sunday, December 8**

<b>Station</b>	<b>Arrive</b>
San Francisco	4:00 p.m.
Millbrae	5:15 p.m.
San Mateo	6:20 p.m.
Menlo Park	7:45 p.m.
Sunnyvale	8:40 p.m.

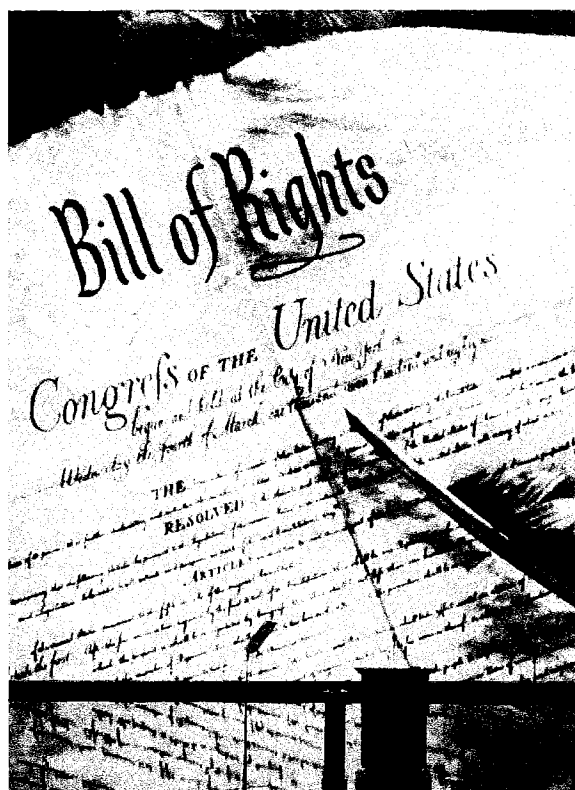
###

### **About Caltrain:**

Owned and operated by the Peninsula Corridor Joint Powers Board, Caltrain provides commuter rail service from San Francisco to San Jose, with limited commute service to Gilroy. Caltrain serves 50,000 riders every weekday. For more information on fares and schedules, call [1-800-660-4287](tel:1-800-660-4287) (TTY [650-508-6448](tel:650-508-6448)) or visit [www.caltrain.com](http://www.caltrain.com). "Like" Caltrain on Facebook at [www.facebook.com/caltrain](http://www.facebook.com/caltrain) and follow us on Twitter [@Caltrain\\_News](https://twitter.com/Caltrain_News).

### **About Silicon Valley Community Foundation**

Silicon Valley Community Foundation makes all forms of philanthropy more powerful. We serve as a catalyst and leader for innovative solutions to our region's most challenging problems and give more money to charities than any other community foundation in the United States. The community foundation has approximately \$3 billion in assets under management and more than 1,650 philanthropic funds. As Silicon Valley's center of philanthropy, we provide individuals, families and corporations with simple and effective ways to give locally and around the world. Find out more at [siliconvalleycf.org](http://siliconvalleycf.org)

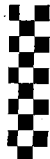


Are you interested in finding out the truth, defending the poor,  
and supporting attorneys as they explain to judges and juries  
what really happened?

The San Francisco Public Defender's Office will soon seek  
investigators. If you are an intelligent, creative, and  
fearless communicator who everyone wants to talk to,  
who listens well and who reports accurately we  
encourage you to apply.

Visit <http://www.jobaps.com/SF/auditor/classspecs.asp>  
now so you'll get notice when openings are announced.  
The class number is 8142

After the announcement, you will only have ten days to  
complete and submit your application, answer supplemental  
questions and provide verification documents.



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CHAMBER OF  
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2013 OCT 29 PM 2:07

*[Handwritten signature]*

3DS-11  
C-PAHES  
BB7 Clerk  
7# - 130937

October 29, 2013

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

RE: Support File #130937: Film Production Daily Use Fees; Film Rebate Program

Dear Supervisor Farrell;

The San Francisco Chamber of Commerce, representing over 1500 local businesses, supports your Film Production Daily Use Fees/Film Rebate Program ordinance coming before the Board of Supervisors Budget and Finance Committee this week.

The ordinance reduces the daily use fee for low-budget film productions, increases the Film Rebate funding cap, expands the definition of 'film production' to enable more productions to qualify for the Rebate, and extends the Film Rebate Program until June 2015.

These measures will ensure that more films of all kinds will be produced in San Francisco, resulting in an increase in the number of residents employed by the local film industry and generating significant associated economic benefits to the city.

The San Francisco Chamber of Commerce urges the Budget and Finance Committee to recommend the Film Production Daily Use/Film Rebate Program ordinance (#130937) to the full Board of Supervisors for approval.

Sincerely,

*[Handwritten signature of Jim Lazarus]*

Jim Lazarus  
Senior Vice President for Public Policy

cc: Clerk of the Board (Please distribute to all members of the Board of Supervisors)

*[Handwritten number 24]*



October 15, 2013

David Chiu, President  
and the members of the  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, Ca. 94102-4689  
Attn: Angela Calvillo, Clerk of the Board

By email to Board.of.Supervisors@sfgov.org

Re: Appeal of Permit Applications 201012277436 & 201012277437  
1050-1058 Valencia Street (AKA 1 Hill Street)  
Hearing Date: October 22, 2013

Dear members of the Board of Supervisors:

We are in support of this appeal, in opposition to this proposed project.

We are a coalition of merchants, neighbors and non-profits along the Calle 24 Cultural Corridor in the Mission District, between Mission St and Potrero Ave.

The proposed project is incompatible with the neighborhood. At a planned 55 feet high, it will be twice as tall as its neighboring buildings. It is planned to take up the entire 35 foot by 85 foot lot. The height, density and bulk of the proposed building are incompatible with the neighborhood and with historic character of its surroundings.

The character and integrity of the historic resources of the area will be seriously undermined and damaged by this development. The historic neighborhood that is the Liberty Hill Historic District will be inalterably negatively impacted by the inappropriate design and disproportionate scale of this proposed building. The same damage will be done to the Valencia Street row of vintage buildings.

Both the Liberty Hill Historic District and the vintage buildings on Valencia Street are designated as historic resources by the South Mission Historic Resources Survey. Both the Hill Street and Valencia Street streetscapes will be ruined by this incongruous multi-story, 55 foot structure towering over its neighbors.

This would be a visually overpowering building which would contrast severely with its surroundings, impairing the character of this historic area.

The address of this lot is 1050 Valencia Street. The developers claim that the nature of their plan is appropriate to the commercial nature of Valencia Street and zoning appropriate to a commercial area. However, they have proposed a building whose commercial activities, problems and impacts are **all on the single block of historic, residential Hill Street**. While claiming the commercial permissions of Valencia Street, they are proposing loading zones, trash pickup, commercial deliveries, and all of their multi-unit and commercial activities on Hill Street.



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File 130896-130899

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Due to the overwhelming size and bulk of the proposed development, the building would cast shadows at the darkest times of the year on many of the surrounding buildings, and on both Hill and Valencia Streets.

The outdoor open space planned for this development will put mid-story communal party decks right up against the property lines, directly intruding on the neighbors' peace and tranquility and quiet enjoyment of their homes, including their bedrooms.

**The Marsh**, an iconic theatre, studio, performance and training space, has been a culturally significant anchor of the City and this neighborhood for decades. *The Marsh* will particularly suffer from the noise that will be generated by this proposed development. Programs and performances will be at the least disrupted, if not made impossible. The developer made specific commitments to the Planning Commission to mitigate many problems the Commissioners specifically directed them to address. The developer reneged on his promises to mitigate problems at the theater.

The building is sought to be constructed without parking for its tenants – either residential or commercial, and without parking for its commercial customers. According to Planning Department conclusions, this will add dozens of additional cars to the street. This impact on the physical environment has not been accommodated, and in fact it has gotten worse .

In the past few years, since this project was proposed, we have lost public transportation to the neighborhood, and we have lost even more parking spaces while the number of cars and amount of traffic have increased with the increased popularity of the neighborhood. In spite of the fact that the developer assured the neighbors that they would not occupy residential parking spaces on Hill Street, they will in fact likely take them all. About a half dozen “parklets” have reduced available parking; the development at 20<sup>th</sup> and Valencia Streets will be claiming another 20 formerly public parking spaces, and the plan for Bartlett Street has called for the elimination of as many as 40 parking spaces just around the corner.

Additionally, new developments have eliminated spaces for car share parking while adding more vehicles competing for parking spaces.

This neighborhood is falsely called “transit rich” but everyone knows that’s a bad joke. The area has lost ¾ of its public transportation. The 26 Valencia bus line is among those recent losses since the fiction was created that we are “well served” by public transit. Muni continues to operate at about a 50% on time rate.

For all of these reasons, I respectfully support this Appeal.

Very truly yours,



Erick Argüello

---

Founder and President

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SAN FRANCISCO  
2013 NOV -4 PM 3:04

File 130896

October 30, 2013

Supervisor

1 Dr. Carlton B. Goodlett Place

City Hall, Room. 244

San Francisco, CA 94102-4689

RE: 1058 Valencia Street  
Appeal of a Negative Declaration  
Scheduled for November 5, 2013

Dear Supervisor:

We are concerned that the noise and the vibration from the proposed 1058 Valencia Street development both during and after construction, will have a significant environmental impact on The Marsh—a nonprofit theater located next door to the project site—impairing its ability to function UNLESS mitigation measures are addressed. Additionally, we are concerned that once the project is completed, The Marsh should not be forced to adopt residential noise standards.

For this reason, we ask that you adopt the attached mitigation measures in conjunction with your review of the environmental document to avoid having to make a finding of significant noise and vibration impact. We also ask that you identify and categorize The Marsh as a sensitive receptor.

Small nonprofit urban theaters such as The Marsh cannot exist in an environment of loud noise. During construction jackhammers, generators and idling trucks can stop a performance cold. After construction, music that might emanate from the ground floor restaurant or residential decks can turn an original solo performance into cacophony. Performers will look for other venues. Patrons will go elsewhere. The Marsh Youth Theater—that provides a rich and safe after-school program to kids from every cross-section of the City—will fall silent.

If we don't identify neighborhood-based theaters as sensitive noise receptors, we won't have any neighborhood theaters left. One of the very uses that forms the arts and cultural foundation of the Mission will be forced out, and the Mission will begin to look like any peninsula mixed-use enclave, with the likes of Jack Spade and high-end restaurants occupying ground floor spaces and densely developed seven-figure residential condos defining upper story corridors.

The attached mitigation measures address both construction and residential noise and are necessary to mitigate the noise and vibration impacts of the proposed project.

At the same time neighborhood theaters cannot operate in the face of loud noise, neither can they operate in an environment in which newly developed adjacent uses force them to adopt residential noise standards. This is what happened soon after adoption of the South of Market Plan in the 1980s where live/work developments were located adjacent to nighttime entertainment uses and long- and legally-existing manufacturing uses. The scenario there, and what we fear here, is that once the new owners moved in they won't accept the noise a theater brings through its performances, music applause and conversations; and will engage law firms to initiate civil litigation. The Marsh cannot survive this.

If we do not put in place warnings and operational rules on the new Eastern Neighborhood mixed-use developments before they are built, we will see a repeat of the same mistakes we as a City made South of Market twenty years ago. And then, this notable nonprofit, that is a crown jewel of San Francisco cultural and is known world wide, providing jobs to local artists, education to local school kids, and family-priced entertainment to both the neighborhood and the City, will be forced to close.

Incoming residents need to understand BEFORE they purchased their units that the long-existing adjacent uses merited recognition and respect through the incorporation of conditions of approval that provided an early warning system and a set of rules whereby both uses could live together in harmony.

The attached mitigation measures are very similar in content to the conditions imposed on some of the later live/work projects and are absolutely required if The Marsh is to survive.

Many of the attached measures are in fact measures the developer has implied or outright said he will follow, and yet if there are no imposed measures, it would be folly to believe he will implement any.

If code refinements, mitigations and conditions are not further developed to implement the Eastern Neighborhood Plan, we will see the Eastern Neighborhood Plan result in the displacement of the poor and middle class, in the displacement of artists, nonprofits and arts organizations, and in the wholesale displacement of the Latino community.

If you choose to uphold the negative declaration, please do so in a way that protects the Mission and thereby protects The Marsh.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Matt", with a stylized, flowing script.

