C-Pages – BOS Meeting 10/5/10

Petitions and Communications received from September 21, 2010, through September 27, 2010, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on October 5, 2010.

From Mayor Gavin Newsom, submitting notice of appointment, nominating Agnes Briones Ubalde for appointment to the San Francisco Redevelopment Agency Commission. (1)

From Mayor Gavin Newsom, submitting notice of appointment, nominating Rodney Fong for appointment to the San Francisco Planning Commission. (2)

From Department of Public Health, submitting quarterly report to show Laguna Honda and Rehabilitation Center's compliance with the reversal of the Admission Policy priorities that took place February 22, 2005. (3)

From Jay Sath, submitting recommendations following a San Francisco Chronicle story on violence, homelessness, drunks, and drugs along Sixth Street near Market Street. (4)

From Dr. Elizabeth M. Whelan, President, American Council on Science and Health, submitting recommendations to combat childhood obesity, other than targeting McDonald's Happy Meals. File No. 101096 (5)

From Office of the Controller, submitting an economic impact report regarding the alcohol cost recovery fee. File No. 100865 (6)

From concerned citizens, submitting letters of support for the proposed Ocean Avenue Community Benefit District. File No. 100991, 10 letters (7)

From concerned citizen, submitting opposition to the Planning Commission's, Conditional Use Permit to allow Pet Food Express, on property located at 3150 California Street. File No. 101087 (8)

From Alvin Johnson, submitting concern regarding corruption in the Office of the City Attorney and abuse of public record funds. (9)

From James J. Ludwig, submitting concern of increased parking rates forced upon Uptown Parking Corporation by the Parking and Traffic Authority. (10)

From James J. Ludwig, submitting concern of Market Street car restriction experiment. (11)

From Patrick, submitting Examiner article; Health Commission delays vote on outsourcing CPMC hospital's dialysis services. (12)

From Jay Sath, submitting concern of the City's increasing homeless issue and recommending that the City enact a law to make panhandling illegal. (13)

From Arthur Evans, submitting support on Proposition L and opposition to Proposition M. (14)

From Recreation and Park Department, submitting a report of gifts up to \$10,000 accepted by the Recreation and Park Department in FY2009-2010. (15)

From Civil Service Commission, submitting a report 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. (16)

From Mayor Gavin Newsom, submitting a letter communicating the veto of Establishing an Alcohol Cost Recovery Fee. File No. 100865 (17)

From San Francisco Police Department, submitting Part II of crime statistics data. (18)

From Office of the Mayor, submitting a press release regarding Mayor Newsom's announcement of new City incentives to keep people employed through local Jobs NOW! Program. (19)

From Mayor Gavin Newsom, submitting notice of reappointment, nominating Leroy King for reappointment to the San Francisco Redevelopment Agency Commission. (20)

From Human Rights Commission, submitting waiver request form for Chevron USA, Inc. (21)

From Department on the Status of Women, submitting 2009 Directory of Social Services for Women in San Francisco. (22)

From David Gordon, submitting opposition to the alcohol cost recovery fee. File No. 100865 (23)

From concerned citizens, submitting support of bringing the World Cup to San Francisco. 2 letters (24)

From concerned citizen, submitting opposition to extending parking meter hours until 10:00 pm and Sundays. (25)

From Mayor Gavin Newsom, submitting notice of appointment, nominating Francis X. Crowley for appointment to the San Francisco Port Commission. (26)

From Fish and Game Commission, submitting notice of proposed emergency regulatory action relating to incidental take of Mountain yellow-legged frog. (27)

From Samantha Santos, submitting opposition to the Alcohol Cost Recovery Fee. File No. 100865 (28)

From Monica Sain, submitting opposition to proposed legislation, setting nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items. File No. 101096 (29)

From Mary Miles, submitting opposition to the proposed changes to Chapter 31 of the San Francisco Administrative Code. (30)

From Coalition for Better Housing, submitting support of the Parkmerced Vision Project. 3 letters File No. 100979 (31)

From Caltrain, submitting a press release regarding the installation of new suicide prevention signs in recognition of Rail Safety Month in preventing suicides on railroads. (32)

Office of the Mayor san francisco



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Notice of Appointment

September 24, 2010

Honorable Board of Supervisors:

Pursuant to Administrative Code §24.1-1, I nominate Agnes Briones Ubalde for appointment to the San Francisco Redevelopment Agency Commission.

Agnes Briones Ubalde is nominated to succeed Linda Cheu for serve a four-year term ending September 3, 2014

I am confident that Agnes Briones Ubalde will serve our community well. Attached are her qualifications to serve, which demonstrate how the appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

I encourage your support/and am pleased to advise you of this appointment.

Gavin Newsom

Mayor

BOARD OF SUPERVISORS
SAN FRANCISCO
2010 SEP 24 AM 11: 26

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MOTION NO.

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[Confirming the appointment of Agnes Briones Ubalde to the San Francisco Redevelopment Agency]

Motion confirming the appointment of Agnes Briones Ubalde to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2014.

MOVED, That the Board of Supervisors of the City and County of San Francisco does hereby confirm the appointment by the Mayor of the following designated person as a member of the San Francisco Redevelopment Agency, pursuant to Section 33110 of the California Health and Safety Code, for the term specified:

Agnes Briones Ubalde succeeding Linda Cheu, to serve a four-year term ending September 3, 2014.

AGNES BRIONES UBALDE

CORPORATE SOCIAL RESPONSIBILITY EXECUTIVE

Community Relations / Philanthropy / Program Management

Highly accomplished, visionary professional with 18 years' experience developing and leading community programs in nonprofit and private / public sector organizations. Proven success in driving initiatives to promote community impact and brand recognition. Influential leader skilled in promoting positive change in face of significant barriers. Adept negotiator and speaker able to cultivate strong partnerships and build consensus among stakeholders with divergent priorities and interests. Fluent in Tagalog.

Resource Development • Strategic & Tactical Planning • Policy Development • Public Relations • Media Relations
Problem-Solving • Market & Competitive Analysis • Proposal Development • Project Management
Team Leadership • Continuous Process Improvement • Public Speaking • Budgeting • Event Management

PROFESSIONAL EXPERIENCE

WELLS FARGO BANK, N.A., Oakland, CA • 2008-Present

Vice President / Community Development Officer, Social Responsibility Group

Manage Greater Bay Area's Contra Costa market with a focus on community development, education, health and human service, and arts and culture. Administer \$4M philanthropic / charitable contribution budget. Provide ongoing counsel and leadership to Regional President and key lines of business to ensure compliance with Community Reinvestment Act (CRA) goals. Represent bank at stakeholder, community, and governmental meetings that impact regional brand recognition / risk.

- Sourced and facilitated development of grant recommendations to secure \$4M in contributions for 20+ affordable housing, economic, and community development nonprofit organizations.
- Increased Community Reinvestment Act (CRA) service activity 72% in 4 out of 5 markets in 1 year by influencing internal market leaders and employee teams.
- Organized more than 35 community events to promote brand/reputation, sponsorships,grant investments, and bank business products.
- Influence corporate leaders to invest and participate in high-profile initiatives to promote brand recognition and community impact.

MAYOR'S OFFICE OF ECONOMIC & WORKFORCE DEVELOPMENT, San Francisco, CA • 2004-2008 Executive Director, Office of Small Business

Appointed by Mayor to direct small business commission in developing policy recommendations to attract, retain, and expand small business opportunities in San Francisco. Managed \$900K budget. Supported small business office providing information and technical resources.

- Raised more than \$1.5M from banks and corporate sponsors to create San Francisco Small Business Week initiative, leveraging 900K+ media exposures to elevate value of 104K local small businesses.
- Championed policy document and recommendations that launched Proposition I on November 2007 ballot, winning overwhelming support to create one-stop business assistance center.
- Initiated and managed "Shop Local" campaign offering 1-day public sales venue, which yielded over 6,000 attendees and 65 participating businesses.

MAYOR'S OFFICE OF CRIMINAL JUSTICE, San Francisco, CA • 2001-2004

Director of Service Integration

Provided Mayor with policy direction and recommendations to integrate public safety strategies with key city departments. Represented Mayor's office at state / federal conferences, panel discussions, and policy forums. Oversaw team of 12 nonprofit and 3 city agency partners and monitored local evaluation team tasked with tracking program outcomes.

AGNES BRIONES UBALDE • Page 2 •

MAYOR'S OFFICE OF CRIMINAL JUSTICE, Continued ...

Secured \$3.7M in funding for initiatives to drive quality of life, economic revitalization, and public safety improvements in distressed neighborhoods.

Reduced recidivism of incarcerated youth 65% and grew access to support services 85% by leading

\$2M, 3-year experimental initiative to create outpatient mental health team.

Authored successful \$1.5M grant to secure funding for major server consolidation effort to replace existing outdated court management system.

DEPT. OF PUBLIC HEALTH, COMMUNITY MENTAL HEALTH SERVICES, San Francisco, CA • 2000-2001

Assistant Integration Coordinator

Led design and implementation of Children's System of Care and Challenge II Project Impact program. Prepared project management, process flow, and system redesign documents.

- Delivered change management training to interagency collaborators in city's public health, juvenile probation, and human services departments.
- Chaired interdepartmental committees with city staff and consultants.

ALAMEDA CO. GENERAL SERVICES AGENCY, CHILDCARE PLANNING COUNCIL, Oakland, CA • 1998-1999

Project Manager

Directed local community economic development initiative to educate businesses, policymakers, and consumers about economic impact of childcare industry in Alameda County. Built partnerships with key government, business, and community leaders.

Created and managed \$2M revolving loan and grant fund to support development of childcare businesses by low to moderate income childcare operators.

Generated 100% support from County Board of Supervisors for implementation of childcare fund to support local family childcare center businesses.

Attracted positive media attention from leading publications by producing documentary promoting Economic Impact of the Childcare Industry findings throughout Alameda County.

Gained buy-in to streamline local childcare licensing / zoning policies in 5 out of 10 cities by drafting and publishing land-use and zoning analysis report.

CAREER NOTES: Additional success as Senior Consultant with Ansible Consulting, Management Consultant with Deloitte Consulting, Community Organizer with South of Market Problem Solving Council, and Director of Health Education with West Bay Pilipino AIDS Education Project.

EDUCATION

Master of Science in Public Policy and Management Carnegie Mellon University - Pittsburgh, PA

Bachelor of Science in Health Science and Community Health Education San Francisco State University - San Francisco, CA

PROFESSIONAL AFFILIATIONS

Appointed Vice Chair, Workforce Investment Board Executive Committee, City of Oakland Member, Carnegie Mellon University Bay Area Alumni Association

OFFICE OF THE MAYOR SAN FRANCISCO



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Notice of Appointment

September 21, 2010

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BOARD OF SUPERVISORS
SAN FRANCISCO
2010 SEP 24 AM 9: 37

Honorable Board of Supervisors:

Pursuant to Charter §4.101, I nominate Rodney Fong for appointment to the San Francisco Planning Commission.

Rodney Fong is appointed to succeed William Lee for a four-year term ending July 1, 2014.

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

I encourage your support appliam pleased to advise you of this appointment.

Gavin Newsom

Mayor

Rodney A. Fong

EXPERIENCE

The Wax Museum at Fisherman's Wharf - San Francisco, CA

1986 - Present

Oversees all operations, finance, marketing and human resources for the 46-year-old attraction. In addition, responsible for leasing and real estate development for Fong Real Estate, LLC, which include tenants such as Rainforest Cafe, McDonald's and Payless Shoe Source.

Movieland Wax Museum/Ripley's Believe It or Not! - Buena Park, CA OWNER & OPERATOR

1985 - 2003

Oversaw operations, marketing, business development and human resources for the 13-acre property, which held multiple attractions, restaurants and retail shops.

COMMUNITY INVOLVMENT

San Francisco Convention & Visitors Bureau — San Francisco, CA

July 2009 - Present

www.visitsanfrancisco.com

U.S. Travel Association BOARD MEMBER www.ustravel.org

2009 - Present

San Francisco Port Commission – San Francisco, CA PRESIDENT

2006 - Present

Appointed to the San Francisco Port Commission by Mayor Gavin Newsom.

The Fisherman's Wharf Community Benefit District — San Francisco, CA CO-FOUNDER (2005-2008); PRESIDENT (2008-2009); BOARD MEMBER (2009 to Present) www.visitfishermanswharf.com

2005 - Present

The Fisherman's Wharf Merchants Association — San Francisco, CA PRESIDENT (2004-2006); BOARD MEMBER (2006 to Present) www.fishermanswharf.org

2004 - Present

Colifornia Chaustana

California Chamber of Commerce

BOARD MEMBER (including service on "Small Business Committee")

www.calchamber.com

2003 - 2009

Northern California Attractions Association – San Francisco, CA PRESIDENT

2001 - 2003

www.sfbayfun.com

California Travel Industry Association BOARD MEMBER (2000 - 2002); CHAIR (2003)

2000 - 2003

www.caltia.com

EDUCATION

UNIVERSITY OF SAN FRANCISCO, San Francisco CA

Business Management

CITY COLLEGE OF SAN FRANCISCO, San Francisco, CA

Hotel & Restaurant Management

INTERESTS

Fly fishing, photography, surfing and cycling.

Rodney Fong

Rodney A. Fong was elected President of the San Francisco Port Commission in January 2009 and again in January 2010. He served as Vice President of the San Francisco Port Commission in 2008. He was appointed to the Port Commission by Mayor Gavin Newsom in November of 2006. Mr. Fong is a native San Franciscan and a third generation operator/owner of the world famous Wax Museum at Fisherman's Wharf, where he also serves as President and Director of Marketing. Mr. Fong has been active and held office in several tourism and travel related organizations including Board President, Fisherman's Wharf Community Benefit District, President, Fisherman's Wharf Merchants Association, Board Chair, San Francisco Convention and Visitor's Bureau, Chairman of the California Travel Industry Association and Board Member-Lifetime Seat, California Chamber of Commerce, to name a few. Mr. Fong is the Director of the Fong Family Foundation, which is a philanthropic organization that benefits many worthwhile social services programs in the City such as On Lok Senior Health Services, Self-Help for the elderly, Angel Island Immigration Station Foundation and the San Francisco Fire Department Flame Youth Fishing Program. Mr. Fong's term expires in May 2010.



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

July 12, 2010

Honorable Carmen Chu Member, Board of Supervisors

Honorable Eric Mar Member, Board of Supervisors

Honorable Sophie Maxwell Member, Board of Supervisors

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

Re: Resolution #050396

Dear Supervisors Chu, Mar, and Maxwell:

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

As you will recall, the Mayor directed Dr. Katz to allow Laguna Honda Executive Staff to reverse the Admission Policy priorities back to the pre-March 2004 priorities on February 17, 2005. The policy was changed effective February 22, 2005. Since that time, you will see the percentage of patients coming to Laguna Honda from San Francisco General Hospital has continuously decreased. The annual percentage rates were as follows:

 2003: 54%
 2007: 58%

 2004: 73%
 2008: 57%

 2005: 63%
 2009: 54%

2006: 59% January – June 2010: 50%

The age distribution shows an increased trend of residents over 50 years of age. In 2004, 83% of the residents were over 50 years of age, compared to 88% of the residents in this category from January to June 2010.

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

Sincerely.

Mivic Hirose

Executive Administrator

Laguna Honda Hospital and Rehabilitation Center 375 Laguna Honda Blvd. • San Francisco, CA 94116 • (415) 759-2300 • www.lagunahonda.org

cc:

Mayor

Attachments:

| A. | Sources | of New | SNF | Admissions | to | Laguna Honda |
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A-1 1st and 2nd Quarters of 2010

A-2 2009

A-3 2008

A-4 2007

A-5 2006

B. Laguna Honda Distribution of Residents by Race

B-1 6/30/10 and 6/30/09 Snapshot

B-2 6/30/08 and 6/30/07 Snapshot

C. Laguna Honda Age Distribution Deciles of Age by percent from 2001 to June 30, 2010

D. Laguna Honda Gender Distribution
 By percent from January 2, 2010 to March 31, 2010

Honorable Sean Elsbernd, Member, Board of Supervisors Angela Calvillo, Clerk of the Board Mitch Katz, MD, Director of Health

SOURCES OF NEW SNF ADMISSIONS TO LAGUNA HONDA HOSPITAL JANUARY 2010 – JUNE 2010

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SOURCES OF NEW SNF ADMISSIONS TO LAGUNA HONDA HOSPITAL* JANUARY 2009 - DECEMBER 2009

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| *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 AlDS/H1V are still being admitted based upon hed availability. | d cons | truction | n relate I availa | ed issue: | s, LHH | is decr | easing | admiss | ions eff | ective 1 | 1/1/2008 | 3. Gene | ral SNF | Admis | sions ar | e being | , denied | while | Hospic | e, Reha | op and ∤ | H/SCIT | IV are | 4 |
| Still College waterway | 1 | | | | | | | | | Attac | Attachment A-2 | A-2 | | | | | | | | , | | | | |

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

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| Seton Acute | | | | | | | | | | | | - | | | | | | | • | | | | 0 | % |
| SFGH Acute | 7 | 58% | 12 | %09 | 8 | 53% | 18 | %09 | 18 6 | 64% | 10 4 | 45% | 8 53 | 53% 1 | 13 57% | 10 | 53% | 13 | %89 | 7 | 47% | 10 | 134 | 21% |
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| #Pure to hardwaters and construction related issues T HH is decreasing admissions effective 1/1/2008 | 12 | 58% | 20 | 60% | 15 | 53% | 30 I is dec | 60% reasing | 28 (| ions eff | 22 ' | 45% 1/1/20(| | 3% 2% | 3 ST | % 19 Ssions a | 53% 23 .57% 19 53% 19 68% 15 47% 18 236 1 General SNF Admissions are being denied while Hospice. Rehab and AIDS/HIV | 19 denied | 68% while F | 15 lospice | 47% Rehab | 18 and AI | 236 1 DS/HIV | 100% V |

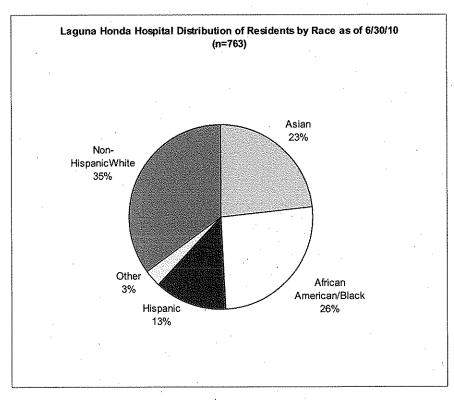
*Due to budgetary and construction related issues, LHH is decreasing admissions effective 1/1/2008. General SNF Admissions are being denied while Hospice, Rehab are still being admitted based upon bed availability.

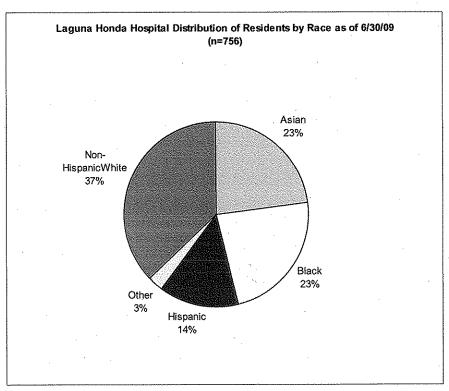
SOURCES OF NEW SNF ADMISSIONS TO LAGUNA HONDA HOSPITAL* JANUARY 2007 – DECEMBER 2007

| | | /6 | | à | | . 8 | | 70 | | ò | | 76 | , | 76 | Ó | % | e. | 76 | % | | 'n | | % | | |
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| Board and Care | - | ÷ | 2 | | | | | | - | | 2 | | 3 | | 1 | - | | | | 2 | | _ | | 13 | 3% |
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| SFGH Acute | 22 | 63% | 78 | 54% | 25 | 56% | 20 | 63% | 17 | 43% | 26 | 21% | . 27 (| 61% | 19 5 | 53% | 22 6 | 63% 3 | 30 71% | 22 | 51% | 16 | 80% | 274 | 58% |
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| *Fxchidino internal transfers | 35 nternal | 63% · transfe | 52 ers | 54% | 45 | 26% | 32 | 63% | 40 | 43% | 46 | 21% | 4 | 61% | 36 5 | 53% | 35 6 | 63% 4 | 42 71% | 43 | 51% | 20 | 80% | 469 | 100% |

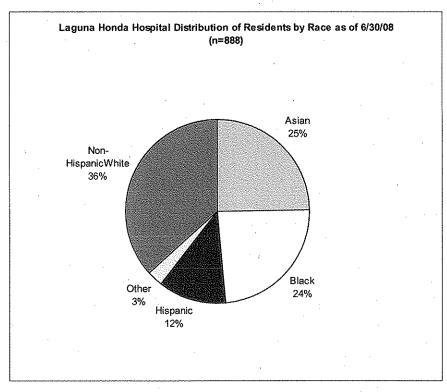
SOURCES OF NEW SNF ADMISSIONS TO LAGUNA HONDA HOSPITAL* JANUARY 2006 - DECEMBER 2006

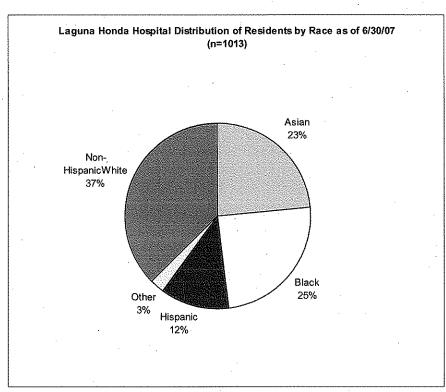
| - | | * | | % | | % | * | | | , 1 |) } |) |)) , , , , | » • | | % | | . % | % | , | % | | % |
|-------------------------------|---|--|-----------|-----|--|--|---|---|------|--------|---|---|---|---|---|---|-----|---|----------|--|--|-------|------|
| Source of Admission | Jan S | H | Feb SF | I | Mar SF | SFGH Apr | S | i May | SFGH | Jun | SFGH | Jul SF | SFGH Aug | S | Sep | SFGH | Oct | 표 | Nov SFGH | H Dec | SFGH | Total | % |
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| Kaiser Acute | 7 | | | , | 4 - | | **** | 2 | | | - | | | | | | ~ | | | | | 7 | 1% |
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| Out of County** | | | | | | | - | | | | | | | | | | | | | | | 0 | %0 |
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| SFGH Acute | 23 | 43% | 31 | 58% | 33 | 52% | 27 64% | 6 25 | 57% | 24 | 53% | 19 | 54% 2 | 29 69% | 21 | 62% | 15 | 52% | 24 7 | 71% 23 | 29% | 294 | 57% |
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| TOTAL | 53 | 45% | 53 | 58% | 63 | 54% | 42 64% | % 44 | 21% | 45 | 57% 45 53% | 35 | %09 | 42 69% | 34 | 62% | 29 | 25% | 34 7 | 71% 39 | % <u>/</u> 9 | 513 | 100% |
| *Excluding internal transfers | smal trai | ısfers | | | | | | | Att | achme | ent A-5 | | | | | | | | | | | | |





Attachment B-1





Attachment B-2

Gender Distribution of Residents

Laguna Honda Hospital

Attachment C

Attachment D

6th Street suggestion... Jay Sath

to:

Bevan Dufty, board.of.supervisors, Eric Mar, Bill Barnes, Catherine Stefani, David Chiu, Carmen chu, ross mirkarimi, chris daly, sean elsbernd, david campos, sophie maxwell, john avalos, 4listens, iemail, newstips, speaker.bureau, tcampbell, llacuesta, breakingnews, tips, washington.linda, sfpdcommunityrelations, sfpdmediarelations, sfpd.bayview.station, sfpd.ingleside.station 09/23/2010 10:41 AM Show Details

With The Chronicle featuring the violence, the homeless, the drunks and druggies along Sixth Street near Market in a newsstory today it is definitely time for SF to "take back" that part of the city.

It would be great to see one of the City Supervisors organize a "Take Back San Francisco" night out which would promote people walking through the Tenderloin neighborhood and the 6th Street area as a large group to see what is happening in these parts of town. It could also be used to promote valid businesses in these areas. Since it's an election year there is no better time than the present to organize something like this.

It would also be great to see SF Police cars parked along that corridor to curb any crime. With drug deals happening right across from the Police Station in the Tenderloin I know it will be a tough job to really clean up these areas but SF must put in an all-out effort in doing this.

Thank you for taking the time to read my email.

Jay Sath San Francisco, CA



Alisa Somera/BOS/SFGOV, Sophie Maxwell/BOS/SFGOV, Eric L Mar/BOS/SFGOV, David

Chiu/BOS/SFGOV,

Cc: Bcc:

To:

Subject: File 101096: Proposed Legislation

From:

ACSH <acsh@acsh.org>

To:

Board.of.Supervisors@sfgov.org

Cc:

gavin.newsom@sfgov.org, Elizabeth Whelan <whelan@acsh.org>

Date:

09/23/2010 08:38 AM

Subject:

Proposed Legislation

September 23, 2010

Board of Supervisors 1 Dr. Carlton B. Goodlett Place City Hall, Room 244 San Francisco, Ca. 94102-4689

Dear Board of Supervisors:

We have heard that the San Francisco Board of Supervisors, in an effort to fight childhood obesity, is considering targeting McDonald's Happy Meals. Specifically, that the Board of Supervisors is debating a proposal to ban toys with the entrées — unless the meal includes a half-cup of fresh fruit or three quarters of a cup of fresh vegetables, and doesn't contain more than 600 calories.

But all these moves will do nothing to curb the serious problem of childhood obesity.

First, the word "calories" is not a pejorative term. Active kids need daily calories. Kids aged four to six need around 1,800 calories a day, while seven to 10-year-olds need about 2,000.

Second, while "fast food" has a negative health image, the reality is that a) it's not the food that is "fast" — it's the service; and b) there is no caloric difference between a home-made cheeseburger, mashed potato and buttered roll dinner made at home and a McDonald's cheeseburger and fries.

Third, national surveys indicate that parents buy their kids "Happy Meals" only two or three times a month. Which means that overwhelming majority of children's meals are served at home or somewhere other than a fast-food restaurant.

Fourth, companies like McDonald's have made a concerted effort to reduce the calories in their food. When "Happy Meals" were first introduced in the late 1970s, the calorie count was some 40 percent higher than the meals today, which offer between 380 and 700 calories.

The causes of obesity are complex. While simple solutions — like targeting fast food fare — are attractive and easy, they simply will not work. We need to combat obesity in a scientific way, ensuring that our children's caloric intake is within their needs and stressing the importance of daily exercise to keep that intake in balance with caloric expenditure.

Elizabeth M. Whelan, Sc.D., M.P.H. President American Council on Science and Health.

Dr. Elizabeth M. Whelan President American Council on Science and Health 1995 Broadway 2nd Floor New York 10023 212 362 7044; fax 212 362 4919 cell 917 439 8043

Whelan@ACSH.org please visit www.acsh.org and www.healthfactsandfears.com



Ben Rosenfield Controller

Monique Zmuda **Deputy Controller**

September 22, 2010

The Honorable Board of Supervisors City and County of San Francisco Room 244, City Hall

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

Re: Economic Impact Report for File Number 100865, Alcohol Cost Recovery Fee

Dear Madam Clerk and Members of the Board:

The Office of Economic Analysis has been requested by Supervisor Avalos's office to prepare a memo that summarizes my office's analysis on this matter, including amendments that were introduced on September 14, 2010.

On August 9th my office issued a report on the legislation as it had been amended on August 4th. That report found that the proposed fee would result in higher prices for alcohol retailers and consumers, which would cause a reduction in alcohol consumption, and a reduction in revenues and employment at businesses that sell alcohol to consumers in the city. These private-sector job losses would be offset, to some extent, by job retention in the public sector made possible by the revenue provided by the fee. The net impact on employment will depend on how price-sensitive San Francisco consumers are to changes in alcohol prices, and this is difficult to know with certainty. Our analysis considered a wide range of consumer responses and determined that the net jobs impact could be neutral, at best, or a net loss of fifty jobs a year, at worst.

