

Petitions and Communications received from August 30, 2011, through September 2, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 13, 2011.

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

From Planning Department, regarding the proposed project at 660-670 4th Street. File No. 110941 (1)

From Clerk of the Board, the following individuals have submitted a Form 700 Statement: (2)

Myong Hoon Leigh, Redistricting Task Force - Assuming

Mark Schreiber, Redistricting Task Force - Assuming

From various City Departments, confirming that the funding provided in the budget for FY2011-2012 as adopted by the Board of Supervisors is adequate for their department to meet service levels as proposed to the Board. (3)

Art Commission

Office of Citizen of Complaints

California Academy of Sciences

Department of the Environment

Fire Department

Human Services Agency

Police Department

Public Library

Superior Court

From Office of Clerk of the Board, confirming that the funding provided in the budget for FY2011-2012 as adopted by the Board of Supervisors is adequate for their department to meet service levels as proposed to the Board with the exception of a supplemental appropriation for vacation payouts for retiring employees. (4)

From Adult Probation Department, confirming that the funding provided in the budget for FY2011-2012 as adopted by the Board of Supervisors is adequate for their department to meet service levels as proposed to the Board. The Adult Probation Department has submitted a supplemental budget appropriation for the State Public Safety Realignment Act. (5)

From Law Office of Berding & Weil, withdrawing their appeal of proposed project at 1621 Montgomery Street. File No. 110831, Copy: Each Supervisor, City Attorney (6)

From Municipal Transportation Agency, submitting the Octavia Boulevard, intersection injury collision history report. (7)

From T Mobile, submitting notification of one cellular antenna to be installed at 1500 Grant Avenue. Copy: Each Supervisor (8)

From concerned citizens, submitting support for the Commission on Animal Control and Welfare's humane pet acquisition proposal in defense of animals. 2 letters (9)

From BART Board of Directors, regarding the appointment of Grace Crunican as the new BART General Manager. (10)

From State Fish and Game Commission, submitting notice of regulatory action relating to abalone sport fishing. Copy: Each Supervisor (11)

From concerned citizens, submitting support for proposed motion affirming the determination by the Planning Department that the project located at 660-670 4th Street is exempt from environmental review. File No. 110941, 3 letters (12)

From Kerman & Morris Architects, withdrawing their appeal of proposed project at 70-74 Gold Mine Drive. File No. 110825, Copy: Each Supervisor, City Attorney, 2 letters (13)

From Eileen Wampole, regarding saving the Sharp Park Wetlands. (14)

*From Law Office of Holland & Knight, submitting petition in support of the proposed project at 660-670 4th Street. File No. 110942 (15)

From Redevelopment Agency, reporting to the Board of Supervisors on certain sales subject to California Health and Safety Code Section 33433. Copy: Each Supervisor (16)

From Law Office of Sanger & Olson, requesting the appeal of the proposed project at 1171 Sansome Street be continued to October 4, 2011. File No. 110835, Copy: Each Supervisor, City Attorney (17)

From Law Office of Holland & Knight, regarding appeal of Determination of Exemption from Environmental Review for proposed project at 660-670 4th Street. File No. 110941 (18)

From Department on the Status of Women, submitting resolution objecting to the new NBC series "Playboy Club." (19)

From Caltrain News, regarding Tom Nolan's appointment to the Peninsula Corridor Joint Powers Board. (20)

*(An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is available at the Clerk's Office Room 244, City Hall.)

110941



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Categorical Exemption Appeal 660-670 4th Street

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San Francisco,
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DATE: August 29, 2011
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Bill Wycko, Environmental Review Officer – (415) 558-9048
 Erika S. Jackson, Case Planner – Planning Department (415) 558-6363
RE: BOS File No. 110941; Planning Case No. 2010.1042E
 Appeal of Categorical Exemption for 660-670 4th Street
HEARING DATE: September 6, 2011
ATTACHMENTS:

- A. Antenna Positions and Orientations and Calculated RF Exposure Levels at Roof Decks
- A1. San Francisco Department of Public Health Calculated RF Levels
- B. Planning Commission Motion 18399, dated July 7, 2011
- C. Planning Maps and Site Photographs
- D. Department of Public Health Referral Report (November 22, 2010)
- E. Site Maps and Plans

PROJECT SPONSOR: Amy Million on behalf of AT&T

APPELLANT: Jason Sanders

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's (the "Department") issuance of a Categorical Exemption under the California Environmental Quality Act ("CEQA Determination") for a project that would allow the installation of a wireless telecommunications facility consisting of ten new panel antennas and six new equipment cabinets on the rooftop at 660-670 4th Street (the "Project").

This response addresses the appeal ("Appeal Letter") to the Board filed on July 25, 2011 by Jason Sanders. The Department, pursuant to CEQA (Public Resources Code Sections 21000 *et seq.*) and the CEQA Guidelines (Title 14 California Code of Regulations Sections 15000 *et seq.*), issued a Categorical Exemption for the proposed wireless telecommunications facility at 660-670 4th Street on July 7, 2011.

Memo

①

The decision before the Board is whether to uphold the Department's categorical exemption determination and deny the appeal, or to overturn the Department's determination and return the project to the Department staff for additional environmental review.

SITE DESCRIPTION & PRESENT USE

The site is occupied by a mixed use building that is approximately 70 feet tall and was constructed in 2000. The building has commercial uses on the ground floor and live/work units on the upper floors. The building is located on the corner of Bluxome, Townsend, and 4th Streets. The building is located in an MUO (Mixed Use Office) Zoning District and a 85-X Height and Bulk District. The lot is approximately 13,000 square feet and has street frontage on Bluxome, Townsend, and 4th Streets. The site includes two, independently-accessible roof decks for use by residents of the building.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located within the South of Market Neighborhood. The subject site is zoned MUO, which is described in the Planning Code as designed to encourage office uses and housing, as well as small-scale light industrial and arts activities. A pattern of mid-rise residential, industrial and office buildings exists in the neighborhood and on a block adjacent to the Caltrain Station, which is located at 4th and Townsend Streets. The overall density of dwelling units is high, and buildings are larger scaled. Immediately adjacent to the project site are mixed use buildings ranging from four to seven stories, the Caltrain Station, and some single-story eating establishments.