MITIGATION MEASURES ATTACHED

## **PROPOSED MITIGATION MEASURES FOR THE NEGATIVE DECLARATION FOR 1058 VALENCIA STREET**

### **1. CONSTRUCTION:**

- a. Construction shall be limited to between 7 am and 4 pm M-F, and 7 am and 12 noon Saturdays.
- b. The following statement shall be incorporated into the request for construction bids and shall be addressed in proposals from bidders: "Construction practices shall be the quietest possible and all equipment chosen for the job shall be the quietest equipment available."
- c. Construction practices shall be the quietest possible and all equipment chosen for the job shall be the quietest equipment available, verified by an independent sound consultant, who shall provide his/her findings to the Zoning Administrator prior to start of construction.
- d. Noise generating construction equipment must be equipped with noise control devices.
- e. Trucks coming to the site shall not leave their engines idling for more than 5 minutes.
- f. During summer months, construction work noise shall be further reduced in order to respect adjacent educational activities occurring at The Marsh at their summer program for school children. Loud construction activities will not occur during the summer after 12 noon, including but not limited to pile driving and jackhammers.
- g. As some performances cannot function in the absence of interior silence, project sponsor agrees to halt all truck traffic to the site and halt all construction work requiring any noise-generating equipment during such performances to the extent Marsh notifies the construction relations officer at least two weeks in advance
- h. A construction-relations officer shall be designated by the project sponsor prior to the commencement of construction to serve as a liaison with surrounding property owners.
- i. The construction-relations officer will be responsible for convening a regularly scheduled meeting with neighbors at least monthly either onsite or within 150 feet of the project site to review compliance with conditions over the previous month and discuss construction anticipated for the next month.
- ii. The construction-relations officer shall attempt in good faith to address unanticipated construction problems raised by neighbors.

*All bids requests, portions of the selected bids, A copy of the bid request and portions of the selected bid responding to this requirement shall be made available to the ERO, Zoning Administrator and immediately adjacent neighbors prior to the commencement of construction. The name and contact information of the construction relations officer shall be provided to the ERO, Zoning Administrator and property owners within 150' of the subject property at least two weeks before any work is commenced.*

### **2. POST CONSTRUCTION**

- a. The adjacent property at 1062 Valencia Street is both a sensitive sound receptor and a use that is expected to emit sounds typical of an entertainment use. It is owned and operated by a non-profit theater providing education, training and theatrical performances that serve a diverse and wide population, contributing to both the City's international recognition as a cultural arts hub and its economy. In recognition of the long pre-existing use of the site for this purpose, a Notice of Special Restriction (NSR) recorded on the property title, CC&R's, and House Rules that shall be attached to each lease, shall include the following advisory and conditions:
  - i. Owners and tenants have been made aware prior to purchase and/or lease the immediate neighboring property to the south (1062 Valencia Street, is owned and operated by a non-profit theater that is both a sensitive sound receptor and a use that is expected to emit sounds typical of an entertainment use.
  - ii. Property occupants and owners commit to maintaining quiet hours between 4 pm and 11 pm week days and 11 am and 11 pm weekends in order to maintain an environment quiet enough for a theatrical performances to occur without disturbance.
  - iii. Owners and occupants understand the theater will emit the sounds including live music and applause during its performances louder than typical noise adjacent to a residential use.
  - iv. Owners and occupants understand patrons of the theater will drop off and pick up performers and patrons before and after shows and patrons will queue along Valencia Street at the beginning of some shows and leave en masse at the end of shows, producing parking, traffic and noise impacts expected of such activities.
- b. Entertainment uses (defined in Planning Code Section 790.38) and bars (defined in Planning Code Section 790.22) are prohibited in the ground floor retail space.
- c. Residential deck screens shall be put in place to limit sound transmission into The Marsh and shall not be removed.

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2013 NOV -5 PM 2:41

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*File 130896  
BOS-11  
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October 30, 2013

Supervisor  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room. 244  
San Francisco, CA 94102-4689

RE: 1058 Valencia Street  
Appeal of a Negative Declaration  
Scheduled for November 5, 2013

Dear Supervisor:

We are concerned that the noise and the vibration from the proposed 1058 Valencia Street development both during and after construction, will have a significant environmental impact on The Marsh—a nonprofit theater located next door to the project site—impairing its ability to function UNLESS mitigation measures are addressed. Additionally, we are concerned that once the project is completed, The Marsh should not be forced to adopt residential noise standards.

For this reason, we ask that you adopt the attached mitigation measures in conjunction with your review of the environmental document to avoid having to make a finding of significant noise and vibration impact. We also ask that you identify and categorize The Marsh as a sensitive receptor.

Small nonprofit urban theaters such as The Marsh cannot exist in an environment of loud noise. During construction jackhammers, generators and idling trucks can stop a performance cold. After construction, music that might emanate from the ground floor restaurant or residential decks can turn an original solo performance into cacophony. Performers will look for other venues. Patrons will go elsewhere. The Marsh Youth Theater—that provides a rich and safe after-school program to kids from every cross-section of the City—will fall silent.

If we don't identify neighborhood-based theaters as sensitive noise receptors, we won't have any neighborhood theaters left. One of the very uses that forms the arts and cultural foundation of the Mission will be forced out, and the Mission will begin to look like any peninsula mixed-use enclave, with the likes of Jack Spade and high-end restaurants occupying ground floor spaces and densely developed seven-figure residential condos defining upper story corridors.

The attached mitigation measures address both construction and residential noise and are necessary to mitigate the noise and vibration impacts of the proposed project.

At the same time neighborhood theaters cannot operate in the face of loud noise, neither can they operate in an environment in which newly developed adjacent uses force them to adopt residential noise standards. This is what happened soon after adoption of the South of Market Plan in the 1980s where live/work developments were located adjacent to nighttime entertainment uses and long- and legally-existing manufacturing uses. The scenario there, and what we fear here, is that once the new owners moved in they won't accept the noise a theater brings through its performances, music applause and conversations; and will engage law firms to initiate civil litigation. The Marsh cannot survive this.

If we do not put in place warnings and operational rules on the new Eastern Neighborhood mixed-use developments before they are built, we will see a repeat of the same mistakes we as a City made South of Market twenty years ago. And then, this notable nonprofit, that is a crown jewel of San Francisco cultural and is known world wide, providing jobs to local artists, education to local school kids, and family-priced entertainment to both the neighborhood and the City, will be forced to close.

Incoming residents need to understand BEFORE they purchased their units that the long-existing adjacent uses merited recognition and respect through the incorporation of conditions of approval that provided an early warning system and a set of rules whereby both uses could live together in harmony.

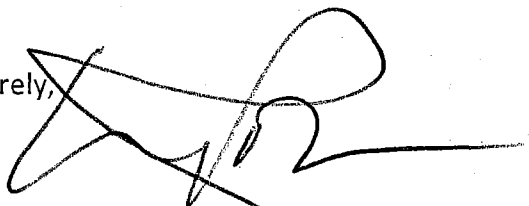
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If code refinements, mitigations and conditions are not further developed to implement the Eastern Neighborhood Plan, we will see the Eastern Neighborhood Plan result in the displacement of the poor and middle class, in the displacement of artists, nonprofits and arts organizations, and in the wholesale displacement of the Latino community.

If you choose to uphold the negative declaration, please do so in a way that protects the Mission and thereby protects The Marsh.

Sincerely,



DENNIS ROBERTS

Atty @ Law

roberts\_dennis@sbccglobal.net

MITIGATION MEASURES ATTACHED

## PROPOSED MITIGATION MEASURES FOR THE NEGATIVE DECLARATION FOR 1058 VALENCIA STREET

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2013 NOV -6 PM 2:32

*[Signature]*

*File 130896*

October 30, 2013

Supervisor  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room. 244  
San Francisco, CA 94102-4689

RE: 1058 Valencia Street  
Appeal of a Negative Declaration  
Scheduled for November 5, 2013

Dear Supervisor:

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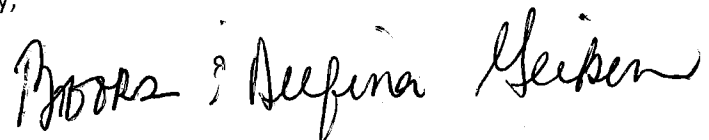
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If you choose to uphold the negative declaration, please do so in a way that protects the Mission and thereby protects The Marsh.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Geisen". The signature is fluid and cursive, with the first name "Deborah" written in a larger, more prominent script than the last name "Geisen".

MITIGATION MEASURES ATTACHED

## PROPOSED MITIGATION MEASURES FOR THE NEGATIVE DECLARATION FOR 1058 VALENCIA STREET

### 1. CONSTRUCTION:

- a. Construction shall be limited to between 7 am and 4 pm M-F, and 7 am and 12 noon Saturdays.
- b. The following statement shall be incorporated into the request for construction bids and shall be addressed in proposals from bidders: "Construction practices shall be the quietest possible and all equipment chosen for the job shall be the quietest equipment available."
- c. Construction practices shall be the quietest possible and all equipment chosen for the job shall be the quietest equipment available, verified by an independent sound consultant, who shall provide his/her findings to the Zoning Administrator prior to start of construction.
- d. Noise generating construction equipment must be equipped with noise control devices.
- e. Trucks coming to the site shall not leave their engines idling for more than 5 minutes.
- f. During summer months, construction work noise shall be further reduced in order to respect adjacent educational activities occurring at The Marsh at their summer program for school children. Loud construction activities will not occur during the summer after 12 noon, including but not limited to pile driving and jackhammers.
- g. As some performances cannot function in the absence of interior silence, project sponsor agrees to halt all truck traffic to the site and halt all construction work requiring any noise-generating equipment during such performances to the extent Marsh notifies the construction relations officer at least two weeks in advance
- h. A construction-relations officer shall be designated by the project sponsor prior to the commencement of construction to serve as a liaison with surrounding property owners.
- i. The construction-relations officer will be responsible for convening a regularly scheduled meeting with neighbors at least monthly either onsite or within 150 feet of the project site to review compliance with conditions over the previous month and discuss construction anticipated for the next month.
- ii. The construction-relations officer shall attempt in good faith to address unanticipated construction problems raised by neighbors.

*All bids requests, portions of the selected bids, A copy of the bid request and portions of the selected bid responding to this requirement shall be made available to the ERO, Zoning Administrator and immediately adjacent neighbors prior to the commencement of construction. The name and contact information of the construction relations officer shall be provided to the ERO, Zoning Administrator and property owners within 150' of the subject property at least two weeks before any work is commenced.*

### 2. POST CONSTRUCTION

- a. The adjacent property at 1062 Valencia Street is both a sensitive sound receptor and a use that is expected to emit sounds typical of an entertainment use. It is owned and operated by a non-profit theater providing education, training and theatrical performances that serve a diverse and wide population, contributing to both the City's international recognition as a cultural arts hub and its economy. In recognition of the long pre-existing use of the site for this purpose, a Notice of Special Restriction (NSR) recorded on the property title, CC&R's, and House Rules that shall be attached to each lease, shall include the following advisory and conditions:
  - i. Owners and tenants have been made aware prior to purchase and/or lease the immediate neighboring property to the south (1062 Valencia Street, is owned and operated by a non-profit theater that is both a sensitive sound receptor and a use that is expected to emit sounds typical of an entertainment use.
  - ii. Property occupants and owners commit to maintaining quiet hours between 4 pm and 11 pm week days and 11 am and 11 pm weekends in order to maintain an environment quiet enough for a theatrical performances to occur without disturbance.
  - iii. Owners and occupants understand the theater will emit the sounds including live music and applause during its performances louder than typical noise adjacent to a residential use.
  - iv. Owners and occupants understand patrons of the theater will drop off and pick up performers and patrons before and after shows and patrons will queue along Valencia Street at the beginning of some shows and leave en masse at the end of shows, producing parking, traffic and noise impacts expected of such activities.
- b. Entertainment uses (defined in Planning Code Section 790.38) and bars (defined in Planning Code Section 790.22) are prohibited in the ground floor retail space.
- c. Residential deck screens shall be put in place to limit sound transmission into The Marsh and shall not be removed.

Response to Board of Supervisors

10.30.13

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

We are responding to the letter dated 10.24.13 from the Board of Supervisors regarding AT&T cellphone power being increased, about 400 ft from where we live. I cannot attend the meeting on 11.05.13, and the letter did not give me enough time to change my commitments and attend!

Our concern is that the increase in RF exposure, in close proximity, 24/7, will put our family and our neighbors health at an even grater risk. There is no long term study for the effect of RF at high power, 24/7 on human health, but that doesn't mean that it's harmless. A decade ago, X-rays were thought benign, but today, it would be criminal to X-ray people range 24/7. Deadly. Just a year ago, GMO soybeans was thought benign. But now, there's documented cases that GMO soybeans can cause vary strange problems for people, with no known cures. And still large companies that have a lot at stake, go to very extreme lengths to keep these studies, and the people that do them, out of circulation.

There are cases of cellphones next to the brain, resulting in a brain tumors. There's a case with a cell phone next to the breast, of a 20 year old woman, with no family history of breast cancer, resulting in breast cancer. This technology is totally new! I just don't believe that being in an intense RF field, 24/7 is not harmful! I don't think you do either!

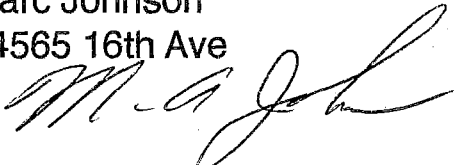
The problems are: first the facility was established against our protests, and now, for the second time, pushes for more power, etc. When will it stop? We have no notion of what power is now, or will be, used at the facility. There is no explanation of why this highly populated place is the best or only place possible. Is there a safer place that would not put people's health at risk? We need to know that! So that leaves us with not enough time or information to look into what AT&T is about to subjugate us to.