On September 14th, Supervisor Avalos proposed several changes to the legislation, the most economically-significant of which would allow businesses subject to the fee to reduce their fee payments by \$1,000 per quarter. This change would reduce the effective size of the fee, and create a particular benefit for smaller distributors, though not for smaller retailers, bars, or restaurants that sell alcohol directly to consumers. It would reduce fee revenue by an estimated \$500,000, or approximately 3% of the \$16 million that we estimate the fee would generate. It would also reduce the wholesale price increase that would be passed through to retailers, and ultimately consumers, by a very small amount. The net economic impact of the amendment would be negligible.

Best Regards.

Chief Economist



To: Cc: Bcc:

Subject: Fw: Budget and Finance Committee Hearing 9/22/10 - Proposed Ocean Avenue CBD

From:

Jason Coffer <jason@coffer.com>

To:

Sean.Elsbernd@sfgov.org, John.Avalos@sfgov.org, Ross.Mirkarimi@sfgov.org,

Angela.Calvillo@sfgov.org

Date:

09/22/2010 07:44 AM

Subject:

Budget and Finance Committee Hearing 9/22/10 - Proposed Ocean Avenue CBD

September 21, 2010

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

Re: Budget and Finance Committee Hearing 9/22/10 - Proposed Ocean Avenue CBD

Dear Supervisors:

I am writing to express my strong support for the establishment of a Community Benefit District (CBD) for the Ocean Avenue business corridor. I am a local resident new to the area (5 years in the Ocean Avenue area, 12 years in San Francisco) and father of two young children that are being raised in this neighborhood.

Like some other neighborhoods in San Francisco ours is sometimes plagued by graffiti, vandalism, and litter (and in this economy, storefront vacancies that are hard to fill). Fortunately both dedicated and casual volunteers from multiple neighborhoods bordering Ocean Avenue (Ingleside, Oceanview, Merced Heights, Ingleside Terraces, Mount Davidson Manor, Westwood Park) and Ocean Avenue merchants have come together with the Ocean Avenue Revitalization Collaborative (OARC) to work on bringing public art to the corridor, landscaping blighted areas, performing clean-up and graffiti removal, and promote local business and events -- among others in a long list of things.

I am pleased that the property and business owners have voted to endorse the Ocean Avenue CBD. Their planned investment in the CBD and the Ocean Avenue corridor will allow a continuance and expansion of the activities that help improve our neighborhood such as: graffiti abatement, increasing safety, attracting more businesses to the area, etc. It will also allow them to concentrate their dollars in aggregate on things that will be targeted and directly beneficial to the corridor.

I strongly urge you to assist us in passing the measure for the creation of a CBD for Ocean Avenue.

Thank you.

Jason Coffer Mount Davidson Manor Resident 30 Manor Drive





September 15, 2010

nle#100991

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 SEP 22 PM 3: 18
BY

Budget and Finance Committee Office of Clerk of the Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102

Re: Letter of Support for the Proposed Ocean Avenue Community Benefit District

Dear Supervisors John Avalos, Ross Mirkarimi, and Sean Elsbernd:

In my 23rd year as Headmaster of Lick-Wilmerding High School (755 Ocean Avenue), I write to express my strong support for the proposed Ocean Avenue Community Benefit District (CBD).

Being located on Ocean Avenue can be difficult at times, particularly when properties are frequently vandalized by graffiti and property owners are subject to fines. The recession has also created several large, long-term vacancies along the corridor. The loss of these anchor businesses has in turn made it difficult for the remaining businesses to attract customers and has made our neighborhood less appealing.

At the same time, with OARC's leadership, I have been pleased, and heartened, to see many positive improvements along Ocean Avenue in recent years, including landscape improvements and community and marketing events that promote the district and help draw customers and complementary businesses to the area.

A CBD will continue promoting the commercial corridor to attract a diverse and complementary pool of businesses that fill vacancies, create foot traffic, increase safety and improve cleaning and maintenance, all of which will enhance the business district. The CBD will also obviate the need for individual property owners to paint out graffiti on their own, ensuring a more consistent and professional maintenance program for the commercial district. In short, a CBD will be a welcome ally as we and our neighbors continue to work to make the Ocean Avenue corridor a safer, more user-friendly and aesthetically pleasing place to live, to work and to go to school. I urge you to pass this very important measure for the Ocean Avenue retail district.

Sincerely,

Albert IVI. Adamo, Lu.D

25 KEARNY STREET, SUITE 302 SAN FRANCISCO, CALIFORNIA 94108 TEL. (415) 989-5300 0 FAX (415) 788-4315 File 100991 B+E club Cpaye

Writer's E-mail: hnchung@yahoo.com Writer's Direct Dial: (415) 788-1280

September 21, 2010

VIA FACSIMILE AND PDE E-MAIL

4157884315

ATTN: Clerk of the Board of Supervisors Angela Calvillo 1 Dr. Carlton B. Goodlett Place City Hall, Room 244 San Francisco, CA94102 (415) 554-5163 - fax

E-mail: Board.of.Supervisors@sfgov.org

Supervisor John Avalos
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca 94102-4689
(415) 554-6979 - fax
John.Avalos@sfgov.org

Supervisor Ross Mirkarimi

1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca 94102-4689

(415) 554-7634 - Fax

Ross.Mirkarimi@sfgov.org

Supervisor Sean Elsbernd
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca 94102-4689
(415) 554-6546 - fax
Sean Elsbernd@sfgov.org

RE: Budget and Finance Committee Hearing 9/22/10 - Proposed Ocean Avenue CBD

Dear Supervisors Cleark of the Board of Supervisors, Supervisor John Avalos, Supervisor Ross Mirkarimi, and Supervisor Sean Elsbernd:

As a property owner along the Ocean Avenue commercial corridor for the last 13 years, I am writing to express my strong support for the proposed Ocean Avenue Community Benefit District (CBD).

Owning property along Ocean Avenue can be difficult at times, particularly when properties are frequently vandalized by graffiti and property owners are subject to fines. The

Board of Supervisors September 21, 2010 Page 2

4157884315

recession has also created several large, long-term vacancies along the corridor. The loss of these anchor businesses has in turn made it difficult for the remaining businesses to attract customers.

However, with OARC's leadership, I have seen many positive improvements along Ocean Avenue, from landscape improvements to community and marketing events that promote the district and help draw customers and complementary businesses to the area. Many dedicated individuals have sacrificed and volunteered their time to make the Ocean Avenue corridor vibrant and attractive. OARC has led the effort.

A CBD will continue marketing the commercial corridor to attract a diverse and complementary pool of businesses that fill vacancies, create foot traffic, increase safety, improve cleaning and maintenance to generally enhance the business district. The CBD will replace the need for individual property owners to paint out graffiti on their own, ensuring a more consistent and professional maintenance program for the commercial district. I urge you to pass this very important measure for the Ocean Avenue retail district.

Do not hesitate to contact me regarding this important matter.

Yours very truly,

Howard N. Chung



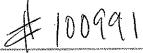
To:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: File 100991: Letter re Budget and Finance Committee mtg 9/22



From:

Shannon Frank Edelstone <shanfran1@yahoo.com>

To:

Board.of.Supervisors@sfgov.org

Date:

09/20/2010 11:27 PM

Subject:

Letter re Budget and Finance Committee mtg 9/22

September 20, 2010

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

Re: Budget and Finance Committee Hearing 9/22/10 - Proposed Ocean Avenue CBD

Dear Supervisors:

I am writing to support the establishment of a Community Benefit District (CBD) for the Ocean

Avenue business corridor. I have been a resident of Westwood Park for the past nine vears. During this

time, I have seen the Ocean Avenue corridor become more safe and clean and welcoming to commerce.

A lot of the credit for these improvements is due to the renewed attention and funding that the City

and the Board have paid to our neighborhood. Along with the upgrades MUNI put in for the K line, including the installation of the palm trees, we have a new Ingleside Branch Library, new sidewalks, smooth paving, and public art. And we have the Street Corridors project that has made a meaningful difference in reducing trash and graffiti. Soon, new residential and commercial

projects will enhance the Kragen and Phelan Loop sites. In the meantime, City College has been busily modernizing and we all look forward to the fruits of the Balboa Park master plan.

And a lot of the credit is due to neighborhood volunteers that devote their spare time working with each other to make Ocean Avenue a vibrant place to shop and visit. For the past seven years, I have participated in community meetings sponsored by the Ocean Avenue Revitalization Collaborative (OARC) and LISC. I have helped OARC raise money to purchase our annual holiday decorations, which make the busy street seem festive and welcoming. We are joined by many other dedicated volunteers, all

sharing a common desire to improve our neighborhood, where we live and play.

Now, I believe it is time for the property and business owners along Ocean Avenue to collaborate

with the City and local residents to maintain the progress we have achieved. All of us in Westwood Park,

Ocean View, Merced Heights and Ingleside want our local businesses to thrive. We all do our part to shop

in the neighborhood. We invest our homeowners' association dues in the common areas, gardens and

historic features of our neighborhoods, and we invest our tax dollars in the City's school, libraries and

parks. It is appropriate and fair, then, for the business owners on Ocean Avenue to similarly invest in the

prosperity of the neighborhood.

Although Ocean Avenue is now cleaner, safer and more vibrant than it has been in years, it's

important to realize that its recovery is still fragile. Businesses still come and go regularly and there is still

a fair amount of vacant, blighted store frontage. The CBD will help ensure the future of Ocean Avenue.

To me, the CBD is about business owners reciprocating the commitment that residents have shown to the

long-term success of the neighborhood. Turning it down, on the other hand, tells us that business owners

have no stake in the neighborhood after closing time.

I urge you to assist us in creating a CBD for Ocean Avenue. Thank you.

Sincerely yours,

Shannon Edelstone

C-page B&F Commillee

Ocean View Merced Heights Ingleside Neighbors in Action 65 Beverly San Francisco, CA 94132 415.333.2333

September 18, 2010

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

ATTN: Angela Calvillo

Clerk of the Board of Supervisors

RE: Budget and Finance Committee Hearing September 22, 2010

Proposed Ocean Avenue Community Benefits District

Dear Supervisors:

As a President of OMI Neighbors in Action, I am writing to express strong support for the proposed Ocean Avenue Community Benefits District (CBD).

OMI residents have identified the need for improvement of our retail districts as a significant neighborhood issue. Currently there are a number of issues that make it challenging to shop and take advantage of services on Ocean Avenue. Graffiti, vandalism, litter and a lack of variety in the business mix make it hard to find needed goods and services on our commercial corridor. We are forced to use competing shopping districts or suburban malls. The recession has also created several large, long-term vacancies along the corridor. The loss of these anchor businesses has in turn made it difficult for the remaining businesses to attract customers. The proposed Ocean Avenue CBD will make the Ocean Avenue commercial district more competitive and more attractive to residents.

Fle#100091

I have seen many positive changes along Ocean Avenue, such as landscape improvements, community and marketing events like the OMI Family Festival and Art Walk that promote the district and help draw customers and complementary businesses to the area. A CBD will continue these efforts to enhance maintenance, assure timely graffiti abatement, attract a diverse and complementary businesses, expand pedestrian traffic, increase safety, and to generally enhance the business district and thereby the surrounding residential neighborhoods.

I strongly urge you to adopt this significant measure to provide for additional resources under local control to enhance our Ocean Avenue retail district.

Mary C. Harris Mary C. Harris, Chair

OMI-NIA

Helen M. Strain

C-page B&F Committee

BOARD OF SUPERVISORS

September 18, 2010

2010 SEP 21 PM 3: 18

BY_RC

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

File#100991

Re: Budget and Finance Committee Hearing 9/22/10 - Proposed Ocean Avenue CBD

Dear Supervisors:

I am writing to support the establishment of a Community Benefit District (CBD) for the Ocean Avenue business corridor. I have been a resident of Ingleside Heights for the past 10 years, and I grew up on the other side of City College, in the Sunnyside. I have been a witness first to the degradation and now to the recent major improvements made along the corridor, especially as concerns cleanliness, safety and overall appearance and appeal.

I have become aware just how much of the credit for these improvements is due to the renewed attention and funding that the City and the Board have paid to our neighborhood. Among other things there is the new Ingleside Branch Library, new sidewalks, well-tended trees, public art. The List goes on with new developments on the Kragen site and Phelan loop as well as continuing improvements made by City College and the Balboa Area Plan.... But I also know that a lot of credit is due to neighborhood volunteers who devote so much of their spare time to sprucing up the streets and common areas, and working with the City to make meaningful neighborhood improvements.

In view of this investment that the local residents and the City have made, I think it is only fair for the property and business owners along Ocean Avenue to collaborate with us to maintain the progress we have achieved and to continue the positive development of the business district. It would seem they, too, have a stake in the ongoing investments in the safety and appearance of the neighborhood and the residents who spend their money at their stores.

In spite of the progress that has been made, business turnover continues to be high and there remain many blighted and vacant store fronts. The creation of a CBD will ensure that will not lose any ground that has been gained, and that Ocean Avenue will continue to be a viable shopping street into the future. It is only right that the businesses which benefit from the improvements made by neighborhood residents and the City participate in these improvements. To turn down the creation of a CBD effectively says that business owners have no real stake in the neighborhood after closing time.

I urge you to assist us in creating a CBD for Ocean Avenue. I am grateful for your thoughtful consideration of the matter.

Respectfully,

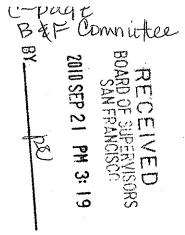
Helen M. Strain

Neighborhood Resident

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

Budget and Finance Committee Office of Clerk of the Board 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 September 20, 2010

File#100991



RE: Budget and Finance Committee Hearing 9/22/10 – Letter of Support for the Proposed Ocean Avenue CBD

Dear Supervisors John Avalos, Ross Mirkarimi, Sean Elsbernd:

My name is Roger Seto and I am the business owner of Seto Chiropractic on Ocean Avenue. I am writing to express my strong support for the proposed Ocean Avenue Community Benefit District (CBD).

As a small business owner on the Ocean Avenue business corridor, I have encountered a number of issues that make it challenging to run focus on running my business. Graffiti vandalism, litter, trash and a lack of variety in the business mix make it hard to run a successful business. The lack of coordinated maintenance efforts and consistent cleanliness are also factors that tend to drive customers to other shopping districts with plenty of lighting, parking, and clean and attractive sidewalks and storefronts to frequent. However, the Ocean Avenue commercial district can and will be more competitive and able to attract local customers back to our shopping district.

I have seen many positive improvements along Ocean Avenue, such as landscape improvements, community and marketing events that promote the district and help draw customers and complementary businesses to the area. Since opening my business in 2008, I have been involved in community events that promote the district. I participated in the community clean-ups, the Ocean Avenue Gateway planting day, Ocean Avenue Small Business Sidewalk Sale, and merchant mixers. A CBD will continue these efforts in marketing the commercial corridor to bring in more foot traffic and a more diverse business mix. Enhanced maintenance and streamlined cleanliness as well as timely graffiti abatement will further benefit our commercial district and allow us to focus on running my business.

I urge you to pass this very important measure to provide for additional resources undertake local control to enhance over the future of our business district.

Sincerely,

. Dr

Dr. Roger Seto
Seto Chiropractic
2010 Ocean Avenue, Suite B
San Francisco, CA 94127
415-349-4139

1



File 100991
BHF Clerk, cpa
Sups. avalos
Muakimi
V Elsherni

P.O. Box 27304 San Francisco, California 94127

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

September 19, 2010

RE: Budget and Finance Committee Hearing 9/22/10 - Proposed Ocean Avenue CBD

As a neighborhood association along the Ocean Avenue commercial corridor we are writing to express our strong support for the proposed Ocean Avenue Community Benefit District (CBD).

Being a neighborhood along Ocean Avenue can be difficult at times, particularly when properties are frequently vandalized by graffiti which creates blight along our neighborhood border. The recession has also created several large, long-term vacancies along the corridor. The loss of these anchor businesses has in turn made it difficult for the residents of our association to find much needed and desired services.

However, with OARC's leadership, we have seen many positive improvements along Ocean Avenue, from landscape improvements to community and marketing events that promote the district and help draw customers and complementary businesses to the area.

A CBD will continue marketing the commercial corridor to attract a diverse and complementary pool of businesses that will fill the vacancies, help create foot traffic, increase safety, improve cleaning and maintenance and generally enhance the business district. The CBD will relinquish the responsibility of individual property owners to paint out graffiti, ensuring a more consistent and professional maintenance program for the commercial district. We urge you to pass this very important measure for the Ocean Avenue retail district.

Sincerely on behalf of the ITHA Board,

Mark V. Scardina

President

Ingleside Terraces Homes Association

ATTN: Clerk of the Board of Supervisors Angela Calvillo 1 Dr. Carlton B. Goodlett Place City Hall, Room 244 San Francisco, CA 94102 File 100991
B+F clerk
Sups avalor
V Mukareme
V Elsbernd
Cpage

September 17, 2010

RE: Budget and Finance Committee Hearing 9/15/10 - Proposed Ocean Avenue CBD

Dear Supervisors John Avalos, Ross Mirkarimi, Sean Elsbernd:

I have been a resident of Westwood Park since 2000 and am writing to express my strong support for the proposed Ocean Avenue Community Benefit District (CBD).

I have a great appreciation for the wonderful aspects of the Ocean Avenue business corridor and the hard work of all the merchants on Ocean Avenue. As a resident and an Ocean Ave shopper I have seen the benefits of many improvements to the Avenue over the last 10 years. I've seen these improvements result both from the direct work of merchants and of community and government efforts. I believe that the formalization of a CBD would greatly help to accelerate these good results and set up a foundation for long term benefits.

As a friend of several of the merchants and as a self-employed person myself I also greatly appreciate the difficulty of additional cost to doing business. I recognize that this CBD is funded by a tax on the property owners. My belief is that the financial benefits of the CBD will be much greater than the tax on property owners and if it isn't they can choose to disband the CBD after a certain time period. This seems fair. I don't see how the area improvements that can be accomplished by a CBD could be accomplished by merchants, property owners or residents working alone.

I urge you to pass this very important measure to provide for additional resources under local control to enhance the Ocean Avenue business district.

Sincerely,

Laurie Martin

Westwood Park

2010 SEP 20 PM 4: 08

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

September 17, 2010

RE: Budget and Finance Committee Hearing 9/15/10 - Proposed Ocean Avenue CBD

Dear Supervisors John Avalos, Ross Mirkarimi, Sean Elsbernd:

My name is Melanio Duarte and I opened my artisan coffee roaster and restaurant 'Caffe D' Melanio' at 1314 Ocean Avenue in 1999. I am writing to express my strong support for the proposed Ocean Avenue Community Benefit District (CBD).

Since I opened my business we've experienced economic downturns from the Dot Com bust, 911 attacks and now the Great Recession, although that is a bad name because there is nothing great about it. Along with these factors, Ocean Avenue has had almost non-stop road construction for PG&E, MUNI, and the Revitalization Project improvements. Although there have been good results from these projects the impacts to business have been harmful as customers cannot get to our stores.

One positive activity has been the OARC efforts as they've been coordinated by Dolly Sithounnolat for several years. I have seen that the coordination of efforts of merchants, residents and the City has produced results. As a merchant I'm busy working 90+ hours a week – I am not kidding – and I can't take extra time to organize or research. However, I can get involved when someone else is doing that work and creates an effective opportunity for me. As more changes come to Ocean Avenue over the next couple of years, I believe a CBD would be a necessary tool to create positive results from the new projects. We need to link the new with the old and bring more consumers to the area.

My first request is for the City to continue to fund the efforts of the OARC as a positive use of the myriad of taxes that are taken from small business in San Francisco. It is at a breaking point and directly linked to the many empty storefronts. Stop and really, really listen to your constituents. There is no more fat on almost any business in District 7 or 11.

However, if that is not going to happen I urge you to pass this measure for the Ocean Avenue Business District. I also urge you to do everything you can as a Supervisor to support the success of businesses on Ocean Avenue.

Sincerely,

Melanio Duarte

Caffe D' Melanio

1314 Ocean Avenue

File 100991





File 100991

Bif elech supsavalos, mukarini and Elsbernd cpage

September 15, 2010

Budget and Finance Committee Office of Clerk of the Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102

Re: Letter of Support for the Proposed Ocean Avenue Community Benefit District

Dear Supervisors John Avalos, Ross Mirkarimi, and Sean Elsbernd:

In my 23rd year as Headmaster of Lick-Wilmerding High School (755 Ocean Avenue), I write to express my strong support for the proposed Ocean Avenue Community Benefit District (CBD).

Being located on Ocean Avenue can be difficult at times, particularly when properties are frequently vandalized by graffiti and property owners are subject to fines. The recession has also created several large, long-term vacancies along the corridor. The loss of these anchor businesses has in turn made it difficult for the remaining businesses to attract customers and has made our neighborhood less appealing.

At the same time, with OARC's leadership, I have been pleased, and heartened, to see many positive improvements along Ocean Avenue in recent years, including landscape improvements and community and marketing events that promote the district and help draw customers and complementary businesses to the area.

A CBD will continue promoting the commercial corridor to attract a diverse and complementary pool of businesses that fill vacancies, create foot traffic, increase safety and improve cleaning and maintenance, all of which will enhance the business district. The CBD will also obviate the need for individual property owners to paint out graffiti on their own, ensuring a more consistent and professional maintenance program for the commercial district. In short, a CBD will be a welcome ally as we and our neighbors continue to work to make the Ocean Avenue corridor a safer, more user-friendly and aesthetically pleasing place to live, to work and to go to school. I urge you to pass this very important measure for the Ocean Avenue retail district.

Sincerely,

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 SEP 21 PM 3: 25

C-page B&F Committee

September 20, 2010

ATTN: Angela Calvillo,

Clerk of the Board of Supervisors

1 Dr. Carlton B. Goodlett Place

City Hall, Room 244, San Francisco, CA94102 BY PZ

File #100991

RE: Budget and Finance Committee Hearing 9/22/10 - Proposed Ocean Ave. CBD

Dear Supervisors

I request your favorable action to approve the proposed Ocean Avenue Community Benefit District. As a resident of Balboa Terrace, I participated in a number of steering committee meetings and I am confident of the long term success of the proposal before you. There are four reasons I support the District.

- Businesses need to be partners in revitalization by investing their own resources.
 The City has spent a lot of money on improvements. Its time for businesses to "step up" with their fair share and the CBD ensures there will be no "freeloaders."
- The CBD's long range vision for Ocean Avenue is sound, viable and crucial to success. The CBD business plan improves needed services and enables businesses to better serve residents and compete with other retail centers.
- 3. The CBD garners broad participation from both residents and business stakeholders, to guarantee a more broad-based consensus.
- 4. Lastly, the CBD provides a venue for neighborhood self-governance to identify and deliver needed community services.

I know the CBD will provide a venue for future success in revitalization, and I urge your action to approve it.

Sincerely

Robert Switzer
35 Aptos Avenue

Boson of Supervisors Gity of Snd Francisco

SEPT 19 2010 File # 101087

I can writing to ask that you please day afroval for the frefased let Express store.

These large chair stores cause great hours to the very small brusiness owners and consuft the character of San Transació.

Thashyou

yours Sercerely

BOARD OF SUPERVISORS
SAN FRANCISCO

2010 SEP 22 PM 3: 17

8



To:

BOS Constituent Mail Distribution,

Cc:

Bcc:

California Public Records Act - City Attorney Dennis Herrera Corruption & Abuse of Public Subject:

From:

alviniohnson@comcast.net

To:

districtattorney@sfgov.org, BOS@sfgov.org, civilservice@sfgov.org, cityattorney@sfgov.org

Cc:

alvinjohnson@comcast.net, Chris.Vein@sfgov.org, Ron.Vinson@sfgov.org

Date:

09/22/2010 01:42 AM

Subject:

California Public Records Act - City Attorney Dennis Herrera Corruption & Abuse of Public Funds

District Attorney Kamala Harris,

City

Attorney Dennis Herrera, Deputy City Attorney's, Gina Marie Roccanova and Julia M.C. Friedlander, and Attorney Sallie Gibson, have been engaged in corrupt and illegal use of public funds. Among the public funds targeted by the City Attorney and his deputies/aides and appointees (Micki Callahan, Chris Vein, Ron Vinson, John Marquez, Charlie Castillo, Phil Ginsburg, Ted Yamasaki, James Horan, Tom Willis), were funds specifically targeted for the new E911 Public Safety Network (CECC - HOJ - FHQ - City Hall - Twin Peaks))that was brought "online" in April of 2001 (EMERGENCY RESPONSE FEE), barely five months before the September 11, 2001 terrorist attack on the World Trade Center towers in New York. These funds have been illegally used to fund the salaries of the attorney's hired by Dennis Herrera and illegal appointments made by Dennis Herrera without the consent of the Board of Supervisors. Mr Herrera continues to obstruct the release of documents held by the city that will clearly demonstrate the enormity of his abuse of millions of dollars of Emergency Response Fee funds obtained that were not used for the purpose indicated in the ballot proposition and ordinance presented to the voters of San Francisco county and documented by the city government.

"The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist they may retain control over the instruments they have created."

CA Public Records Act

is apparent that Dennis Herrera considers himself to be above the law and that he alone determines who should provide technical engineering support for the E911 Public Safety Combined-Network and decides what documentation should be open to the public and which documents

should not and therefore should be modified, and if he hides a crime or cause of action resulting in harm

just "produce a document" that covers his actions and removes his

liability. He alone can Backdate personnel file and change salaries and transfer public safety professionals while raising his salary and that of his deputies, Gina Roccanova, Julia M.C. Friedlander, Sallie Gibson. Most of the BOS is "out to lunch" on this complaint of corruption and therefore claim an exemption from accountability, under the advice of Dennis Herrera, himself. Dennis and his staff have inflicted a cancer on the public employees of San Francisco city government that allowed him to codify excessive uncontrolled abuse of public funds and corruption of employee pension and health benefits into an unwritten law.

Dennis

has permitted employees that he intentionally re-assigned or hired with the intent (Personnel Analyst) of re-assigning, to sign documents intended for the Director of the Department of Telecommunications and Information Services, including employment processing documentation of at least one new employee for the E911 Public Safety Project, Alvin Paxton Johnson , as if they were the hired Director (Lillian Chow, Deborah Baker, Charlie Castillo, John Marquez, Ron Vinson), when they were hand-picked by Dennis with the intent to obstruct an investigation into his corrupt practices.

I would like to route all California Public Records Requests, already submitted to the City of San Francisco's Human Resource Director, Micki Callahan (an Herrera-appointee and accomplice), that were denied or answered with the production of false and backdated (i.e.did not exist prior to request and were produced and signed with dates far removed from the request date) information ordered by Dennis Herrera via Jennifer Johnston (Micki Callahan-appointee) to be directed to your office and for your

office to conduct an investigation of the City Attorney's Office and Department of Human Resources' records and expenses (funding sources) and work orders (DTIS/ECD/DHR related) under Dennis Herrera (Jan 2003 to present) administration. From the moment he began his first term, there is sufficient evidence and cause

to suspend and or arrest all of his appointees AND Dennis Herrera, and to bar his DEPUTIES from continuing to have unwarranted access to any personnel file of any employee who has been harmed by their actions and subsequently terminated for complaining about it (ALVIN PAXTON JOHNSON) and to for each of Dennis Herrera's team of abusers to be placed on administrative leave/without pay at the very least, subject to the outcome of a thorough investigation of city records and expenses and salaries paid out with Emergency Response Fee funds to DTIS and DHR and the City Attorney's Office personnel and managers with dubious titles and unchecked employment backgrounds, the vast majority of whom have no technology (electronic communication) employment experience or education on their resume.

Alvin P. Johnson

September 15, 2010

San Francisco Board of Supervisors City Hall, Room 280 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Dear Supervisors:

Union Square and Sutter Stockton garages operated by the Uptown Parking Corporation were built to preserve and build business downtown, and to build the downtown and in Union Square. The Union Square area is an international retail success thanks to low cost parking. We are hurting the future of the area with the increased parking rates forced upon the Uptown Parking Corporation by the Parking and Traffic Authority.

For the past three months income from parking at the Uptown Parking Corporation was even with last year due to higher parking rates (income for this period was this year \$2.363M was \$2.322M last year). The number of cars parked this year as compared to last year is down 7%. Along with the recession, the increase in parking rates has had a negative affect on the number of people coming to the City and to downtown by car. Fewer cars parked means less money being spent in stores and lower sales tax receipts, lower property values and reduced property tax receipts.