PROJECT DESCRIPTION

Attachment A, Antenna Positions and Orientations, and Calculated RF Exposure Levels at Roof Decks, shows the location of the antennas. The proposal is to install a wireless telecommunications facility consisting of ten new panel antennas and six new equipment cabinets on the rooftop of an existing mixed use building that is approximately 70 feet tall. The proposal is part of a wireless transmission network operated by AT&T. Eight of the antennas measure 51.5" high by 7.1" deep by 11.9" wide and two of the antennas measure 52.2" high by 6.2" wide by 18.3" deep. The antennas would be mounted in three different locations:

- 1) three antennas on the northwest side of the building attached to an existing chimney structure and setback 10'-4" from the Bluxome Street façade,
- 2) four antennas along the northwest corner of the interior courtyard attached to an existing penthouse structure, and
- 3) three antennas along the southeast side of the building attached to an existing chimney structure and setback 10'-8.5" from the Townsend Street façade.

Equipment cabinets would be located within a shed on the rooftop and setback 16'-0" from the 4th Street façade. The *WTS Facilities Siting Guidelines* identify different types of buildings for the

siting of wireless telecommunications facilities. Under the *Guidelines*, the Project is a Location Preference 5 (Preferred Location – Mixed Use Buildings in High Density Districts).

BACKGROUND

Conditional Use Authorization Application Filed

On November 18, 2010, AT&T submitted a Conditional Use Authorization application to install a wireless telecommunications facility designated as a "Macro Site" consisting of ten new panel antennas and six new equipment cabinets on the rooftop at 660-670 4th Street. Macro WTS sites are distinguished by using sectors, that is, several groups of directional panel antennas oriented in different directions. Macro WTS sites require Conditional Use Authorization by the Planning Commission in Residential Use Districts. Per Planning Code Sections 227(h), 303, and 842.93, a Conditional Use authorization is required for the installation of other uses such as wireless transmission facilities.

Project Review Process

The revised drawings were reviewed pursuant to the Planning Code, the *Wireless Telecommunications Services Facilities Siting Guidelines*¹ ("Wireless Guidelines") and CEQA. Prior to the adoption of the *Wireless Guidelines* by the Planning Commission, the Board of Supervisors provided input as to where wireless facilities should be located within San Francisco in Resolution No. 635-96². The *Wireless Guidelines* were updated by the Commission in 2003, requiring community outreach, notification, and detailed information about the facilities to be installed. Before the Department can approve an application to install a wireless facility, the project sponsor must submit a five-year facilities plan, which must be updated biannually; submit an emissions report; receive approval by the Department of Public Health; complete Section 106 (of the National Historic Preservation Act of 1966) review; and provide details about the facilities to be installed. Staff found that the proposed project complied with these regulations.

At this time the Department determined the Project to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15303, Class 3, New Construction or Conversion of Small Structures.

The Department of Public Health ("DPH") also reviewed the Project and found that it would comply with the current Federal Communication Commission ("FCC") safety standards for radiofrequency radiation exposure and with the Planning Department's *Wireless Guidelines*, as outlined in a report to the Department dated November 22, 2010. (Attachment C). As specified in the Planning Department's *Wireless Guidelines*, the Department of Public Health has a three step

¹ *Wireless Telecommunications Services (WTS) Facilities Siting Guidelines*, August 15, 1996.

² BOS File No. 189-92-2, Resolution Number 635-96, dated July 12, 1996.

process for ensuring compliance with FCC exposure standards for radiofrequency radiation from WTS facilities as summarized below:

1. **Health Report:** This first step occurs prior to approval and includes a description of the project and the anticipated cumulative radiofrequency energy levels.
2. **Field Measures:** This step occurs after project completion. Readings are taken to verify that the radiofrequency levels are consistent with the projected levels. Project sponsors must notify neighbors within 25 feet of the antenna and offer to take measurements from within the dwellings.
3. **Periodic Safety Measurements.** Every two years after installation, additional readings are required as part of the ongoing monitoring requirements.

This process of post-installation monitoring is probably unique in the nation. The Department is not aware of any other jurisdiction that regularly monitors radiofrequency levels after installation. Under the 1996 Federal Telecommunications Act, local jurisdictions cannot deny wireless facilities based on Radio Frequency (RF) radiation emissions so long as the facilities comply with the FCC's regulations concerning such emissions.

After Planning and the Public Health Department determined that the project was compliant with local and federal requirements, the Project was scheduled for a Planning Commission hearing on June 2, 2011. This hearing date was continued to July 7, 2011 per the request of the Project Sponsor to allow more time to discuss the Project with the Homeowner's Association and residents of the building who were in opposition to the Project.

Conditional Use Authorization Hearing

On July 7, 2011, the Commission granted a Conditional Use Authorization authorizing the installation of a wireless telecommunications facility, "Macro Site", consisting of ten new panel antennas and six new equipment cabinets on the rooftop at 660-670 4th Street.

At the hearing, the Commission considered numerous issues related to General Plan policies; the citing of the antenna; cumulative impacts of antenna installations; and aesthetic considerations. The project is located in a "Preferred Location Site, No. 5 Mixed-Use Building in a High-Density District" as defined in the Department's *Wireless Guidelines*. Since the project is in a "preferred location" as opposed to a "disfavored location" or a "limited preference site," additional findings analyzing alternative locations were not required.

Planning Department Staff received two emails in opposition to the proposed Project and one phone call with questions regarding the proposed Project. One of the emails was from the Appellant, Jason Sanders. On July 5, 2011, the Appellant, Jason Sanders, sent an opposition letter via email to members of the Planning Commission and Planning Department Staff. There was no public testimony at the Planning Commission hearing. Following the staff presentation, the Planning Commission voted to approve the Project as proposed as recorded in Motion Number 18399 in a 6-0 vote, with 1 Commissioner absent.