My belief is that none of us would sacrifice a group of other people's health, ie. possible cancer, neurological disorders, immune dysfunction, etc., for a little added connivence to our cell phones, TV, or other gadgets. If ordinary people are given the option, we would not sacrifice others for personal profit or status. That would require numbing of something within us, i.e. becoming a little less human. Rather, we would spend what is needed to make sure the installation of the new gadgets safe for people who live nearby!

So this is a case where we, the small people with no voice, are asking the Board of Supervisors to take some precautions on our behalf. You are elected to make decisions to keep us out of harm. Please do that! We need to be informed as to what RF power is now and would be limited to at the facility, as well as someone to commit to study the possible effects of that exposure on us, and finally look into where else they might install the facility that would not endanger other people. We are asking the Board of Supervisors to say "no" to AT&T until we have these studies and this information, as well as some time to look into it.

Sincerely,

Marc Johnson  
24565 16th Ave



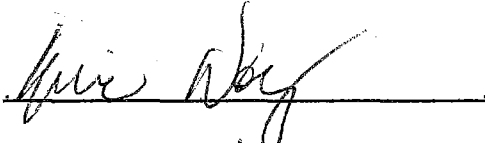
Hwei-Li Chou  
San Francisco, 94116



Additional signatures of this letter:

Signature

Address



2447 16<sup>th</sup> Ave

YVONNE K.

2459 16TH AVE

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**From:** Sue Vaughan [susan.e.vaughan@sonic.net]  
**Sent:** Wednesday, October 30, 2013 10:36 PM  
**To:** Breed, London  
**Cc:** Mar, Eric (BOS); Farrell, Mark; Chiu, David; Tang, Katy; Kim, Jane; Yee, Norman (BOS); Wiener, Scott; Campos, David; Cohen, Malia; Avalos, John; Board of Supervisors; Lee, Mayor; Becky Evans; Arthur Feinstein; Karen Babbitt; Michelle Myers; Linda Weiner; Jason Henderson  
**Subject:** 555 Fulton Street  
**Attachments:** SC 555 Fulton Street Letter to Supervisors 10-30-2013.pdf

Dear Supervisors and Mayor Lee,

Please see the attached letter. Also below.

San Francisco Group  
October 30, 2013

To: Supervisor London Breed  
San Francisco City Hall  
Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear Supervisor Breed:

The Sierra Club thanks you for public service as a member of the San Francisco Board of Supervisors.

The Sierra Club urges you to introduce legislation at the Board of Supervisors that will reduce the amount of parking now planned for the project at 555 Fulton Street. This project is located in a neighborhood-commercial-transit district and is zoned for .5 parking spaces per residential unit and one parking space per 500 square feet of retail. Additionally, according to Walk Score, this neighborhood has a walkability rating of 97 percent, a transit score of 100 percent, and a bicycle score of 98 percent. Yet, the amount of retail parking the project sponsor wishes to create now stands at 77 spaces. According to the carefully crafted Market and Octavia Plan, of which this project is a part, based on the 29,000 square feet of retail now planned for the project, there should be a maximum of 64 parking spaces for retail.

The creation of parking encourages driving, which exacerbates climate change and air pollution. Studies just released from the World Health Organization have now classified air pollution as a whole as carcinogenic to humans, with the International Agency for Research on Cancer data indicating a strong connection, not only to lung cancer, but bladder cancer, adding to the list of diseases including heart disease and asthma.

Additional vehicles traveling in this neighborhood to and from the project, once completed, are a clear danger to people living in that area, particularly children, whose lungs are still developing, and for the elderly and those who already have weakened hearts and lungs. One vehicle may be compliant with air quality standards, but the cumulative risk of so many additional vehicles in one neighborhood is unacceptable and presents a risk to those people exposed in that neighborhood.

The Sierra Club strongly supports the unimpeded flow of mass transit and the safe passage of bicyclists and pedestrians as some of the best methods for combatting air pollution and climate change. At the very least, the Sierra Club believes that parking should not exceed what is currently permitted in the Market and Octavia Plan.

Sincerely,  
Susan Vaughan, SF Group Secretary  
Linda Weiner, SF Group Executive Committee

CC: Angela Calvillo, [Angela.Calvillo@sfgov.org](mailto:Angela.Calvillo@sfgov.org) Supervisor Eric L. Mar, [eric.l.mar@sfgov.org](mailto:eric.l.mar@sfgov.org)  
Supervisor Mark Farrell, [mark.farrell@sfgov.org](mailto:mark.farrell@sfgov.org) Supervisor David Chiu, [david.chiu@sfgov.org](mailto:david.chiu@sfgov.org)  
Supervisor Katy Tang, [katy.tang@sfgov.org](mailto:katy.tang@sfgov.org) Supervisor London Breed, [london.breed@sfgov.org](mailto:london.breed@sfgov.org)  
Supervisor Jane Kim, [jane.kim@sfgov.org](mailto:jane.kim@sfgov.org) Supervisor Norman Yee, [norman.yee@sfgov.org](mailto:norman.yee@sfgov.org)  
Supervisor Scott Wiener, [scott.wiener@sfgov.org](mailto:scott.wiener@sfgov.org) Supervisor David Campos, [david.campos@sfgov.org](mailto:david.campos@sfgov.org)  
Supervisor Malia Cohen, [malia.cohen@sfgov.org](mailto:malia.cohen@sfgov.org) Supervisor John Avalos, [john.avalos@sfgov.org](mailto:john.avalos@sfgov.org) Mayor Edmund Lee, [mayoredwinlee@sfgov.org](mailto:mayoredwinlee@sfgov.org)

--

Sue Vaughan  
(415) 668-3119  
(415) 601-9297



SIERRA  
CLUB

FOUNDED 1892

San Francisco Group

October 30, 2013

To: Supervisor London Breed  
San Francisco City Hall  
Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear Supervisor Breed:

The Sierra Club thanks you for public service as a member of the San Francisco Board of Supervisors.

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The creation of parking encourages driving, which exacerbates climate change and air pollution. Studies just released from the World Health Organization have now classified air pollution as a whole as carcinogenic to humans, with the International Agency for Research on Cancer data indicating a strong connection, not only to lung cancer, but bladder cancer, adding to the list of diseases including heart disease and asthma.

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The Sierra Club strongly supports the unimpeded flow of mass transit and the safe passage of bicyclists and pedestrians as some of the best methods for combatting air pollution and climate change. At the very least, the Sierra Club believes that parking should not exceed what is currently permitted in the Market and Octavia Plan.

Sincerely,  
Susan Vaughan, SF Group Secretary



Linda Weiner, SF Group Executive Committee

CC: Angela Calvillo, [Angela.Calvillo@sfgov.org](mailto:Angela.Calvillo@sfgov.org)  
Supervisor Eric L. Mar, [eric.l.mar@sfgov.org](mailto:eric.l.mar@sfgov.org)  
Supervisor Mark Farrell, [mark.farrell@sfgov.org](mailto:mark.farrell@sfgov.org)  
Supervisor David Chiu, [david.chiu@sfgov.org](mailto:david.chiu@sfgov.org)  
Supervisor Katy Tang, [katy.tang@sfgov.org](mailto:katy.tang@sfgov.org)  
Supervisor London Breed, [london.breed@sfgov.org](mailto:london.breed@sfgov.org)  
Supervisor Jane Kim, [jane.kim@sfgov.org](mailto:jane.kim@sfgov.org)  
Supervisor Norman Yee, [norman.yee@sfgov.org](mailto:norman.yee@sfgov.org)  
Supervisor Scott Wiener, [scott.wiener@sfgov.org](mailto:scott.wiener@sfgov.org)  
Supervisor David Campos, [david.campos@sfgov.org](mailto:david.campos@sfgov.org)  
Supervisor Malia Cohen, [malia.cohen@sfgov.org](mailto:malia.cohen@sfgov.org)  
Supervisor John Avalos, [john.avalos@sfgov.org](mailto:john.avalos@sfgov.org)  
Mayor Edmund Lee, [mayoredwinlee@sfgov.org](mailto:mayoredwinlee@sfgov.org)

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**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** 10 new signers: Stuart Brady, Bobby Crotwell...

**From:** Carla Johnson [mailto:mail@changemail.org]  
**Sent:** Saturday, November 02, 2013 7:36 PM  
**To:** Board of Supervisors  
**Subject:** 10 new signers: Stuart Brady, Bobby Crotwell...

10 new people recently signed Ney Street Neighborhood Watch's petition "[Tell Mayor Lee and Chief Suhr We Need More Than One Foot Patrol Officer in the Excelsior](#)" on Change.org.

There are now 350 signatures on this petition. Read reasons why people are signing, and respond to Ney Street Neighborhood Watch by clicking here:

<http://www.change.org/petitions/tell-mayor-lee-and-chief-suhr-we-need-more-than-one-foot-patrol-officer-in-the-excelsior/responses/new?response=9272c59f571d>

Dear San Francisco Board of Supervisors,

Immediately put additional experienced foot patrol officers on Mission Street from Trumbull to beyond Geneva to Mt. Vernon Street. Currently there is only one officer between Silver Avenue and Geneva – a 1.25 miles patrol area.

Sincerely,

- 341. Stuart Brady San Francisco, California
- 342. Bobby Crotwell San Francisco, California
- 343. asta venclovaite San Francisco, California
- 344. MaryAnn Rich San Francisco, California
- 345. Howard Ruiz San Francisco, California
- 346. Alberto Alabanza San Francisco, California
- 347. Lovina Worick Carmel, California
- 348. Brian Wong San Francisco, California
- 349. DAVID MACGILLIS SAN FRANCISCO, California
- 350. Carla Johnson San Francisco, California

131023  
File 130084

130734

**From:** Board of Supervisors  
**To:** Miller, Alisa  
**Subject:** File 130084 & 130734: Excelsior Action Group Letter of Support for Items 23 and 24 on November 5, 2013 Agenda  
**Attachments:** EAG letterhead support for EOMNCD BOS.docx

**From:** angieminkin@comcast.net [mailto:angieminkin@comcast.net]

**Sent:** Monday, November 04, 2013 6:34 AM

**To:** Board of Supervisors; Chiu, David; Avalos, John; Breed, London; Campos, David; Cohen, Malia; Farrell, Mark; Kim, Jane; Mar, Eric (BOS); Tang, Katy; Wiener, Scott; Yee, Norman (BOS)

**Cc:** Hsieh, Frances; Redondiez, Raquel; Pollock, Jeremy

**Subject:** Excelsior Action Group Letter of Support for Items 23 and 24 on November 5, 2013 Agenda

Dear Supervisors:

Attached, please find a letter of support from the Excelsior Action Group for the Excelsior Outer Mission Neighborhood Commercial District, sponsored by Supervisor Avalos. This is Item 23 on the November 5, 2013 agenda. We fully support this important legislation, which will help us improve the quality of life and quality of businesses on the Outer Mission Commercial Corridor. We also support Item 24, Supervisor Avalos's legislation calling for a study by the Planning Commission on the impact of clustering of Medical Cannabis Dispensaries on our neighborhood.

I hope you will support this important legislation.

Sincerely,  
Angela Minkin, Chair  
Excelsior Action Group Advisory Board

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

File 131024-131027

**To:** BOS-Supervisors; Lamug, Joy  
**Subject:** File 131024-131027: AT&T's CUP Application No. 2012.0648C -- 725 Taraval Street  
**Attachments:** JdB Letter.pdf

**From:** Shank, Aaron M. [mailto:AShank@porterwright.com]  
**Sent:** Monday, November 04, 2013 02:56  
**To:** Calvillo, Angela  
**Cc:** DI BENE, JOHN (Legal) (jd3235@att.com)  
**Subject:** AT&T's CUP Application No. 2012.0648C -- 725 Taraval Street

Dear Ms. Calvillo: Please accept this letter from John di Bene addressed to the Board of Supervisors in connection with the hearing on November 5, 2013 regarding AT&T's CUP Application No. 2012.0648C (725 Taraval Street). We would appreciate it if you would kindly circulate the letter to the Commissioners. Please feel free to contact us if you have any questions. Thank you.

Very truly yours,

Aaron Shank,  
Counsel for AT&T

**Aaron M. Shank** | Porter Wright Morris & Arthur LLP | 41 S High St Suites 2800-3200 | Columbus, OH 43215  
Direct: 614-227-2110 | Fax: 614-227-2100 | Toll Free: 800-533-2794 | [ashank@porterwright.com](mailto:ashank@porterwright.com)

porterwright

\*\*\*\*\*Notice from Porter Wright Morris & Arthur LLP\*\*\*\*\*

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To comply with certain U.S. Treasury regulations, we inform you that any federal tax advice contained in this message, including attachments, is not a covered opinion as described in Treasury Department Circular 230 and therefore cannot be relied upon to avoid any tax penalties or to support the promotion or marketing of any federal tax transaction.