Union Square and Sutter Stockton garages operated as full in the past. During the Christmas Season they were full every day. At the Union Square Garage there was a line of cars all the way around the block waiting to get in, and Sutter Stockton's top floors used to be filled with Automobiles.

Best regards,

James J. Ludwia

Former 25 year President and founding director of the Uptown Parking Corp.

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Mayor Gavin Newsom CC:

Nathaniel Ford

Uptown Parking Corporation and the control of th

September 15, 2010

San Francisco Board of Supervisors City Hall, Room 280 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Dear Supervisors:

The Market Street car restriction experiment is a bad program. Auto traffic on Market Street was never a problem. It moved cars from the Ferry Building to Sloat Boulevard and on to Ocean Beach and the Zoo. Along the way there were stops at downtown businesses, shopping areas, turn offs to Union Square, Symphony Hall, the Opera House, and Golden Gate Park with the Academy of Sciences, Botanical Gardens, de Young Museum, and Japanese Tea Garden.

Market Street as an active thoroughfare made driving in the City down its wide street with its trolley cars a pleasure for San Franciscans, tourists, and shoppers from the suburbs. Certainly, it is a pleasure for bicyclists, but that does little for the economy of the City and the ease it creates for car drivers.

Please don't continue a poor experiment.

Best regards,

James J. Ludwig

cc: Mayor Gavin Newsom

Michael Cabanatuan, SF Chronicle Staff Writer

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BOARD OF SUPERVISORS
SAN FRANCISCO
2010 SEP 20 PM 4: 07
BY 412



To:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject:

New on Examiner.com: Health Commission delays vote on outsourcing CPMC hospital's

dialysis services

rom:

pmonette-shaw < Pmonette-shaw@earthlink.net>

To:

undisclosed-recipients:;

Date:

09/21/2010 07:16 AM

Subject:

New on Examiner.com: Health Commission delays vote on outsourcing CPMC hospital's dialysis

New on Examiner.com:

"Health Commission delays vote on outsourcing CPMC hospital's dialysis services"

Given the many unanswered questions, and the lack of enforceable rules, the Health Commission

has no choice but to rule that outsourcing CPMC's dialysis service will indeed have a negative effect.

To do otherwise will place dialysis patient's lives at risk..

Read more ... at

http://www.examiner.com/hospital-in-san-francisco/patrick-monette-shaw

Patrick

If you haven't already subscribed to receive e-mail alerts from Examiner.com when I post new

articles, please do so using the "subscribe" button above the article's title on Examiner.com.

To unsubscribe to my own e-mail alerts if my coverage isn't of interest to you, just send me an e-mail.

Homeless issue Jay Sath to: director 09/21/2010 08:50 AM

Cc:

Bevan Dufty, board.of.supervisors, Eric Mar, Bill Barnes, Catherine Stefani, David Chiu, Carmen chu, ross mirkarimi, chris daly, sean elsbernd, david campos, sophie maxwell, john avalos, 4listens, iemail, speaker.bureau, tcampbell, llacuesta, tips, washington.linda, ncsaweb, sfpdmediarelations, faim, civilrights, r2ar, streetsheet, development, finance Show Details

I feel that SF's Homeless issue is getting worse. I'm hoping that the City Supervisors will enact a law that makes it illegal to panhandle. Several cities have done this nationwide with great success.

I'm starting to think that SF's Coalition on Homelessness is nothing more than an enabler. I don't see any real successes with the work this organization is doing.

What steps are you taking now to get the homeless off the streets? What steps are you doing to curb panhandling, the selling of public parking spaces by the homeless and to get the homeless working?

Why is your organization not following successful programs like Homeward Bound of Marin and nationwide programs like "The Healing Place" in Louisville, KY, and Homelessness.change.org?

It's obvious that the work your organization is doing is not getting people off the streets and into jobs and homes (that they pay for - not the taxpayers.)

Thank you for taking the time to respond.

Jay Sath San Francisco, CA



To: Cc: BOS Constituent Mail Distribution,

Bcc:

Subject: Fw: Opponents of Prop L Don't Want You to Know This ...

From:

AEvans604@aol.com

board.of.supervisors@sfgov.org

Date:

09/21/2010 10:45 AM

Subject:

Opponents of Prop L Don't Want You to Know This ...

Dear Friends and Neighbors,

The opponents of Prop L - the civil-sidewalks law, or sit-lie law - claim that sufficient laws already exist to deal with the bad behavior of the city's many migratory addicts and alcoholics.

However, check out the article below. It shows in grim detail how the present enforcement system is unusable in actual practice.

http://www.sfgate.com/cgi-bin/article.cgi?f=%2Fc%2Fa%2F2010%2F09%2 F19%2FMN2O1F6A5T.DTL

Please vote yes on Prop L and no on Prop M (which is a ploy to cancel Prop

L even if the voters approve it).

Yours for rationality in government,

Arthur Evans



Bos-11 cpage

> Mayor Gavin Newsom Philip A. Ginsburg, General Manager

September 22, 2010

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

Dear Ms. Calvillo:

In accordance with Section 10.100-305 of the San Francisco Administrative Code, please find attached a report of gifts up to \$10,000 accepted by the Recreation and Park Department in fiscal year 2009 -2010.

Please let me know if you have any questions about this information.

Sincerely,

Katharine Petrucione

Director of Administration and Finance

cc: Monique Zmuda, Deputy Controller

Recreation and Park Department '09 - '10 Gift Report

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| Carone Early E | | Organization | | Buena Vista Fund |
| Pelix. Sieger Sieger Soo/Marny, Juarez Soo/Marny, Juarez | Eve Meyer | | | \$20.00 Buena Vista Fundraiser |
| hisis th Calcarone the Calcarone the Calcarone telet tiliman til | Eric Anderson | | | \$20.00 Buena Vista Fundraiser |
| Prowritt Ithis | | | | |
| th Calcarone th Ca | Nancy Prowitt | | | \$20,000 preside A sets Louisianset |
| th Calcerone hampieux hampieux Reyer Victor Steger V | Ray Mathis | Andreas and the second | | \$20.00 Buena Vista Fundraiser |
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| eyer. Rufo Reti Illiman Il | Katie Champieux | | | \$25.00 Buena Vista Fundralser |
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| ind Ind Ind Ind Ind Ind Ind Ind | Sam Meyer | | | \$25.00 Buena Vista Fundraiser |
| ind for Sieger tor Sieger torsa to | Robert Rufo | | | \$25.00 Buena Vista Fundraiser |
| Ind | Gary Cereola | | | \$25.00 Buena Vista Fundralser |
| tor Sieger tor Sieger torsa | Jayne Hillman | | | \$25.00 Buena Vista Fundraiser |
| tor Sieger 20sa (ght gen) (mell gen) (| Matt Gillett | | The state of the s | \$25.00 Buena Vista Fundraiser |
| for Sieger Tosa | Sarah Ballard | | | \$25.00 Buena Vista Fundraiser |
| ight ight lers lers | Joseph Victor Sieger | | | \$30,00 Buena Vista Fundraiser |
| ght mwell land land land land land land land la | Bob Incerti | | Andreas de la companya de la company | \$30.00 Buena Vista Fundraiser |
| co/Manny Juarez | Janet Potts | | | \$30,00 Buena Vista Fundraiser |
| S CO/Manny Juarez | Philip Carrizosa | | | \$30.00 Buena Vista Fundraiser |
| co/Manny Juarez | Carolyn Wright | | | \$30.00 Buena Vista Fundraiser |
| co/Manny Juarez | Carter Cromwell | | | \$30.00 Buerra Vista Fundraiser |
| co/Manny Juarez | Beverly Edge | | | \$30.00 Buena Vista Fundraiser |
| co/Manny Juarez | John Hooper | | | \$30.00 Buena Vista Fundraiser |
| co/Manny Juarez | M.A. McArthur | | | \$30.00 Buena Vista Fundraiser |
| | Danielle Velasco/Manny Juarez | | | \$30.00 Buena Vista Fundraiser |
| | Anderw Vevers | | , | \$40.00 Buena Vista Fundraiser |
| | Norm Nickens | | THE PROPERTY OF THE PROPERTY O | \$40.00 Buena Vista Fundraiser |
| | Kerry Ko | A STATE OF THE PROPERTY OF THE | | \$40.00 Buena Vista Fundraiser |

Recreation and Park Department '09 - '10 Gift Report

| The second secon | | | | |
|--|---------------------------------|---|-----------------|--|
| Name | Organization | Ton | Amount/Value | Purpose |
| Gabriel Stricker | | | \$40.00 | \$40.00 Buena Vista Fundraiser |
| Brian Budds | | | \$50.00 | \$50.00 Buena Vista Fundralser |
| Karl Sulbinski | | | \$50.00 | \$50.00 Buena Vista Fundraiser |
| Richard Magary | | | \$50.00 | \$50,00 Buena Vista Fundraiser |
| Kevin Dede/Zoi Okuma | | | \$50.00 | \$50.00 Buena Vista Fundraiser |
| Caro/Tom Henry | | | \$50.00 | \$50.00 Buena Vista Fundraiser |
| Phil Ginsburg | | | \$50.00 | \$50.00 Buena Vista Fundraiser |
| Ted Yamasaki | | | \$50,00 | \$50,00 Buena Vista Fundraiser |
| Paul/Francine Ferris | | | \$50.00 | \$50.00 Buena Vista Fundraiser |
| Jennifer Johnson | | | \$50.00 | \$50.00 Buena Vista Fundraiser |
| Shelby Sutheriand | | | \$50.00 | \$50.00 Buena Vista Fundraiser |
| Deb/Greg Zipp | | | \$60.00 | \$60.00 Buena Vista Fundraiser |
| Karen/David Crommie | | | \$60.00 | \$60.00 Buena Vista Fundraiser |
| Hugh Mallaney | | | \$50.00 | \$50,00 Buena Vista Fundraiser |
| Laura Hamilton | | | \$60.00 | \$60.00 Buena Vista Fundraiser |
| Kaleen Woo | | | \$60.00 | \$60.00 Buena Vista Fundraiser |
| Peter Mansfield | | | \$70.00 | \$70.00 Buena Vista Fundraiser |
| Darien DeLorenzo + Friends | | | \$75.00 | \$75.00 Buena Vista Fundraiser |
| Conor Fahey | | | \$80.00 | \$80.00 Buena Vista Fundraiser |
| Jane Tobin/David Moore | | | \$90.00 | \$90.00 Buena Vista Fundraiser |
| Leslie Harrison | | | \$100.00 | \$100.00 Buena Vista Fundraiser |
| Steven Chapman | | | \$100.00 | \$100.00 Buena Vista Fundraiser |
| Phil Crawford | | | \$100.00 | \$100.00 Buena Vista Fundraiser |
| Standish Meacham/Steven Salzman | | | \$200.00 | \$200.00 Buena Vista Fundraiser |
| Dave Moore/Jane Tobin | | | \$200.00 | \$200.00 Buena Vista Fundraiser |
| David Maltz | Friends of Franklin Square | | \$6,966,00 area | area |
| Lisa Spinali | San Francisco School Volunteers | 2 benches, 2 picnic tables, paving stones | \$1,500.00 | \$1,500.00 Gilman Playground |
| Susan Karp | | | \$10,000.00 | \$10,000.00 Jackson Playground programs |
| Robin Williams | Joel Faden & Company, Inc. | | \$1,000.00 | \$1,000.00 Jose Simon Memorial Plaque in GGP |

Recreation and Park Department '09 - '10 Gift Report

| | | and the state of t | | |
|-----------------------|--|--|--------------|---|
| Name | Organization | ltem | Amount/Value | Purpose |
| | Chick Viscopet do Dout Copiety Con Emprison | | \$5,000.00 | Purchase of flowers and plants to install a |
| Gary Schmidt | Dalit villedit de : dai Oddiet) dan i ransisse | | \$0 500 00 | Restoration of Vet Anderson sculptures at |
| Thomas J. Sperrow | Greco Granite Corp. | L election set alcestiano | 40,000 | |
| dille Marcus | Friends of Rossi Playground | 4 benches-2 backless/2 w/ backs | \$3,710.00 | \$3,710.00 Rossi Park |
| | Friends of Rossi Playground | 2 accessable picnic benches | \$6,700.00 | \$6,700.00 Rossi Playground Annex |
| CARC HARACTER | The Theodore Decaphers Charitable Foundation | | \$10,000.00 | \$10,000,00 Save the Bison Project |
| Heodole Moselloci8 | THE STATE OF THE PARTY OF THE P | | 00 3K-9 | evit oo oo downtin Hima |
| Marilyn Panelli | | | 4.0.00 | |
| | · | Hull w/ Johnson 225HP saltwater | ec 250 00 | en un oo i lee of Rom Grancieco Marina |
| Jared Blumenfeld | | oanoale eligile. | \$443.E | |
| Murat Eskinioniu | SMG Food & Beverage, LLC | In Kind Service - Catered event. | \$1,669.88 | \$1,669.88 World Cup Breakfast at City Hall |
| Pohart Morales | Teamsters Local Union No. 350 | | \$1,000.00 | \$1,000.00 World Cup Event |
| Toph Age | Brightline Defense Project | | \$2,000.00 | \$2,000.00 World Cup Event |
| lobs A Lossillo | Recolony San Francisco | | \$2,500.00 | \$2,500,00 World Cup Event |
| Sherry Wasserman | Another Planet Entertainment | | \$5,000.00 | \$5,000.00 World Cup Event |
| Ramon Hemandez | Laborers International Union of North America | The state of the s | \$5,000.00 | \$5,000.00 World Cup Event |
| Ron Conway | The Conway Family Foundation | | \$10,000.00 | \$10,000.00 World Cup Event |
| Files and Man Manager | | Zip line play structure | \$3,000.00 | \$3,000.00 Zip line play structure |



CIVIL SERVICE COMMISSION 0rig: Joy
CIVIL SERVICE COMMISSION 0: Bos-11, COB,
CITY AND COUNTY OF SAN FRANCISCO cpage
GAVIN NEWSOM
MAYOR

Report is in the Clerk's
MAYOR

September 22, 2010

E. DENNIS NORMANDY PRESIDENT

> DONALD A. CASPER VICE PRESIDENT

MORGAN R. GORRONO COMMISSIONER

> LISA SEITZ GRUWELL COMMISSIONER

> > MARY Y. JUNG COMMISSIONER

ANITA SANCHEZ **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 September 20, 2010 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. 0320-10-3). A copy of the report prepared by the Department of Human Resources 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 Department of Human Resources' 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.

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

Executive Officer

Attachments

c: Paul Zarefsky, Deputy City Attorney



File 100865 C: COB, Leg Dep, Andto PN. the, Cpage, BOS-11 Gavin Newsom

September 21, 2010

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

Dear Supervisors:

This letter communicates my veto of the ordinance pending in File Number 100865, finally passed by the Board of Supervisors today, September 21, 2010. This ordinance proposes an Alcohol Mitigation Fee to be imposed on alcoholic beverage wholesalers and others who sell or distribute alcoholic beverages in San Francisco.

I cannot support this unnecessary and harmful new fee that will hurt our City's economy and cost us jobs at a time when we most need them.

In this economy, I fundamentally believe that we need to be encouraging local businesses – large and small – to continue to work and operate in our neighborhoods, to continue to provide jobs and security to the residents of San Francisco, and to continue to support our City's economy in its recovery. It is in these times of struggle that we need to stimulate our local economy – not pursue policies that will stifle growth and put our county at a competitive disadvantage with every other county in California.

In addition, while we have faced significant budget deficits for the last three years, we consistently have supported the provision of critical health care services to our residents most in need – at a much higher rate than surrounding counties. And, we will continue to do so. Therefore, I do not accept the premise that, but for this fee, we will be slashing our health care programs.

I also strongly believe that we are in questionable legal territory due to state preemption issues, and that passing this ordinance would risk millions of dollars in attorney's fees that we can ill afford. I prefer to hold those battles for creative policy areas where we believe we are in strong legal standing.

I remain committed to working with the Board of Supervisors and City departments to continue to identify impactful programs to help chronic inebriates in San Francisco. However, I do not believe that an alcohol impact fee is the best approach in achieving that policy goal. Our best hope for continued strong financial standing of this City and support for public health services is to help our local economy grow and thrive.

Sincerely,

Gavin Nevso Mayor

cc: Angela Calvillo, Clerk of the Board of Supervisors

2010 SEP 21 PM 4:1

BOARD OF SUPERVISORS
SAN FRANCISCO



<u>To:</u>

Lolita Espinosa/BOS/SFGOV,

Cc:

Bcc:

Subject: Second part of SFPD Part II Crimes Statistics REF # 20100803-006

From:

Linda Sin/SFPD/SFGOV

To:

Board of Supervisors/BOS/SFGOV@SFGOV

Cc:

Ross, Mirkarimi@sfgov.org

Date:

09/22/2010 04:30 PM

Subject:

Fw: Second part of SFPD Part II Crimes Statistics REF # 20100803-006

Clerk of the Board,

Attached is the second part of the crime statistics requested by Supervisor Mirkarimi reference # 20100803-006.

Thank you, Linda Sin San Francisco Police Department Office of the Chief of Police 850 Bryant Street, Room 525 San Francisco, CA 94103 Office: (415) 553-1551

Fax: (415) 553-1554

---- Forwarded by Thomas Shawyer/SFPD/SFGOV on 09/22/10 16:14 -----

Fw: SFPD Part II Crimes

Robert O'Sullivan

Tom Shawyer to:

09/22/10 15:23

Cc:

jeffrey.godown

Chief,

Email 2 of 2 re Mirkarimi request for stats.

Lieutenant O'Sullivan

From: Robert O'Sullivan

Sent: 09/16/2010 01:15 PM PDT

To: Board of Supervisors Cc: Jeffrey Godown

Subject: SFPD Part II Crimes

Clerk of the Board,

The attached reports are responsive to Supervisor Mirkarimi's request for Part II crime data (reference #20100803-06). Part I and Part II crime data is posted each Monday afternoon on the Department's internet site. Please feel free to contact me at 595-4896 or via email.

Thank you,

Lieutenant O'Sullivan CompStat Division San Francisco Police Department

(See attached file: SFPD Part II YTD September 11 2010.pdf)



SFPD Part II YTD September 11 2010.pdf

| | 7/18/10 | Part II Crime | 8/15/10 | | |
|----|---------|--|------------|------------------|----------|
| 2 | | Part II Crime Statistics for week ending | Ħ | CITYWIDE PROFILE | COMPSIAI |
| \$ | 7/18/10 | veek ending | i 0 | PROFILE | LVIS |
| - | | | | | |

| | | T | ********* | | | (A) (A). | ICS | IST | ΑТ | : 57 | ME | CRI | | | **** | T | | MTKWKE | ***** | | <u></u> | TIC | ΓIS | TA | T S | ≀ES | \R[| P | | | | |
|-----------|----------|-----------------|-----------|------------------------------------|--------------------------------------|---------------------------------|--------------------------|-------|------------------------------------|------------------------------|--------------------|---------------------|--------------------------|-------------------------|--------------------------------------|----------|----------|-----------------------------------|--------------------------------------|---------------------------------|--------------------------|------|------------------------------------|--------------------|-------------------------|-------------|---------------------|-------------------------|--------------------------------------|------------------|----------------------|-----------------|
| | | | Part II | ASSAULTS (RATTERY INON DV RELATED) | EMBEZZLEMENT/FRAUD/FALSE PERSONATION | RECEIVE/POSSESS STOLEN PROPERTY | WEAPON/FIREARM VIOLATION | Aloce | SEX CRIMES (EXC RAPE/PROSTITUTION) | MISSING/FOUND PERSON/RUNAWAY | NARCOTIC DRUG LAWS | POSS BURGLARY TOOLS | GRAFFITI/VANDALISM/TOOLS | MENTAL HEALTH DETENTION | RESIST/DELAY/OBSTRUCT POLICE OFFICER | | ARRESTS | ASSAULTS/BATTERY (NON DV RELATED) | EMBEZZLEMENT/FRAUD/FALSE PERSONATION | RECEIVE/POSSESS STOLEN PROPERTY | WEAPON/FIREARM VIOLATION | VICE | SEX CRIMES (EXC RAPE/PROSTITUTION) | NARCOTIC DRUG LAWS | DRIVING UNDER INFLUENCE | 14601/12500 | POSS BURGLARY TOOLS | GRAFFIT/VANDALISM/TOOLS | RESIST/DELAY/OBSTRUCT POLICE OFFICER | PAROLEVIOLATIONS | PROBATION VIOLATIONS | WARRANT ARRESTS |
| | | 01/36/8 | 10 17 | 284 | 211 | 16 | 22 | 143 | 32 | 205 | 369 | 217 | 430 | 311 | 28 | 01/27/3 | 01/11/6 | 103 | 40 | 1.8 | 19 | 138 | 13 | 434 | 16 | 244 | 6 | 23 | 24 | 8 | 16 | 0 |
| | 01/21/8 | OLIBALL. | 70 10 | 269 | 289 | 9. | 29 | 113 | 33 | 229 | 338 | 237 | 51.5 | 268 | 37 | 01/81/17 | 8/14/10 | 122 | 26 | 11 | 27 | 124 | 18 | 405 | 11 | 240 | 2 | 32 | 34 | 5 | 17 | 0 |
| CI STORES | | 7/18/10 7/18/10 | % Change | 6% | -27% | 78% | -24% | 27% | 3% | -10% | 9% | -8% | -7% | 16% | -24% | | % Change | -16% | 54% | 54% | -30% | 317% | -28% | 7% | 45% | 2% | 200% | 30% | -29% | 60% | -6% | 0% |
| | C | 7/18/10 | 7 | 269 | 289 | 9 | 29 | 113 | 33 | 229 | 338 | 237 | 515 | 268 | 37 | 7/18/10 | 8/14/10 | 122 | 26 | 11 | 27 | 124 | 38 | 405 | 111 | 240 | 2 | 32 | 34 | 5 | 17 | 159 |
| | 01.11.16 | 6/20/10 | 7/17/17 | 259 | 252 | 15 | 29 | 114 | 40 | 219 | 347 | 178 | 505 | 285 | 30 | 6/20/10 | 7/17/10 | 102 | 29 | 12 | 30 | 111 | 16 | 396 | 16 | 248 | 0 | 23 | 33 | 8 | 16 | 137 |
| | 4 40 | | % Change | 4% | 15% | 40% | 0% | -1% | -18% | 5% | -3% | 33% | 2% | -6% | 23% | | % Change | 20% | 10% | 8 | 18% | -12% | -13% | -2% | 31% | 3% | 200% | 45% | -10% | 38% | -6% | 16% |
| | | ਖ਼ਾਮ | 2010 | 2617 | 2471 | 149 | 252 | 3118 | 345 | 2135 | 3649 | 1263 | 4170 | 2446 | 138 | GIV. | 2010 | 1035 | 334 | 148 | 233 | 1127 | 136 | 4376 | 176 | 3048 | 22 | 246 | 86 | 64 | 130 | 1168 |
| | | ď | 2009 | 3318 | 2831 | 158 | 249 | 1491 | 394 | 2253 | 5179 | 2875 | 4010 | 2268 | 75 | Ð | 2009 | 1474 | 314 | 193 | 344 | 1792 | 187 | 7179 | 284 | 3260 | 32 | 264 | 112 | 145 | 120 | 1629 |
| | | | % Change | -21% | -13% | -6% | 1% | -25% | -12% | 4% | -30% | -56% | 4% | 8% | 833 | | % Change | -30% | 8% | -23% | 32% | .37% | 27% | 39% | -38% | -7% | -31% | -7% | -23% | -56% | .8% | -28% |



COMPSTAT CENTRAL PROFILE

| 5/10 TO 9/11/10 |
|-----------------|
|-----------------|

| <u> </u> | | | | ASSAI | EMBE | | - | بنبين | AT Š | | | 77 1 | | MEM | RESIS | | | 275 275 | 8 | EMB | 220 | - | 7 | | | | | | | ARREST STATISTIC | | | |
|----------|--|--------------|--|-----------------------------------|--------------------------------------|---------------------------------|--------------------------|--|------------------------------------|------------------------------|--------------------|--------------------|--------------------------|-------------------------|--------------------------------------|--------------|----------|--|-----------------------------------|--------------------------------------|---------------------------------|--------------------------|------|------------------------------------|--------------------|-------------------------|------------|--------------------|--------------------------|------------------|----------------------------------|--|---|
| | | Dart II | i i de la companya de | ASSAULTS/BATTERY (NON DV RELATED) | EMBEZZLEMENT/FRAUD/FALSE PERSONATION | RECEIVE/POSSESS STOLEN PROPERTY | WEAPON/FIREARM VIOLATION | ALDAMONISMA TO THE TOTAL PROPERTY OF THE TOT | SEX CRIMES (EXC RAPE/PROSTITUTION) | MISSING/FOUND PERSON/RUNAWAY | VARCOTIC DRUG LAWS | OSS BURGLARY TOOLS | Graffiti/Vandalism/Tools | MENTAL HEALTH DETENTION | RESIST/DELAY/OBSTRUCT POLICE OFFICER | TOTAL PART 2 | ARRESTS | | ASSAULTS/BATTERY (NON DV RELATED) | EMBEZZLEMENT/FRAUD/FALSE PERSONATION | RECEIVE/POSSESS STOLEN PROPERTY | WEAPON/EIREARM VIOLATION | | SEX CRIMES (EXC RAPE/PROSTITUTION) | NARCOTIC DRUG LAWS | driving under influence | 4601/12500 | OSS BURGLARY TOOLS | GRAFFITI/VANDALISM/TOOLS | | ST/DELAY/OBSTRUCT POLICE OFFICER | RESIST/DELAY/OBSTRUCT POLICE OFFICER PAROLE VIOLATIONS | RESIST/DELAY/OBSTRUCT POLICE OFFICER PAROLE VIOLATIONS PROBATION VIOLATIONS |
| | | % 01/51/8 | 9/11/10 | 37 | 37 | 0 | 0 | מ | 4 | 10 | 10 | o | 35 | 2.7 | <u>,,,</u> | 173 | 8/15/10 | 9/11/10 | 15 | 8 | Q | 0 | 8 | 3 | 10 | ó | 22 | ó | 2 | 1 | ٥ | <u> </u> | |
| 8/15/10 | Part II Grime | 7/18/10 | 8/14/10 | 41 | 45 | 3 | c | 5 | ō | . 8 | 坦 | 1 | 38 | 24 | 0 | 182 | 7/18/10 | 8/14/10 | 23 | 9 | 3 | ۵ | 4 | 2 | 10 | 0 | 29 | ş) | 4 | o | o | j.a | |
| TO | Part II Crime Statistics for week ending | % Change | 100 | -10% | -18% | -100% | 0% | 240% | -33% | 25% | -9% | -100% | -8% | 13% | 100% | 5% | % Change | · · · · · · · · · · · · · · · · · · · | 35% | -11% | -100% | 0% | 100% | 50% | 70 Mg 0% | 0% | -28% | -100% | -30% | . 100% | 0% | -100% | |
| | eek ending | 7/18/10 | 8/14/10 | 41 | 45 | 3 | o | 5 | 6 | 00 | IJ | 1 | 38 | 24 | 0 | 182 | 7/18/10 | 8/14/10 | 23 | 9 | 3 | 0 | 4 | 2. | 10 | o | 29 | 1 | ν4, | 0 | 0 | 1 | j |
| 9/17/10 | 09/11/10 | 6/20/10 % | 7/17/10 | 41 | 45 | 2 | 0 | 12 | S. | es. | 10 | o | 51 | 28 | 1 | 203 | 6/20/10 | 7/17/10 | 13 | 12 | 2 | 0 | 7 | 1 | 10 | o | -27 | o | 3 | 1 | 2 | 0 | |
| | 1/10 | % Change | William or service | 0% | 0% | 50% | 0% | -58% | 20% | 0% | 10% | 100% | -25% | -14% | -300% | -10% | % Change | | 77% | 25% | -50% | Ø | 43% | -100% | 0% | 0% | -7% | 700% | -33% | 100% | 200% | 100% | 773% |
| | | 2010 | 1010 | 317 | 353 | ĺ | 4 | 70 | 43 | 80 | 87 | 6 | 346 | 221 | 2 | 1540 | 2010 | | 123 | 83 | 10 | 4 | 51 | 20 | 92 | 14 | 303 | v | 33 | 2 | 4 | 11 | - |
| | | onno. | 200 | 389 | 289 | 00 | 13 | 123 | 34 | 83 | 170 | 6 | 372 | 199 | 7 | 1693 | 2009 | | 184 | 36 | 14 | 20 | 125 | 9 | 225 | 19 | 395 | 8 | 23 | 7 | 6 | 2 | 106 |
| | | % Change | 100000 | -19% | 22% | 38% | -69% | 43% | 26% | 4% | 49% | % | -1% | 11% | 2,1% | 9% | % Change | 100 miles (100 miles (| 33% | 131% | -29% | -80% | -59% | 122% | -59% | -26% | -23% | 38% | 138 | 1158 | -33% | -50% | - 12% |