CEQA GUIDELINES

Categorical Exemptions

Section 21084 of the California Public Resources Code requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review.

In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines Sections 15301 through 15333, do not have a significant impact on the environment, and therefore are categorically exempt from the requirement for the preparation of further environmental review.

CEQA State Guidelines Section 15303, or Class 3, provides for an exemption from environmental review for construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. CEQA State Guidelines Section 15303(d) specifically applies to utility extensions. Thus, the proposed installations are covered by the range of activities properly exempted pursuant to Class 3.

CEQA Guidelines Section 15300.2(f) does not allow a categorical exemption to be used for a project that may cause a substantial adverse change in the significance of a historic resource.

Exceptions to Exemptions/Exclusions from Environmental Review

CEQA Guidelines Section 15300.2 lists exceptions to the use of categorical exemptions. The exceptions include that an exemption shall not be used 1) where there is a reasonable possibility that the activity would have a significant effect on the environment due to unusual circumstances (Section 15300.2(c)); 2) where the project would cause a substantial adverse change in the significance of a historical resource (Section 15300.2(f)); and 3) where the project would result in a significant cumulative impact (Section 15300.2(b)). As described below, there are no conditions associated with the proposed project that would suggest the possibility of a significant environmental effect.

CEQA and Historic Resources

The proposed site contains no historic resources and the Department concluded that the proposed project would not cause a significant impact to a historic resource. Therefore, this issue would not trigger an exception to the use of a categorical exemption.

Public Views and Aesthetics

In evaluating whether the proposed wireless telecommunications facility would be exempt from environmental review, the Department determined that it would not result in a significant impact

to public views and aesthetics. Visual quality, by its nature, is subjective and different viewers may have varying opinions as to whether the proposed wireless facility contributes negatively to the visual landscape of the City and its neighborhoods.

It should be noted that CEQA's primary focus regarding visual impact is on scenic vistas within the public realm and the impact of the project on the existing scenic environment. The CEQA Guidelines provide an Initial Study Checklist which indicates that assessments of significant impacts on visual resources should consider whether the project would: Have a substantial, adverse effect on a scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; Substantially degrade the existing visual character or quality of the site and its surroundings; or create a new source of substantial light and glare which would adversely affect day and nighttime views of the area. The Project would not result in any of these conditions for the reasons described below:

The antennas would be mounted in three different locations: 1) three antennas on the northwest side of the building attached to an existing chimney structure and setback 10'-4" from the Bluxome Street façade, 2) four antennas along the northwest corner of the interior courtyard attached to an existing penthouse structure, and 3) three antennas along the southeast side of the building attached to an existing chimney structure and setback 10'-8.5" from the Townsend Street façade. Equipment cabinets would be located within a shed on the rooftop and setback 16'-0" from the 4th Street facade. Therefore, the proposed wireless facility would not be visible, or only minimally visible from select vantage points, when viewed from nearby public rights-of-way. The only portion of the facility that would be visible from a nearby public right-of-way is the screen wall attached to the existing chimney structures. When visible, the screen wall would manifest itself as an extension of the existing chimney structure, which is a rooftop appurtenance that is commonly found on similar buildings in the area. Additionally, the proposed wireless facility would not generate any obtrusive light or glare. The Department reviewed computer-generated photo simulations from the project sponsor of the proposed wireless facility, as well as a site mock-up, which support the Department's conclusion that the proposed project would have a negligible effect on public views and aesthetics.

In reviewing aesthetics under CEQA generally, consideration of the existing context in which a project is proposed is required and evaluation must be based on the impact on the existing environment. The proposed project, when visible, would be compatible with the neighborhood context, as the screen wall would manifest itself as an extension of the existing chimney structure, which is a rooftop appurtenance that is commonly found on similar buildings in the area. The proposed wireless facility is thus consistent with the existing developed environment and therefore cannot be deemed an "unusual circumstance." For those same reasons, the "unusual circumstance" exception to the categorical exemptions is not applicable to aesthetic impacts that are similar to existing structures. This wireless facility would not be unusual and would not create adverse aesthetic impacts on the environment.

For all the above reasons, the Department concluded that the installation of the proposed project would not result in a significant adverse effect on public views or aesthetics.

Radiofrequency Radiation

The proposed equipment would generate radiofrequency (RF) radiation. The applicant submitted a report evaluating the RF emissions that would be generated by the proposed project. As discussed in more detail below, the report concludes that the wireless telecommunications facility, as proposed, complies with the prevailing FCC-adopted health and safety standards limiting human exposure to RF energy, and would not cause a significant effect on the environment. Pursuant to DPW Order No. 177,163, prior to approval of a Personal Wireless Service Facilities Permit, DPH ensures that proposed project's RF emissions comply with FCC-adopted public exposure limits.

Furthermore, on January 3, 1996, the Federal Government adopted the Telecommunications Act of 1996 ("Act"). The Act establishes limitations on local jurisdiction regulation of wireless facilities. Among other things, the Act specifically prohibits local jurisdictions from disapproving wireless facilities for public health concerns or denying a permit without "substantial evidence" in a written record. Local jurisdictions retain land use authority and can regulate the height, location, visual impact, and/or zoning compliance of a new antenna.

Federal Guidelines for Local and State Government Authority over the Siting of Personal Wireless Service Facilities

"Section 332(c)(7) of the Communications Act preserves state and local authority over zoning and land use decisions for personal wireless service facilities, but sets forth specific limitations on that authority. Specifically, a state or local government may not unreasonably discriminate among providers of functionally equivalent services, may not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, must act on applications within a reasonable period of time, and must make any denial of an application in writing supported by substantial evidence in a written record. The statute also preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, assuming that the provider is in compliance with the Commission's RF rules.