\*\*\*\*\*End of Notice\*\*\*\*\*

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**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** FW: News: Progress Reports: SamTrans and Caltrain "By the Numbers"

**From:** Dunn, Christine [mailto:dunnc@samtrans.com]  
**Sent:** Tuesday, November 05, 2013 8:06 AM  
**To:** Dunn, Christine  
**Subject:** News: Progress Reports: SamTrans and Caltrain "By the Numbers"



Media Contact: Christine Dunn, 650-508-6238

## **Progress Reports: SamTrans and Caltrain "By the Numbers"**

The [SamTrans](http://www.samtrans.com) and [Caltrain](http://www.caltrain.com) progress reports are now available for review and downloading on the agencies' websites: [www.samtrans.com](http://www.samtrans.com) and [www.caltrain.com](http://www.caltrain.com). The reports give a broad overview of the two transportation agencies with a look back at the previous year and a look ahead to upcoming changes.

Taking a look at the "numbers" that represent the important work each agency is doing, the reports cover key statistics on everything from ridership to budgets. Among the topics included are capital improvement programs and the increasing use of social media to communicate with the public.

In many ways, SamTrans is at a pivotal point in its history. The district began providing service in 1976, merging 11 city bus systems into a single county-wide agency. Since then, SamTrans has evolved into a "multi-modal" agency, providing a variety of transportation options. The transit district is the administrative agency for Caltrain and the San Mateo County Transportation Authority; provides paratransit service for those people unable to take fixed route service; operates an extensive shuttle system that links key transit centers with major employers; and played a key role in extending BART service to San Francisco International Airport.

At the same time, San Mateo County has changed. Demographic studies show that the population is aging. Where people live and work also has changed. And, there is a growing demand for more and better public transportation.

The rising cost of providing service, meeting its debt obligations and providing financial support for Caltrain has created a formidable financial situation for SamTrans.

SamTrans must attract new riders while staying within its budget constraints. The SamTrans Service Plan is a two-year comprehensive study and reinvention of the bus system. The first change recommended by the study, the ECR, which serves stops on El Camino Real every 15 minutes, was introduced in August. The second phase of changes will hit the streets Jan. 24.

While SamTrans grapples with these questions, Caltrain also faces great change. With funding for the Caltrain Modernization Program identified it is now moving swiftly to complete the environmental impact report on electrification. Work on the advanced signal system known as CBOSS/PTC has already begun. Caltrain will begin operating electrified service in 2019.

The progress reports take a look at the challenges facing both agencies and the work being done to modernize and improve both systems.

###

*About SamTrans: Funded in part by a half-cent sales tax, the San Mateo County Transit District also provides administrative support for Caltrain and the San Mateo County Transportation Authority. SamTrans has provided bus service to San Mateo County customers since 1976.*

*About Caltrain: Owned and operated by the Peninsula Corridor Joint Powers Board, Caltrain provides commuter rail service from San Francisco to San Jose, with limited commute service to Gilroy. Caltrain has enjoyed three years of consecutive monthly ridership increases, surpassing more than 50,000 average weekday riders earlier this year. While the Joint Powers Board assumed operating responsibilities for the service in 1992, the railroad will celebrate 150 years of continuous passenger service in 2014. Planning for the next 150 years of Peninsula rail service, Caltrain is on pace to electrify the corridor by 2019, reducing diesel emissions by 90 percent and adding more service to more stations.*

Like us on Facebook at: [www.facebook.com/samtrans](http://www.facebook.com/samtrans), [www.facebook.com/caltrain](http://www.facebook.com/caltrain) and follow us on Twitter [@SamTrans\\_News](https://twitter.com/SamTrans_News) or [@Caltrain\\_News](https://twitter.com/Caltrain_News)

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**From:** James Chaffee [chaffeej@pacbell.net]  
**Sent:** Monday, November 04, 2013 8:49 PM  
**To:** Board of Supervisors; Campos, David; Chiu, David; Mar, Eric (BOS); Kim, Jane; Avalos, John; Tang, Katy; Breed, London; Cohen, Malia; Farrell, Mark; Yee, Norman (BOS); Wiener, Scott  
**Cc:** deetje@aol.com; frandacosta@att.net; grossman356@mac.com; Jason Grant Garza; jaygarza@pacbell.net; Jim Kirwan; kimo@webnetic.net; Libraryusers2004@yahoo.com; Nicholas Pasquariello; Richard McRee; SCau1321@aol.com; sfmeskunas@aol.com; SOTF\_Hope Johnson; Steve Zeltzer; tien@eff.org; Timothy Gillespie3; sotf@brucewolfe.net; SOTF; SOTF\_Chan Hanley; SOTF\_Jay Costa; SOTF\_Knoebber James; SOTF\_Manneh Suzanne; SOTF\_Rick Knee; SOTF\_Snyder\_David  
**Subject:** Chaffee -- Supervisors Bury Scandal and Outrage To Protect Library Privatization  
**Attachments:** LettertoSupes-Pet-Com-131053.pdf

Dear Friends,

The Board of Supervisors has an agenda out for its regular meeting of tomorrow, November 5. Most of the letters in the Petitions and Communications file have some sort of meaningful description, except for Ray Hartz. Mr. Hartz sent the attached letter with two enclosures to object to his being ejected from the meeting and for the scandalous inaction on the referrals the Board has received from the Sunshine Ordinance Task Force regarding the City Librarian's illegalities.

If the Clerk of the Board wanted to give a informative description on the agenda it would be, "Complaints regarding Improper Ejection and Inaction on Sunshine Referrals." If they wanted to duplicate Mr. Hartz' ironic description it would be, "A Sincere Thank You to David Chiu."

The Clerk's actual description is, "regarding various issues." The Supervisors bury public comment again.

I hereby request that the Clerk of the Board include my description of my communication, above, on the agenda.

James Chaffee

---

**Subject:** A Sincere Thank You to David Chiu  
**Attachments:** 11083 BOS Referral.pdf; OD FINAL 12050.pdf

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**From:** Ray Hartz Jr [mailto:rwhartzjr@sbcglobal.net]  
**Sent:** Wednesday, October 23, 2013 07:34  
**To:** Calvillo, Angela  
**Cc:** Avalos, John; Breed, London; Campos, David; Chiu, David; Cohen, Malia; Farrell, Mark; Kim, Jane; Mar, Eric (BOS); Tang, Katy; Scott Weiner; Yee, Norman (BOS); SF Examiner; SF Bay Guardian Editorial  
**Subject:** A Sincere Thank You to David Chiu

Ms. Calvillo,

Please consider this an official communication to the Board of Supervisors for inclusion in correspondence.

**I would really like to thank Board of Supervisors President David Chiu for having me forcibly removed from the Board Chamber yesterday.**

**My efforts regarding open government had hit a point where my energy was flagging, and the decision by the President to take that dramatic action rather than simply choosing to warn me was just what I needed: a real shot in the arm! Again, thanks!**

As I was unable to make my public comment, I am providing a copy of the 150-word summary I had intended to submit:

**I am here once again to call to the attention of this BOS the referral from the SOTF regarding City Librarian Luis Herrera. This referral**

**is for the unlawful withholding of public records, including those used in a recent FPPC complaint. Herrera withheld these documents to cover up the fact that he had received gifts which he failed to report, and, in fact, to cover up the perjury committed when filing reports stating he had received nothing! A further referral is coming to this BOS regarding the abridgment of public comment at library commission meetings. In this short summary I cannot list all of Mr. Herrera's unlawful acts. But I would like to comment on my opinion regarding his actions and reactions: Mr. Herrera is a coward! I say that because only a coward would act and then send City employees under his supervision to answer for his unlawful acts!**

Attached is a copy of the referral letter from the Sunshine Ordinance Task Force (SOTF) regarding the matter. It is now more than seven months since this was referred to the BOS and "justice delayed is justice denied!" Also, as I indicated above, a second referral is coming regarding Mr. Herrera, so, I would sincerely hope you would not choose to complicate the separate issues by conflating them.

I have also attached a copy of the Order of Determination in SOTF case #12050 Ray Hartz v Angela Calvillo. Ms. Calvillo has willfully refused to comply with the order and as subsequent action by the Task Force has been



"delayed," I have filed three additional complaints for subsequent violations of the Sunshine Order as determined, not only in this specific case, but in five additional findings. The Library Commission, Ethics Commission, Police Commission and the Arts Commission all now place the 150-word summaries in "the body of the minutes" as directed by the Task Force to all City boards and Commissions. Ms. Calvillo has also failed to even attempt to comply with the Sunshine Ordinance as it refers to summaries of public testimony in the official minutes of the Board of Supervisors. This is nothing less than abridgement of free speech as guaranteed under the United States Constitution and the Constitution of the State of California. Despite the "Good Government Guide" advice, the placement of Ms. Calvillo's totally censored AND abridged summary of my comments in the body of the minutes in place of my summary is an abridgement of my Constitutionally protected political free speech. **Neither City Attorney Dennis Herrera nor Ms. Calvillo have shown any "compelling state interest" in restricting the free speech rights of citizens of San Francisco. Their failure to comply and continued obfuscation regarding the matter is not only a constitutional issue, but, also a matter of civil rights.**

As the Brown Act states regarding legal findings: *"These decisions found that prohibiting critical comments was a form of viewpoint discrimination, and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialogue."*

Placing the lawfully submitted 150-word summaries in a "disadvantaged" position, and substituting the "government version" of public testimony, is "viewpoint discrimination." This "disadvantaged position" guarantees that some members of the public will not read the actual public testimony and/or not understand the summary in the context of the meeting minutes. Compounding the matter by prefacing the submitted summary with a totally prejudicial introduction, rather than a simple statement that this was a "summary submitted by the speaker," is a further attempt to prejudice any reader of the official record as regards the speakers summary of their own comments.

**"Know your Rights Under the Sunshine Ordinance" is on each agenda for every board and commission in San Francisco, including the Board of Supervisors. Knowing your rights is one thing, but, getting the members of this Board of Supervisors, collectively and individually, to respect those rights is a ongoing battle! For members of the Board of Supervisors to take an oath to "support and defend the Constitutions of the United States and the State of California" and then do everything but, is an outrage!**

Sincerely,

Ray W. Hartz, Jr.  
Director, San Francisco Open Government

**SUNSHINE ORDINANCE  
TASK FORCE**



**City Hall**  
**1 Dr. Carlton B. Goodlett Place, Room 244**  
**San Francisco 94102-4689**  
**Tel. No. (415) 554-7724**  
**Fax No. (415) 554-7854**  
**TDD/TTY No. (415) 554-5227**

March 7, 2013

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

**Re: Public Library's Failure to Respond to Request to Identify Expenditure Documents  
(Sunshine Ordinance Complaint No. 11083, Hartz v Public Library)**

Dear Board of Supervisors,

On December 14, 2011, the Sunshine Ordinance Task Force ("Task Force") heard a Sunshine complaint brought by Ray Hartz, Jr. against the Public Library ("Library") alleging failure to appropriately respond to Mr. Hartz's July 21, 2011, Immediate Disclosure Request (IDR) for assistance in identifying the existence, form, and nature of documents related to the financial relationship between the Library and the nonprofit Friends of the San Francisco Public Library ("Friends"). Mr. Hartz had been attempting to receive records detailing itemization of the use of funds from Friends.

On March 12, 2012, the Task Force issued an Order of Determination finding that City Librarian Luis Herrera was in violation of Sunshine Ordinance Sections 67.21(c) for failure to direct Mr. Hartz to the proper office or staff person to respond to his request to identify documents related to Library expenditures of Friends' funds and 67.26 for failure to keep withholding to a minimum by not including documents related to Library expenditures of Friends' funds in the documents identified.

On November 7, 2012, the Task Force held a hearing on compliance with the Order of Determination and concluded that the Library continued to violate the Order by failing to provide documents related to the expenditures. The Task Force therefore voted to refer this matter to the Board of Supervisors for further investigation and possible action.

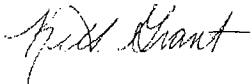
The Library records requested by Mr. Hartz are public records subject to disclosure under the Sunshine Ordinance and California Public Records Act. Sue Blackman, Library Commission Secretary, informed the Task Force that the Library does not know whether receipts exist that document the use or breakdown of funds and advised the Task Force that the Library is working with Friends to post expenditure documents online.

<http://www.sfgov.org/sunshine/>

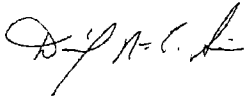
The Task Force recommends the Board of Supervisors investigate the Library's documentation of its expenditure of Friends' funds.

This request and referral is made under Section 67.30 (c) whereby the Task Force shall make referrals to a municipal office with enforcement power under the Sunshine Ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this Ordinance or the Acts.

Thank you for your timely attention to this matter. A description of the Task Force hearing, violations found, and decision are described in the attached Order of Determination. Please contact the Sunshine Ordinance Task Force Administrator at [sotf@sfgov.org](mailto:sotf@sfgov.org) or (415) 554-7724 with any questions or concerns.