COMPSTAT SOUTHERN PROFILE

| Part II Crime Statistics for week ending | 8/15/10 |
|--|---------|
| I Crime Statistics for week ending | TO |
| 02/11/20 | 9/11/10 |

| | | Part II Cillie | Laura Came Statistics for week entities | ACCE CHANGE | 4/00 | - California Spring Street Control | 4 | | Sewing Days |
|--------------------------------------|---------|----------------|---|-------------|--|---|------|-----------|-------------|
| | 8/15/10 | 7/18/10 | % Change | 7/18/10 | 01 /07 /9 | % Chanze | | | % Change |
| | 9/11/10 | 8/14/10 | 100 PM | 8/14/10 | 7/17/10 | CONTRACTOR OF THE PROPERTY OF | 2020 | 100 | |
| ASSAULTS/BATTERY (NON DV RELATED) | 50 | 52 | -4% | 52 | 51 | 2% | 477 | 549 | i: |
| EMBEZZLEMENT/FRAUD/FALSE PERSONATION | 28 | 53 | -47% | 53 | 38 | 39% | 419 | 610 | -31% |
| RECEIVE/POSSESS STOLEN PROPERTY | 6 | 1 | 500% | 1-4 | 4. | -75% | -46 | S2 | -12 |
| WEAPON/FIREARM VIOLATION | 0 | 3 | -100% | တ် | ţŗ | -40% | 23 | 22 | SS |
| AJCE | 18 | 19 | -5% | 19 | 9 | 211% | 128 | 110 | 160 |
| SEX CRIMES (EXC RAPE/PROSTITUTION) | 5 | 5 | 20 | 5 | 6 | -17% | 49 | 76 | -35% |
| MISSING/FOUND PERSON/RUNAWAY | 24 | 36 | -33% | 36 | 31 | 16% | 255 | 240 | 6% |
| NARCOTIC DRUG LAWS | 88 | 85 | 4% | 85 | 83 | 2% | 809 | 857 | -6% |
| POSS BURGLARY TOOLS | 1 | 0 | 100% | o | 0 | 2% | W | 7 | -57 |
| GRAFFITI/VANDALISM/TOOLS | 72 | 73 | -1% | 73 | 67 | 9% | 625 | 537 | 163 |
| MENTAL HEALTH DETENTION | .38 | 68 | 29% | 68 | 73 | -7% | 574 | 488 | 18% |
| RESIST/DELAY/OBSTRUCT POLICE OFFICER | 2 | 4 | -50% | 4 | 3 | 33% | 12 | 10 | 20% |
| TOTAL PART 2 | 382 | 399 | 48 | 399 | 370 | 8% | 3420 | 3558 | 4% |
| | 8/15/10 | 7/18/10 | 100 | 7/18/10 | 6/20/10 | | OIA | Ö | |
| ARRESIS | 9/11/10 | 8/14/10 | Je Wiesign | 8/14/10 | 7/17/10 | | 2010 | 2009 | |
| ASSAULTS/BATTERY (NON DV RELATED) | IJ | 24 | -29% | 24 | 16 | 50% | 193 | 282 | -32% |
| EMBEZZLEMENT/FRAUD/FALSE PERSONATION | ŢŢ. | ۰. | 38% | 8 | 6 | 33% | 77 | 65 | 18% |
| RECEIVE/POSSESS STOLEN PROPERTY | ø. | o | 600% | 0 | 4 | 100% | 45 | 22 | -30% |
| بهنينه | 0 | 4 | -100% | 4 | 7 | 43% | 30 | 33 | -9% |
| | ĽĽ | . 21 | -19% | 21 | 6 | -250% | 116 | 139 | Ł, |
| | ,1 | 3 | -57% | မ | 5 | 40% | 24 | 36 | -33 |
| | 102 | .102 | -6% | 108 | 97 | -11% | 977 | 1241 | 2 |
| | ı | 0 | 100% | D | .3 | 100% | 15 | 24 | -38% |
| 14501/12500 | 22 | -79 | 5% | 79 | 83 | SX | 640 | 916 | -30 |
| | þ.ì | 0 | 100% | 0 | 0 | 0% | ω | 10 | -70% |
| - | 3 | 4 | -25% | 4 | į. | -33% | 34 | 43 | -21% |
| RESIST/DELAY/OBSTRUCT POLICE OFFICER | 2 | خد | -50% | 4 | 2 | -100% | 12 | 12 | 0% |
| PAROLE VIOLATIONS | si. | خز | 200% | ,,, | - | 0% | 17 | 39 | 38% |
| PROBATION VIOLATIONS | 4 | ଜ | -33% | 6 | ŗ | -500% | 28 | 21 | 33% |
| WARRANT ARRESTS | 32 | 38 | 29T- | 38 | : 35 | 9% | 303 | 400 | -24% |
| | | | | | The state of the s | | | | |

Part 2 Crime data compiled using lowest incode in multiple offense incidents. Statistics are preliminary and subject to further analysis and revision



9/11/10 9/11/10

| _ | | | | Part II Crime's | Part II Crime Statistics for week ending | reek ending | 07/11/20 | /10 | | | |
|--------------------|-------------|--------------------------------------|----------------|-----------------|--|---------------|---------------|----------|------|----------------|----------|
| 7 | ┨ | | 8/15/10 | 7/18/10 | | 7/18/10 | 01/02/3 | | | 15 | TE GT |
| | | Part II | 01/11/10 or | 8/14/10 | % Change | 8/14/10 | 7/17/10 | % Change | 2010 | | 2009 |
| | 2 | ASSAULTS/BATTERY (NON DV RELATED) | 22 | 20 | 10% | 20 | 3.1 | 71% | 213 | | 390 |
| ********* | മി | EMBEZZLEMENT/FRAUD/FALSE PERSONATION | 14 | 18 | -22% | 18 | 17 | 6% | 155 | ļ | 191 |
| | | RECEIVE/POSSESS STOLEN PROPERTY | w | ş . | 200% | 5.4 | ъ | 0% | 16 | - | Ħ |
| ics | - | WEAPON/FIREARM VIOLATION | b | çó | -63% | œ | 13 | -38% | 87 | - | 8 |
| IST | _ | VICE | 1 | 2 | -50% | 2 | 2 | 2% | 24 | 1- | 21 |
| ΔΤ | | SEX CRIMES (EXC RAPE/PROSTITUTION) | ယ | 6 | -50% | o, | 2 | Z00% | 28 | | 18 |
| ST | ******* | MISSING/FOUND PERSON/RUNAWAY | 50 | 46 | 9% | 46 | 61 | -25% | 442 | | 441 |
| ME | | JARCOTIC DRUG LAWS | 43 | 25 | 72% | 25 | 22 | 14% | 320 | | 286 |
| n) | 70 1 | OSS BURGLARY TOOLS | 0 | ني | -100% | ۲ | 0 | 100% | ω | | 4 |
| 9 1 5 7 9 | | GRAFFITI/VANDALISM/TOOLS | 78 | 96 | -19% | 96 | 70 | 37% | 620 | 1 | 549 |
| | ₹. | MENTAL HEALTH DETENTION | Ť3 | 19 | -32% | 19 | 15 | 27% | 142 | 1 | 121 |
| /1 V. Dr. | 22 | RESIST/DELAY/OBSTRUCT POLICE OFFICER | S | 12 | -58% | 12 | 5 | 140% | 11 | 1 | တ |
| 42000 | | TOTAL PART 2 | 235 | 254 | -7% | 254 | 226 | 12% | 2061 | 48 | 2097 |
| Т | - | | 8/15/10 | 7/18/10 | | 7/18/10 | 6/20/10 | | מוץ. | | Y |
| d mineral mineral | | ARRESTS | 9/11/10 | 3/14/10 | % Change | то 8/14/10 | 70 7/17/10 | % Change | 2010 | | 2009 |
| KMMANUTAN | > | ASSAULTS/BATTERY (NON DV RELATED) | 14 | 7 | 700% | 7 | œ | -13% | 89 | 1 | 159 |
| ****** | ÐΙ | EMBEZZLEMENT/FRAUD/FÄLSE PERSONATION | 4 | ż | 2007 | 2 | 2 | 0% | 27 | | 6 |
| | 20 | RECEIVE/POSSESS STOLEN PROPERTY | 2 | , | 200% | μ. | 0 | 100% | 12 | | 19 |
| en ener E | | WEAPON/FIREARM VIOLATION | 2 | 5 | -60% | 5. | 13 | 62% | 68 | | 94 |
| ice | - | VICE | м | 2 | -50% | 2 | ĸ | 0% | 18 | ŧ | 18 |
| IC. | | SEX CRIMES (EXC RAPE/PROSTITUTION) | ٥ | S | %00t- | ហ | Þ | -400% | 10 | | ¢3 |
| ΓΛΊ | | NARCOTIC DRUG LAWS | 45 | 29 | \$5% | 29 | 7.8 | -4% | 370 | | 383 |
| CCT | | DRIVING UNDER INFLUENCE | 2 | 2 | 340 m | 2 | 0 | 200% | 14 | | 14 |
| EST | | 14601/12500 | 36 | 92 | 4% | 92 | 65 | -42% | 882 | | 1058 |
| nn | 70 T | OSS BURGLARY TOOLS | 0 | ļu. | _ %00% | 1 | Ó | 100% | 5 | |) party |
| | | GRAFETTI/VANDALISM/TOOLS | 3 | 5 | 40% | S | pii a | -400% | 24 | | 19 |
| South | 20 1 | RESIST/DELAY/OBSTRUCT POLICE OFFICER | 4 | . 12 | -57% | 12 | o. | ×001- | . 21 | | 8 |
| | v. 1 | PAROLE VIOLATIONS | 0 | Ö | | 0 | وز | 100% | 2 | | 13 |
| ****** | σī | PROBATION VIOLATIONS | o | 0 | 0% | O, | Ģ | 100% | 6 | | 7 |
| w0w0x34 | < T | WARBANT ARRESTS | 37 | 26 | 42% | 26 | 12 | 317% | 153 | | 151 |
| en de la constante | 113 | TOTAL PART 2 ARRESTS | 210 | 189 | 2615 | 189 | 142 | 33% | 1692 | | 1958 |







9/11/10 g 09/11/10

| | | لنجست | | THE SHAPE | | \RF | ES | T 5 | TA | TIS | FIC: | \$ | | | , | | | | | | (| CRI | MI | 51 | Αī | IST | ICS | ; | | | | | |
|--------------------|-----------------|----------------------|-------------------|--------------------------------------|--------------------------|---------------------|-------------|-------------------------|--------------------|------------------------------------|------|--------------------------|---------------------------------|--------------------------------------|-----------------------------------|---------|----------------|--------------|--------------------------------------|-------------------------|-------------------------|---------------------|--------------------|------------------------------|------------------------------------|------|--------------------------|---------------------------------|--------------------------------------|-----------------------------------|---------|-----------------|--|
| | WARRANT ARRESTS | PROBATION VIOLATIONS | PAROLE VIOLATIONS | RESIST/DELAY/OBSTRUCT POLICE OFFICER | GRAFFITI/VANDALISM/TOOLS | POSS BURGLARY TOOLS | 14601/12500 | DRIVING UNDER INFLUENCE | NARCOTIC DRUG LAWS | SEX CRIMES (EXC RAPE/PROSTITUTION) | VICE | WEAPON/FIREARM VIOLATION | RECEIVE/POSSESS STOLEN PROPERTY | EMBEZZLEMENT/FRAUD/FALSE PERSONATION | ASSAULTS/BATTERY (NON DV RELATED) | ARRESTS | | TOTAL PART 2 | RESIST/DELAY/OBSTRUCT POLICE OFFICER | WENTAL HEALTH DETENTION | GRAFFITI/VANDAUSM/TOOLS | POSS BURGLARY TOOLS | NARCOTIC DRUG LAWS | MISSING/FOUND PERSON/RUNAWAY | SEX CRIMES (EXC RAPE/PROSTITUTION) | VICE | WEAPON/FIREARM VIOLATION | RECEIVE/POSSESS STOLEN PROPERTY | EMBEZZLEMENT/FRAUD/FALSE PERSONATION | ASSAULTS/BATTERY (NON DV RELATED) | - 01-22 | 0+ | |
| | 29 | 0 | w | 2 | 2 | o | 65 | 1 | 44 | 4 | 48 | 2 | 6 | ω | 10 | 9/11/10 | 8/15/10 | 277 | 2 | 37 | 45 | o | 42 | 25 | .6 | 44 | ъi | ن | 29 | 39 | 9/11/10 | 8/15/10 | 1 |
| | 23 | دز | 13 | s | 4 | 0 | 75 | 1 | 48 | w | 49 | 6 | 1 | NJ. | 18 | 8/14/10 | 7/18/10 | 318 | A | 45 | 61 | 0 | 47 | 29 | S. | 42 | 4 | 1 | 40 | 37 | 8/14/10 | 7/18/10 m | 7/10/10 |
| の一切というというないのできるという | 26% | -100% | 200% | -50% | -50% | 8 | -13% | 0% | 8 | 33% | -2% | -57% | 200% | 50% | -24% | | X (1) | -12% | -50% | -18% | -26% | 20% | -11% | -14% | 20% | 5% | 25% | 200% | -28% | 5% | | % Change | 2007 - 1000 CO. 100,000 Services |
| | 23 | 2 | ļ. | (A | 4 | 0 | 75 | н | \$ | 3 | 49 | 6 | ļ., | 2 | 18 | 8/14/10 | 7/18/10 | 315. | 4 | 45 | 61 | 0 | 47 | 29 | 51 | 42 | 4 | 1 | 40 | 37 | 8/14/10 | 01/81// | VASCAFE |
|) | 26 | į, | 3 | 4 | 8 | 0 | 82 | Ü | 69 | ý, | 47 | 2 | 2 | to: | 21 | 7/17/10 | of. 01/02/9 | 340 | 4 | 2 | .67 | 0 | 65 | 31 | 12 | 39 | 2 | 3 | 31 | 42 | 7/17/10 | 01. 07.[07/9 | 07777 |
| | -12% | 60% | 67% | -25% | 50% | 8 | 9% | 67% | 30% | 40% | \$ | -200% | 50% | 33% | -14% | | % Change | -7% | 0% | 2% | -9% | .0% | -28% | -6% | -S8% | 8% | 100% | -67% | 29% | -12% | | % Change | 4-01055000000000000000000000000000000000 |
| | 147 | 23 | 14 | 19 | 47 | o | 726 | 20 | 694 | 27 | 462 | 28 | 23 | 49 | 161 | OTO? | 1 | 3019 | 16 | 349 | 503 | 0 | 613 | 300 | 53 | 406 | 27 | 20 | 344 | 388 | 2020 | | <u> </u> |
| 2570 | 315 | 28 | 24 | 15 | 45 | 7 | 989 | 36 | 842 | 34 | 871 | \$1 | 12 | 66 | 244 | 5002 | 1 | 3370 | 12 | 350 | 458 | 6 | 637 | 267 | SS | 700 | 26 | 15 | 338 | 496 | 2003 | 2000 | ð |
| 3 | -53% | -25% | 42% | 27% | 4% | SOUT- | -2176 | ŧ | egr. | 24.7 | 47% | 45% | 92% | -26% | -54% | | % Change | -10% | 33% | -3% | 10% | *200% | 1.7% | 12% | \$ | 42% | 4% | 33% | ķ | -22% | | % Change | 一つのなる場合を |

Part 2 Crime data compiled using lowest incode in multiple offense incidents. Statistics are preliminary and subject to further analysis and revision



8/15/10

COMPSTAT
NORTHERN PROFILE
10 TO 9

9/11/10 ng 09/11/10

| | | | | | | | | | | | | | | | i | | | | | | | | | | | | | | | | | | |
|---|-----------------|----------------------|------------------|--------------------------------------|---------------------------|---------------------|-------------|-------------------------|--------------------|------------------------------------|------|--------------------------|---------------------------------|--------------------------------------|-----------------------------------|---------------|---------|--------------|--------------------------------------|-------------------------|--------------------------|---------------------|--------------------|------------------------------|------------------------------------|---------|--------------------------|---------------------------------|--------------------------------------|-----------------------------------|----------|----------|--|
| | | | | | ļ | \RF | ≀ES | T S | - | TIŞ. | | } | - | | - | | | | | | بسب | WC CONTROL | - | | ΑT | OF HARD | - | | | ~ 1 | | | |
| אספפתר פיזמאס ואדמר | WARRANT ARRESTS | PROBATION VIOLATIONS | PAROLEVIOLATIONS | RESIST/DELAY/OBSTRUCT POLICE OFFICER | GRAFFITI/VANDALISIA/TOOLS | POSS BURGLARY TOOLS | 14601/12500 | DRIVING UNDER INFLUENCE | NARCOTIC DRUG LAWS | SEX CRIMES (EXC RAPE/PROSTITUTION) | VICE | WEAPON/FIREARM VIOLATION | RECEIVE/POSSESS STOLEN PROPERTY | EMBEZZLEMENT/FRAUD/FALSE PERSONATION | ASSAULTS/BATTERY (NON DV RELATED) | ARRESTS | | TOTAL PART 2 | RESIST/DELAY/OBSTRUCT POLICE OFFICER | MENTAL HEALTH DETENTION | GRAFFITI/VANDALISM/TODLS | POSS BURGLARY TOOLS | NARCOTIC DRUG LAWS | MISSING/FOUND PERSON/RUNAWAY | SEX CRIMES (EXC RAPE/PROSTITUTION) | VICE | WEAPON/FIREARM VIOLATION | RECEIVE/POSSESS STOLEN PROPERTY | EMBEZZLEMENT/FRAUD/FALSE PERSONATION | ASSAULTS/BATTERY (NON DV RELATED) | Part III | | - Amanda - A |
| | 37 | 1 | p | ω. | 2 | j-a | 39 | 2 | 29 | 0 | 25 | 2 | 0 | 2 | 7 | 9/11/10 | 0/45/10 | 182 | 3 | 26 | 33 | 1 | 27 | 11 | 1 | 22 | 2 | 0 | 19 | 3,4 | 9/11/10 | 8/15/10 | |
| THE REPORT OF THE PARTY OF THE | 25 | o | j.s | 3 | 2 | 0 | 177 | 0 | 153 | i | 9 | 5 | Śī | 0 | 13 | 8/14/10 | 7/18/10 | 188 | 4 | 20 | 41 | 0 | 40 | 16 | Į, | 8 | 43 | 2 | 28 | 24 | 8/14/10 | 7/18/10 | Cartinate Transfer of the second seco |
| | 48% | 3,00% | 0% | 0% | 8 | 100% | 125% | 200% | 43% | -100% | 178% | -50% | -100% | 200% | -46% | % Change | | -3% | -25% | 30% | 20% | 100% | -33% | -31% | 0% | 213% | -50% | -100% | -32% | 42% | 2000 | % Change | |
| 3 | 25 | ó | 1 | 3 | 2 | O | 17 | 0 | 51 | ,,, | 9 | 5 | v, | 0 | 13 | 70 8/14/10 | 7/18/10 | 188 | 4 | 20 | 41 | ġ | 40 | 16 | , | 8 | 4 | .2 | 28 | 24 | 8/14/10 | 7/18/10 | ******** |
| 117 | 22 | ы | 0 | 5 | 0 | 0 | 23 | | 48 | Р | 7 | .0 | 1 | 1 | co | 7/17/10 | 6/20/10 | 203 | 4 | 26 | 57 | 0 | 41 | 18 | 2 | 6 | 0 | 2 | 28 | 19 | 7/17/10 | 01/07/0 | CANAL CANCES |
| ty, | 14% | 100% | 100% | 46% | 200% | 0% | 26% | 100% | -8% | 100% | -29% | \$00% | -400% | 700% | 63% | % Change | | 1.76 | 8 | -23% | -28% | 0% | -2% | -11% | -50% | 33% | 400% | 0% | 0% | 26% | | % Change | C. (0)(0)(4)(4)(4)(4)(4)(4)(4)(4)(4)(4)(4)(4)(4) |
| 1333 | 172 | 13 | 4 | 7 | 27 | 3 | 334 | 12 | 435 | 14 | 162 | 25 | 1.7 | 15 | 93 | 2010 | GLA. | 1861 | 7 | 223 | 424 | بن | 359 | 146 | 31 | 146 | 24 | 14 | 247 | 237 | 0102 | 110 | <u>-</u> Y |
| 1693 | 198 | 01 | 16 | 12 | 46 | ,,, | 509 | -26 | 478 | 21 | 160 | 23 | 36 | 37 | 125 | l | D | 2192 | 7 | 265 | 542 | ļ. | 341 | 137 | 43 | 138 | 26 | 28 | 297 | 367 | 5002 | - | 2 |
| -21% | -13% | 160% | 7/2% | 160 | 1 45 | 200 | | -2476 | -7%- | -35% | ** | \$8 | -53% | -59% | -26% | % Change | | 415% | 8 | -7.0% | -22% | 200% | 5% | 1% | -28% | 6% | -8% | -50% | -17% | 35% | | % Change | Walker Co. |







PARK PROFILE

9/11/10

| | , 1 - | 71 1 | | | | \RF | ES. | TS | | | TIC | _ | ו וכי | F11 1 | 1 | | | 1 (Sec.) | .22 | 12 | MONTH OF THE | CHARACTER | MI | - | - | - | | | mil | <u>≽</u> I | | - | |
|--|-------------------|----------------------|-------------------|--------------------------------------|--------------------------|---------------------|-------------|-------------------------|--------------------|------------------------------------|-------|--------------------------|---------------------------------|--------------------------------------|-----------------------------------|---------------|---------|--------------|--------------------------------------|-------------------------|--------------------------|---------------------|--------------------|------------------------------|------------------------------------|------|--------------------------|---------------------------------|--------------------------------------|-----------------------------------|---------------|--|--|
| | TO DO ANT ADDRETS | PROBATION VIOLATIONS | PAROLE VIOLATIONS | RESIST/DELAY/OBSTRUCT POLICE OFFICER | GRAFFITI/WANDALISM/TOOLS | POSS BURGLARY TOOLS | 14601/12500 | DRIVING UNDER INFLUENCE | NARCOTIC DRUG LAWS | SEX CRIMES (EXC RAPE/PROSTITUTION) | VICE | WEAPON/FIREARM VIOLATION | RECEIVE/POSSESS STOLEN PROPERTY | EMBEZZLEMENT/FRAUD/FALSE PERSONATION | ASSAULTS/BATTERY (NON DV RELATED) | ARRESTS | | TOTAL PART 2 | RESIST/DELAY/OBSTRUCT POLICE OFFICER | MENTAL HEALTH DETENTION | GRAFFITI/VANDALISM/TOOLS | POSS BURGLARY TOOLS | VÁRCOTIC DRUG LAWS | MISSING/FOUND PERSON/RUNAWAY | SEX CRIMES (EXC RAPE/PROSTITUTION) | VICE | WEAPON/FIREARM VIOLATION | RECEIVE/POSSESS STOLEN PROPERTY | EMBEZZIEMENT/FRAUD/FALSE PERSONATION | ASSAULTS/BATTERY (NON DV RELATED) | Partil | The state of the s | , i |
| | 3.3 | Ö. | 0 | 4 | 1 | 1 | 22 | 2 | 24 | 0 | 3 | j.a. | 0 | o | 5 | 9/11/10 | 8/15/10 | 128 | 4 | 25 | 24 | 1 | 24 | 23 | 3 | 4 | j). | 0 | 7 | 12 | 70 9/11/10 | 8/15/10 | |
| | 7 | 0 | ó | 2 | ı | Ó | 16 | 2 | 19 | 1 | σ | О | 0 | 2 | 3 | 8/14/10 | 7/18/10 | 120 | 2 | -21 | 21 | .O | 16 | 29 | н | v | 0 | 0 | IJ | 12 | το 8/14/10 | 7/18/10 | Part II Crime S |
| | 57% | 200 | 0% | 200% | 0% | 100% | 38% | 0% | 26% | -100% | -50% | 100% | 0% | -100% | 67% | % Change | | 7% | 200% | 19% | 14% | 100% | 50% | -21% | 200% | -20% | 100% | 20% | -45% | 0% | % Change | | Part II Crime Statistics for week ending |
| 17.7 Telephone (1961) 16.00 Telephone (1961) | 7 | O | 0 | 2 | 1 | 0 | 16 | 2 | 19 | ì | 8 | Ö | o | 2 | 3 | 70 8/14/10 | 7/18/10 | 120 | 2 | 21 | 21 | Ö | 16 | 29 | د.ر | Çn. | 0 | 0 | 13 | 12 | 8/14/10 | 7/18/10 | veek ending |
| DOCUMENTANDO NO SELECTOR OF SELECTION OF SEL | 7 | O | 0 | 1 | c | 0 | 15 | 2 | 9 | 0 | ψ | 1 | ٥ | 12 | 6 | 7/17/10 | 6/20/10 | 103 | 2 | 19 | 32 | o | 10 | 15 | ji e | ω | 1 | 0 | 7 | 13 | 7/17/10 | 6/20/10 | 09/11/10 |
| and deposit and the control of the c | 0% | 0% | 0% | -100% | 100% | 8 | -7% | 250 | -111% | 100% | -100% | 100% | % | -100% | -50% | % Change | | 17% | 0% | 311% | -34% | 2%0 | 80% | 93% | 0% | 67% | -100% | 20% | 86% | -8% | % Change | | /10 |
| Control of the Contro | 8 5 | (ri | 6 | 9 | 10 | ы | 122 | 24 | 245 | 6 | 35 | 4 | 6 | 13 | 53 | 2010 | מת | 1185 | S | 150 | 251 | 1 | 208 | .251 | 13 | 34 | Ų, | 5 | 116 | 143 | 2010 | QIA | |
| WHITCH COMPANY CONTRACTOR OF THE | 95 | فيؤ | 8 | 11 | 9 | 0 | 285 | 13 | 307 | Ċ | 66 | 12 | Si | 13 | 81 | 2009 | D | 1315 | 2 | 126 | 232 | 0 | 254 | 295 | 16 | 47 | 16 | 4 | 147 | 173 | 2009 | 0 | |
| Marie fasts fractor 2760 | 8% | 400% | -25% | -18% | 21% | 100% | -42% | 85% | -20% | 20% | 47% | -57% | 20% | 0% | -35% | % Change | | 202 | \$U% | 19% | 8% | 100% | -18% | -15% | -19% | -28% | -69% | 25% | -21% | -17% | % Change | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