Allegations that a state or local government has acted inconsistently with Section 332(c)(7) are to be resolved exclusively by the courts (with the exception of cases involving regulation based on the health effects of RF emissions, which can be resolved by the courts or the Commission). Thus, other than RF emissions cases, the Commission's role in Section 332(c)(7) issues is primarily one of information and facilitation."

For the reasons described above, the operation of the proposed wireless telecommunications facilities would not pose a health hazard to the general public. Therefore, the proposed project would not result in a significant effect with regard to RF emissions, and this issue would not trigger an exception to the use of a categorical exemption.

Cumulative Impacts

CEQA State Guidelines Section 15300.2(b) provides that a categorical exemption shall not apply if significant impacts would result over time from successive projects of the same type in the same place. The DPH reviewed and approved the RF emissions report, which concludes that the proposed wireless telecommunications facility would comply with the prevailing FCC-adopted health and safety standards limiting human exposure to RF energy, and would not for this reason cause a significant effect on the environment. Therefore, the impacts of the Project would not aggregate under CEQA to a degree where the project, by itself, would have cumulative impacts. The project-specific RF exposure discussion, which includes the cumulative impacts from RF exposure, is contained in the below discussion below.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The Appeal Letter dated July 25, 2011 is cited in a summary below and is followed by the Department's responses.

Issue 1: Use of roof decks will place building residents within the Public Exclusion Zone. "The proposed structure that was approved by the Planning Department places the antennas just 36'-5" from the staircase to my roof deck, well short of the 58' requirement. For the Project Sponsor to claim that 36'-5" is not within a 58' public exposure limit is disingenuous given they were up on my roof deck with me. Also worth mentioning is that the consulting firm[s]... report also excluded any mention of the roof deck. Essentially, the proposal heard by the Planning Commission effectively wiped out the existence of the roof deck, its close proximity to the antennas or the fact that the structure is used on a very regular basis."

Response 1: The panel antennas focus the RF emissions in the direction which the antennas are facing. The 58 feet public exposure limit only extends directly in front of the antennas. It is not a 58 feet zone around all sides of the antenna. This is shown in Attachment A. The RF emissions to the sides and rear of the panel antennas extend only a few feet. The roof decks are located 56 feet from the antennas. Therefore, as shown on Attachment A, residents using the roof decks will not be within the public exclusion area for any antennas. In 1996 the Federal Government passed the Telecom Act, requiring the FCC to adopt a nationwide human exposure standard which would ensure that the facilities it licensed did not have a cumulative impact on human health or the environment. The FCC developed these standards for exposure to RF energy. In San Francisco, the Planning Department adopted the local *Wireless Telecommunications Services Facilities Siting Guidelines*, which require wireless facilities to evaluate RF exposure both before and after installation. In sum, the FCC provides the standard, but the local *Wireless Guidelines* enforces this standard by requiring an exposure evaluation both before and after installation as part of a three-step process.

The first step of the process is the submittal of a Health Report to DPH which includes a description of the Project and the anticipated RF energy levels. A November 9, 2010 report by Hammett & Edison, Inc., Consulting Engineers evaluated the Project for compliance with

appropriate guidelines limiting human exposure to RF electromagnetic fields. The report stated that for any person anywhere at ground level, the maximum ambient RF exposure level due to the proposed relay operation by itself would be 0.78% of the applicable public exposure limit. Per the report, the public exposure limit is calculated to extend up to 58 feet out from the antenna face and to much lesser distances above, below and to the sides of the antennas. In the case of sector based panel antennas, the pattern of RF emissions is fan-shaped and RF emissions are very low towards the rear. The power density from the antenna decreases rapidly as one moves away from the antenna.

The report also concluded that cumulative existing RF levels from RF-emitting technologies in the area were below 1% of the most restrictive FCC public exposure limit. DPH also took field measurements of cumulative existing RF emissions in the project area, as well as on the rooftop of the subject building. DPH's field measurements of the cumulative RF emissions from existing RF-emitting technologies also revealed that the project area and the rooftop of the subject building are currently subject to less than 1% of the most restrictive FCC public exposure limit. Please reference Attachment A for RF field measurement locations and levels, calculated by Hammett & Edison, using the most conservative FCC standard. This map shows that the Appellant's roof deck and access stairs are outside of the public exposure limit area. Attachment A1 was prepared by the San Francisco Department of Public Health using the standard for the three frequency bands which the proposed antennas will be utilizing; therefore the measurements shown are slightly lower than those in the Hammett & Edison map.

To place these numbers in context consider the following. According to the attached DPH Memo, the World Health Organization notes that over 25,000 studies have been published during the past 30 years on the biological effects of RF energy. RF has been studied more than most known carcinogens. Based on this information, the prevailing opinion among governmental agencies continues to be that the only known impacts of RF are due to tissue heating. The FCC public exposure level limits are set at a level that is equal to 1/50th of the amount of RF energy required to cause thermal effects in humans associated with RF energy. In this case, the maximum exposure level from the antennae would be 0.78% of 1/50th the amount of energy needed to cause heating, the only known biological effect. Further, RF energy decreases with distance following the inverse square law. Meaning as one doubles the distance from the source, the amount of RF energy is reduced by ¼. Distance significantly reduces exposure levels. The attached RF report demonstrates that with the proposed antennae type, once a person is standing outside the public exclusion zone exposure levels will never be great enough to reach the FCC public exposure limit which has been set at 1/50 the level required to produce heating. The proposed antennae siting at this location is 78 feet above the ground—meaning no amount of RF that could cause heating will leave the site and 56 feet from the Appellant's roof deck—meaning no amount of RF that could cause heating will reach the roof deck. Because the rooftop area where the antenna would be mounted contains two roof decks that are accessible to building occupants, AT&T has located the antennas and directed the RF emissions to ensure that the RF energy levels at the roof decks will be well below FCC standards. Furthermore, the non-publicly accessible zone would not extend

beyond the rooftop of the subject building as the subject antenna would be set back a minimum of seven feet from the edge of the rooftop.