Kitt Grant, Chair  
Sunshine Ordinance Task Force



David Sims, Member Attorney  
Sunshine Ordinance Task Force

Encl.

cc: Ray Hartz, Jr., Complainant  
Luis Herrera, City Librarian, Respondent  
Susan Blackman, Library Commission Secretary, Respondent  
Angela Calvillo, Clerk of the Board  
Jerry Threet, Deputy City Attorney



**ORDER OF DETERMINATION**

May 23, 2013

**DATE THE DECISION ISSUED**

April 3, 2013

*RAY HARTZ VS. CLERK OF THE BOARD (CASE NO. 12050)*

**FACTS OF THE CASE**

Complainant Ray Hartz ("Complainant") alleges that Angela Calvillo, Clerk of the Board of Supervisors (the "Clerk"), repeatedly violated section 67.16 of the Ordinance by failing to include his 150-word written statements, summarizing his public comments, in the body of the minutes of the Board's meetings held on March 6, 2012; April 17, 2012; May 8, 2012; June 5, 2012; July 24, 2012; September 4, 2012; and September 11, 2012.

**COMPLAINT FILED**

On October 23, 2012, Mr. Hartz filed a complaint with the Task Force.

**HEARING ON THE COMPLAINT**

On April 3, 2013, Complainant, Mr. Hartz appeared before the Task Force and presented his claim. Respondent, Rick Caldeira, Deputy Director, Office of the Clerk of the Board presented the Clerk of the Board's defense stating 150-word statements submitted are included in the Board's minutes as an addendum to the minutes.

The issue in the case is whether the Clerk of the Board violated Sections 67.16, 67.21, 67.30(c), 67.33, and 67.34 of the Ordinance.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the testimony and evidence presented the Task Force finds the testimony of Mr. Hartz to be persuasive and finds that Section 67.16 of the Ordinance to be applicable in this case. The Task Force does not find the testimony provided by Mr. Caldeira persuasive to this case.

**DECISION AND ORDER OF DETERMINATION**

The Task Force finds that Angela Calvillo, Clerk of the Board of Supervisors, violated Section 67.16 of the Sunshine Ordinance for failure to include Mr. Hartz's 150-word statement within the body of minutes at the point in the minutes where the speaker made his comments. The Clerk of the Board shall place 150-word statements submitted by members of the public within the minutes directly following the item addressed in public comment. Angela Calvillo, Clerk of the Board of Supervisors shall appear before the Education, Outreach and Training Committee on June 13, 2013.



This Order of Determination was adopted by the Sunshine Ordinance Task Force on April 3, 2013 by the following vote: (Hyland/Oka)

Ayes: Knee, Manneh, Washburn, Sims, Hyland, Oka, Fischer

Noes: Pilpel, Grant

Absent: David

A handwritten signature in cursive script that reads "Kitt Grant".

Kitt Grant, Chair  
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney  
Ray Hartz, Jr., Complainant  
Angela Calvillo, Clerk of the Board of Supervisors, Respondent

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

San Francisco International Airport



*cc page only*

2013 NOV -5 PM 1:41

November 1, 2013

*File 130778*

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

Dear Supervisor Mar:

I would like to provide some background information about the various food and beverage offerings available throughout the Airport in response to questions you posed during a concession lease amendment hearing (File No. 13-0778) at the Finance Committee on October 23, 2013. While the lease amendment approved by the Committee was a fast food concession, I want to assure you that almost every other food and beverage offering at the Airport is focused on local, healthy food.

SFO is committed to providing a dining experience that is healthy for passengers, employees, and the environment. To ensure that passengers have a wide variety of healthy, local offerings at SFO, we have included a sustainable food policy as part of every concession lease. The mission of the policy is to require tenants to provide good, clean, and reasonably-priced food that has been responsibly sourced and deliciously prepared. A copy of the entire policy is enclosed for your review. Additionally, I have provided a list of all the restaurants at the Airport along with a brief description of menu options and locations.

SFO is committed to offering a wide variety of local, sustainable, and healthy food for our employees and passengers, and I am proud that SFO has been recognized over the years for our employee wellness program, as well our national reputation for an outstanding concession staff and programs.

Please feel free to contact me with any other questions.

Very truly yours,

John L. Martin  
Airport Director

Enclosures

cc: ✓ Angela Calvillo, Clerk of the Board  
Supervisor Mark Farrell, Chair, Finance Committee  
Supervisor John Avalos, Member, Finance Committee

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

LARRY MAZZOLA  
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LINDA S. CRAYTON  
VICE PRESIDENT

ELEANOR JOHNS

RICHARD J. GUGGENHIME

PETER A. STERN

JOHN L. MARTIN  
AIRPORT DIRECTOR

# *SFO Sustainable Food Policy*

SFO is committed to providing a dining experience that is healthy for passengers, employees and the environment. Tenants are required to provide good, clean and fair food which has been responsibly sourced and deliciously prepared. The following represents SFO's "Sustainable Sixteen" and must be adhered to throughout the term of the lease.

Tenants must use or feature:

1. Displays that promote healthful eating and good environmental stewardship
2. Visible food preparation areas
3. Portion sizes which support good health
4. Portion-appropriate menu items for children
5. Low- or non-phosphate detergents

To the very greatest extent possible, Tenants must use:

6. Organic agricultural products from the Northern California region
7. Agricultural products that have not been genetically modified
8. Organic or all-natural meat from animals treated humanely and without hormones or antibiotics
9. rBST-free cheese, milk, yogurt and butter
10. Cage-free, antibiotic-free eggs
11. Sustainable seafood
12. Hydrogenated oil-free
13. Fairly Traded Organic Coffee
14. Bottled water sold in re-useable containers; sparkling and flavored waters from local vendors
15. Products which are artificial color-, flavor- and additive-free
16. Un-bleached paper products ; bio-degradable To Go containers and utensils

**SFO Food and Beverage Offerings****Amoura Café**

Mediterranean style deli with sandwiches, salads, breakfast, beer and wine  
International Terminal Boarding Area A near Gate A3, Post-Security

**Anchor Brewing Company**

Pub food along with specialty beers  
Terminal 3 Boarding Area F near Gate 70, Post-Security

**Andale Mexican Restaurant**

Fresh made-to-order entrees, beer and wine  
Terminal 3 Boarding Area F, food court at entrance to Gates 80-90, Post-Security

**Andale Mexican Restaurant**

Fresh made-to-order entrees, beer and wine  
International Terminal Boarding Area G near Gate G91, Post-Security

**Andale Mexican Restaurant**

Fresh made-to-order entrees, beer and wine  
Terminal 2 Boarding Area D near Gate 59, Post-Security

**Boudin's Bakery and Café**

Famous sourdough bread, sandwiches, salads and soup  
Terminal 3 Boarding Area F, food court at entrance to Gates 80 through 90, Post-Security

**Buena Vista San Francisco**

American cuisine and a full bar featuring Irish Coffee  
Terminal 3 Boarding Area F near Gate 82, Post-Security

**Burger Joint**

Niman Ranch burgers, chicken burgers, veggie burgers and hot dogs  
International Terminal Main Hall South Food Court (near Boarding Area A), Pre-Security

**Burger Joint**

Niman Ranch burgers, chicken burgers, veggie burgers and hot dogs  
Terminal 2 Boarding Area D near Gate 58b, Post-Security

**Cat Cora**

Full cocktail bar, wine, beer and a diverse small plate menu  
Terminal 2 Boarding Area D near Gate 55, Post-Security

**Deli-Up Café**

Sandwiches, salads, baked goods, coffee, beer and wine  
International Terminal Boarding Area G near Gate G93, Post-Security

**Ebisu**

Japanese specialties including sushi and sashimi, teriyaki and udon  
International Terminal Main Hall North Food Court (near Boarding Area G), Pre-Security



**Emporio Rulli**

Full espresso bar, fresh baked Italian pastries and panini sandwiches  
International Terminal Main Hall Arrivals Lobby, Pre-Security

**Emporio Rulli**

Full espresso bar, fresh baked Italian pastries and panini sandwiches  
International Terminal Main Hall North Food Court (near Boarding Area G), Pre-Security

**Emporio Rulli**

Full espresso bar, fresh baked Italian pastries and panini sandwiches  
International Terminal Main Hall South Food Court (near Boarding Area A), Pre-Security

**Emporio Rulli Gran Caffè**

Italian dining bar, paninis, soups, pastries and espresso  
Terminal 3 Boarding Area F near Gate 79, Post-Security

**Firewood Café**

Thin crust pizzas, sandwiches, gourmet salads, beer and wine  
International Terminal Boarding Area A near Gate A12, Post-Security

**Firewood Café**

Thin crust pizzas, sandwiches, gourmet salads, beer and wine  
Terminal 3 Boarding Area F, food court at entrance to Gates 80 through 90, Post-Security

**Firewood Grill**

Grilled panini sandwiches, skewers, salads and a full bar  
International Terminal Boarding Area A near Gate A1, Post-Security

**Firewood Grill**

Grilled panini sandwiches, skewers, salads and a full bar  
International Terminal Main Hall, Pre-Security

**Fraîche**

Organic fresh yogurt and frozen yogurt  
Terminal 3 Boarding Area F near Gate 81, Post-Security

**Fung Lum**

Chinese cuisine including noodles, rice dishes, dim sum and won ton soup  
Terminal 1 food court at entrance to Gates 40-48, Pre-Security

**Fung Lum**

Chinese cuisine including noodles, rice dishes, dim sum and won ton soup  
International Terminal Main Hall North Food Court (near Boarding Area G), Pre-Security

**Fung Lum**

Chinese cuisine including noodles, rice dishes, dim sum and won ton soup  
Terminal 3 Boarding Area F, food court at entrance to Gates 80 through 90, Post-Security

**Go Bistro**

Full bar and Asian fusion food including breakfast, salads and entrees  
Terminal 1 Boarding Area B near Gate 24, Post-Security

**Gordon Biersch**

American fare and microbrewed beers  
Terminal 3 Boarding Area F near Gate 74, Post-Security

**Guava & Java**

Espresso, smoothies, salads, sandwiches, pastries, beer and wine  
Terminal 1 Boarding Area C near Gate 48, Post-Security

**Harbor Village Kitchen**

Chinese noodle and rice dishes, dim sum, and barbequed meats  
International Terminal Main Hall South Food Court (near Boarding Area A), Pre-Security

**Il Fornaio Caffè Del Mondo**

Sandwiches, salads, baked goods, coffee, beer and wine  
International Terminal Boarding Area A near Gate A11, Post-Security

**Il Fornaio Caffè Del Mondo**

Sandwiches, salads, baked goods, coffee, beer and wine  
International Terminal Boarding Area G near Gate G99, Post-Security

**Just Desserts**

Cakes, cookies, pastries, ice cream, smoothies, coffee and tea  
Terminal 1 near Gates 20 through 39, Pre-Security

**Just Desserts**

Cakes, cookies, pastries, ice cream, smoothies, coffee and tea  
Terminal 3 Boarding Area F, food court at entrance to Gates 80 through 90, Post-Security

**Klein's Deli and Coffee Bar**

Sandwiches made-to-order, salads, espresso, beer and wine  
Terminal 1 Boarding Area B near Gate 36, Post-Security

**Klein's Deli and Coffee Bar**

Sandwiches made-to-order, salads, espresso, beer and wine  
Terminal 3 Boarding Area F near Gate 83, Post-Security

**Lark Creek Grill**

Table service restaurant with full bar, seafood, steak and breakfast  
Terminal 2 Boarding Area D near Gate 50, Post-Security

**Legends of San Francisco**

Full bar, breakfast, salads, sandwiches and entrees  
Terminal 1 Boarding Area B near Gate 31, Post-Security

**Lori's Diner**

Burgers, sandwiches, entrees and shakes; breakfast served all day  
International Terminal Main Hall North Food Court (near Boarding Area G), Pre-Security

**Lori's Diner**

Burgers, sandwiches, entrees and shakes; breakfast served all day  
Terminal 3 Boarding Area F, food court at entrance to Gates 80 through 90, Post-Security

**Marina's Cafe**

Coffee, pastries, breakfast items, sandwiches and salads.  
Rental Car Rental Car Center, Level 4, Pre-Security

**Max's Eatz and Fresh Bakery**

Sandwiches, salads, entrees, barbeque and desserts  
Terminal 1 Boarding Area B near Gate 23, Post-Security

**Max's the Greek**

Greek favorites, Max's deli sandwiches and breakfasts  
Terminal 3 Boarding Area F, food court across from Gates 70/71, Post-Security

**Napa Farms Market**

Gourmet deli, bakery, coffee, desserts and retail sale of food products  
Terminal 2 Boarding Area D Retail Street, Post-Security

**Osho Japanese Cuisine**

Sushi and sashimi, teriyaki, udon, tempura and daily specials  
International Terminal Main Hall South Food Court (near Boarding Area A), Pre-Security

**Peet's Coffee & Tea**

Specialty coffee and tea, pastries, sandwiches and salads  
Terminal 1 Boarding Area B near Gate 26, Post-Security

**Peet's Coffee & Tea**

Specialty coffee and tea, pastries, sandwiches and salads  
Terminal 2 Boarding Area D near Gate 54, Post-Security

**Peet's Coffee & Tea**

Specialty coffee and tea, pastries, sandwiches and salads  
Terminal 2 Boarding Area D near Gate 58b, Post-Security

**Peet's Coffee & Tea**

Specialty coffee and tea, pastries, sandwiches and salads  
Terminal 3 Boarding Area F, food court across from Gates 70/71, Post-Security