ARREST STATISTICS

TOTAL PART 2 ARRESTS

59

25%

59

666

895

COMPSTAT RICHMOND PROFILE 9

| | | i | RICHMOND PROFILE | PROFILE | | | | | |
|--------------------------------------|--------------|---------------|--|---------------|----------|----------|------|------|----------|
| | - | 8/15/10 | FO. | 0 | 9/11/10 | | | | (|
| | | Part II Crime | Part II Crime Statistics for week ending | reek ending | 05/11/10 | 1/10 | | | |
| | 8/15/10 | 7/18/10 | w 7-am | 7/18/10 | 6/20/10 | %Change | QI.Y | 1 | % Change |
| raites | 9/11/10 | 8/14/10 | | 8/14/10 | 7/17/10 | | coro | 2000 | |
| ASSAULTS/BATTERY (NON DV RELATED) | 19 | 10 | 90% | 10 | .9 | 11% | 117 | 111 | \$% |
| EMBEZZLEMENT/FRAUD/FALSE PERSONATION | 9 | 26 | -65% | 26 | 24 | 8% | 171 | 231 | T -26% |
| RECEIVE/POSSESS STOLEN PROPERTY | 0 | 0 | 0% | 0 | 0 | 0% | w | . 4 | -25% |
| WEAPON/FIREARM VIOLATION | 3.4 4 | Đ. | 100% | 0 | 0 | 0% | 3 | 9 | 67% |
| VICE | 2 | 3 | 33% | w | 7 | -57% | 23 | 25 | |
| SEX CRIMES (EXC RAPE/PROSTITUTION) | 4 | 1 | 300% | T T | 7 | -75% | 26 | 13 | \$25.0 |
| MISSING/FOUND PERSON/RUNAWAY | 6 | 6 | 0% | o, | 9 | -33% | 94 | 107 | 3/2% |
| MARCOTIC DRUG LAWS | 8 | 10 | -20% | 10 | 4. | 150% | 66 | 70 | 10% |
| POSS BURGLARY TOOLS | 0 | Ð | 9% | 0 | o | 0% | 0 | +- | SAOT- |
| GRAFFITI/VANDALISM/TOOLS | 43 | 33 | 30% | 33 | .28 | 18% | 262 | 269 | -2% |
| MENTAL HEALTH DETENTION | 13. | 9 | 44% | 9 | ò | 13% | 104 | 501 | 270 |
| RESIST/DELAY/OBSTRUCT POLICE OFFICER | 34 | 344 | 0% | 1 | 2 | -50% | 3 | ind. | 200% |
| TOTAL PART 2 | . 106 | . 99 | 7% | 99 | 95 | * | 872 | 955 | -9% |
| 2.53568 | 8/15/10 | 01/31/7 | X Chonese | or 01/81/7 | 6/20/10 | % Change | dly | 0 | % Change |
| | 9/11/10 | 8/14/10 | | 8/14/10 | 7/17/10 | l | | , | ne. |
| ASSAULTS/BATTERY (NON DV RELATED) | 9 | 2 | 350% | 2 | 2 | 034 | 44, | 4.2 | 48 |
| EMBEZZLEMENT/FRAUD/FALSE PERSONATION | 1.1 | 0 | 100% | 0 | 9 | 2 53 | 4 | 1 | |
| RECEIVE/POSSESS STOLEN PROPERTY | 0 | 0 | 0% | 0 | , 0 | 8 8 | | n s | 7000 |
| WEAPON/FIREARM VIOLATION | p-1 | 0 | 100% | | | 1/20 | \$ | | |
| VICE | 1 | 2 | -50% | -2 | ٥ | erna . | 7.2 | 31 | 302% |
| SEX CRIMES (EXC RAPE/PROSTITUTION) | 0 | 1 | -100% | já | 2 | 50% | 8 | 5 | aV3 |
| NARCOTIC DRUG LAWS | | 10 | -20% | 10 | ω | -233% | 73 | 91 | -202- |
| DRIVING UNDER INFLUENCE | 3 | 5 | 40% | Ś | 2 | -150% | 51 | 60 | -X-5% |
| 14501/12500 | 24 | 27 | -31% | 27 | 8 | -238% | 201 | 261 | -/3% |
| POSS BURGLARY TOOLS | 0 | 0 | 0% | 0 | 0 | 9% | 0 | 1 | -3000 |
| GRAFEITI/VANDALISM/TOOLS | -2 |) -1 | 100% | ij | 0 | 100% | 7 | 7 | 0% |
| RESIST/DELAY/OBSTRUCT POLICE OFFICER | 1 | 1. | 0% | 2- | | 2% | 2 | 1 | 100% |
| PAROLE VIOLATIONS | 0 | .0 | 0% | 0 | o | 0% | 2 | 3 | 33% |
| PROBATION VIOLATIONS | 0 | 0 | 0% | 0 | 0 | 0% | 0 | 2 | -100% |
| WARRANT ARRESTS | 4 | 2 | 100% | 2 | Þ | 100% | 35 | 36 | -5% |
| TOTAL PART 2 ARRESTS | 54 | 1.5 | 6% | 51 | 24 | 113% | 449 | 562 | -20% |
| | | | | | | | | | |

ARREST STATISTICS

CRIME STATISTICS



8/15/10 COMPSTAT TARAVAL PROFILE O TO S

01/11/60 01/11/6

| | | | | | A | RR | ES, | r s | IA. | IS. | IC. | Š | | | | | | Γ | | | | (| CRI | ME | S 1 | ΑT | IST | ICS | ; | | | | |
|--|-----------------|----------------------|-------------------|--------------------------------------|----------|------|------|------|------|------|------|-------|---------------------------------|--------------------------------------|-----------------------------------|---------|-----------|---------|--------------|--------------------------------------|-------------------------|-------------------------|---------------------|--------------------|------------------------------|-----------------------------------|------|--------------------------|---------------------------------|--------------------------------------|-----------------------------------|--------------|----------|
| | WARRANT ARRESTS | PROBATION VIOLATIONS | PAROLE VIOLATIONS | RESIST/DELAY/OBSTRUCT POLICE OFFICER | | T | | | | | | | RECEIVE/POSSESS STOLEN PROPERTY | EMBEZZLEMENT/FRAUD/FALSE PERSONATION | ASSAULTS/BATTERY (NON DV RELATED) | | ARRECTS | | TOTAL PART 2 | RESIST/DELAY/OBSTRUCT POLICE OFFICER | MENTAL HEALTH DETENTION | GRAFFIT/VANDALISM/TOOLS | POSS BURGLARY TOOLS | NARCOTIC DRUG LAWS | MISSING/FOUND PERSÖN/RUNAWAY | SEX CRIMES (EXCRAPE/PROSTITUTION) | VICE | WEAPON/FIREARM VIOLATION | RECEIVE/POSSESS STOLEN PROPERTY | EMBEZZIEMENT/FRAUD/FALSE PERSONATION | ASSAULTS/BATTERY (NON DV RELATED) | Part | |
| | 9 | o | 0. | 2 | 2 | ν. | 34 | ω | 30 | 0 | W | , A | , | | ٥ | 9/11/10 | or (51/6 | 0145/30 | 777 | 2 | 22 | 57 | р | 21 | 16 | ņ | .4 | F | 3 | 24 | 28 | 9/11/10 | 8/15/10 |
| 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1 | ÿ | o | 0 | .1 | 2 | 0 | 25 | 0 | 7 | o | :3 | 2 | 1 | 1 | 5 | 8/14/10 | or for 7, | 7/20/10 | 152 | 1 | 22 | \$6 | 0 | ¢¢. | 28 | 0 | 4 | 5 | 1 | 24 | 13 | % 8/14/10 | 7/18/10 |
| STORY THE STORY OF | 200% | 0% | 0% | 100% | 0% | 200% | 36% | 300% | 329% | 0% | 0% | -50% | 0% | 0% | 60% | | % Change | | 16% | 300% | 9% | 24% | 100% | 163% | 43% | 9% | 8% | -80% | 8 | 0% | 215% | % cnange |) |
| | ŧν | o | 0 | | 2 | 0 | 25 | 0 | 7 | O | ω | 2 | ,, | | 5 | 8/14/10 | 10 | 7/18/10 | 152 | j | 22 | 46 | 0 | | 28 | 0 | 4 | 5 | 1 | 24 | 13 | 8/14/10 | 7/18/10 |
| | 69 | 0 | 0 | 4 | 1 | o | 24 | 3 | 7 | þ | 0 | ,,, | 0 | 1 | 7 | 7/17/10 | 15 TO | 6/20/10 | 185 | نبر | 28 | 60 | 0 | 7 | 20 | 3 | 4 | 2 | 0 | 37 | 23 | 7/17/10 | 6/20/10 |
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Gavin Newsom

FOR IMMEDIATE RELEASE:

Wednesday, September 22, 2010 Contact: Mayor's Office of Communications, 415-554-6131

*** PRESS RELEASE ***

MAYOR NEWSOM ANNOUNCES NEW CITY INCENTIVES TO KEEP PEOPLE EMPLOYED THROUGH LOCAL JOBS NOW! PROGRAM

City to offer local version of Jobs NOW! to incentivize private sector employment, boost local economy if Congress fails to extend successful federal stimulus-funded program set to expire September 30th.

San Francisco, CA— Mayor Gavin Newsom and San Francisco Human Services Agency (HSA) Director Trent Rhorer today announced new local incentives and private sector wage subsidies to continue a modified version of the highly successful Jobs NOW! program – which has put more than 4,100 San Francisco parents back to work – if Congress fails to extend stimulus funding for subsidized employment programs by September 30th. If Congress allows funding for Jobs NOW! and similar programs around the country to expire, nearly a quarter million low-income Americans will be at risk of unemployment come October 1st.

"Economists may tell us the recession is technically over, but a jobless economic recovery is no recovery at all to parents out-of-work," said Mayor Newsom. "Jobs NOW! has subsidized thousands of private sector jobs so we can offer people the dignity of a paycheck and a job instead of unemployment. We still call on Congress to extend this highly successful federal stimulus program, but if Washington won't act, San Francisco will step up to offer new local incentives for private sector employers to keep people working and our economy growing."

The City's proposed modified version of the Jobs NOW! program would provide private sector employers who qualify with a \$2,500 wage subsidy for each new hire, with a goal of placing up to 1,740 Jobs NOW! workers who lose their jobs after September 30th with a new employer through at least the remainder of the current fiscal year (through June 30, 2011). Employers who have already received a subsidy through the Jobs NOW! program will only be eligible for a new subsidy if they retain their original hires. Ongoing opportunities will also be available for public agencies and nonprofits to hire through the program, but will be structured somewhat differently. Interested employers should call 1-877-JOB1-NOW or 311 for more information. The new version of the program will target two groups of job seekers: those individuals who already secured public sector and transitional employment through Jobs NOW! but will be laid off on October 1st, and participants in the CalWORKs welfare-to-work program.

"Jobs NOW! gives families the pride of work instead of welfare. This is a federal stimulus program that works, and while our local incentives are no substitute for an extension of federal stimulus funds, we all benefit from keeping people employed," said HSA Director Trent Rhorer.

Mayor Newsom also announced that he will be sending the Board of Supervisors a request to appropriate \$2.1 million from within the City's General Fund budget to support the initiative, which will leverage additional state and federal funds already appropriated.



Gavin Newsom

San Francisco's innovative and nationally recognized JOBS NOW! program is administered by the San Francisco Human Services Agency (SF-HSA) and was launched in May 2009 with federal funds made available through the American Recovery and Reinvestment Act (ARRA). Successes to date include the following:

- 4,127 job placements have been made since May 2009.
- Over 800 employers, many of whom are local small business owners, have been able to hire despite the recession.
- Approximately \$55 million dollars in wages have been pumped into the San Francisco economy.
- 82% of participating employers report that their businesses run more efficiently and 72% reported increased sales as a result of the Jobs NOW! program.

###



Gavin Newsom

September 21, 2010

Angela Calvillo Clerk of the Board, Board of Supervisors

San Francisco City Hall 1 Carlton B. Goodlett Place San Francisco, California 94102

Dear Ms. Calvillo:

Pursuant to Administrative Code §24.1-1, I nominate Leroy King for reappointment to the San Francisco Redevelopment Agency Commission.

Leroy King is nominated for reappointment to his same seat, to serve a fouryear term ending September 3, 2014. Please see the attached biography which will illustrate that Leroy King's qualifications allow him to represent the communities of interest, neighborhoods and diverse populations of the City and County.

Should you have any questions, please contact my liaison to commissions, Matthew Goudeau, at 415-554-6674.

Savin Newsom Mayqı

> 1 Dr. Carlton B. Goodlett Place, Room 200, San Francisco, California 94102-4641 gavin.newsom@sfgov.org • (415) 554-6141



Notice of Appointment

September 21, 2010

RECEIVED

ARD OF SUPERVISORS

AND SEP 21 PM 4: 07

Honorable Board of Supervisors:

Pursuant to Administrative Code §24.1-1, I nominate Leroy King for reappointment to the San Francisco Redevelopment Agency Commission.

Leroy King is nominated for reappointment to his same seat, to serve a four-year term ending September 3, 2014.

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

I encourage your support and am pleased to advise you of this appointment.

Gavin Newsom

Mayor

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MOTION NO.

Mayor Newsom
BOARD OF SUPERVISORS

[Confirming the reappointment of Leroy King to the San Francisco Redevelopment Agency]

Motion confirming the reappointment of Leroy King to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2014.

MOVED, That the Board of Supervisors of the City and County of San Francisco does hereby confirm the appointment by the Mayor of the following designated person as a member of the San Francisco Redevelopment Agency, pursuant to Section 33110 of the California Health and Safety Code, for the term specified:

Leroy King, reappointment, for a four-year term ending September 3, 2014.

LEROY KING

Mr. King is a long-time civic and public affairs leader in San Francisco and served as the past Northern Regional Director of the International Longshoremen's and Warehousemen's Union (ILWU) for over 30 years. In 1946, Mr. King became a member of Local 6, the International Longshoremen and Warehouse Union. In the 1950s he worked with a coalition of White and Black members to overturn a system that guaranteed the election of only Whites to union office.

Mr. King was one of the founders and past presidents of the St. Francis Square Cooperative Housing development which opened in 1963 in the Fillmore District and was a national model for creating racially integrated housing for working families. Mr. King and his family moved into the project when it opened, and he continues to live there today in a four-generation household.

Mr. King was often credited for bringing Martin Luther King Jr. to the Bay area for a civil rights rally in 1967, and is a staunch supporter of unions and of the late civil rights activist Cesar Chavez. On July 2, 2009, Speaker Nancy Pelosi, on behalf of the NEA Human and Civil Rights Awards program which honors individuals and organizations that promote peace and advance social and economic justice for all people, awarded Mr. King with the Martin Luther King Jr. Memorial Award which emulates Mr. King's inclusive leadership and nonviolent philosophy.

Mr. King was appointed to the San Francisco Redevelopment Agency Commission in 1980, and has served with distinction, excellence, and commitment to the Agency's mission of promoting community, economic and physical development in blighted neighborhoods, and preserving and developing affordable housing for all of San Francisco. He has supported and adopted numerous redevelopment plans and specific development projects that have improved, and will continue to improve, the economic vitality, urban landscape, and quality of life in San Francisco. With his oversight and approval, the Agency adopted the Transbay, Bayview Hunters Point, and Visitacion Valley Redevelopment Plans, and most recently, the approval of the integrated mixed use project at Candlestick Point and Phase 2 of the Hunters Point Shipyard. These long term development plans commit the City and the Agency to use the significant powers under redevelopment law to create positive changes in blighted areas where tens of thousands of San Franciscans live and work.

With Mr. King's support, the Agency financed and developed thousands of units of affordable housing, including housing for the chronically homeless, seniors, low income families, persons living with HIV/AIDS, and others with special needs, and implemented its policy committing 50% of tax increment funds to affordable housing. Mr. King has been a staunch proponent of business and economic development for San Francisco's minority and woman-owned business enterprises. He supported the development of the Fillmore Heritage mixed-use development, new cultural institutions including the Museum of the African Diaspora, the Jazz Heritage Center, the Contemporary Jewish Museum, Bindlestiff, the Filipino Cultural Center, the proposed Mexican Museum, and significant community and economic revitalization of the Sixth Street corridor.

Mr. King is the longest serving Commissioner in the City and County of San Francisco.

His memberships include the National Association for the Advancement of Colored People (NAACP), the Western Addition Co-op Council, and the San Francisco Labor Assembly for Community Action and the Black Trades Union, State Democratic Party for the last 60 years.



Office of the Public Defender City and County of San Francisco

Jeff Adachi Public Defender Teresa Caffese Chief Attorney

September 20, 2010

To: Tamra Winchester

From: Yuko Osaka

Bookkeeper

Re: HRC Form 201 for Chevron USA, Inc.

Dear Tamra;

Please approve the 12B waiver request for Chevron. There are no compliant sources available other than, Olympian. Olympian cannot serve our Department needs because our Employee's travels outside of San Francisco Where Olympian stations are not widely available.

Thank you.



CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B
WAIVER REQUEST FORM

| 18 . 63 | (HRC Form 201) | FOR HRC USE ONLY |
|---|---|---|
| Section 1. Department Information | $\mathcal{A}_{\mathcal{A}}$ | Request Number: |
| Department Head Signature: | | |
| Name of Department: Off | fice of the Public Defender | |
| Department Address: 555 Seven | nth Street, San Francisco, CA 94103 | |
| Contact Person: Yuko Osak | | 7 2016 BOA |
| Phone Number: (415) 558 - | 249 ⁴ Fax Number: (415) 553 - 1607 | SE SE |
| Section 2. Contractor Information | | 72 201 |
| Contractor Name: Chevron US | 5A, Inc. | Vendor No. 04877 |
| Contractor Address: P. O. Box | 2001 Concord, CA 94529 - 0001 | SC SE |
| Contact Person: | Contact Phone No.: 1-0 | (800) 243 - 8785 9 |
| Section 3. Transaction Information | n | |
| Date Waiver Request Submitted: | 9/20/10 Type of Contract: Ga | soline Unleaded |
| Contract Start Date: 10/1/10 | End Date: 6/30/11 Dollar Am | ount of Contract: \$4,500.00 |
| Section 4. Administrative Code Ch X Chapter 12B Chapter 14B Note: Employn | ment and LBE subcontracting requirements may | |
| Chapter 12B Chapter 14B Note: Employment (type A or B) is grant Section 5. Waiver Type (Letter of A. Sole Source B. Emergency (pursuant to C. Public Entity X D. No Potential Contractors E. Government Bulk Purchate F. Sham/Shell Entity — Coptions | ment and LBE subcontracting requirements may | still be in force even when a 14B st on back of page.) of Supervisors on: _9/20/10 b Board of Supervisors on: |
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Copies of this form are available at: http://intraneu.

2009 Directory of Social Services for Women in San Francisco

San Francisco
Commission and Department
on the Status of Women

Mayor Gavin Newsom



Request file 101226 to view full document

Board of Supervisors/BOS/SFGOV 09/20/2010 05:38 PM To BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,

CC

bcc

Subject File 100865: Alcohol Tax



Marika <meeko333@comcast.net> 09/13/2010 01:59 PM

To Board.of.Supervisors@sfgov.org

cc jason@cerrell.com

Subject Alcohol Tax

Dear Madams and Sirs,
My name is David Gordon and I work for Matagrano, Inc, the local family owned business,
which sells Budweiser products. Although, I have work for this company for twelve years,
I am and many others I work with, are in fear of losing our jobs and/or reduced wages which comes in lew of incentive pay, about twelve thousand dollars in lost wages. We are facing a five to ten percent sales decline over the next year if this passes. Not only does this effect local business, but a lose of sales use tax too. It seems you gain in one area but loose in another.

I'm not writing this because I drink alcohol. The fact is I haven't drank in over six years. The state of ca did not pay for this when I went to rehab nor the local government of San Mateo. The Matagrano Distributor that I work for helped out with cost and a alcohol abuse program they are tied in with. There is a blessing with "big alcohol".

My sales route is the Castro area. When I talk with the local business owners of the area they talk about a new age bootlegging system. Rather then getting the beer from us, they seem to already have devised a plan of getting it elsewhere, like the Penisula, East Bay, Costco. Although, this is illegal to do so, they will. They, the businesses of the Castro also seem to think that out of town vendors or bootleggers will be delivering the alcohol that is purchased somewhere other than San Francisco. Mark my word this will happen and the lose is yours I can be reached via email at gordo3333@gmail.com
Or via phone 6502673916

34th AC
Brad Copper
to:
Board.of.Supervisors@sfgov.org
09/26/2010 09:15 AM
Show Details

Bring the cup to SF !!!!!



America's Cup Matt Thul to: Board.of.Supervisors

09/24/2010 07:40 AM

It's been quite a few years since our most recent visit to San Francisco. We hope you can work things out to host the America's Cup -- it's one of very few things for which we'd endure another cross-country trip.

Matt & Betty Thul



Parking meters

David Chui to: mtaboard@sfmta.com, gavin.newsom@sfgov.org, board.of.supervisors@sfgov.org

09/25/2010 07:44 AM

Please do not extend meters until 10pm or on Sundays. Thank you.

Office of the Mayor
City & County of San Francisco



Origi Joy, BOS-11 (eg Dep COB, Cily Atthy Rules Cluk, cpage Gavin Newsom Ex File

Notice of Appointment

September 24, 2010

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

Dear Ms. Calvillo:

Pursuant to Charter §4.114, I nominate F.X. Crowley for appointment to the San Francisco Port Commission.

F.X. Crowley is appointed to succeed Michael Hardeman for a four-year term ending May 1, 2014. Please see the attached biography which will illustrate that F.X. Crowley's qualifications allow him to represent the communities of interest, neighborhoods and diverse populations of the City and County.

Should you have any questions, please contact my liaison to commissions, Matthew Goudeau, at 415,554-6674.

Sincerely

Gavin Newsom

Mayor

2010 SEP 24 PM 1

BOARD OF SUPERVISORS
SAN FRANCISCO

OFFICE OF THE MAYOR SAN FRANCISCO



Notice of Appointment

September 24, 2010

Honorable Board of Supervisors:

Pursuant to Charter §4.114, I nominate F.X. Crowley for appointment to the San Francisco Port Commission.

F.X. Crowley is appointed to succeed Michael Hardeman for a four-year term ending May 1, 2014.

I am confident that F.X. Crowley will serve our community well. Attached are his qualifications to serve, which demonstrate how the appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

I encourage your support and am pleased to advise you of this appointment.

Gavin Newsom

Mayor

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[Resolution confirming the appointment of F.X. Crowley to the Port Commission, term ending May 1, 2014]

Resolution confirming the appointment of F.X. Crowley to the Port Commission, term ending May 1, 2014.

RESOLVED, That the Board of Supervisors of the City and County of San Francisco does hereby confirm the reappointment by the Mayor of the following designate to serve as a member of the San Francisco Port Commission, pursuant to the provisions of the California Health and Safety Code, Section 33110, for the term specified:

F.X. Crowley, succeeding Michael Hardeman, for a four-year term ending May 1, 2014.

Mayor Newsom
BOARD OF SUPERVISORS

Page 1 9/24/2010

Francis X. Crowley

Francis X. Crowley is President of the Commission. He has over 20 years of experience in the theatrical and motion picture industry. Mr. Crowley is the Business Manager/Secretary for the International Alliance of Theatrical Stage Employees (IATSE), Moving Picture Technicians, Artists and Allied Crafts, Local 16 in San Francisco. He represents 1,500 theatrical, stage, film and convention technicians in San Francisco, the North Bay and Peninsula.

Commissioner Crowley has also served as President and Assistant Business Agent for Local 16 as well as Chairman of the IATSE District 2 Resolutions Committee. He is a member of the San Francisco Labor Council Executive Committee, a Trustee for the San Francisco Maritime Trades Council, a Member of the Hotel Council of San Francisco and the San Francisco Convention & Visitors Bureau, and sits on the Treasure Island Citizens Advisory Board. He is a graduate of California State University, Long Beach, where he earned his BA in Radio/Television Broadcast. Commissioner Crowley was appointed to the San Francisco Public Utilities Commission by Mayor Newsom on February 22, 2008.

COMMISSIONERS
Jim Kellogg, President
Discovery Bay
Richard Rogers, Vice President
Montecito
Michael Sutton, Member
Monterey
Daniel W. Richards, Member
Upland
Michael Sutsos, Member

Sonoma



JON K. FISCHER
ACTING EXECUTIVE DIRECTOR
1416 Ninth Street
Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax
fgc@fgc.ca.gov

STATE OF CALIFORNIA

Fish and Game Commission

September 23, 2010

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 SEP 24 PM 3: 36
By Lu

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of the notice of proposed emergency regulatory action relating to incidental take of Mountain yellow-legged frog.

Sincerely,

Sherrie Fonbuena

Associate Governmental Program Analyst

Attachments

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 240, and 2084, of the Fish and Game Code (FGC) and to implement, interpret or make specific sections 200, 202, 205, 240, 2080, 2084, and 2085 of said Code, proposes to add Section 749.6, Title 14, California Code of Regulations (CCR), relating to incidental take of mountain yellow-legged frog (*Rana muscosa* and *Rana sierrae*) ("MYLF") during candidacy period.

Informative Digest/Policy Statement Overview

The sections below describe laws relating to listing species under CESA, the effect of this emergency regulation, a description of related federal law, and a policy statement overview.

A. Laws Related to the Emergency Regulation - Listing under CESA

1. Petition and Acceptance

Fish and Game Code section 2070 requires the Commission to establish a list of endangered species and a list of threatened species. Any interested person may petition the Commission to add a species to the endangered or threatened list by following the requirements in Fish and Game Code sections 2072 and 2072.3. If a petition is not factually incomplete and is on the appropriate form, it is forwarded to the Department of Fish and Game (Department) for evaluation.

Fish and Game Code section 2073.5 sets out the process for accepting for further consideration or rejecting a petition to list a species and, if the petition is accepted, a process for actually determining whether listing of the species as threatened or endangered is ultimately warranted. The first step toward petition acceptance involves a 90-day review of the petition by the Department to determine whether the petition contains sufficient information to indicate that the petitioned action may be warranted. The Department prepares a report to the Commission that recommends rejection or acceptance of the petition based on its evaluation.

Fish and Game Code section 2074.2 provides that, if the Commission finds that the petition provides sufficient information to indicate that the petitioned action may be warranted, the petition is accepted for consideration and the species that is the subject of the petition becomes a "candidate species" under CESA. CESA prohibits unauthorized take of a candidate species. Fish and Game Code section 86 states "take" means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. Killing of a candidate, threatened, or endangered species under CESA that is incidental to an otherwise lawful activity and not the primary purpose of the activity constitutes take under state law. (*Department of Fish and Game v. Anderson-Cottonwood Irrigation District* (1992) 8 Cal.App.4th 1554; see also Environmental Protection and Information Center v. California Dept. of Forestry and Fire Protection (2008) 44 Cal.4th 459, 507 (in the context of an ITP issued by the Department under CESA the California Supreme Court stated, "'take' in this context means to catch, capture or kill").)

CESA's take prohibition applies to candidate species pursuant to Fish and Game Code section 2085 upon public notice by the Commission of its finding that sufficient information exists to indicate the petitioned action may be warranted. Upon publication of such notice in the

California Regulatory Notice Register, take of candidate species is prohibited absent authorization as provided in the Fish and Game Code. Following such notice, all activities, whether new or ongoing, that cause incidental take of the candidate species are in violation of CESA unless the take is authorized in regulations adopted by the Commission pursuant to Fish and Game Code section 2084 or the Department authorizes the take through the issuance of an ITP or other means available pursuant to the Fish and Game Code.

2. Status Review and Final Action on the Petition

The Commission's acceptance of a petition initiates a 12-month review of the species' status by the Department, pursuant to Fish and Game Code section 2074.6. This status review helps to determine whether the species should be listed as threatened or endangered. Unlike the Department's initial evaluation, which focuses largely on the sufficiency of information submitted in the petition, the 12-month status review involves a broader inquiry into and evaluation of available information from other sources. The Commission is required to solicit data and comments on the proposed listing soon after the petition is accepted, and the Department's written status report must be based upon the best scientific information available.

Within 12 months of the petition's acceptance, the Department must provide the Commission a written report that indicates whether the petitioned action is warranted. (Fish & G. Code, § 2074.) The Commission must schedule the petition for final consideration at its next available meeting after receiving the Department's report. (*Id.*, § 2075.) In its final action on the petition, the Commission is required to decide whether listing the species as threatened or endangered "is warranted" or "is not warranted." (*Id.*, § 2075.5.) If listing is not warranted in the Commission's judgment, controlling authority directs the Commission to enter that finding in the public record and the subject species is removed from the list of candidate species. (*Id.*, § 2075.5(1); Cal. Code Regs., tit. 14, § 670.1, subd. (i)(2).)