Given these facts, neither potential cumulative impacts from additional antennas nor any unusual circumstance could create a "reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances".

The second step of the local exposure evaluation process requires AT&T to provide DPH with a Project Implementation Report ("PIR"), which includes field measurements verifying that the cumulative radiofrequency levels are consistent with the projected cumulative levels outlined in the Health Report within 10 days of the project's completion as the second step in the three-step process. AT&T must notify neighbors located within 25 feet of the antenna and offer to take the RF measurements from inside their dwellings during the PIR period.

The third step of the local exposure evaluation process requires AT&T to conduct field RF measurements every two years as a part of a Periodic Safety Measuring Report to ensure continuing compliance with FCC standards. When or if AT&T decides to pursue one of their proposed facilities, AT&T would be required to go through the same process described above so no new cumulative or project-specific RF emission effects would result as a result of a future project.

Issue 2: Rooftop workers will be exposed to dangerous RF levels. "window washers will no longer have access to the windows facing Townsend Street or Bluxome Street without putting themselves in harms way per the 19' and 58' exposure perimeters because they clip into anchor points on the roof adjacent to the location of the proposed antennas. Also, HVAC units are located literally next to the proposed location of the antennas, thereby restricting safe access."

Response 2: Rooftop workers will be properly informed of RF zones and can take precautionary steps to ensure RF exposure limits are not exceeded. Per the November 9, 2010 report by Hammett & Edison, Inc., the rooftop areas that exceed public exposure limit levels will be clearly marked with signs, barricades, and yellow striping. The signs and other markers would be visible from any angle of approach to persons who might need to work within that distance. Work can occur within these zones provided that precautions, such as turning off the antennas, are taken. Therefore, workers would be able to take necessary precautions prior to accessing these areas, including turning off the power to the base station. These areas are shown on Attachment A.

Issue 3: Incorrect public safety findings in the Commission Motion. "Given the access point/stairs to the roof deck and the roof deck are within the perimeter deemed to be unsafe, Finding 8 and Finding 14B are not correct and should provide the necessary basis for the granting of this appeal."

Response 3: As explained above in Response 1, the roof deck and the access to the roof deck are not within the public exclusion area because the RF emissions are directed toward the front of the panel antennas resulting in very minimal RF emission to the side of the antennas. The Commission's findings related to public safety are correct because the expected RF levels from the Project are significantly below FCC guidelines. As illustrated in the response to issues 1 and 2 above, the proposed Project meets the FCC adopted guidelines and therefore is not detrimental to the health, safety or convenience of those residing or working in the area.

Issue 4: Incorrect Measurements of Chimneys on the Architectural Plans. "It should also be noted that the proposal states that the [antennas are] set back from the Townsend Street façade is 10'-8.5". This, too, is not correct and perhaps another lie to get the proposal through Planning Department. The chimney mentioned in the proposal to which the antennas will be attached is set back at 8'-1.5"."

Response 4: The Chimney cited by the Appellant is not one that will have an antenna. The existing chimney along the Townsend Street façade is setback 8'-1.5" from the edge of the building. However, the antennas along the Townsend Street façade will not be attached to this chimney. The antennas will be located within a 5 foot by 10 foot screen wall structure that is located behind the existing chimney. This structure will be setback 9'-2" from the inside of the parapet and 10'-8.5" from edge of the building and the antennas will be setback an additional 1'-2" from the screen wall.

CONCLUSION

For the reasons stated above the categorical exemption for the proposed project at 660-670 4th Street complies with the requirements of CEQA. The Department therefore recommends that the Board uphold the Determination of Exemption from Environmental Review and deny the appeal of the CEQA Determination.

BOARD of SUPERVISORS



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Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

Date: August 30, 2011
To: Honorable Members, Board of Supervisors
From: *AC* Angela Calvillo, Clerk of the Board
Subject: Form 700

This is to inform you that the following individual has submitted a Form 700 Statement:

Myong Hoon Leigh - Assuming Office – Redistricting Task Force
Mark Schreiber - Assuming Office – Redistricting Task Force



SAN FRANCISCO ARTS COMMISSION

EDWIN M. LEE
MAYOR

August 31, 2011

J.D. BELTRAN
INTERIM DIRECTOR OF
CULTURAL AFFAIRS

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

PROGRAMS

CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS
& EDUCATION
CULTURAL EQUITY GRANTS
PUBLIC ART
STREET ARTISTS LICENSES

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

ARTS COMMISSION GALLERY
401 VAN NESS AVENUE
415.554.6080

Ben Rosenfield, Controller
City Hall, Room 316

WWW.SFARTSCOMMISSION.ORG

RE: Adopted Budget for FY 2011-12

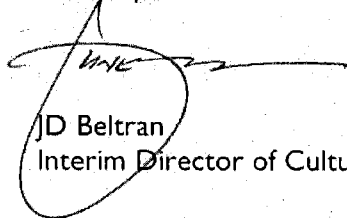
ARTSCOMMISSION@SFGOV.ORG

Ladies and Gentlemen:

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2011-12 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Sincerely,



J.D. Beltran
Interim Director of Cultural Affairs

cc: Rick Wilson, Mayor's Budget Director
Leo Levenson, Controller's Budget and Analysis Director



CITY AND COUNTY OF
SAN FRANCISCO

3

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



August 31, 2011

Joyce M. Hicks
Executive Director

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

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

Ben Rosenfield, Controller
City Hall, Room 316

RE: Adopted Budget for FY 2011-12

Ladies and Gentlemen:

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2011-12 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

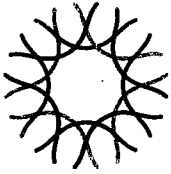
Sincerely,

A handwritten signature in black ink, appearing to read "J. Hicks", written over a horizontal line.