**Peet's Coffee & Tea**

Specialty coffee and tea, pastries, sandwiches and salads  
Terminal 3 Boarding Area F near Gate 73, Post-Security

**Peet's Coffee & Tea**

Specialty coffee and tea, pastries, sandwiches and salads  
Terminal 3 Boarding Area F near Gate 88, Post-Security

**Peet's Coffee & Tea**

Specialty coffee and tea, pastries, sandwiches and salads  
Terminal 3 Mezzanine Level Food Court, Pre-Security

**Perry's**

Burgers, sandwiches, soups, salads and breakfast  
Terminal 1 Boarding Area C near Gate 42, Post-Security

**PIQ**

Focaccias, panini, calzones, pizzas, salads and pastries  
Terminal 1 Boarding Area B near Gates 20-36, Pre-Security

**San Francisco Soup Company**

Quality soups, specialty sandwiches and salads  
Terminal 3 Boarding Area F, food court at entrance to Gates 80 through 90, Post-Security

**Sankaku**

Japanese cuisine including sushi, noodles, teriyaki and bento boxes; beer and sake  
Terminal 3 Boarding Area F, food court across from Gates 70/71, Post-Security

**SF Uncork'd**

Modern wine bar serving quality wines, craft beers and small plates  
Terminal 3 Boarding Area F, near Gate 85, Post-Security

**Starbucks**

Beverages, pastries, desserts, sandwiches and salads  
International Terminal Main Hall, Pre-Security

**Starbucks**

Beverages, pastries, desserts, sandwiches and salads  
Terminal 2 Departures Level, Pre-Security

**Starbucks**

Beverages, pastries, desserts, sandwiches and salads  
Terminal 3 Arrivals Level, Pre-Security  
Hours: Daily, 4:30 a.m. to 11:00 p.m. Phone: 650.821.8753

**Subway**

Fresh made-to-order sandwiches, salads, beer and wine  
Terminal 3 Mezzanine Level Food Court, Pre-Security

**The Plant Cafe and Pinkberry**

Breakfast, salads, soups, sandwiches, entrees, and frozen yogurt  
Terminal 2 Boarding Area D near Gate 51b, Post-Security

**Three Twins Ice Cream**

Organic ice cream flavors and toppings, sweet and savory made-to-order crepes, and waffle creations  
Terminal 1 Boarding Area C, near Gate 43, Post-Security

**Tomokazu**

Japanese specialties including sushi, sashimi, noodles, teriyaki and robata  
International Terminal Boarding Area G near Gate G93, Post-Security

**Tomokazu**

Japanese specialties including sushi, sashimi, noodles, teriyaki and robata  
Terminal 3 Boarding Area F, food court at entrance to Gates 80 through 90, Post-Security

**Vino Volo**

Wine bar with wine tasting, bottled wine and small food plates  
Terminal 2 Boarding Area D Retail Street, Post-Security

**Wakaba**

Japanese sushi and noodles, teriyaki and bento boxes. Beer and sake  
Terminal 2 Boarding Area D near Gate 55, Post-Security

**Willow Creek Grill**

Pizza, sandwiches, salads, pasta, burgers and breakfast  
Terminal 1 Boarding Area B near Gate 25, Post-Security

**Willow Creek Grill**

Pizza, sandwiches, salads, pasta, burgers and breakfast  
Terminal 3 Boarding Area F, food court across from Gates 70/71, Post-Security

**Willow Street Woodfired Pizza**

Pizzas, sandwiches, rotisserie chicken and salads  
International Terminal Main Hall North Food Court (near Boarding Area G), Pre-Security

**Yankee Pier**

Fresh seafood, clam chowder, lobster and crab; full bar and table service  
Terminal 3 Boarding Area F near Gate 72, Post-Security



File 130778


BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

San Francisco International Airport

page only

2013 NOV -5 PM 1:41

November 1, 2013

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

Dear Supervisor Mar:

I would like to provide you with some additional information based on your question about the rental car company's ownership structure at San Francisco International Airport that was requested at the October 23 Finance Committee meeting.

While the lease modification the committee approved (File No. 13-0778) on October 23, 2013 referenced only five entities (Hertz Corporation, Avis Budget Car Rental, EAN-Northern California, DTG Operations and Fox Rent A Car), these parent companies are representing the nine rental car companies who occupy the Airport's Rental Car Center ("RCC").

The Airport has a total of five lease agreements with the companies that operate the brands at the RCC. The following table shows the nine operators and the parent company:

<u>Rental Car Company</u>	<u>RCC Rental Car Operators (9)</u>
The Hertz Corporation	Hertz
EAN, LLC.	Enterprise, National, and Alamo
Avis Budget Car Rental, LLC.	Avis and Budget
DTG Operations, Inc.	Dollar and Thrifty
Fox Rent A Car, Inc.	Fox

To address your question about the Airport's clean vehicle policy and its application in the rental car business, I have enclosed a copy of our green rental car incentives that are included in all leases with the rental car companies to support the rental of clear air vehicles. We continue to encourage the rental car operators to provide a large selection of green fleet vehicles and require them to report their green transactions.


I hope this addresses your outstanding questions. Please contact me with any follow-up or concerns.

Very truly yours,



John L. Martin  
Airport Director

Enclosure

cc:  Angela Calvillo, Clerk of the Board  
Supervisor Mark Farrell, Chair, Finance Committee  
Supervisor John Avalos, Member, Finance Committee

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

LARRY MAZZOLA  
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VICE PRESIDENT

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RICHARD J. GUGGENHIME

PETER A. STERN

JOHN L. MARTIN  
AIRPORT DIRECTOR

- (a) On or before the Rent Commencement Date and the first (1<sup>st</sup>) day of each calendar month thereafter, Tenant shall pay the current monthly MAG to the City's Rent Payment Address. If the Rent Commencement Date occurs on a date other than the first day of a calendar month, then the monthly MAG for such first month (the "**First Month**") shall be prorated based on a 30-day month.
- (b) On or before the twentieth (20th) day of each calendar month after the First Month, concurrently with its submission of the Sales Reports described below covering the prior calendar month, Tenant shall pay to City the deficiency, if any, between the Base Rent payable by Tenant with respect to such prior calendar month (based on the Gross Revenues achieved with respect to such prior month), and the amount actually paid by Tenant pursuant to the foregoing subsection (a) with respect to such month.
- (c) All payments hereunder shall be paid to City's Rent Payment Address, or at such other place as City may from time to time designate in writing.
- (d) The MAG with respect to the first Lease Years of the Term will be prorated, based on a 365-day year. Without limiting the generality of the foregoing, as the Initial MAG is an annual amount, the Minimum Annual Guarantee with respect to the first Lease Year shall be prorated, based on a 365-day year, to reflect the fact that the first Lease Year shall be less than a full 12-month period.
- (e) All Rent shall be paid in lawful money of the United States, free from all claims, demands, setoffs, or counterclaims of any kind.
- (f) Any Rent not paid when due shall be subject to a service charge equal to the lesser of the rate of one and one-half percent (1½%) per month, and the maximum rate permitted by law. Acceptance of any service charge shall not constitute a waiver of Tenant's default on the overdue amount or prevent City from exercising any of the other rights and remedies available to City.

**4.8 Sales Reports.** On or before the twentieth (20th) day of each calendar month after the First Month, Tenant shall submit to City a report (the "**Sales Report**") showing all Gross Revenues achieved with respect to the prior month by location, segregated by each source or general type of article sold or service rendered. Such report shall be certified as being true and correct by Tenant and shall otherwise be in form and substance satisfactory to Director. As described below, City shall have the right, in addition to all other rights herein, to impose a fine in the event Tenant shall fail to submit such Sales Report timely. Operators with multiple brands must detail each brand's sales on their Sales Report.

**4.9 Qualified Green Vehicle Rental Incentives.** The City of San Francisco is committed to lessening the negative environmental impact of all operations and concessions at AIRPORT. In support of this goal, the city is electing to partner with the on-airport rental car concessionaires in a program intended to provide incentives to the rental car concessionaires to increase their rental of vehicles meeting an Environmental Protection Agency ("**EPA**") Green Vehicle score, as well as incentives to encourage rental car customers to select environmentally friendly vehicles when they rent at San Francisco International Airport.

**4.10 Rental Car Concessionaire Incentive Program.** RACs will be encouraged to meet specific targets for Qualified Green Vehicle rentals (transactions). Vehicles meeting an EPA Green Vehicle Guide score

of 17 or higher will be considered Qualified Green Vehicles. The incentive targets will be reviewed and/or revised at the end of Lease Year 2, and possibly changed or abolished for the remainder of the term.

2009	15%
2010	15%

To qualify for the incentive credit, RACs will be required to track and report their rentals of Qualified Green Vehicles at AIRPORT on a monthly basis. At the close of each lease year, if a RAC operator has met the annual qualifying target, the City will calculate the credit owed to concessionaire by calculating the amount of the difference between the 10% concession fee paid by concessionaire for each of the Qualified Green Vehicle transactions, and an imputed 8% concession fee for these same rentals. An equivalent amount to this differential will be credited to concessionaire's rent due and owing to the City for the succeeding year.

4.11 Rental Car Customer Incentive Program. The City intends to encourage rental car customers to select vehicles with an EPA Green Vehicle Guide score of 18 or higher when they rent a vehicle at Airport by offering to subsidize a \$15 per transaction credit on the gross revenue charges for each such rental. This will require the RACs to reflect the \$15 credit on the face of the transaction agreement and to report the qualified transactions to the City on a monthly basis. The individual RAC operator will then, with adequate backup, be allowed to take a monthly credit for the amount offered as a discount to the rental car customer for a qualified rental. As no concession fee will be collected from the customer or paid the City for this discounted amount of the gross revenues due and owing for the qualified rental, no proportionate concession fee will be due and owing as a credit to the RAC operator. The \$15.00 credit is to be netted out Gross Revenues before the Concession Recovery Fee is computed on the renter's invoice. The incentive targets will be reviewed and/or revised at the end of Lease Year 2, and possibly changed or abolished for the remainder of the term.

2009	15%
2010	15%

4.12 Annual Report and Adjustment. Within ninety (90) days after the end of each Lease Year, Tenant shall submit to Director an unqualified year-end financial report certified by a Certified Public Accountant showing Gross Revenues achieved with respect to the prior Lease Year. Tenants will refer to the EPA Green Vehicle Guide, distributed in January of the applicable Lease Year, to determine their potential in qualifying for the Incentive Program. If such report shows that the total Base Rent actually paid by Tenant with respect the prior calendar year was less than the Base Rent payable with respect to such year, then Tenant shall immediately pay to City such deficiency. If such report shows that the Base Rent actually paid by Tenant with respect to such prior Lease Year exceeded the Base Rent payable with respect to such year, then such excess shall be applied as a rent credit to amounts next coming due. Notwithstanding anything to the contrary herein, in no event will the Base Rent payable to City be less than the Minimum Annual Guarantee. In addition, Tenant shall submit to City such other financial or other reports as Director may reasonably require.

4.13 [INTENTIONALLY DELETED].

4.14 Books and Records; Audit Rights. Tenant shall maintain for a period of five (5) years after the Expiration Date, or, in the event of a claim by City, until such claim of City for payments hereunder shall have been fully ascertained, fixed and paid, separate and accurate daily records of Gross Revenues,



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**From:** Chapin-Rienzo, Shanda on behalf of Reports, Controller  
**Sent:** Thursday, November 07, 2013 1:45 PM  
**To:** Calvillo, Angela; Nevin, Peggy; BOS-Supervisors; BOS-Legislative Aides; Kawa, Steve; Howard, Kate; Falvey, Christine; Elliott, Jason; Campbell, Severin; Newman, Debra; Rose, Harvey; sfdocs@sfpl.info; Gabriel Metcalf; Rhorer, Trent; Hinton, Anne; Cheung, Denise; CON-EVERYONE; CON-CCSF Dept Heads; CON-Finance Officers  
**Subject:** Memorandum Issued: Results of Follow-up of 2005 Audit of the Department of Aging and Adult Services

The Office of the Controller's City Services Auditor Division (CSA) today issued a memorandum on its assessment of the Department of Aging and Adult Services' implementation of the 29 recommendations in the 2005 CSA audit report of the department. The assessment found that the department has implemented 19, partially implemented 3, and did not implement 4 of the recommendations. Further, 2 of the recommendations are no longer applicable, and CSA was unable to determine whether 1 of the recommendations was implemented.

To view the full memorandum, please visit our Web site at:  
<http://openbook.sfgov.org/webreports/details3.aspx?id=1636>

This is a send-only e-mail address.

For questions about the memorandum, please contact Director of City Audits Tonia Lediju at [tonia.lediju@sfgov.org](mailto:tonia.lediju@sfgov.org) or 415-554-5393 or the CSA Audits Unit at 415-554-7469.