B. Effect of the Emergency Action

Section 749.6 of Title 14 of the California Code of Regulations would authorize and provide for take of MYLF during its candidacy subject to the following terms and conditions:

(a) Take Authorization.

The Commission authorizes the take of Mountain yellow-legged frog during the candidacy period subject to the terms and conditions herein.

- Scientific, Education or Management Activities.
 Take of Mountain yellow-legged frog incidental to scientific, education or management activities is authorized.
- (2) Scientific Collecting Activities.

 Take of Mountain yellow-legged frog authorized by a scientific collecting permit issued by the Department pursuant to California Code of Regulations, Title 14, section 650 or a recovery permit issued by a federal wildlife agency pursuant to United States Code, Title 16, section 1539(a)(1)(A) is authorized.

- (3) Actions to Protect, Restore, Conserve or Enhance. Take of Mountain yellow-legged frog incidental to otherwise lawful activities initiated to protect, restore, conserve or enhance a state or federally threatened or endangered species and its habitat is authorized.
- (4) Fish Hatchery and Stocking Activities. Take of Mountain yellow-legged frog incidental to fish hatchery and related stocking activities consistent with the project description and related mitigation measures identified in the Department of Fish and Game (Department) and U.S. Fish & Wildlife Service Hatchery and Stocking Program Joint Environmental Impact Report/Environmental Impact Statement (SCH. No. 2008082025), as certified by the Department on January 11, 2010, is authorized.
- (5) Wildland Fire Response and Related Vegetation Management. Take of Mountain yellow-legged frog incidental to otherwise lawful wildland fire prevention, response and suppression activities, including related vegetation management, is authorized.
- (6) Water Storage and Conveyance Activities
 Take of Mountain yellow-legged frog incidental to otherwise lawful water storage and conveyance activities is authorized.
- (7) Forest Practices and Timber Harvest.
 Incidental take of Mountain yellow-legged frog is authorized for otherwise lawful timber operations. For purposes of this authorization, an otherwise lawful timber operation shall mean a timber operation authorized or otherwise permitted by the Z'Berg Nejedly Forest Practice Act (Pub. Resources Code, Section 4511 et seq.), the Forest Practice rules of the Board of Forestry, which are found in Chapters 4, 4.5 and 10 of Title 14 of the California Code of Regulations or other applicable law. The Z'Berg Nejedly Forest Practice Act and Forest Practice Rules can be found at the following website: http://www.fire.ca.gov/resource_mgt/resource_mgt_forestpractice.php.
- (b) Reporting.

Any person, individual, organization, or public agency for which incidental take of Mountain yellow-legged frog is authorized pursuant to subdivision (a), shall report observations and detections of Mountain yellow-legged frog, including take, to the Department of Fish and Game on a semi-annual basis during the candidacy period. Observations, detections, and take shall be reported pursuant to this subdivision to the Department of Fish and Game, Fisheries Branch, Attn: Mountain yellow-legged frog observations, 830 S St., Sacramento, CA 95811, or by email submission to mylfdata@dfg.ca.gov. Information reported to the Department pursuant to this subdivision shall include as available: a contact name; the date and location (GPS coordinate preferred) of the observation, detection, or take; and details regarding the animal(s) observed.

- (c) Additions, Modifications or Revocation.
 - (1) Incidental take of Mountain yellow-legged frog from activities not addressed in this section may be authorized during the candidacy period by the Commission pursuant to

Fish and Game Code section 2084, or by the Department on a case-by-case basis pursuant to Fish and Game Code section 2081, or other authority provided by law.

(2) The Commission may modify or repeal this regulation in whole or in part, pursuant to law, if it determines that any activity or project may cause jeopardy to the continued existence of Mountain yellow-legged frog.

C. Existing, Comparable Federal Regulations or Statutes

The Federal Endangered Species Act ("FESA") (16 U.S.C. § 1531 et seq.) includes a listing process that is similar to the listing process under CESA, except that take of a candidate species is not prohibited under FESA. The U.S. Fish & Wildlife Service ("Service") designated the southern California population of MYLF (*Rana muscosa*) as a distinct population segment and listed it as an endangered species under FESA on July 2, 2002. (67 Fed.Reg. 44382.) In January 2003, the Service determined that listing the Sierra Nevada populations of MYLF (*Rana sierrae*) as endangered was warranted, but precluded by other higher priority listing actions. (68 Fed.Reg. 2283.) MYLF (*Rana sierrae*) remains a candidate under FESA based on the Service's "warranted but precluded" finding and take of the species under FESA is not currently prohibited.

FESA Section 4(d) (16 U.S.C. § 1533, subd. (d)) is similar in some respects to Fish and Game Code section 2084. Section 4(d) authorizes the Service or the National Marine Fisheries Service (NMFS) to issue protective regulations prohibiting the take of species listed as threatened. These regulations, also called "4(d) rules," may include any or all of the prohibitions that apply to protect endangered species and may include exceptions to those prohibitions. The 4(d) rules give the Service and NMFS the ability to craft comprehensive regulations to apply to particular activities that may result in take of a threatened species in a manner similar to the Commission's authority to prescribe terms and conditions pursuant to FGC section 2084 during the species' candidacy period. Here, no 4(d) rules have been promulgated for MYLF (*Rana sierrae*) because the "warranted but precluded" finding by the Service did not yet effectuate the designation of MYLF (*Rana sierrae*) as a federally listed threatened or endangered species.

D. Policy Statement Overview

The objective of this emergency regulation is to allow specified activities to continue on an interim basis, subject to the measures in the regulation designed to protect MYLF, pending final action by the Commission under CESA related to the proposed listing. The Department's evaluation of the species during the candidacy period will result in the status report described in Section A.2 above. The status report provides the basis for the Department's recommendation to the Commission before the Commission takes final action on the petition and decides whether the petitioned action is or is not warranted.

The regulations as proposed are attached to this notice. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.fgc.ca.gov.

Section 240 Finding

Pursuant to the authority vested in it by FGC Section 240 and for the reasons set forth in the attached "Statement of Emergency Action," the Commission expressly finds that the adoption of this regulation is necessary for the immediate conservation, preservation, or protection of fish

and wildlife resources, and for the immediate preservation of the general welfare. The Commission specifically finds that the adoption of this regulation will allow activities that may affect MYLF to continue during the candidacy period as long as those activities are conducted in a manner consistent with the protections specified in this regulation.

Public Comments on Proposed Emergency Regulations

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

In order to be considered, public comments on proposed emergency regulations must be submitted in writing to the Office of Administrative Law (OAL), 300 Capitol Mall, Room 1250, Sacramento, CA 95814; AND to the Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814, or via fax to (916) 653-5040 or via e-mail to fgc@fgc.ca.gov. Comments must identify the emergency topic and may address the finding of emergency, the standards set forth in sections 11346.1 and 11349.1 of the Government Code and Section 240 of the Fish and Game Code. Comments must be received within five calendar days of filing of the emergency regulations. Please refer to OAL's website (www.oal.ca.gov) to determine the date on which the regulations are filed with OAL.

Impact of Regulatory Action

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

(a) Costs/Savings in Federal Funding to the State:

The Commission has determined that the adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation pursuant to FGC section 2084 will not result in costs or savings in federal funding to the State.

(b) Nondiscretionary Costs/Savings to Local Agencies:

The Commission has determined that adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation pursuant to Fish and Game Code section 2084 will likely provide cost savings to local agencies in an undetermined amount. In the absence of the emergency regulation, the Department would have to authorize take of MYLF on a project-by-project basis, which is both time-consuming and costly to local agencies seeking take authorization. Without this emergency regulation, many routine and ongoing otherwise lawful wildfire suppression and response activities; water management and conveyance activities; restoration, conservation and enhancement actions; scientific research, monitoring and management activities; and forest practices and timber harvest activities would be delayed, or cancelled entirely while awaiting the necessary CESA authorization or ultimate listing determination by the Commission. These delays and cancellations would cause great economic

harm to persons already lawfully engaged in such activities, their employees, their local communities, and the State of California, especially during the current economic crisis.

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

The Commission has determined that the adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation does not impose a mandate on local agencies or school districts.

- (d) 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; and
- (e) Effect on Housing Costs:

The Commission has determined that the adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation will not result in any cost to any local agency or school district for which Government Code sections 17500 through 17630 require reimbursement and will not affect housing costs.

(f) Costs or Savings to State Agencies

The Commission has determined that adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation pursuant to Fish and Game Code section 2084 will likely provide cost savings to state agencies in an undetermined amount. In the absence of the emergency regulation, the Department would have to authorize take of MYLF on a project-by-project basis, which is both time-consuming and costly for both the Department in processing and authorizing such take, as well as to state agencies seeking take authorization. Without this emergency regulation, many routine and ongoing otherwise lawful wildfire suppression and response activities; water management and conveyance activities; restoration, conservation and enhancement actions; scientific research, monitoring and management activities; and forest practices and timber harvest activities would be delayed, or cancelled entirely while awaiting the necessary CESA authorization or the ultimate listing decision by the Commission. These delays and cancellations would cause great economic harm to persons already lawfully engaged in such activities, their employees, their local communities, and the State of California, especially in light of the current economic crisis.

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

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: September 23, 2010

Jon K. Fischer Acting Executive Director

FISH AND GAME COMMISSION STATEMENT OF EMERGENCY ACTION

Emergency Action to Add Section 749.6, Title 14, CCR,
Re: Special Order Relating to Incidental Take of Mountain-Yellow Legged Frog
(Rana muscosa and Rana sierrae) During Candidacy Period

I. INTRODUCTION

The Fish and Game Commission ("Commission") as established by the Constitution of the State of California has exclusive statutory authority to designate species protected by the California Endangered Species Act ("CESA") (Fish & G. Code, § 2050 et seq.). (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070.) As described in greater detail below, CESA authorizes the Commission to establish lists of threatened and endangered species, and to add or remove species from those lists if it finds, upon receipt of sufficient scientific information, that the action is warranted. Pursuant to section 2084 of the Fish and Game Code, the Commission may authorize, subject to the terms and conditions it prescribes, the taking of any species designated as a candidate for listing under CESA. Pursuant to controlling statutory authority, the candidacy period under CESA generally runs for a 12-month period. (See generally Id., §§ 2074.6, 2080, 2085.) The Commission has relied on the authority in section 2084 to permit take of candidate species on eight previous occasions: in 1994 for the southern torrent salamander; in 1994 for the coho salmon south of San Francisco; in 1997 and 1998 for the spring-run chinook salmon; in 2000 for coho salmon throughout its range in California; in 2002 for the Xantus's murrelet; in 2008 for the longfin smelt; in 2009 for the California tiger salamander; and in 2009 for the Pacific fisher.

On September 15, 2010, the Commission determined that the listing of Mountain yellow-legged frog (MYLF) may be warranted. The Commission's determination designates MYLF as a candidate species under CESA and notice of the Commission's finding will be published in the California Regulatory Notice Register. The Commission has prepared this Emergency Action Statement under the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) in connection with its subsequent adoption of section 749.6 of Title 14 of the California Code of Regulations. The Commission's adoption of section 749.6 as an emergency action under the APA is based, in part, on authority provided by Fish and Game Code sections 240 and 2084. Pursuant to the latter section, the emergency regulation adopted by the Commission, section 749.6, authorizes incidental "take" of MYLF during candidacy, subject to certain terms and conditions prescribed by the Commission. (See generally Fish & G. Code, §§ 86, 2080, 2084, 2085.)

As set forth below, the Commission designated MYLF as a candidate species under CESA and found that adoption of section 749.6 pursuant to Fish and

Game Code sections 240 and 2084 constitutes a necessary emergency action by the Commission under the APA. In the absence of this emergency regulation, individuals engaging in activities authorized pursuant to section 749.6 would need to obtain an incidental take permit ("ITP") or other authorization from the Department of Fish and Game ("Department") on a project-by-project basis to avoid potential criminal liability for violating CESA should take occur. The issuance of individual ITPs authorizing incidental take is a complicated and lengthy process, and the Commission finds specifically that it is not feasible for the regulated community to obtain, and the Department to issue, ITPs or other authorizations on a project-by-project basis for the numerous activities that would otherwise be prohibited during the candidacy period for MYLF. Without this emergency regulation, prospective permittees, by any reasonable measure, would be subject to CESA's take prohibition without an ability to obtain the necessary state authorization during the candidacy period. As a practical matter, activities that result in the take of MYLF would be prohibited and could not be implemented pending final action by the Commission on the listing petition, an action whereby MYLF may or may not be listed as endangered or threatened under CESA. As a result, many projects that are planned or underway that may provide economic, scientific, conservation, and/or other benefits to the State of California, its residents and their communities, and the State's natural resources would be postponed during the candidacy period or canceled entirely. The Commission finds this threatened result constitutes an emergency under Fish and Game Code section 240 and the APA requiring immediate action, especially against the backdrop of the economic crisis currently faced by the State of California.

II. BACKGROUND

On January 27, 2010, the Commission received a petition from the Center for Biological Diversity ("Center") to list MYLF as an endangered species under CESA. (Cal. Reg. Notice Register 2010, No. 9-Z, p. 333 (February 26, 2010).) In June 2010, the Department provided the Commission with a written evaluation of the petition pursuant to FGC section 2073.5, indicating the Department believed that the petition provided sufficient information to indicate the petitioned action may be warranted. On September 15, 2010, at a public meeting in McClellan, California, the Commission considered the petition, the Department's evaluation report and recommendation, and other information presented to the Commission and determined sufficient information exists to indicate the petitioned action may be warranted. In so doing, the Commission accepted the Center's petition for further review and designated MYLF as a candidate species under CESA. The Commission expects to publish notice of its finding as required by law on or about October 1, 2010, at which time "take" of MYLF as defined by the Fish and Game Code will be prohibited, except as authorized by law. (See Fish & G. Code, §§ 86, 2074.2, subds. (a)(2), (b), 2080, 2085.)

On September 15, 2010, the Commission also adopted section 749.6 as an emergency action under the APA (Gov. Code, § 11340 et seq.), as well Fish and Game Code section 240. In the absence of the take authorization provided by section 749.6, or as otherwise provided under existing law, take of MYLF will be prohibited by CESA and unauthorized take will be subject to criminal liability and potential prosecution under state law. Under the APA, upon approval by the Office of Administrative Law, section 749.6 will remain in effect initially for six months beginning on or about October 1, 2010.

III. FACTS CONSTITUTING THE NEED FOR EMERGENCY ACTION

The APA defines an "emergency" to mean "a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare." (Id. § 11342.545.) To make a finding of emergency, the agency must describe the specific facts supported by substantial evidence that demonstrate the existence of an emergency and the need for immediate adoption of the proposed regulation. (Id., § 11346.1, subd. (b)(2).) Some of the factors an agency may consider in determining whether an emergency exists include: (1) the magnitude of the potential harm, (2) the existence of a crisis situation, (3) the immediacy of the need, i.e., whether there is a substantial likelihood that serious harm will be experienced unless immediate action is taken, and (4) whether the anticipation of harm has a basis firmer than simple speculation. The Commission has considered all of these factors and the definition of an emergency provided in the APA, as well as pertinent authority in Fish and Game Code section 240. Under this latter authority, notwithstanding any other provision of the Fish and Game Code, the Commission may adopt an emergency regulation where doing so is necessary for the immediate conservation, preservation, or protection of fish and wildlife resources, or for the immediate preservation of the general welfare. The Commission finds that such necessity exists in the present case.

Section 749.6 authorizes incidental take of MYLF during candidacy for seven categories of activities:

- In connection with scientific, education or management activities.
- In connection with activities authorized pursuant to a scientific collecting permit issued by the Department or a recovery permit issued by a federal wildlife agency pursuant to United States Code, Title 16, section 1539, subdivision (a)(1)(A).
- In connection with otherwise lawful activities initiated to protect, restore, conserve or enhance any state or federally threatened or endangered species and its habitat.
- In connection with fish hatchery and stocking operations consistent with the project description and related mitigation measures identified in the

Department and U.S. Fish & Wildlife Service ("Service") Hatchery and Stocking Program Joint Environmental Impact Report/Environmental Impact Statement (SCH No. 2008082025)("EIR/EIS"), as certified by the Department on January 11, 2010.

- In connection with activities necessary to prevent, respond or suppress wildland fire; and
- In connection with water storage and conveyance activities.
- In connection with otherwise lawful timber operations.

The Commission finds as set forth below that an emergency exists with respect to each of these covered activities.

A. Scientific, Education or Management Activities

Section 749.6, subdivision (a)(1) and (2), authorizes incidental take of MYLF for scientific, education or management activities, including activities authorized through a scientific collecting permit issued by the Department or through a recovery permit issued by a federal wildlife agency. As explained below, the Commission finds that the designation of MYLF as a candidate species under CESA, and the related take prohibition, constitutes an emergency under the APA with respect to otherwise lawful scientific, education or management activities. The Commission also finds that immediate emergency action to adopt Section 749.6, subdivision (a)(1) and (2), is necessary to conserve, preserve, or protect of fish and wildlife resources, and to preserve the general welfare.

In the absence of the emergency regulation, take of MYLF for scientific, education and management purposes would require authorization by the Department through an individual ITP which is a lengthy, complicated process. (See previous discussion on CESA's other forms of take authorization and why they are not likely to authorize these activities to continue during the candidacy period.) For some of the activities authorized by this subdivision, there is one other unique form of take authorization available, Fish and Game Code section 2081, subdivision (a). Because this form of take authorization still requires "permits or memorandums of understanding (to) authorize individuals...and scientific or educational institutions" to take, it is unlikely that permits under this section could be issued much more quickly than the standard ITP issued by the Department under section 2081, subdivision (b).

Management, education and scientific activities (including research and monitoring) are critical during this candidacy period. During this period, the Department is expected to prepare a status review for MYLF so the Commission can determine if the species should in fact be listed. During this candidacy period, the Department needs all of the scientific information that is available to

make the most scientifically sound recommendation to the Commission and the Commission to make the most scientifically sound final listing decision. There are currently many ongoing MYLF studies proceeding pursuant to Department-issued scientific collecting permits, which are occurring throughout the species' range, and must be allowed to continue to ensure a complete data set. Many studies operate on a continuous basis and rely on that predictability in coming to scientific conclusions about the data they acquire. In addition, new studies during this period that might be proposed should also be facilitated without delay to fill in any data gaps relevant to the possible listing of MYLF. If these activities are not allowed to continue, adequate evaluation and protection of MYLF could be severely impaired and the public will be disserved by decisions being made without the best available science.

Adoption of this emergency regulation would minimize the hardships that would be caused by delays in ongoing or new management, education and scientific activities while providing safeguards to protect the MYLF, including continued regulatory oversight by the Department pursuant to its authority to condition scientific collecting permits. (See Cal. Code Regs, tit. 14, § 650.) Therefore, the Commission finds that impacts to management, education and scientific activities caused by designating the MYLF as a candidate species, constitute an emergency under the APA requiring immediate action.

B. Actions to Protect, Restore, Conserve or Enhance

Section 749.6, subdivision (a)(3), authorizes take of MYLF incidental to otherwise lawful activities where the purpose of the underlying activity is to protect, restore, conserve or enhance a state or federally threatened or endangered species and its habitat. As explained below, the Commission finds that the designation of MYLF as a candidate species under CESA, and the related take prohibition, constitutes an emergency under the APA with respect to otherwise lawful activities to protect, restore, conserve or enhance state or federally threatened or endangered species and their habitat. The Commission also finds that immediate emergency action to adopt Section 749.6, subdivision (a)(3), is necessary to conserve, preserve, or protect of fish and wildlife resources, and to preserve the general welfare.

In the absence of the emergency regulation, take of MYLF incidental to otherwise lawful activities to protect, restore, conserve or enhance state or federally threatened or endangered species and their habitat would require authorization by the Department through an individual ITP which is a lengthy, complicated process. (See previous discussion on CESA's other forms of take authorization and why they are not likely to authorize these activities to continue during the candidacy period.) Ongoing and planned activities to protect, restore, conserve or enhance state or federally threatened or endangered species are critical during this candidacy period. The status of many listed species is precarious, and even the slightest delay in initiated or continued implementation of any

related conservation actions could adversely affect or otherwise cause further decline of these species. In addition, any further decline in the status of listed species will lead to increased costs to the Department because more resources will be required to get the species to the point where protective measures are no longer necessary. Increased cost will also be shouldered by prospective permittees, who will be charged with funding the mitigation and related monitoring required for the impacts of their project on the species.

Adoption of this emergency regulation would minimize the hardships that would be caused by delays in ongoing or new lawful activities to protect, restore, conserve and enhance state or federally threatened or endangered species and their habitat. The Commission finds that impacts to activities to protect, restore, conserve, or enhance state or federally threatened or endangered species and their habitat caused by designating the MYLF as a candidate species, constitute an emergency under the APA requiring immediate action.

C. Fish Hatchery and Stocking Operations

Section 749.6, subdivision (a)(4), authorizes take of MYLF incidental to fish hatchery and related stocking activities consistent with the project description and related mitigation measures identified in the Department and Service Hatchery and Stocking Program Joint EIR/EIS as certified by the Department on January 11, 2010. As explained below, the Commission finds that the designation of MYLF as a candidate species under CESA, and the related take prohibition, constitutes an emergency under the APA with respect to hatchery and stocking program activities. The Commission also finds that immediate emergency action to adopt Section 749.6, subdivision (a)(4), is necessary for the conservation, preservation, or protection of fish and wildlife, and to preserve the general welfare.

In the absence of Section 749.6, subdivision (a)(4), take of MYLF incidental to otherwise lawful fish hatchery and related stocking activities would require authorization by the Department through an individual ITP and, as previously stated, doing so is a lengthy and complicated process. (There are other means by which take can be authorized under CESA, however they either take longer than individual ITPs or are not likely to be available for use for fish hatchery and related stocking activities.) Fish hatchery and related stocking activities consistent with the project description and related mitigation measures identified in the recent Department and Service Joint EIR/EIS play a critical role in efforts to conserve and manage California's fishery both from a conservation and management, and recreational standpoint. In addition, the project description and mitigation measures identified in the Joint EIR/EIS were carefully crafted by the Department and Service with extensive public review and related scientific input, all with the goal of conserving and managing California's fisheries in a way that protects and ensures that any indirect impacts are avoided or substantially reduced to the extent feasible. Absent the take authorization provided by Section 749.6, subdivision (a)(4), during the 12-month candidacy period fish hatchery and related stocking activities would cease or be substantially curtailed to the detriment of the People of California and related natural resources.

Adoption of this emergency regulation would minimize the hardships to hatchery and stocking activities as a result of MYLF being designated as a candidate species under CESA. The Commission finds, as a result, that impacts to hatchery and stocking activities constitute an emergency under the APA requiring immediate action.

D. Wildland Fire Prevention, Suppression and Response

Section 749.6, subdivision (a)(5), authorizes take of MYLF incidental to otherwise lawful wildland fire prevention, response and suppression activities. As explained below, the Commission finds that the designation of MYLF as a candidate species under CESA, and the related take prohibition, constitutes an emergency under the APA with respect to fire prevention, response and suppression activities. The Commission also finds that immediate emergency action to adopt Section 749.6, subdivision (a)(5), is necessary to preserve the general welfare.

In the absence of Section 749.6, subdivision (a)(5), take of MYLF incidental to otherwise lawful fire prevention, response, and suppression activities, would require authorization by the Department through an individual ITP and, as previously stated, doing so is a lengthy and complicated process. (There are other means by which take can be authorized under CESA, however they either take longer than individual ITPs or are not likely to be available for use for wildland fire prevention, suppression and response activities.) It is important to note that unlike many other regulatory statutes, CESA does not contain any exemption from the permitting requirements or the take prohibition for emergency situations like fuel (vegetation) control, wildfire suppression and response.

California's fire seasons have recently involved far-ranging catastrophic wildland fires. The role of the emergency regulation in allowing activities related to fire-related vegetation management and prevention, fire suppression and response to continue falls squarely within virtually any statutory definition of "emergency," including one of the most narrow—CEQA's definition of an emergency that states it is an activity "involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services." (Pub. Resources Code, § 21080; see also CEQA Guidelines, § 15359.)

According to CalFire's website, creating a "defensible space" by controlling vegetation within 100 feet of dwellings and other buildings "dramatically increases the chance of your house surviving a wildfire" and "provides for firefighter safety" when fighting a fire. It is precisely these vegetation control

activities that are authorized under the emergency regulation without the need for additional take authorization. The emergency regulation also removes impediments to critical wildland fire suppression and response. Delays due to permitting would cause risks to public safety, should fire suppression activities be delayed or cancelled entirely. In addition, there would be grave social and economic harm to the employees and agencies tasked with carrying out the fire suppression activities and the local communities where those activities might be critically needed.

Adoption of this emergency regulation would minimize these hardships. Therefore, the Commission finds that impacts to wildland fire prevention, response and suppression activities, caused by designating the MYLF as a candidate species, constitute an emergency under the APA requiring immediate action.

D. Watershed Storage and Conveyance Activities

Section 749.6, subdivision (a)(6), authorizes take of MYLF incidental to otherwise lawful water storage and conveyance activities. As explained below, the Commission finds that the designation of MYLF as a candidate species under CESA, and the related take prohibition, constitutes an emergency under the APA with respect to otherwise lawful water storage and conveyance activities. The Commission also finds that immediate emergency action to adopt Section 749.6, subdivision (a)(6), is necessary to preserve the general welfare.

In the absence of the emergency regulation, take of MYLF incidental to otherwise lawful water storage and conveyance activities would require authorization by the Department through an individual ITP which is a lengthy, complicated process. (See previous discussion on CESA's other forms of take authorization and why they are not likely to authorize these activities to continue during the candidacy period.) Activities to maintain, manage or operate watershed storage and conveyance facilities must be allowed to continue during this candidacy period. Many dams are located in the range of MYLF, and are utilized for power generation, water storage, and recreation. The conveyance facilities operate to transport the water from storage facilities to customers, including members of the public. Without take protection, it is possible that water deliveries, power generation or recreational opportunities would be interrupted. The ability to deliver water and manage stored water without impediment is necessary to avoid serious harm to public health due to lack of water for drinking, sanitation and food production.

Adoption of this emergency regulation would minimize the hardships that would be caused by delays in lawful water storage and conveyance activities. The Commission finds that impacts to lawful water storage and conveyance activities constitute an emergency under the APA requiring immediate action.

E. Forest Practices and Timber Harvest Activities

Section 749.6, subdivision (a)(7), authorizes incidental take of MYLF incidental to otherwise lawful timber harvest activities. As explained below, the Commission finds that the designation of MYLF as a candidate species under CESA, and the related take prohibition, constitutes an emergency under the APA with respect to otherwise lawful timber harvest activities and operations. The Commission also finds that immediate emergency action to adopt Section 749.6, subdivision (a)(7), is necessary to preserve the general welfare.

In general, timber harvest review in California is administered by the California Department of Forestry and Fire Protection ("CalFire") pursuant to the Z'Berg Nejedly Forest Practice Act (Pub. Resources Code, § 4511 et seq.), the Forest Practice Rules (Cal. Code Regs., tit. 14, § 895 et seq.), and other applicable law, including the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.). In the absence of Section 749.6, subdivision (a)(7). many existing, already-approved, otherwise lawful timber harvest operations in MYLF range could not move forward absent additional review and re-approval. Likewise, without Section 749.6, many already-approved, otherwise lawful timber harvest operations and activities would require a project-specific authorization under CESA from the Department. Yet, the regulatory oversight of timber operations by various public agencies under State law generally requires consideration and protection of various environmental resources and in many instances government approval of individual timber harvest activities requires compliance with CEQA and mitigation of significant environmental impacts to the extent feasible. Therefore, many timber projects that are about to commence or are already underway currently include measures that will reduce the prospect of adverse impacts to, and minimize and mitigate take of MYLF. Re-opening and re-negotiating agreements for timber activities to address the MYLF's legal status as a candidate species and, where necessary, to obtain an ITP or other take authorization under CESA (e.g., FGC section 2835) would unnecessarily delay these already-approved and otherwise lawful timber operations, resulting in undue burden on the Timber Harvest Plan (THP) holder.