Joyce M. Hicks
Executive Director

cc: Greg Wagner, Mayor's Budget Director

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 SEP - 1 AM 9:48
BY: *[Signature]*



CALIFORNIA
ACADEMY OF
SCIENCES

August 30, 2011

55 Music Concourse Drive
Golden Gate Park
San Francisco, California 94118
www.calacademy.org

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

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

Ben Rosenfield, Controller
City Hall, Room 316

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BOARD OF SUPERVISORS
SAN FRANCISCO
2011 AUG 30 PM 4:42
BY: [Signature]

RE: Adopted Budget for FY 2011-12

Ladies and Gentlemen:

This letter is to hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the City and County of San Francisco budget for the California Academy of Sciences Steinhardt Aquarium in fiscal year 2011-12, as adopted by the Board of Supervisors, is adequate for our department to meet service levels as proposed to the Board.

We do not anticipate making any requests for supplemental appropriations barring unforeseen circumstances.

Also, I would like to express our thanks to the Mayor's and Board of Supervisor's staff and the office of the Controller for their guidance and assistance in submitting our budget.

Sincerely,

Gregory C. Farrington, Ph.D.
Executive Director
California Academy of Sciences
55 Music Concourse Drive
San Francisco, CA 94118
gfarrington@calacademy.org
www.calacademy.org

cc: Rick Wilson, Mayor's Budget Director



SF Environment

Our home. Our city. Our planet.



GAVIN NEWSOM
Mayor

MELANIE NUTTER
Director

August 26, 2011

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

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

Ben Rosenfield, Controller
City Hall, Room 316

RE: Adopted Budget for FY 2011-12

Ladies and Gentlemen:

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2011-12 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Sincerely,

Melanie Nutter
Director

cc: Rick Wilson, Mayor's Budget Director

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 AUG 31 AM 9:43

JOANNE HAYES-WHITE
CHIEF OF DEPARTMENT



EDWIN M. LEE
MAYOR

SAN FRANCISCO FIRE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

August 30, 2011

Angela Calvillo
Clerk of the Board of Supervisors
City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

RE: Adopted Budget for FY 2011-12

Dear Ms. Calvillo,

In conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, I hereby certify that the funding provided in the budget for Fiscal Year 2011-12, as adopted by the Board of Supervisors, appears at this time to be adequate for the San Francisco Fire Department (SFFD) to meet service levels as proposed by the Board.

The SFFD, along with all City Departments, has worked closely with the Mayor's Office, the Board of Supervisors, and the Controller's Office throughout the budget cycle to combat the difficult realities of the City's current economic climate.

The SFFD is awaiting developments in the San Francisco EMS Agency's plan for the design of the Ambulance Service system in San Francisco. The current open-system model allows for both revenue and expenditure uncertainty throughout the year for the Department, and does not allow the SFFD to provide Emergency Medical Services in the most efficient way possible.

The SFFD has made some difficult budgetary decisions in its FY10-11 budget, but intends to operate within our allocated budget. However, unanticipated costs or unforeseen events or circumstance could result in increased costs for this Fiscal Year and the need for supplemental funding. The SFFD will continue to work closely with the Mayor's and Controller's offices through the course of the year to monitor any pertinent issues that may arise.

Sincerely,

A handwritten signature in black ink that reads "Joanne Hayes-White".

Joanne Hayes-White
Chief of Department

cc: The Honorable Edwin M. Lee, Mayor
Ben Rosenfield, Controller
Rick Wilson, Mayor's Budget Director
Cindy Czerwin, Controller's Office – Budget & Analysis Division

City and County of San Francisco



Edwin M. Lee, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services

Trent Rhorer, Executive Director

August 29, 2011

Honorable Edwin Lee
Mayor, City and County of San Francisco
City Hall, Room 200
San Francisco, CA 94102

Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall, Room 244
San Francisco, CA 94102

Ben Rosenfield, Controller
City Hall, Room 316
San Francisco, CA 94102

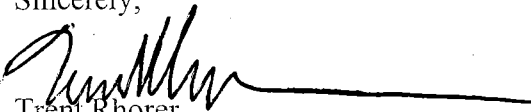
RE: Adopted Budget for FY 2011-12

Ladies and Gentlemen:

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2011-12 as adopted by the Board of Supervisors is adequate for the Human Services Agency to meet service levels as proposed to the Board.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Sincerely,


Trent Rhorer
Executive Director

cc: Rick Wilson, Mayor's Budget Director

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 AUG 30 PM 3:09
BY ALK



EDWIN M. LEE
MAYOR

**POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO**

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



GREGORY P. SUHR
CHIEF OF POLICE

August 31, 2011

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

RE: Adopted Budget for FY 2011-12

Dear Ms. Calvillo:

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2011-12 as adopted by the Board of Supervisors is adequate for my Department to meet service levels as proposed to the Board. This certification is made based on a series of assumptions which include, but are not limited to, the following:

- That there are no significant increases in service deployment, which are directly related to increases in serious criminal activity, natural disasters or elevated homeland security threat levels; and
- That any legislative mandates related to re-deployment of Police Department resources include the appropriation of additional funds to address these mandates.

Based on these assumptions, I anticipate that I shall make no request for supplemental appropriations barring unforeseen circumstances.