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**From:** Marcelo Fonseca [mdf1389@hotmail.com]  
**Sent:** Wednesday, November 06, 2013 8:33 PM  
**To:** Board of Supervisors; Hayashi, Christiane; Cityattorney; Johnston, Conor; Ed Reiskin; Richholt, Eric; Breed, London; Lee, Mayor; MTA Board  
**Subject:** CPUC - Proposed Decision on TNCs  
**Attachments:** Application of TPAC for ReHearing of D.13-09-045.pdf; R.12-12-011 - Uber Application for Rehearing of Decision 13-09-045.pdf

**Governor Jerry Brown  
Senator Leland Yee  
Senator Mark Leno  
Senator Jerry Hill  
Senator Mark DeSaulnier  
Assembly Member Bonnie Lowenthal  
Assembly Member Paul Fong  
Assembly Member Philip Ting  
Assembly Member Kevin Mullin  
Speaker Pro Tempore Nora Campos  
CC/  
CPUC Public Advisor  
President Michael Peevey  
ALJ Robert Mason III**

**It's been more than two months since I wrote you the letter below, urging you to look into a proposed decision from CPUC President Michael Peevey and ALJ Robert Mason regarding the rule-making process on Uber, Lyft and SideCar, now referred to as TNCs - Transportation Network Companies.**

**As you know, on Sept 19th, President Peevey's recommendations were voted in unanimously, allowing TNCs to continue their operations.**

**Shrouded in controversy and secrecy, this proposed decision changes the definition of on-demand into pre-arranged, creating a new and lightly-regulated taxi service in San Francisco. Seemingly secret agreements have been signed with Uber, Lyft and SideCar, exempting these services from following the same rules and regulations legitimate San Francisco taxis must.**

**Regarding proof of commercial insurance, driver background checks and vehicle inspections, no one knows how these policies will be implemented since the CPUC's Safety and Enforcement Division does not have enough manpower to enforce them, leaving these companies to govern themselves.**

**TNC's venture capitalists and their lobbyists from Silicon Valley's influential tech community spent thousands, if not millions, on their slick PR campaigns to portray these tech-cab companies as the very best solution for Californians in need of transportation. A change.org petition filled the CPUC Public Advisor's Inbox to persuade the Commission to legitimize their operations and, sure enough, the cease-and-desist orders on those services were inexplicably lifted.**

**Under the lie of ride-sharing and under the mantle of a sharing-economy, Uber, Lyft and SideCar have used every legal contortion and every sleight-of-hand not to be defined as taxicabs.**

**One of the attachments annexed shows that Uber recently appealed the CPUC's decision, seeking for**

---

**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** 250 more people signed: George Kelly, Seth Saavedra...

**From:** christa bates [mailto:mail@changemail.org]  
**Sent:** Wednesday, November 06, 2013 5:56 AM  
**To:** Board of Supervisors  
**Subject:** 250 more people signed: George Kelly, Seth Saavedra...

250 more people just signed Dana S's petition "Make fiber broadband a priority for San Francisco" that has you designated as a target.

There are now 1251 signatures on this petition. Read reasons why people are signing, and respond to Dana S by clicking here:

<http://www.change.org/petitions/make-fiber-broadband-a-priority-for-san-francisco/responses/new?response=9272c59f571d>

Dear San Francisco Board of Supervisors,

As other cities embrace high-speed fiber broadband, San Francisco is getting left behind. Our city has underutilized public fiber and several local Internet Service Providers eager to deploy gigabit speed broadband to businesses and households, yet this is stymied by rules and regulations that have not kept pace with technology. Deployment of fiber and ultra-high speed broadband provides a unique opportunity to create innovation and new jobs, extend public access and develop valuable infrastructure that would serve our city for decades to come. I encourage you to develop policy to encourage fiber deployment and make ultra fast broadband a priority for San Francisco.

Sincerely,

- 1003. George Kelly San Francisco, California
- 1004. Seth Saavedra San Francisco, California
- 1005. Graeme MacDonald San Francisco, California
- 1006. Eric Zellhart San Francisco, California
- 1007. Philippe Branchu San Francisco, California
- 1008. Alpa Williams San Francisco, California
- 1009. Hassan Kurdi San Francisco, California
- 1010. Marcela Cortes San Francisco, California
- 1011. harry styer San Francisco, California
- 1012. Brian Ho San Francisco, California
- 1013. Asher Bond San Francisco, California
- 1014. Athene Yip San Francisco, California
- 1015. Jorge Rivero San Francisco, California
- 1016. Julian Mehnle San Francisco, California
- 1017. Steven python San Francisco, California
- 1018. robyn price san francisco, California
- 1019. n b sf, California
- 1020. Kimberly Wemmer San Francisco, California
- 1021. Lisa Herzstein San Francisco, California

1022. Shauna O'Boyle San Francisco, California  
1023. Chris Lambert San Francisco, California  
1024. M Clemons San Francisco, California  
1025. Neha Karajgikar San Francisco, California  
1026. Marina Lazarevic San Francisco, California  
1027. Leo Weisman San Francisco, California  
1028. Kevin Tu San Francisco, California  
1029. Dennis Kennedy san francisco, California  
1030. Dean Dinelli San Francisco, California  
1031. richard miller san francisco, California  
1032. L Chow sf, California  
1033. Benjamin Mahler San Francisco, California  
1034. Tina Consing San Francisco, California  
1035. Mikhail Khvotchev SAN FRANCISCO, California  
1036. Lee Heidhues San Francisco, California  
1037. Jennifer Lee San Francisco, California  
1038. Bartolo Espana san francisco, California  
1039. Josh Uruchurtu San Francisco, California  
1040. Jill Bittner San Francisco, California  
1041. Raymond Lo San Francisco, California  
1041. glenn kersey san francisco, California  
1043. rene ramirez san francisco, California  
1044. Tiffany Perry San Francisco, California  
1045. Juan-Manuel Clavijo San Francisco, California  
1046. Rebecca Doles San Francisco, California  
1047. Sara Orsburn San Francisco, California  
1048. Stephen Bissinger San Francisco, California  
1049. Nancy Chung San Francisco, California  
1050. Anabelle Lee SAN FRANCISCO, California  
1051. George Durgerian San Francisco, California  
1052. lutzka Zivny San Francisco, California  
1053. Roy Kunisaki San Francisco, California  
1054. Jonathan Van Gorp San Francisco, California  
1055. Mansi Singh san francisco, California  
1056. Benjamin Wong San francisco, California  
1057. Ken Blalock San Francisco, California  
1058. Emily Lin san francisco, California  
1059. octavian drulea San Francisco, California  
1060. Louis Clark San Francisco, California  
1061. Ronnel Estrada San Francisco, California  
1062. Jennifer Williams San Francisco, California  
1063. Issac Roth San Francisco, California  
1064. Sean Michael San Francisco, California  
1065. Greg Richardson Rome, Georgia  
1066. Jay Rooney San Francisco, California  
1067. Gabriella Querales San Francisco, California  
1068. Elissa Hambrecht San Francisco, California  
1069. Sally Seehafer San Francisco, California  
1070. Emilio Icaza , United States  
1071. Lawrence Potts San Francisco, California  
1072. Shelia Auzenne San Francisco, California

1073. Robin Porter San Francisco, California  
1074. david fine san francisco, California  
1075. Justin Huskamp San Francisco, California  
1076. Jennifer Beauregard San Francisco, California  
1077. Anita Busciglio San Francisco, California  
1078. bradford chin san francisco, California  
1079. Arthur Gensler San Francisco, California  
1080. Nick Vandehey SAN FRANCISCO, California  
1081. Bernadette Humphrey San Francisco, California  
1082. Allison Ikeda San Francisco, California  
1083. James Peifer San Francisco, California  
1084. John Gelb San Francisco, California  
1085. Jack Walsh San Francisco, California  
1086. Hannah Leong San Francisco, California  
1087. maryann rainey San Francisco, California  
1088. Erik van der Molen San Francisco, California  
1089. Brian Morris San Francisco, California  
1090. Kevin Busen San Francisco, California  
1091. Jochen Hagenstroem San francisco, California  
1092. Bro Zack San Francisco, California  
1093. Zack Simkover San Francisco, California  
1094. John Zane San Francisco, California  
1095. Pierre Larochelle San Francisco, California  
1096. Gregory Fleming San Francisco, California  
1097. Susan Hsieh San Francisco, California  
1098. Bojana Simova san francisco, California  
1098. Gretchen Addi SF, California  
1100. Christopher Romp San Francisco, California  
1101. Luke Gotszling San Francisco, California  
1102. Amie Vaccaro San Francisco, California  
1103. Allison Shaw San Francisco, California  
1104. Chris Perry San Francisco, California  
. Amie Vaccaro San Francisco, California  
1105. Orion Henry San Francisco, California  
1106. Jake Barlow San Francisco, California  
1107. Tim Hathaway San Francisco, California  
1108. Marla Allen San francisco, California  
1109. alex milowski San Francisco, California  
1110. Christian Brumund San Francisco, California  
1111. Daniel Morris San Francisco, California  
1112. Paul Thompson San Francisco, California  
1113. Jesse Collier San Francisco, California  
1114. Ryan Schaffer San Francisco, California  
1115. Chris Wies san francisco, California  
1116. Elsa Buechner San Francisco, California  
1117. john Kent San Francisco, California  
1118. Kim Hansen San Francisco, California  
1119. Bruce Pray San Francisco, California  
1120. Robert Clark San Francisco, California  
1121. Leffert Lefferts San Francisco, California  
1122. Robert Friedman San Francisco, California

1123. David Elliott San Francisco, California  
1124. Ian Haddow San Francisco, California  
1125. Robert D San Francisco, California  
1126. Johnnie Thompson San Francisco, California  
1127. Aron Kirschner San Francisco, California  
1128. Lucille Zilber San Francisco, California  
1129. Matías Martínez San Francisco, California  
1130. Audra Morse San Francisco, California  
1131. Richard Jordan San Francisco, California  
1132. JEFFREY ROE Greenbrae, California  
1133. Alexander King San Francisco, California  
1134. Leilani Lumen San Francisco, California  
1135. Eric Wu San Francisco, California  
1136. Daniel Magyari San Francisco, California  
1137. Tekle Haileselassie San Francisco, California  
1138. Loc Mai San Francisco, California  
1139. David King San Francisco, California  
1140. Dean Prager San Francisco, California  
1141. Matthew Royal San Francisco, California  
1142. Aaron Daniel San Francisco, California  
1143. Brian Chiu San Francisco, California  
1144. Adam Singer San Francisco, California  
1145. Sean Leow San Francisco, California  
1146. kyle bray san francisco, California  
1147. Kim Smith San Francisco, California  
1148. Ping Fu San Francisco, California  
1149. Linda Lee San Francisco, California  
1150. Daniel Raidy SF, California  
1151. Terry Siddall San Francisco, California  
1152. Cristina Varela San Francisco, California  
1153. Arnel Valle San Francisco, California  
1154. James Chan San Francisco, California  
1155. Denis Harper San Francisco, California  
1155. Barbara Tauber San Francisco, California  
1156. Osvaldo Ruiz San Francisco, California  
1157. James Oberhausen San Francisco, California  
1158. Ryan Wilson San Francisco, California  
1159. Thomas Scharffenberger San Francisco, California  
1160. Eric Swenson San Francisco, California  
1161. chitty eisenberg San Francisco, California  
1162. Stephen Sundell San Francisco, California  
1163. Karen Gonzalez San Francisco, California  
1164. David Navarrete San Francisco, California  
1165. David Dickson San Francisco, California  
1166. Juan Peralta SF, California  
1167. kevin olson san francisco, California  
1168. J Depman San Francisco, California  
1169. anthony ricci san francisco, California  
1170. Robert Dockendorff San Francisco, California  
1171. David Jennings San Francisco, California  
1172. Derek Bender San Francisco, California

1173. bridget saunders San Francisco, California  
1174. Kyle Crossman San Francisco, California  
1175. Elizabeth Thompson San Francisco, California  
1176. Joseph Machado San Francisco, California  
1177. Adore Rodriguez San Francisco, California  
1178. Heilee Edwards San Francisco, California  
1179. Sebra Leaves San Francisco, California  
1180. Tommy Deschaine San Francisco, California  
1181. Cynthia Williams San Francisco, California  
1182. Natasha Joseph San Francisco, California  
1183. Jeffrey Taylor San Francisco, California  
1184. Julie Patrick ceres, California  
1185. Pavlos Politopoulos San Francisco, California  
1186. Kristen Politopoulos San Francisco, California  
1187. Rebecca Rosen Lum San Francisco, California  
1188. Shaily Gupta San Francisco, California  
1189. Robert Markison San Francisco, California  
1190. Teri Whitney San Francisco, California  
1191. Carmelinda Mann San Francisco, California  
1192. Grace McGovern San Francisco, California  
1193. evi altschuler san francisco, California  
1194. Susan Leas Latham San Francisco, California  
1195. john seronello san francisco, California  
1196. Therese Coupeze san francisco, California  
1197. Caroline Nakajima San Francisco, California  
1198. zhi ning San Francisco, California  
1199. Joshua Aldon San Francisco, California  
1200. Mark Mosheim San Francisco, California  
1201. Tom Packo San Francisco, California  
1202. Paul Koski S.F., California  
1203. Maude Kirk San Francisco, California  
1204. Mitchell Ferguson San Francisco, California  
1205. christopher martin san francisco, California  
1206. asta venclovaite San Francisco, California  
1207. Thaddeus Ballantine San Francisco, California  
1208. John Hicks San Francisco, California  
1209. Brad Green San Francisco, California  
1210. Charles Clanton San Francisco, California  
1211. scott burke san francisco, California  
1212. david taylor san francisco, California  
1213. Daniel Wagner San Francisco, California  
1214. Mark Palomar San Francisco, California  
1215. Eric Nicholas San Francisco, California  
1216. Rayming L San Francisco, California  
1217. john amaro san francisco, California  
1218. Jeffrey Wear San Francisco, California  
1219. U Kenny San Francisco, California  
1220. Joshua Callender San Francisco, California  
1221. Wanda Crane San Francisco, California  
1221. Concerned Citizen New City, New York  
1223. Douglas Curran San Francisco, California