Without this emergency regulation, many routine and ongoing otherwise lawful timber operations on land already managed for timber harvest would be delayed while awaiting the necessary State CESA authorization or cancelled entirely. In many cases, the delays would cause THP holders to substantially delay or cancel their projects entirely, resulting in great social and economic harm to the THP holders, their employees, registered professional foresters, the local communities that rely on timber harvest activities, and the State of California. CalFire review of existing otherwise lawful timber operations, along with project-specific CESA permitting by the Department, would also pose a significant burden to these state agencies. Both CalFire and the Department would likely face a sudden and potentially large increase in requests for timber harvest review and related take authorizations under CESA. Neither agency is equipped with

appropriate resources to handle and address the likely workload associated with this scenario, creating a significant permitting backlog.

F. Reporting

Subdivision (b) of the emergency regulation is different from the previous sections described herein. It is not an additional activity for which take is authorized under the regulation. Instead, subdivision (b) of the emergency regulation concerns reporting detections and observations of MYLF in connection with and by persons involved or otherwise engaged in the activities for which take is authorized pursuant to subdivision (a). It is vital that during this candidacy period detections and observations of MYLF be reported to the Department so it can have the most complete information possible as it prepares its scientific status review of the species and develops related recommendation to the Commission regarding whether listing MYLF under CESA is warranted.

For these reasons, the immediate adoption of this emergency regulation is necessary to allow numerous projects and activities to continue during the candidacy review period for MYLF under CESA. The Commission believes the activities permitted under this regulation will result in very limited take and will not jeopardize the continued existence of the species. The Commission finds, in this respect, that the regulation subject to this determination will ensure appropriate interim protections for MYLF while the Department conducts a 12-month review of the status of the candidate species and the Commission makes its final determination regarding listing under CESA.

IV. Express Finding of Emergency

Pursuant to the authority vested in the Commission by Fish and Game Code section 240, and for the reasons set forth above, the Commission expressly finds that the adoption of this regulation is necessary for the immediate conservation, preservation, or protection of fish and wildlife resources, and for the immediate preservation of the general welfare. The Commission specifically finds that the adoption of this regulation will allow activities that may affect MYLF to continue during the candidacy period as long as those activities are conducted in a manner consistent with the protections specified in this regulation.

V. Authority and Reference Citations

Authority: FGC sections 200, 202, 205, 240, and 2084.

Reference: FGC sections 200, 202, 205, 240, 2080, 2084, and 2085.

VI. Informative Digest

The sections below describe laws relating to listing species under CESA, the effect of this emergency regulation, a description of related federal law, and a policy statement overview.

A. Laws Related to the Emergency Regulation - Listing under CESA

1. Petition and Acceptance

Fish and Game Code section 2070 requires the Commission to establish a list of endangered species and a list of threatened species. Any interested person may petition the Commission to add a species to the endangered or threatened list by following the requirements in Fish and Game Code sections 2072 and 2072.3. If a petition is not factually incomplete and is on the appropriate form, it is forwarded to the Department for evaluation.

Fish and Game Code section 2073.5 sets out the process for accepting for further consideration or rejecting a petition to list a species and, if the petition is accepted, a process for actually determining whether listing of the species as threatened or endangered is ultimately warranted. The first step toward petition acceptance involves a 90-day review of the petition by the Department to determine whether the petition contains sufficient information to indicate that the petitioned action may be warranted. The Department prepares a report to the Commission that recommends rejection or acceptance of the petition based on its evaluation.

Fish and Game Code section 2074.2 provides that, if the Commission finds that the petition provides sufficient information to indicate that the petitioned action may be warranted, the petition is accepted for consideration and the species that is the subject of the petition becomes a "candidate species" under CESA. CESA prohibits unauthorized take of a candidate species. Fish and Game Code section 86 states "take" means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. Killing of a candidate, threatened, or endangered species under CESA that is incidental to an otherwise lawful activity and not the primary purpose of the activity constitutes take under state law. (Department of Fish and Game v. Anderson-Cottonwood Irrigation District (1992) 8 Cal.App.4th 1554; see also Environmental Protection and Information Center v. California Dept. of Forestry and Fire Protection (2008) 44 Cal.4th 459, 507 (in the context of an ITP issued by the Department under CESA the California Supreme Court stated, "'take' in this context means to catch, capture or kill").)

CESA's take prohibition applies to candidate species pursuant to Fish and Game Code section 2085 upon public notice by the Commission of its finding that sufficient information exists to indicate the petitioned action may be warranted. Upon publication of such notice in the California Regulatory Notice Register, take

of candidate species is prohibited absent authorization as provided in the Fish and Game Code. Following such notice, all activities, whether new or ongoing, that cause incidental take of the candidate species are in violation of CESA unless the take is authorized in regulations adopted by the Commission pursuant to Fish and Game Code section 2084 or the Department authorizes the take through the issuance of an ITP or other means available pursuant to the Fish and Game Code.

2. Status Review and Final Action on the Petition

The Commission's acceptance of a petition initiates a 12-month review of the species' status by the Department, pursuant to Fish and Game Code section 2074.6. This status review helps to determine whether the species should be listed as threatened or endangered. Unlike the Department's initial evaluation, which focuses largely on the sufficiency of information submitted in the petition, the 12-month status review involves a broader inquiry into and evaluation of available information from other sources. The Commission is required to solicit data and comments on the proposed listing soon after the petition is accepted, and the Department's written status report must be based upon the best scientific information available.

Within 12 months of the petition's acceptance, the Department must provide the Commission a written report that indicates whether the petitioned action is warranted. (Fish & G. Code, § 2074.) The Commission must schedule the petition for final consideration at its next available meeting after receiving the Department's report. (*Id.*, § 2075.) In its final action on the petition, the Commission is required to decide whether listing the species as threatened or endangered "is warranted" or "is not warranted." (*Id.*, § 2075.5.) If listing is not warranted in the Commission's judgment, controlling authority directs the Commission to enter that finding in the public record and the subject species is removed from the list of candidate species. (*Id.*, § 2075.5(1); Cal. Code Regs., tit. 14, § 670.1, subd. (i)(2).)

B. Effect of the Emergency Action

Section 749.6 of Title 14 of the California Code of Regulations would authorize and provide for take of MYLF during its candidacy subject to the following terms and conditions:

a) Take Authorization.

The Commission authorizes the take of Mountain yellow-legged frog during the candidacy period subject to the terms and conditions herein.

- (1) Scientific, Education or Management Activities. Take of Mountain yellow-legged frog incidental to scientific, education or management activities is authorized.
- (2) Scientific Collecting Activities. Take of Mountain yellow-legged frog authorized by a scientific collecting permit issued by the Department pursuant to California Code of Regulations, Title 14, section 650 or a recovery permit issued by a federal wildlife agency pursuant to United States Code, Title 16, section 1539(a)(1)(A) is authorized.
- (3) Actions to Protect, Restore, Conserve or Enhance. Take of Mountain yellow-legged frog incidental to otherwise lawful activities initiated to protect, restore, conserve or enhance a state or federally threatened or endangered species and its habitat is authorized.
- (4) Fish Hatchery and Stocking Activities. Take of Mountain yellow-legged frog incidental to fish hatchery and related stocking activities consistent with the project description and related mitigation measures identified in the Department of Fish and Game (Department) and U.S. Fish & Wildlife Service Hatchery and Stocking Program Joint Environmental Impact Report/Environmental Impact Statement (SCH. No. 2008082025), as certified by the Department on January 11, 2010, is authorized.
- (5) Wildland Fire Response and Related Vegetation Management. Take of Mountain yellow-legged frog incidental to otherwise lawful wildland fire prevention, response and suppression activities, including related vegetation management, is authorized.
- (6) Water Storage and Conveyance Activities

 Take of Mountain yellow-legged frog incidental to otherwise lawful water storage and conveyance activities is authorized.
- (7) Forest Practices and Timber Harvest.

Incidental take of Mountain yellow-legged frog is authorized for otherwise lawful timber operations. For purposes of this authorization, an otherwise lawful timber operation shall mean a timber operation authorized or otherwise permitted by the Z'Berg Nejedly Forest Practice Act (Public Resources Code, Section 4511 et seq.), the Forest Practice Rules of the Board of Forestry, which are found in Chapters 4, 4.5, and 10, of Title 14 of the California Code of Regulations, or other applicable law. The Z'Berg Nejedly Forest Practice Act and Forest Practice Rules can be found at the following website: http://www.fire.ca.gov/resource_mgt/resource_mgt_forestpractice.php.

(b) Reporting.

Any person, individual, organization, or public agency for which incidental take of Mountain yellow-legged frog is authorized pursuant to subdivision (a), shall report observations and detections of Mountain yellow-legged frog, including take, to the Department of Fish and Game on a semi-annual basis during the candidacy period. Observations, detections, and take shall be reported pursuant to this subdivision to the Department of Fish and Game, Fisheries Branch, Attn: Mountain yellow-legged frog observations, 830 S St., Sacramento, CA 95811, or by email submission to mylfdata@dfg.ca.gov. Information reported to the Department pursuant to this subdivision shall include as available: a contact name; the date and location (GPS coordinate preferred) of the observation, detection, or take; and details regarding the animal(s) observed.

- (c) Additions, Modifications or Revocation.
 - (1) Incidental take of Mountain yellow-legged frog from activities not addressed in this section may be authorized during the candidacy period by the Commission pursuant to Fish and Game Code section 2084, or by the Department on a case-by-case basis pursuant to Fish and Game Code section 2081, or other authority provided by law.
 - (2) The Commission may modify or repeal this regulation in whole or in part, pursuant to law, if it determines that any activity or project may cause jeopardy to the continued existence of Mountain yellow-legged frog.

C. Existing, Comparable Federal Regulations or Statutes

The Federal Endangered Species Act ("FESA") (16 U.S.C. § 1531 et seq.) includes a listing process that is similar to the listing process under CESA, except that take of a candidate species is not prohibited under FESA. The U.S. Fish & Wildlife Service ("Service") designated the southern California population of MYLF (Rana muscosa) as a distinct population segment and listed it as an endangered species under FESA on July 2, 2002. (67 Fed.Reg. 44382.) In January 2003, the Service determined that listing the Sierra Nevada populations of MYLF (Rana sierrae) as endangered was warranted, but precluded by other higher priority listing actions. (68 Fed.Reg. 2283.) MYLF (Rana sierrae) remains a candidate under FESA based on the Service's "warranted but precluded" finding and take of the species under FESA is not currently prohibited.

FESA Section 4(d) (16 U.S.C. § 1533, subd. (d)) is similar in some respects to Fish and Game Code section 2084. Section 4(d) authorizes the Service or the National Marine Fisheries Service (NMFS) to issue protective regulations prohibiting the take of species listed as threatened. These regulations, also called "4(d) rules," may include any or all of the prohibitions that apply to protect endangered species and may include exceptions to those prohibitions. The 4(d)

rules give the Service and NMFS the ability to craft comprehensive regulations to apply to particular activities that may result in take of a threatened species in a manner similar to the Commission's authority to prescribe terms and conditions pursuant to FGC section 2084 during the species' candidacy period. Here, no 4(d) rules have been promulgated for MYLF (*Rana sierrae*) because the "warranted but precluded" finding by the Service did not yet effectuate the designation of MYLF (*Rana sierrae*) as a federally listed threatened or endangered species.

D. Policy Statement Overview

The objective of this emergency regulation is to allow specified activities to continue on an interim basis, subject to the measures in the regulation designed to protect MYLF, pending final action by the Commission under CESA related to the proposed listing. The Department's evaluation of the species during the candidacy period will result in the status report described in Section VI.A.2 above. The status report provides the basis for the Department's recommendation to the Commission before the Commission takes final action on the petition and decides whether the petitioned action is or is not warranted.

VII. Specific Agency Statutory Requirements

The Commission has complied with the special statutory requirements governing the adoption of emergency regulations pursuant to Fish and Game Code section 240. The Commission held a public hearing on this regulation on September 15, 2010, and the above finding that this regulation is necessary for the immediate conservation, preservation, or protection of fish and wildlife resources, and for the immediate preservation of the general welfare meets the requirements of section 240.

VIII. Impact of Regulatory Action

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

(a) Costs/Savings in Federal Funding to the State:

The Commission has determined that the adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation pursuant to FGC section 2084 will not result in costs or savings in federal funding to the State.

(b) Nondiscretionary Costs/Savings to Local Agencies:

The Commission has determined that adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation pursuant to Fish and

Game Code section 2084 will likely provide cost savings to local agencies in an undetermined amount. In the absence of the emergency regulation, the Department would have to authorize take of MYLF on a project-by-project basis, which is both time-consuming and costly to local agencies seeking take authorization. Without this emergency regulation, many routine and ongoing otherwise lawful wildfire suppression and response activities; water management and conveyance activities; restoration, conservation and enhancement actions; scientific research, monitoring and management activities; and forest practices and timber harvest activities would be delayed, or cancelled entirely while awaiting the necessary CESA authorization or ultimate listing determination by the Commission. These delays and cancellations would cause great economic harm to persons already lawfully engaged in such activities, their employees, their local communities, and the State of California, especially during the current economic crisis.

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

The Commission has determined that the adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation does not impose a mandate on local agencies or school districts.

- (d) 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; and
- (e) Effect on Housing Costs:

The Commission has determined that the adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation will not result in any cost to any local agency or school district for which Government Code sections 17500 through 17630 require reimbursement and will not affect housing costs.

(f) Costs or Savings to State Agencies

The Commission has determined that adoption of Section 749.6 of Title 14 of the California Code of Regulations as an emergency regulation pursuant to Fish and Game Code section 2084 will likely provide cost savings to state agencies in an undetermined amount. In the absence of the emergency regulation, the Department would have to authorize take of MYLF on a project-by-project basis, which is both time-consuming and costly for both the Department in processing and authorizing such take, as well as to state agencies seeking take authorization. Without this emergency regulation, many routine and ongoing otherwise lawful wildfire suppression and response activities; water management and conveyance activities; restoration, conservation and enhancement actions; scientific research, monitoring and management activities; and forest practices

and timber harvest activities would be delayed, or cancelled entirely while awaiting the necessary CESA authorization or the ultimate listing decision by the Commission. These delays and cancellations would cause great economic harm to persons already lawfully engaged in such activities, their employees, their local communities, and the State of California, especially in light of the current economic crisis.

Regulatory Language

Section 749.6, Title 14, CCR, is added to read:

749.6 Incidental Take of Mountain Yellow-Legged Frog (Rana muscosa and Rana sierrae)

During Candidacy Period

This regulation authorizes take as defined by Fish and Game Code section 86, of Mountain yellow-legged frog (Rana muscosa and Rana sierrae), subject to certain terms and conditions, during the species' candidacy under the California Endangered Species Act (Fish and Game Code, Section 2050 et seq.).

(a) Take Authorization.

The Commission authorizes the take of Mountain yellow-legged frog during the candidacy period subject to the terms and conditions herein.

- (1) <u>Scientific, Education or Management Activities.</u>

 <u>Take of Mountain yellow-legged frog incidental to scientific, education or management activities is authorized.</u>
- (2) Scientific Collecting Activities.

 Take of Mountain yellow-legged frog authorized by a scientific collecting permit issued by the Department of Fish and Game pursuant to California Code of Regulations, Title 14, section 650, or a recovery permit issued by a federal wildlife agency pursuant to United States Code, Title 16, section 1539, subdivision (a)(1)(A), is authorized.
- (3) Actions to Protect, Restore, Conserve or Enhance.

 Take of Mountain yellow-legged frog incidental to otherwise lawful activities where the purpose of the activity is to protect, restore, conserve or enhance a species designated as an endangered, threatened, or candidate species under state or federally law, or such species' habitat is authorized.
- (4) Fish Hatchery and Stocking Activities.
 Take of Mountain yellow-legged frog incidental to fish hatchery and related stocking activities consistent with the project description and related mitigation measures identified in the Department of Fish and Game (Department) and U.S. Fish & Wildlife Service Hatchery and Stocking Program Joint Environmental Impact Report/Environmental Impact Statement (SCH. No. 2008082025), as certified by the Department on January 11, 2010, is authorized.
- (5) Wildland Fire Response and Related Vegetation Management.

 Take of Mountain yellow-legged frog incidental to otherwise lawful wildland fire prevention, response and suppression activities, including related vegetation management, is authorized.
- (6) Water Storage and Conveyance Activities

 Take of Mountain yellow-legged frog incidental to otherwise lawful water storage and conveyance activities is authorized.

(7) Forest Practices and Timber Harvest.

Incidental take of Mountain yellow-legged frog is authorized for otherwise lawful timber operations. For purposes of this authorization, an otherwise lawful timber operation shall mean a timber operation authorized or otherwise permitted by the Z'Berg Nejedly Forest Practice Act (Public Resources Code, Section 4511 et seq.), the Forest Practice Rules of the Board of Forestry, which are found in Chapters 4, 4.5, and 10, of Title 14 of the California Code of Regulations, or other applicable law. The Z'Berg Nejedly Forest Practice Act and Forest Practice Rules can be found at the following website: http://www.fire.ca.gov/resource_mgt/resource_mgt forestpractice.php.

(b) Reporting.

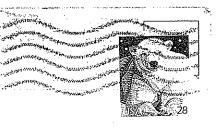
Any person, individual, organization, or public agency for which incidental take of Mountain yellow-legged frog is authorized pursuant to subdivision (a), shall report observations and detections of Mountain yellow-legged frog, including take, to the Department of Fish and Game on a semi-annual basis during the candidacy period. Observations, detections, and take shall be reported pursuant to this subdivision to the Department of Fish and Game, Fisheries Branch, Attn: Mountain yellow-legged frog observations, 830 S St., Sacramento, CA 95811, or by email submission to mylfdata@dfg.ca.gov. Information reported to the Department pursuant to this subdivision shall include as available: a contact name; the date and location (GPS coordinate preferred) of the observation, detection, or take; and details regarding the animal(s) observed.

(c) Additions, Modifications or Revocation.

- (1) Incidental take of Mountain yellow-legged frog from activities not addressed in this section may be authorized during the candidacy period by the Commission pursuant to Fish and Game Code section 2084, or by the Department on a case-by-case basis pursuant to Fish and Game Code section 2081, or other authority provided by law.
- (2) The Commission may modify or repeal this regulation in whole or in part, pursuant to law, if it determines that any activity or project may cause jeopardy to the continued existence of Mountain yellow-legged frog.

Note: Authority cited: Sections 200, 202, 205, 240 and 2084, Fish and Game Code. Reference: Sections 200, 202, 205, 240, 2080, 2084 and 2085, Fish and Game Code.

California Alliance for Hospitality Jobs 268 Bush Sireer #3233 San Francisco, CA 941043503



Bos-(1 C-page

San Francisco City Hall 1 Dr. Carlton B. Goodlett Place Room 244 San Francisco, CA 94102

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Feeling Nickeled and Dimed?

It seems like everything you buy is getting more expensive, with a fee here and an added tax there. Don't expect that to change anytime soon. San Francisco is now considering adding a local surcharge to every drink you purchase. That's right. A surcharge on every drink on every tab, bill, and receipt. Even worse, this new fee would be in addition to the taxes you already pay every time you purchase a drink. Isn't it expensive enough to live in San Francisco without having to pay another new tax every time you want to buy a six pack, a bottle of wine, or have a drink at your local bar?

Help us STOP alcohol taxes.

Fill out the section below and mail back.

Name: Jamaning Jantos

Business/Organization: Poam Artisan Burgus

Address: 1785 union of SFCA 94123

Email: Signature: Lith Ling - Curl

Learn more: www.savemycajob.com



File \$100865

Received 6 postcards from concerned citizens in opposition to proposed legislation concerning alcohol tax. File No. 100865





To:

BOS Constituent Mail Distribution,

Cc:

Bcc:

Subject: File 101096: Toys w/Fast Food Meals Legislation

From:

Monica Sain <msain81@gmail.com> Board.of.Supervisors@sfgov.org

To: Date:

09/24/2010 11:11 AM

Subject:

Toys w/Fast Food Meals Legislation

Dear Board of Supervisors:

I really appreciate the fact that you care deeply about your city's residents! I know it's not an easy job to do what you do. However, I must take issue with your recent proposed legislation: banning fast food restaurants from providing toys with "unhealthful" meals. First and foremost, I don't see how this is likely to provide any benefit to children; after all, most people eat the majority of their meals at home. It would be more effective to bad purchases of excessive amounts of junk food and soda! (I don't really condone this, but it would actually be far more effective). Aside from that, it's the parents' responsibility to ensure that their kids don't eat junk food for every meal. The less responsibility we expect from people, the less they will take.

And furthermore, San Francisco has some real problems that can use fixing - why focus on what people are eating? And why stop at food? How about monitoring what people are drinking? How about monitoring whether people put their kids to bed on time? How about legislating how many glasses of wine people can have at dinner or limiting steak dinners to three ounces? Why don't we force people to jog every morning? Let's stop workaholics from working past 7pm! These things are all health concerns, but there's a reason why we don't make up laws limiting these things: this is a free country and the price of freedom is this: people aren't always going to do the right thing.

Believe me, I wish people took care of themselves, but you can't force them, especially with laws like this. Thanks for taking the time to read this letter.

With sincerity, Monica

Mary Miles

From:

"Mary Miles" <page364@earthlink.net>

To:

"BY HAND DELIVERY TO THE BOARD OF SUPERVISORS"

Sent:

Monday, September 27, 2010 10:22 AM

Attach:

5-27-10 PLANNING COMMISSION LETTER.doc

Subject:

LUC, BOS FILE 100495

FROM:

Mary Miles (SB #230395) Attorney at Law 364 Page St., #36 San Francisco, CA 94102 (415) 863-2310

TO:

The Honorable David Chiu, President and Members of the San Francisco Board of Supervisors, Members of the Land Use and Economic Development Committee, and to the Clerks of the Board and of the Land Use Committee City Hall
San Francisco, CA 94102

DATE: September 27, 2010

RE: Land Use Agenda September 27, 2010, Item #5 [California Environmental Quality Act Procedures, Appeals, and Public Notice]; BOS FILE 100495
ATTACHED PUBLIC COMMENT

Dear Clerk and Members of the Land Use Committee and of the Board of Supervisors:

Your attention is requested to the attached Public Comment, which is submitted today to the Board of Supervisors Land Use and Economic Development Committee and to the Full Board. The attached, originally submitted to the Planning Commission on May 27, 2010, applies to the proposed changes to Chapter 31 of the San Francisco Administrative Code and lists some of our objections.

In addition to the legal defects in the proposed ordinance described in the attached Comment, the "substitute" ordinance contains many references to an undefined "Community Plan Exemption," which does not exist in CEQA, and which the City may not lawfully create and does not have authority to create. The proposed ordinance violates CEQA, as well as fundamental requirements of due process.

Please reject the proposed ordinance amending Chapter 31.

Thank you.

Mary Miles Attorney at Law FROM:

Mary Miles (SB #230395) Attorney at Law, for Coalition for Adequate Review 364 Page St., #36 San Francisco, CA 94102 (415) 863-2310

TO:

Linda Avery, Secretary, and members of the San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103

DATE: May 27, 2010

By e-mail to: Commission Secretary: <u>linda.avery@sfgov.org</u>

Re: PLANNING COMMISSION MEETING, MAY 27, 2010, AGENDA ITEM 14 Case No. 2010.0336U [Board File No. 10-0495]: Amendment of Administrative Code, Chapter 31 (Ordinance introduced establishing procedures for appeal of a negative declaration or exemption to the Board of Supervisors)

PUBLIC COMMENT

This is public comment on the proposed "Administrative Code Text Change" scheduled for hearing before the Planning Commission on May 27, 2010, Agenda Item14, as "Case No. 2020.0336U [Board File No. 10-0495]: Amendment of Administrative Code, Chapter 31 (Ordinance introduced establishing procedures for appeal of a negative declaration or exemption to the Board of Supervisors).

The proposed legislation is nearly identical to the legislation already rejected by the Board of Supervisors under Case No. 2006.12231E, File No. 061311.

The San Francisco Administrative Code, Chapter 31 ("Admin. Code §31") governs the City and County's Administrative procedures under the California Environmental Quality Act (CEQA), (Cal. Pub. Res. Code §§21000 et seq.) Citations and examples presented in this Comment are not inclusive. By this comment, this commenter does not waive any right to raise additional or other points in subsequent proceedings.

As in 2006, the proposed ordinance is presented in a confusing, incoherent and nearly incomprehensible form, with the proposed amendments of the Administrative Code out of numerical sequence and with unclear references to sections of the Code that are not included in the proposal or the file. For example, amendments to Administrative Code §31.08 appear in the proposal *after* amendments to §31.16, with other sections similarly out of context and out of order. Elsewhere, references are made to other sections of the Code that are not included in the packet or the proposed legislation.

As in 2006, the improper purpose of the proposed ordinance is clearly to deny the public adequate time for appeal of Planning Commission actions under CEQA to the Board of Supervisors on any project in San Francisco. The proposed amendments to Chapter 31 impose restrictions on such appeals that violate CEQA, deny due process to the public, and create onerous burdens and fees on the public's right to participate in the CEQA process. The ultimate effect subverts and defeats CEQA's principal purposes of informed self government and protection of the environment, and will inevitably result in more litigation against the City as it slams the door shut on public input on the environmental review of projects.

The proposed ordinance will reduce the public's time for appealing such actions to as little as ten days, while improperly imposing onerous paperwork burdens of 15 to 17 copies of all written materials more than seven days in advance of any appeal hearing to the Board and other entities. The proposed ordinance illegally restricts appellants' grounds of appeal to the Board. CEQA firmly establishes that any person may comment on any project, including those under appeal, up to and during the final hearing on that project. (*E.g. Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184; 1199-1202.)

At the same time the proposed ordinance illegally allows the City to excuse itself from giving any public notice on its CEQA actions on large projects -- all projects affecting more than five acres. (E.g., §31.11(c); §31.13(d).)

The proposed Amendment to the Admin. Code is itself a project under CEQA, and requires an environmental impact report, since it will clearly have significant adverse impacts on the environment by curtailing the public's right to bring forth environmental concerns to both the Commission and the Board of Supervisors. A project under CEQA need not be "physical," and the proposed ordinance is clearly a project under CEQA. (See, e.g., Pub. Res. Code §§21065; 15378 (See, e.g., City of Redlands v. County of San Bernardino (2002) 96 Cal.App.4th 398, 409; Bozung v. LAFCO (1975) 13 Cal.3d 263, 279.) The proposed ordinance would implicate every aspect of the City's review of projects subject to CEQA, and will have significant adverse effects on the environment by severely restricting the public's opportunity to participate in the City's CEQA determinations, as well as undermining fully informed decisionmaking on projects affecting the environment, and an EIR is therefore required on the proposed amendments.

The proposed ordinance violates the letter and intent of CEQA including but not limited to the following provisions:

1. The Proposed Time Limits for Filing Appeals of Commission Actions to the Board of Supervisors Are Inadequate and Confusing.

The proposed time periods for appeal of a Commission action to the Board of Supervisors are insufficient. The varying times for appealing the Commission's actions are set forth in different parts of the proposed ordinance and vary from one another. They are as short as ten days for exemptions [§31.16(e) and §31.16(e)(1)]; 15 days for negative declarations [§31.16(d)(2)]; and 20 days for final environmental impact reports (EIRs) [§31.16(c)(2)].

These proposed times are inadequate, confusing and intended to severely restrict the public's right to be heard on City's CEQA determinations. None of these times is long enough for the public to gather and submit evidence.

In the experience of this commenter, it has *always* taken more than ten days to receive copies of files and Planning Commission legislation on a project, much less to comment on them or appeal points that may have taken place in a Planning Commission hearing. Often, Planning Commission legislation is changed after the Commission's vote. Minutes, tapes, disks and other records can often take days or weeks. Thus, it is often impossible to even know what the Commission has legislated, much less to appeal it, within the proposed abbreviated deadlines.

The exemption appeal provisions create impossible time frames for appeal. Since City does not give public notice when it determines a project is exempt for any reason, or when it issues "the first permit" on a project, limiting the public to 10 days to appeal from "the first approval of the project or the first permit issued for the project" makes appeal impossible unless an appellant somehow has personal knowledge of the project, the exemption, and the "first permit."