Sincerely,


GREGORY P. SUHR
Chief of Police

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 SEP -2 PM 3:03
AK

cc: Mr. Rick Wilson, Mayor's Budget Director



San Francisco Public Library

August 29, 2011

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

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

Ben Rosenfield, Controller
City Hall, Room 316

RE: Adopted Budget for FY 2011-12

Ladies and Gentlemen:

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2011-12 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Sincerely,

Luis Herrera
City Librarian

cc: Rick Wilson, Mayor's Budget Director

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 AUG 31 PM 1:42
BY _____

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

400 McAllister Street, Room 205
San Francisco, CA 94102-4512
Phone: 415-551-5737
FAX: 415-551-5701



T. MICHAEL YUEN
COURT EXECUTIVE OFFICER

August 30, 2011

Hon. Edwin M. Lee, Mayor
City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102-4694

Angela Calvillo, Clerk of the Board
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

Ben Rosenfield, Controller
Office of the Controller
1 Dr. Carlton B. Goodlett Place, Room 312
San Francisco, CA 94102-4694

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 AUG 31 PM 1:09
BY [Signature]

Subject: *Adopted Budget for Fiscal Year 2011/2012*

Ladies and Gentlemen:

As you are aware, the Superior Court, as the local judicial branch of government, is funded by the State of California for court operations as defined in Government Code Section 77003, while the City funds the Court to provide non-court operations. I hereby certify, in conformance with Charter Section 9.115 and Administrative Code Section 3.14, that the funding provided in the City's budget for Fiscal Year 2011-12, as adopted by the Board of Supervisors and executed by the Mayor, is adequate for the Court to meet the service levels of City-funded, non-court operations as proposed to the Board.

The Court will strive to administer indigent defense with the intent on keeping costs within the budgeted allocation. However, it should be noted that variables such as the volume of serious felony criminal cases and subsequently, the number of cases that are referred to private defense representation – factors not within the Court's control – may increase costs beyond the appropriated funding level. In such an event, the Court will be submitting a mid-year supplemental appropriation request for additional funding to ensure that defendants have adequate legal representation, per the City and County's mandates.

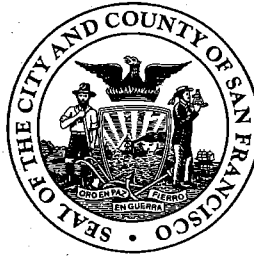
Sincerely,

Handwritten signature of T. Michael Yuen in black ink.

T. Michael Yuen
Court Executive Officer

cc: Rick Wilson, Mayor's Office of Public Policy & Finance
Cindy Czerwin, Controller's Office – Budget & Analysis Division

BOARD of SUPERVISORS



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

Orig: Ohn
c=COB, cpage
PC File

August 31, 2011

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

Honorable Board of Supervisors
City Hall, Room 244

Ben Rosenfield, Controller
City Hall, Room 316

Subject: Adopted Budget for Fiscal Year 2011-2012

One recent development that will impact the department this year is that we will need additional funding for vacation payouts for retiring employees. The department has recently been officially notified that three employees will retire within the next five months and another before the end of the fiscal year. The department's budget does not include the expenditure of \$57,732 that will be incurred.

Otherwise, I hereby certify, in conformance with Charter Section 9.115 and Administrative Code Section 3.14, that the funding provided in the budget for Fiscal Year 2011/2012 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Very truly yours,

Angela Calvillo
Clerk of the Board

cc: Rick Wilson, Mayor's Budget Director
Cindy Czerwin, Controller's Office

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 AUG 31 PM 3:53
PN

4



*Protecting the Community, Serving Justice and
Changing Lives*

WENDY S. STILL
Chief Adult Probation Officer

August 26, 2011

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

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

Ben Rosenfield, Controller
City Hall, Room 316

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 AUG 31 PM 2:55
BY: [Signature]

RE: Adult Probation Department Adopted Budget for FY 2011-12

Ladies and Gentlemen:

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2011-12 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

The Adult Probation Department has submitted a supplemental budget appropriation for Board review and approval to include the State Public Safety Realignment Act (AB109) which will transition post release community supervision population, released from prison to community supervision to the Adult Probation Department. The effects of AB109 are increased caseloads, additional staffing requirements, services for probationers, safety and office equipment, office space, technology upgrades, field vehicles and departmental infrastructure.

In addition, there may be legislative mandates or local law requirements that will impact the operations of the Adult Probation Department. APD will continue to evaluate the impacts of State and local mandates throughout the fiscal year and may be addressing needs to comply with legislation.

Best Regards,

Wendy S. Still, MAS
Chief Adult Probation Officer

cc: Rick Wilson, Mayor's Budget Director
Rebekah Krell, Policy and Fiscal Analyst

5

File 110831

Orig: Joy ci BOS-11

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

ci: COB, Leg Dep

2011 SEP -1 PM 1:53

City Attny
cpage

BY

Berding & Weil LLP
3240 Stone Valley Road West
Alamo, California 94507

tel 925 838 2090
fax 925 820 5592

BERDING | WEIL

A T T O R N E Y S A T L A W

September 1, 2011

berding-weil.com

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

Attn: Clerk of the Board

Re: Appeal of Approval of Tentative Map
1621 Montgomery Street, Block 0060, Lot 310
SFDPW: 110831

Applicant: Coit Venture Partners, LLC
Our Client: Lombard Plaza Owners Association

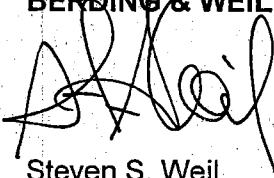
Dear Members of the Board of Supervisors,

On July 15, 2011, our client Lombard Plaza Owners Association filed an appeal of the decision of the City Surveyor to approve the tentative map in the above referenced matter. A hearing was held on August 2, 2011 at which time the matter was continued with the consent of the Board of Supervisors, our client and the Applicant to September 6, 2011.

By this letter, the Lombard Plaza Owners Association formally withdraws its appeal of the above matter and instead requests that the Board of Supervisors approve the subject tentative map and final map.

Very truly yours,

BERDING & WEIL LLP



Steven S. Weil

SSW:drr

O:\WDOCS\6415\93\LETTER\00553503.DOC

6

City and County of San Francisco



Edwin M. Lee, Mayor
Edward D. Reiskin, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering



Phone: (415) 554-5827
Fax: (415) 554-5324
www.sfdpw.org
Subdivision.Mapping@sfdpw.org

Department of Public Works
Office of the City and County Surveyor
875 Stevenson Street, Room 410
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Date: August 1, 2011

The Honorable David Chiu
President of the Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94103

Re: File No. 110831
Tentative Map Appeal for 1621 Montgomery Street
Lot No. 310, Assessor's Block No. 0060, (District 3)
Appellant: Sandra M. Bonato on behalf of the Lombard Plaza Owners Association

Dear President Chiu:

Upon further review of this application and its associated subdivision history, I have found that I was mistaken in supporting the disapproval of the tentative map. All the requirements of our local Subdivision Code and the State Subdivision Map Act have been properly followed.