1224. Chad Williams San Francisco, California  
1225. DAVID BOONE SAN FRANCISCO, California  
1226. Gloria Nomura San Francisco, California  
1227. stefano hillman SAN FRANCISCO, California  
1228. Diedra D Booker SF, California  
1229. caren wynne sf, California  
1230. Steve Rapport Pacifica, California  
1231. Alex Litvak San Francisco, California  
1232. deepa muthukrishnan san francisco, California  
1233. Brett Brockschmidt San Francisco, California  
1234. Michael Madigan San Francisco, California  
1235. Gregory Blum San Francisco, California  
1236. alex Burggraf San Francisco, California  
1237. Gary Brooks San Francisco, California  
1238. John Cervantes San Francisco, California  
1239. James Bao San Francisco, California  
1240. Gary Weiss San Francisco, California  
1241. C Chavez San Francisco, California  
1242. Anthony Tom San Francisco, California  
1243. Craig Lerner San Francisco, California  
1244. Florian Gruenke 403, California  
1245. Vivian Lee San Francisco, California  
1246. Joseph Thoppil San Francisco, California  
1247. Seth Chastain San Francisco, California  
1248. Jason Cross San Francisco, California  
1249. Amy Maloon San Francisco, California  
1250. christa bates san francisco, California



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**From:** Board of Supervisors  
**To:** BOS-Supervisors  
**Subject:** 10 new signers: Sarah Wilson, mary magee...

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**From:** Jonathan Martinez [mailto:mail@changemail.org]  
**Sent:** Thursday, November 07, 2013 7:40 PM  
**To:** Board of Supervisors  
**Subject:** 10 new signers: Sarah Wilson, mary magee...

10 new people recently signed Lawyers' Committee for Civil Rights's petition "The Fair Chance Campaign: Reforming Housing and Employment Background Checks in San Francisco" on Change.org.

There are now 500 signatures on this petition. Read reasons why people are signing, and respond to Lawyers' Committee for Civil Rights by clicking here:

<http://www.change.org/petitions/the-fair-chance-campaign-reforming-housing-and-employment-background-checks-in-san-francisco/responses/new?response=c64e3110b135>

Dear Members of the San Francisco Board of Supervisors,

I support Supervisor Jane Kim's new legislation to standardize guidelines for considering background checks by San Francisco employers and affordable housing providers. As many as 200,000 San Franciscans face barriers to employment and housing based on past arrests and convictions. Although they may have great qualifications, their applications are often screened out at the initial stages, leaving them with few job or housing options. Yet, research shows that access to jobs and housing is linked to successful community reintegration and reduced recidivism. The proposed legislation will allow applicants with past arrests and conviction records a fair chance to demonstrate their qualifications as an employee or tenant, while also balancing the needs of employers and housing providers. There are ten states and over 50 local jurisdictions across the United States that have embraced this type of policy reform aimed at supporting economic self-sufficiency. It's time for San Francisco to become a leader on this issue and take reform to the next level. Please support Supervisor Kim's new legislation.

Sincerely,

491. Sarah Wilson San Francisco, California  
492. mary magee California, California  
493. marisa green san francisco, California  
494. Melinda Stone Oakland, California  
495. Jacquinn Scales San Francisco, California  
496. Julie Setele San Francisco, California  
497. josh kaplan Oakland, California  
498. Sasha Gottfried Oakland, California  
499. Karla Abitia New York, New York  
500. Jonathan Martinez Newark, California

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA  
City Attorney

BOS-11 (Electronically)  
OFFICE OF THE CITY ATTORNEY  
cpage

DIRECT DIAL: (415) 554-4748  
E-MAIL: tara.collins@sfgov.org

November 5, 2013

The Honorable Edwin M. Lee  
Mayor, City and County of San Francisco  
City Hall, Room 200  
San Francisco, CA 94102

Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
San Francisco, CA 94102  
Attn: Angela Calvillo, Clerk of the Board

Re: Gross Up Ordinance

Dear Mayor Lee and Ms. Calvillo:

Ordinance No. 34-13, adopted earlier this year, added Section 16.704 to the Administrative Code, to require the City to reimburse its employees with same-sex spouses or same-sex domestic partners for 20% of their health insurance premiums attributable to their spouse or domestic partner. The purpose of the ordinance was to remedy discrimination in federal taxation of health benefits against City employees in same-sex marriages or same-sex domestic partnerships.

Employees with same-sex spouses were not recognized as married by the federal government at the time the Ordinance was adopted, and thus health insurance premiums employers paid for their spouses were not exempt from income tax under federal law despite the exemption such premiums received if paid by an employer for an employee's opposite-sex spouse. Employees with same-sex domestic partners could not legally marry their partners in California, or have a marriage they entered into in another state recognized in California, and the result was that, unlike opposite-sex domestic partners, they could not obtain favorable tax treatment of health insurance premiums by entering into marriage. In these respects, employees in same-sex marriages and same-sex domestic partnerships were treated differently, and less favorably, than employees in opposite-sex marriages and opposite-sex domestic partnerships.

This section of the ordinance became operative on July 1, 2013, and provides, in relevant part, that:

This Section 16.704 shall expire in its entirety, or as applied specifically to one or more of the following three groups of City employees – employees with same-sex spouses who married in California; employees with same-sex spouses who married outside of California; and employees with same-sex domestic partners – if, and when, the City Attorney's Office certifies to the Mayor and the Board of Supervisors that one or more of those groups of City employees are no longer subject to discriminatory federal income taxation of health insurance premiums attributable to their same-sex spouses or same-sex domestic partners.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2013 NOV -6 PM 2:38  
JN

Letter to Mayor Edwin Lee and Angela Calvillo  
Page 2  
November 5, 2013

On June 26, 2013, the United States Supreme Court issued its decisions in *United States v. Windsor*, 133 S.Ct. 2675 (2013) and *Hollingsworth v. Perry*, 133 S.Ct. 2652 (2013). *Windsor* held that the Defense of Marriage Act (DOMA) is unconstitutional insofar as it prohibits same-sex married couples from receiving federal benefits accorded to married couples. *Perry* dismissed on jurisdictional grounds appeals from the federal district court order declaring Proposition 8 unconstitutional. By leaving that order in place, *Perry* effectively legalized same-sex marriage in California and required California to recognize same-sex marriages entered into in other jurisdictions.

Thus, same-sex couples now have the right to marry in California and receive the same favorable federal tax consequences that opposite-sex married couples receive with respect to health care premiums. California must now recognize the validity of same-sex marriages entered into elsewhere, and couples in such marriages likewise have the right to the same federal tax treatment as opposite-sex married couples receive. Moreover, same-sex domestic partners and opposite-sex domestic partners are now similarly situated in that both categories of couples have the right to get married in California. While domestic partners continue to suffer adverse tax treatment under federal law, that less favorable treatment is based not on sex or sexual orientation but rather on domestic partner status, as both categories of domestic partners, same-sex and opposite-sex, now have the right to marry in California and thereby gain favorable federal tax treatment of health care premiums paid by an employer.

For the reasons set forth above, and acting pursuant to Administrative Code Section 16.704(d), I hereby certify that City employees who are married to same-sex spouses or who have same-sex domestic partners are no longer subject to discriminatory federal income taxation of their health insurance premiums attributable to their same-sex spouses or same-sex domestic partners.

Very truly yours,

  
DENNIS J. HERRERA  
City Attorney

November 1, 2013

Supervisor Malia Cohen, District 10  
Board of Supervisors  
City and County of San Francisco

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2013 NOV -4 PM 4:11

AK

Re: Agenda Item 17 ~ Bayview Shelter Loan Agreement

Dear Supervisor Cohen:

This letter is written in support of the resolution to accept a \$978K forgivable loan from State HCD for renovation of this property in the Bayview neighborhood as a 100 bed addition to our emergency public shelter system in a part of San Francisco vastly underserved by this system. There is both agreement and some discord around the need and location of new shelter facilities in the Southeast during recent public forums and over the years. Testimony at the initial forums was almost unanimously in support of this project with many turning out and former Supervisor Willie Kennedy in favor as Chair of the Southeast Community Facility.

The present arrangement for overnight sleeping at Mother Brown's remains untenable for reasons of decency and accommodations (chairs) while we have the bulk of shelter spaces as mats on the floor of an overtaxed faith-based agency. Together these sites shelter under 14% of the homeless in your district ~ one of the lowest ratios of sheltered to unsheltered in the City. This project needs to move forwards as a step to relieve the poverty in shelter capacity and supportive housing resources that can't be addressed by far-flung shelters and faith-based institutions alone.

The shelter crisis in your district has been made more visible and vivid by the 367% increase in homelessness between years 2007-13 (from 349 to 1278 residents) with a corresponding increase of only 3% across the City in the same period ~ clearly a troubling trend in migration patterns between districts. There are currently 105 shelter floor mat spaces and 60 chairs to help meet this overwhelming need in District 10 (105 of 1145 total City spaces) which reflects 9 % of our emergency shelter stock in the City; the UCHS spaces are not included in the tabulation of shelter spaces. Our 2013 annual point-in-time count has also revealed that 52% of homeless residents report an emergency room visit during the prior 12 months and 61% report two or more disabling medical and mental health conditions. At least 22% also report a serious mental illness (SMI), most likely under treatment with CBHS.

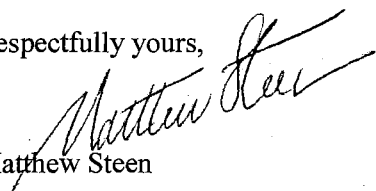
And there is the fact that our chronic homeless population is an aging one, coupled with the economic and health disparities many district residents have lived with, culminating in multiple disabilities for many current homeless casualties of domestic social policy over the last 50 years and much longer. District 10 reports the highest concentration of homeless after the Tenderloin, with 21% of the count. The annual count is conducted mid-winter, an undercount.

These are some reasons that, in this case, seem to outweigh the objections that have surfaced after highly supportive public forums and transparency from the start of this sorely needed partial solution. I have to urge moving ahead with this project in some form as well as looking at related community solutions to this and other problems with the continuing social and economic disparities in your underserved district. Perhaps a supportive housing and shelter resource workgroup can be useful to address these issues, both as a reach-out and dialog.

These statements are made as a private citizen and not as a Member of the Shelter Monitoring Committee or the Shelter Access Workgroup. The latter reform process has already issued its' recommendation for an expansion of shelter stock capacity for single-adults. The Local Homeless Coordinating Board, in the new draft strategic 5 Year Plan Toward Abolishing Homelessness, has included goals for a 500 bed shelter expansion during 2014-18, a more equitable distribution of resources and a 30% reduction in homeless populations district by district to address these critical and growing needs in the Southeast neighborhoods.

Thank you for your time, consideration and support on this important issue.

Respectfully yours,

  
Matthew Steen

[matthew.steen@outlook.com](mailto:matthew.steen@outlook.com)

cc: Supervisors || Avalos, Breed, Campos, Chiu, Farrell, Kim, Mar, Tang, Wiener, Yee  
B. Dufty | Mayor's Office, M. Owens | LHCB, J. Crum | HSA, G. Westbrook | UCHS,  
N. Kimura | SMC, Chair | Southeast Community Facility, D. Bowman | HESPA;  
R. Heasley | Conard House, Clerk | B of S

---

**From:** Board of Supervisors  
**To:** BOS-Supervisors; Miller, Alisa  
**Subject:** File 120974: Save Masonic

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

From: Jake Dodge [mailto:iamjakedodge@gmail.com]  
Sent: Wednesday, November 06, 2013 6:28 AM  
To: Board of Supervisors  
Subject: Save Masonic

Greetings Board of Supervisors,

As I ran down Masonic Avenue this morning, I had a crushing realization of the parking crisis that would follow the installation of a bike lane as planned. I'm a big believer that San Francisco is a shining example of how a city can achieve greatness by working smarter, not harder. The current schedule of alternating parking and thoroughfare traffic is San Francisco at it's best in that we maximize a space based upon it's evolving need. Please reconsider your attempts to improve Masonic Avenue. In regards to neighborhood enhancement, I truly believe that displacing and reducing your resident's ability to park is not the answer.

Please forward my sentiments that anyone who may be interested and contact me if you have any further inquiries.

Cordially,

Jake Dodge  
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