This commenter has personally requested in writing at least twenty times from five different departments notice of City's actions to exempt a single project, and has *never* at any time received such notice. To demand a ten-day appeal period under these circumstances imposes impossible burdens on the public. The ordinance's unlawful purpose is clearly to curtail and preclude the public's right to participate in city's CEQA determinations and their adoptions. City's aim should be the opposite under CEQA.

The resolution/ordinance also proposes a curtailed time for hearings on appeals to the BOS, by requiring a Board decision within 45 days after appeal filing for *any* environmental determination, from exemptions to negative declarations to EIRs. This necessarily cuts short the time for an appellant to get files, present evidence and argument before the Board. There should be no deadline for Board disposition of appeals. EIR documents are often voluminous, requiring time-consuming review. Negative declarations and EIRs may require expert opinion, and in any event, the public is disserved by making impossible time constraints to present evidence and argument to the Board. Furthermore, the curtailed time for the Board makes it impossible for the Board to meet its legal obligation to examine the facts and law *de novo*, and to prepare independent findings. The "Executive Summary" at p. 6, item 6, states that the Board "may consider anew the facts and evidence and may consider new evidence." The Board does not have discretion, and *must* consider the facts and legal issues anew, and must make and prepare independent findings. (*E.g.* Pub.Res.Code §21151(c); *Vedanta Society*

The undated "Executive Summary" states at p. 3-4 that the deadline for filing an appeal of an exemption determination to the BOS would be cut to "10 days after first project approval or permit issuance." The same document states that the time limit is now based on the expiration of a 15-day period for building permit appeal or conclusion of Board of Appeal hearing on building permit appeal, or a 30-day expiration of appeal for a CU or at "conclusion of Board of Supervisors hearing on CU appeal." Under the proposed amendment, an appellant would have to appeal an exemption determination to the Board before determination of other appeals, and within a nearly impossible deadline of ten days.

of Southern California v. California Quartet (2000) 84 Cal.App.4th 517, 529 (CEQA requires de novo review and de novo fact-finding by Board of Supervisors.)

The proposal sets yet a different time frame for appealing negative declarations of only 15 days from the Planning Commission's approval of the negative declaration, and requires an additional appeal to the Planning Commission, causing appellants to have to engage in two appeals. The Executive Summary first says 15 days, then says 20 days, misinforming the public. Which is it? 15 days or 20 days? (Executive Summary, p.7.)

The proposal requires hearings to be scheduled only 30 days from the date the Board receives an appeal letter, and that appellants must submit "all written materials" related to the appeal at least 7 days in advance of any hearing date. This demand is unlawful, since City is required to accept and consider public comment of any kind before the Board of Supervisors up to and including the date and the time of hearing and during the hearing on any matter. (*E.g.*, *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184; 1199-1202.)

The ultimate effect of the proposed ordinance would be to severely limit the rights of the public to be heard, defeating CEQA's central purposes of informed decision-making, public participation and protection of the environment.

A uniform, minimum time of 45 or 60 days for filing appeals of Planning Commission actions to the Board of Supervisors should be substituted for the hodgepodge of inadequate proposed times.

3. The Requirement of an Original Plus 15 Copies of "all written materials" Plus an Additional Copy to the "Environmental Review Officer" is Onerous and Unnecessary.

The proposed ordinance at §31.16(b)(1) requires that the appellant submit an original and 15 copies plus an additional copy to the "Environmental Review Officer" of "all written materials in support of the appeal." This section and §31.16(b)(10) unlawfully provide that "the Clerk of the Board may reject an appeal if Appellant fails to comply" with this requirement.

Both the time for appeal (as little as ten days) and the numerous copies more than 7 days in advance requirements are impossible for most individuals to meet. Public comment must be accepted until and including the date of hearing and during hearing on any appeal, including any materials in support of the appeal. (E.g., Bakersfield Citizens for Local Control v. Bakersfield (2004) 124 Cal.App.4th 1184; 1199-1202.)

4. The Proposed Requirement of 7 Days Advance Submission of Written Materials Improperly Restricts Public Input and Denies Due Process.

The 7-day advance requirement for submission of numerous copies of "all written material" by appellants is inadequate, especially in view of the short time period for appeal and hearing. §31.16(b)(5) (requiring appellants to submit 15 copies of "all written materials pertaining to the appeal to the Board no later than noon, seven (7) days prior to the scheduled hearing." This provision is plainly unlawful, since the Board and the City must accept public comment until the hearing and must accept comment during the

hearing, whether it is written or in person. Further, the Board must accept public comment on any project up to the time it approves the project, whether or not an appeal has been filed. (Pub. Res. Code §21177(b); and e.g., Bakersfield Citizens for Local Control v. Bakersfield (2004) 124 Cal.App.4th 1184; 1199-1202.)

5. The Board's Consideration of Evidence and Public Comment and Input is *Not* Discretionary.

§31.16(b)(6) states the Board "may, at its discretion, consider new facts, evidence and/or issues that were not introduced before the Planning Commission, the Environmental Review Officer, or other City department authorized to make environmental determinations." City may not restrict the scope of public comment and presentation of evidence, either in the context of an appeal or during the approval process by decisionmakers. (*Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1201.).)

An appeal is pointless if the Board will not consider the public's presentation of evidence and argument. Under CEQA, the "record" of any project is not just "the record before the Planning Commission" but is the whole record from the beginning of the project until compliance with CEQA is achieved. (Cal. Code Regs., tit.14 (hereinafter "Guidelines") §15378; Pub.Res.Code §21167.6)

6. The Deadline for Action on an Appeal Should Be At Least 45 Days, as Under Existing Practice.

Hearing on an appeal should not be sheeudled until at least 45 days after the appeal is filed to allow both the public and the Board adequate time to consider the appeal. The proposed ordinance would require a hearing within only 30 days. [§31.16(b)(7)]

The basic purposes of CEQA are not only to protect the environment, but to provide informed decisionmaking and informed public participation in public decisionmaking. These purposes are defeated by shortening the time for informed decisionmaking and public notice and participation in the CEQA process. We support a time period of 60 days or more for scheduling hearing and action on an appeal to the Board.

7. City Does Not Have Authority to Reject Appeal of a Planning Commission Action to the Board of Supervisors based on arbitrary procedural requirements that deny due process and public participation.

² Furthermore, when considering an appeal of the Planning Commission's approval of an EIR, the Board of Supervisors *must* not only consider an EIR, "but make certain written findings" in any case where the EIR identifies significant environmental effects or where significant effects are identified but not "substantially lessened." (Guidelines §§15091(a); 15093(b); and, *e.g.*, *Vedanta Society of Southern California v. California Quartet, Ltd.* (2000) 84 Cal.App.4th 517, 522; and Gov. Code §25005.)

§31.16(b)(10) asserts that the Board of Supervisors "may reject an appeal if it finds the appeal fails to comply with this Section 31.16," by simply acting "by motion" to reject the appeal. The Board has no authority to reject any timely filed appeal, or to receive public input on an appeal, or to receive public input on any action before it. The City should not and cannot function as a draconian, nitpicking judge of procedural matters, or threaten the public's right to be heard with punishment for not adhering to its onerous paperwork requirements for appeal. The City's decisionmaking bodies do not sit in a quasi-adjudicative function in most CEQA matters, but rather in a quasi-legislative function.

8. §31.16(b)(11) Is Incomprehensible and Must Be Rewritten to Provide Due Process to Appellants.

The ordinance proposes that "the date of the final EIR, the final negative declaration, the statutory exclusion, categorical exemption or General Rule Exclusion shall be the date upon which the Planning Commission, Planning Department or other authorized City department, as applicable, originally approved the environmental document or issued the determination if an appeal is filed and the Board affirms the action of the Planning Commission, Planning Department or other authorized City department, and the City approved the project prior to the filing of the appeal."

This proposed section is impossible to comprehend, violates CEQA, and should be rewritten. The "date of approval" of a project and its environmental determination is ordinarily the date when the Board of Supervisors takes final action to approve a project.

The date of approval by a "City department" is not the same as the date of approval of the Planning Commission, and that date is not the same as the date of approval of the Board of Supervisors. The date of approval by a "City department" is often unascertainable by the public, since City departments, particularly the Planning Department and Commission, often fail to give any public notice of departmental decisions, particularly exemptions. The public should not have to monitor every City department to see what actions may have been taken that day or that week. City often fails to give public notice of its CEQA determinations, even after individuals have requested such notice on particular projects.

9. §31.16(c)(1) Violates CEQA by Requiring an Appellant to have Personally Commented in the Past.

There is no requirement under CEQA that a person appealing certification of an EIR must have submitted comments to the Planning Commission or the Environmental Review Officer on a draft EIR, and City does not have authority to impose such a requirement. (E.g., Bakersfield Citizens for Local Control v. Bakersfield (2004) 124 Cal.App.4th 1184, 1199-1202; Galante Vineyards v. Monterey Peninsula Water Management Dist. (1997) 60 Cal.App.4th 1109, 1121; Federation of Hillside and Canyon Associations v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1263.)

10. §31.16(c)(2) Provides Inadequate Time to Appeal a Final EIR.

The proposed ordinance allows only 20 days to appeal a final EIR to the Board of Supervisors. This is inadequate in view of the size and complexity of most projects requiring EIRs. The time for appeal should be a minimum of 45 days. An EIR is often a large, complex document which has taken months to prepare. A hasty approval process disserves the decisionmakers and the public, and defeats CEQA's purposes.

11. §31.16(c)(3) Violates CEQA by Limiting the Grounds for Appeal of an EIR.

City proposes that the grounds for appeal of an EIR "shall be limited to issues related to the adequacy, accuracy and objectiveness of the final EIR." City does not have the authority to limit the grounds for appeal of an EIR or any other CEQA determination. (E.g., Bakersfield Citizens for Local Control v. Bakersfield (2004) 124 Cal.App.4th 1184, 1199-1202.)

12. §31.16(d)(1) and (2) Violate CEQA.

The Time for Appeal of a Negative Declaration Is Inadequate.

The proposed time for appeal of a negative declaration is only 15 days from the Planning Commission's approval, which is inadequate. (§31.16(d)(2).) The time for filing an appeal of a Planning Commission action on a negative declaration to the Board of Supervisors should not be less than 45 days to give the public adequate opportunity to obtain and review agency files and prepare a notice of appeal to the Board of Supervisors. Public access to agency files often takes weeks in San Francisco, even upon formal Public Records Act requests. The Planning Commission often takes action on matters before the public has had any opportunity to become acquainted with them.

The requirement that the appellant must have previously submitted comment violates CEQA.

The proposed resolution/ordinance violates CEQA by requiring that in order to appeal the Planning Commission's approval of a negative declaration, the Appellant shall have "submitted comments to the Planning Commission or the Environmental Review Officer on a preliminary negative declaration." There is no such requirement under CEQA, and City exceeds its authority in imposing such a requirement. (Pub. Res. Code §21177(a); e.g., Bakersfield Citizens for Local Control v. Bakersfield (2004) 124 Cal.App.4th 1184, 1199-1202; Galante Vineyards v. Monterey Peninsula Water Management Dist. (1997) 60 Cal.App.4th 1109, 1121; Federation of Hillside and Canyon Associations v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1263.)

The proposed ordinance unlawfully limits the grounds for appeal of a negative declaration.

The proposed ordinance illegally limits the grounds for appeal of a negative declaration to "the adequacy of the analysis, the Planning Commission's finding that the project could not have a significant effect on the environment, including in the case of a mitigated negative declaration, [and] the adequacy and feasibility of the mitigation

measures." The City may not limit the grounds of appeal of any Planning Commission action involving CEQA. The ultimate decisionmaking process by the Board of Supervisors must consider all public input before the Board. (*E.g., Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1202.)

The combined effects of shortening appeal time and imposing heavy burdens on the public defeat CEQA's principal purposes.

The abbreviated time for submitting a letter of appeal, the short time for hearing by the Board, and the improper requirement that papers be submitted 7 days in advance of hearing restrict the appellant's rights and deny due process. These improper requirements defeat an essential purpose of CEQA to provide the public and the decisionmakers with the information needed for informed self-government.

13. §31.16(d)(4) Violates CEQA by Excusing the City from Public Notice When the Commission Reconsiders Previously Rejected Actions.

The proposed ordinance states that if the Board disapproves the Planning Commission's approval of a negative declaration, that the Planning Department may "revise" the negative declaration, and that, when the "revised" negative declaration is rescheduled for hearing before the Planning commission, that the "Environmental Review Officer shall not be required to comply with the procedures set forth in Administrative Code Section 31.11(b),(c), (d) or (e) prior to the Planning Commission hearing."

Existing sections 31.11(b), (c), (d), and (e) of the Administrative Code provide that the City will give public notice prior to hearings on negative declarations and mitigated negative declarations. The ordinance proposes to do away with such public notice when the Planning Commission reconsiders a project that the Commission has previously approved, but that the Board has disapproved and returned to the Planning Department. This proposal violates CEQA, which requires public notice of the Planning Commission's actions on negative declarations. Such notice is even more important where the public has appealed the Commission's previous actions, and the Board has accordingly disapproved those actions.

14. §31.16(e)(1) Violates CEQA by Imposing Appeal Requirements on Exemption Determinations by City Departments.

The proposed ordinance [§31.16(e)] states that the requirements applying to negative declarations and EIRs in its new §31.16(b) "shall apply to appeals of statutory exclusions or exemptions categorical exemptions or a General Rule Exclusion." [§31.16(e)]

The proposed resolution/ordinance implies that such an appeal is required for a "determination by the planning Department or other authorized City department that a statutory exclusion from CEQA applies, that the project is categorically exempt form CEQA, or that a General Rule Exclusion as set forth in CEQA Guidelines Section 15061(b)(3) applies." [§31.16(e).] CEQA requires NO appeal of the decision of an

unelected City department of exemption from CEQA. (See, e.g., Pub. Res. Code §21177(e); e.g., Castaic Lake Water Agency v. City of Santa Clarita (1995) 41 Cal.App.4th 1257, 1265-66.) Nor must the public submit comment of any kind if no public hearing is held prior to approval of a project, or if the public agency fails to give the notice required by law. (E.g., Pub.Res.Code §21177(e).)

The proposed ordinance requires that appellant of a categorical exemption approved by the Planning Commission implicating historical resources "shall have objected to the determination before the Planning Commission, the Zoning Administrator, or other City commission or board." (§31.16(e)) There is no requirement under CEQA that the appellant shall have personally "objected" before appealing a Planning Commission action to the Board. (e.g., Bakersfield Citizens for Local Control v. Bakersfield (2004) 124 Cal.App.4th 1184, 1199-1202; Galante Vineyards v. Monterey Peninsula Water Management Dist. (1997) 60 Cal.App.4th 1109, 1121; Federation of Hillside and Canyon Associations v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1263.)

Even if City gave notice and allowed public participation in its exemption determinations, which it does *not*, the ten-day requirement (§31.16(e) and §31.16(e)(1)) for appealing an exemption is far too short, making appeal impossible. The City gives no public notice of its exemption determinations. Ten days does not begin to give adequate time for appeal of a categorical (or other) exemption asserted by the City, especially in view of the lack of public notice, the length of time required for the public to obtain materials from City agencies, and the proposed 7-day requirement for submitting numerous copies of "written materials." [§31.16(b)(5).] Ten days is not enough time to appeal exemptions or any other matter.

15. §31.08(f) impermissibly restricts appeals of exemption determinations.

The proposed ordinance would allow the public only 10 days for appealing an exemption. (Executive Summary, p.3-4) Since the City's Planning Department does not give public notice when it declares a project exempt from CEQA, it is often impossible for the public to find out when the Planning Department has declared a project exempt. The proposed section 31.08 only requires notice of exemptions for historical resources, demolition, and categorical exemptions to "be posted in the offices of the Planning Department" and "mailed to any individuals or organizations that have previously requested such notice in writing." The same section illegally precludes public objections to an exemption determination to "the Planning Commission, the zoning administrator, or other City board or commission, as applicable, in order to preserve the opportunity to appeal the determination to the Board of Supervisors as provided in Section 31.16." (§31.08(f).)

The proposed time for appealing a negative declaration is only 20 days, and for a final environmental impact report is also only 20 days. Again, these times are insufficient for adequate public review and due process. Projects receiving negative declarations and EIRs often involve large files and complex planning documents, which can take days and weeks to obtain from the Planning Department, and more time to review to determine whether an appeal is appropriate. EIRs are often hundreds and even thousands of pages of technical, complex materials.

The minimum times for filing appeals of Planning Commission or other CEQA determinations to the Board of Supervisors should be at least 30 days, and for EIRs should be at least 60 days.

16. The Proposed Amendment of §31.08(f) Violates CEQA.

The proposed ordinance illegally requires that "any person who wishes to object to the CEQA determination" in an appeal to the Board of a Commission action approving a categorical exemption must have "raised such objection before the Planning Commission, the Zoning Administrator or other City board or commission...in order to preserve the opportunity to appeal the determination to the Board of Supervisors." There is no such requirement under CEQA, and the City does not have authority to impose such a requirement. Any person may appeal a Planning Commission determination, whether or not that person has previously submitted public comment on a particular project. (e.g., Bakersfield Citizens for Local Control v. Bakersfield (2004) 124 Cal.App.4th 1184, 1199-1202; Galante Vineyards v. Monterey Peninsula Water Management Dist. (1997) 60 Cal.App.4th 1109, 1121; Federation of Hillside and Canyon Associations v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1263.)

17. The Proposed Ordinance Violates CEQA by Removing Critical Public Notice Provisions from §§31.11 and 31.13, Providing Public Notice of Negative Declarations and Draft EIRs.

At §31.11(c), the City proposes to excuse itself from public notice for large projects, by adding the following: "In the case of projects that either are citywide in scope or where the total area of land that is part of the project, excluding the area of public streets and alleys, is 5 acres or more, the Environmental Review Officer shall not be required to mail notice to the owners within 300 feet of all exterior boundaries of the project area." The proposed ordinance provides *no* public notice of such projects, in violation of CEQA, and defeating CEQA's central purpose of public participation and informed decisionmaking.

At §31.13(d), the ordinance proposes to also excuse the City from public notice of large projects of "5 acres or more" on draft EIRs. City is required to give public notice, and its failure to do so violates CEQA's notice requirements and those of other statutes and local Codes, and constitutional provisions.

18. A Final EIR Should be Made Available to the Public No Less than 45 Days Before the Planning Commission Hearing to Consider Certification of the Final EIR.

The proposed ordinance would allow only ten days for the public to receive, consider and comment on a final EIR. (§31.15(a).) EIRs are large, complex documents that have often taken many months to prepare, and ten days is inadequate for public receipt, review and submission of comment on such documents before consideration by the Planning Commission. The time for public receipt and review of such documents should be not less than 45 days.

19. There Should Be NO Fee for Appeal of a Planning Commission Action to the Board of Supervisors.

The proposed ordinance may impose a punitive fee for each appeal of a Planning Commission approval of negative declarations and exemptions and other actions, which does not now exist. [§31.16(b)(1).] The current fee is extraordinarily large and onerous at \$500 that must be deposited upon appeal, chilling many individuals and public interest groups from even trying to exercise their rights under CEQA. City should do away with all fees for CEQA determination appeals.

The proposed resolution/ordinance §31.16(b)(1) requires a new fee for all appeals of CEQA determinations, that does not now exist, and that any appeal must be accompanied by a fee as set forth in the Administrative Code §31.22. The proposed resolution/ordinance does not inform Commissioners or the public of what that fee will be, or provide §31.22 of the San Francisco Administrative Code to establish the context. The omitted information is critical to the public's and the Commission's understanding of what the City has up its sleeve: the imposition of punitive fees and impediments to public appeals of CEQA determinations.

Section 31.22(a)(10) of the San Francisco Administrative Code was recently amended to require a punitive fee of \$209.00 for appeal of "the Planning Commission's certification of an EIR to the Board" to "be used to defray the cost of producing the EIR for the Board as well as the cost of Planning Department staff time." The rationale that such a fee is for City's "cost of producing" documents for the Board is certainly specious, since the Board ultimately must receive City's own documents in order to finally approve any action -- whether or not an appeal has been filed by the public to a Planning Commission action. The public already pays for Planning staff through taxes, and City may not lawfully invoke staff time as a reason to charge the public fees for appealing Planning Commission actions to the Board of Supervisors.

Now the City proposes to penalize an appellant of *any* determination -- from an exemption to a negative declaration to a final EIR -- with the same onerous money burden for simply filing a letter of appeal. As noted, the City must provide copies of relevant documents to the Board for consideration of a project whether or not there is an appeal of a Planning Commission action.

The proposed fee is plainly a penalty for appealing a Commission action to the Board that is unjustifiable as a matter of due process, and will restrict the public, particularly those of limited means from participating in CEQA determinations by City agencies that affect their and others' environment.

CONCLUSION

The Planning Commission should not approve or recommend adoption of the proposed ordinance in its present form, because it contains several provisions that violate the letter and intent of CEQA. The proposed ordinance denies adequate time for public appeals of Planning Commission actions to the Board of Supervisors, improperly restricts grounds for appeal, illegally removes public notice requirements, imposes onerous fees and paperwork requirements on the public, and illegally requires submission of all

written materials more than seven days in advance of any appeal hearing before the Board of Supervisors.

The effect of the proposed ordinance would deny due process and preclude the public's right to participate in the CEQA process in San Francisco. Shortening the public's time for appeal to the Board of Supervisors, curtailing and restricting the public's right to be heard, illegally removing public notice requirements, and imposing punitive fees and burdensome procedural requirements will ultimately result in more, not less, litigation against the City by shutting the public out of the decisionmaking process.

THIS COMMENTER REQUESTS PUBLIC NOTICE OF ANY ACTIONS BY ANY CITY AGENCY, THE PLANNING COMMISSION, AND THE BOARD OF SUPERVISORS ON CHAPTER 31 OF THE SAN FRANCISCO ADMINISTRATIVE CODE.

SIGNED,

Mary Miles

HERZIG & BERLESE

ATTORNEYS AT LAW

IVY COURT, SUITE 5, 414 GOUGH STREET, SAN FRANCISCO, CA 94102 FAX (415) 861-0259

(415) 861-8800

BARBARA E. HÊRZIG MARGARET J. BERLESE

September 23, 2010

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

Dear Supervisors:

The Parkmerced Vision project will greatly improve housing quality, comfort and availability in San Francisco. As a leader with the Coalition for Better Housing, I'm writing to ask your support for the Parkmerced Vision project.

The Coalition for Better Housing works with San Francisco landlords and tenants to improve the quality of our city's housing supply. Parkmerced's proposal to redevelop outdated, drafty and inefficient units to create several hundred new, comfortable, energy-efficient units will improve the average resident's access to modern and sustainable housing in San Francisco.

The existing units at Parkmerced are, to put it simply, at the end of their useful life. The units require constant maintenance and are wasteful of limited water and energy resources. The land is underutilized in a City in need of additional housing units. The proposed project will improve energy and water efficiency, unit layout, handicap accessibility and overall resident comfort. The project will also encourage non-motorized transit by bringing in local retail and services, beginning a bicycle sharing network, implementing new multi-use paths to connect Parkmerced to surround neighborhoods, and coordinating the re-routing of public transportation. These improvements will improve the quality of life for residents in Parkmerced and city-wide.

For people currently living in units to be eliminated, management will provide a choice of a new and better unit at the same price, and the owners have committed to maintaining current residents' rent control status.

The Parkmerced Vision project will increase housing availability and quality in San Francisco. I fully support the project and urge you to do the same.

Sincerely,

HERZIG & BERLESE

Flynn Investments

real estate development

1717 Powell Street, Suite 300

San Francisco, CA 94133

Telephone # 415-989-1717

Fax # 415-951-9630

September 23, 2010

San Francisco Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca 94102-4689

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For people currently living in displaced units, management will provide a choice of a new and better unit at the same price, and the owners have committed to maintaining current residents' rent control status.

The Parkmerced Vision project will increase housing availability and quality in west San Francisco. I fully support the project and urge you to do the same.

Sincerely,

Russell B. Flynn



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San Francisco Board of Supervisors San Francisco City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, Ca 94102-4689

September 23, 2010

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The existing units at Parkmerced are, to put it simply, at the end of their useful life. The units require consistent maintenance calls, are wasteful of limited water and energy resources, are inappropriately less dense surrounding neighborhoods and provide limited means to get around without a car. The proposed project will improve energy and water efficiency, unit layout, handicap accessibility and overall resident comfort. The project will also encourage non-motorized transit by bringing in local retail and services, beginning a bicycle sharing network, implementing new multi-use paths to connect Parkmerced to surround neighborhoods, and coordinating the re-routing of public transportation. These improvements will improve the quality of life for residents in Parkmerced and city-wide.

For people currently living in displaced units, management will provide a choice of a new and better unit at the same price, and the owners have committed to maintaining current residents' rent control status.

The Parkmerced Vision project will increase housing availability and quality in west San Francisco. I fully support the project and urge you to do the same.

Sincerely,

Linda J. Corso General Manager NEWS: Caltrain Installs New Suicide Prevention Signs

Dunn, Christine

to:

Dunn, Christine 09/27/2010 11:44 AM Show Details



Media Contact: Christine Dunn, 650.508.6238

Caltrain Installs New Suicide Prevention Signs

As part of its continuing effort to improve safety around the railroad and in recognition of Rail Safety Month, Caltrain installed the first of 250 signs today with a hotline number to a local crisis intervention agency. The signs are part of national study to test the effectiveness of signs in preventing suicides on railroads.

Caltrain has joined the American Association of Suicidiology, a national organization dedicated to suicide prevention, in a study that includes two other railroads on the East Coast. AAS Executive Director Lanny Berman said, "The AAS applauds Caltrain's partnership in preventing the tragic waste of human life by suicide. Evidence from other countries has shown that preventing suicides on railroad rights of way is possible. Together with Youth and Family Enrichment Services, we hope to be able to similarly show here in the States that lives in despair can be redirected to be lives of meaning and value."

The signs will be posted along a 10-mile stretch of the right of way between Menlo Park and Mountain View. The hot line number on the new signs is routed directly to the Youth and Family Services Crisis Intervention Center in San Carlos. The calls will be tracked to determine if the signs are an effective tool for suicide prevention.

The signs, which will cost \$110,000, will be placed on fences, gates, at grade crossings, on station platforms and along the property line.

Although Caltrain has had similar signs on the right of way since 2001, the previous signs directed callers to an 800 number that used letters instead of numbers, a memory device that is no longer useful on newer phones.

Caltrain intensified its efforts to prevent suicide on the railroad after last year, when four members of the community were lost in a six-month period. "Whenever a fatality occurs, we are profoundly saddened," said Caltrain Board Member Omar Ahmad. "As a member of the community it is important for Caltrain to participate in the community effort to address this complex and troubling problem."

Initially, Caltrain spearheaded meetings to bring community representatives together to collaborate and share resources and continues to be an active participant in three community mental health organizations. The design of the signs as well as the location of the pilot project was guided by input from local mental health professionals.

The signs are part of Caltrain's continuing commitment to safety on the right of way through education, engineering and enforcement.

Caltrain is a member of Operation Lifesaver, an international railroad safety program. Since 2006, Caltrain staff has made Operation Lifesaver presentations to more than 15,000 people including students, community groups, police and fire officials, elected officials and civic leaders.

Transit Police deputies who patrol the Caltrain right of way have been trained in crisis intervention to help them recognize people who may be a threat to themselves or others. Eleven people were removed from the right of way this year and referred to treatment.

Caltrain has continuously made safety improvements over the years, including improving grade crossings and modernizing stations. Since 2006, Caltrain has spent \$4.2 million to install 61,000 feet of fencing along its right of way.

Members of the public who would like information about rail safety education and tips can call 650,508.7934 or visit www.caltrain.com.

Caltrain is a commuter rail line operating between San Francisco and San Jose, with commute service to Gilroy. Average weekday ridership on the mix of 90 local, limited and express weekday trains is 38,000. Local, hourly service is provided on Saturdays and Sundays.

Caltrain is owned and operated by the Peninsula Corridor Joint Powers Board, a partnership of the San Francisco Municipal Transportation Agency, the San Mateo County Transit District and the Santa Clara Valley Transportation Authority.

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