The Department of Public Works is in full support of the tentative map.

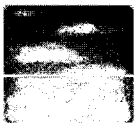
My apologies and I am solely responsible for this confusion.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Storrs".

Bruce R. Storrs
City and County Surveyor
City and County of San Francisco

cc: Cheryl Adams, City Attorney
Angela Calvillo, Clerk of the Board
Coit Venture Partners, LLC
Ben Ron, Martin M. Ron & Associates, Inc.



To: Ross Mirkarimi/BOS/SFGOV, BOS-Operations/BOS/SFGOV,
Cc:
Bcc:
Subject: Octavia Boulevard Injury Collision History Follow-up Report

From: "Mena, Jannette" <Jannette.Mena@sfmta.com>
To: "Calvillo, Angela" <Angela.Calvillo@sfgov.org>
Cc: "Caldeira, Rick" <Rick.Caldeira@sfgov.org>, "Martinsen, Janet" <Janet.Martinsen@sfmta.com>, "Yee, Bond" <Bond.Yee@sfmta.com>, "Velasco, Manito" <Manito.Velasco@sfmta.com>
Date: 09/01/2011 01:39 PM
Subject: Octavia Boulevard Injury Collision History Follow-up Report

Dear Ms. Calvillo:

Please see attached letter responding to Supervisor Ross Mirkarimi. The original will follow via *interoffice* mail.

Thank you.

Kind regards,

Jannette Mena

Sustainable Streets Administration

SFMTA | Municipal Transportation Agency

Office: 415.701.4584 Fax: 415.701.4737

Email: Jannette.mena@sfmta.com



Octavia Blvd Injury Collision History Ltr.doc.pdf

7

Edwin M. Lee | Mayor
 Tom Nolan | Chairman
 Jerry Lee | Vice-Chairman
 Leona Bridges | Director
 Cheryl Brinkman | Director
 Malcolm Heinicke | Director
 Bruce Oka | Director
 Joél Ramos | Director
 Edward D. Reiskin | Director of Transportation

August 30, 2011

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

Subject: Octavia Boulevard, Intersection Injury Collision History (2001-2010)

Dear Ms. Calvillo:

We are submitting this report in response to Supervisor Ross Mirkarimi's inquiry regarding Octavia Boulevard, in light of the recent fatal collision.

As part of our review, we analyzed the collision history of each intersection based on Police Department reports.

Octavia Boulevard, Intersection Injury Collisions (2001-2010)

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Fell	0	0	1	0	3	2	2	3	1	2
Oak	5	1	1	1	2	14	7	7	1	4
Page	2	2	1	0	1	1	2	2	1	5
Haight	0	2	1	0	0	1	2	1	3	1
TOTAL	7	5	4	1	6	18	13	13	6	12

For reference, the Boulevard opened in 2005 and now carries over 44,000 vehicles a day. Collisions, particularly at Oak Street and Octavia Boulevard, have been on the decline due in large part to focused efforts to implement safety measures there. Since 2006, we have modified the signal timing, relocated signal hardware for optimum visibility and activated red light cameras at that intersection.

We did note that there were five injury collisions at Page Street and Octavia Boulevard in 2010. We retimed that intersection's signal in late 2010 to extend time for pedestrians and extend the all-red interval after Page Street. All five collisions that year were prior to this change.

We also visited and observed the operations of the Boulevard in the last few weeks. Based on these observations, we have implemented the following items:

- Retimed Oak Street and Octavia Boulevard last month to extend time for pedestrians to cross the south crosswalk of Octavia Boulevard
- Confirmed that the other Boulevard signals already meet or exceed our current pedestrian signal timing and all-red interval standards
- Relocated a 30 miles per hour sign facing southbound Octavia, just past Oak Street to optimize visibility

We also note the following measures which we will be implementing in the short term:

- Stripe an advance limit line for eastbound right turns from Oak Street onto Octavia Boulevard in the next two weeks
- Restripe the faded right turn guideline from Oak Street onto Octavia Boulevard in the next two weeks
- Add a red zone on the northwest corner of Oak Street and Octavia Boulevard to enable better pedestrian and motorist visibility
- Relocate 15 miles per hour signs on the frontage road to make them more visible and less likely to be blocked by trees in the next month
- Restripe faded crosswalk markings at Page and Haight streets
- Continue design of a new mast-arm signal facing eastbound Oak Street to be constructed in summer 2012. This mast-arm is funded by the private development on the southwest corner of the intersection, which was a condition of approval for that development

Supervisor Mirkarimi also inquired about the possibility of speed bumps or other traffic controls on the streets and alleys that flow into Octavia Boulevard. The main cross streets like Fell, Oak, Page and Haight streets are controlled by traffic signals, which is appropriate given the character of those streets. The alleyways are all one way streets that direct traffic away from the Boulevard, a key part of the original Boulevard design. Residents on the alleyways are welcome to submit a traffic calming application to be considered for speed humps or other measures on their blocks. Application forms are available on our website: <http://www.sfmta.com/cms/ocalm/13571.html>

We very much share the Board's interest in transportation and pedestrian safety on the Boulevard. We will continue to closely monitor the corridor and implement measures as needed. Questions and other inquiries should be directed to Manito Velasco of Sustainable Streets Division staff at 415.701.4447.

Sincerely,



Edward D. Reiskin
Director of Transportation

cc: Honorable Supervisor Ross Mirkarimi
Janet Martinsen, SFMTA Local Government Affairs Liaison



T-MOBILE WEST CORPORATION a
Delaware Corporation
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

BOS-11e
cpay

August 29, 2011

Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 SEP 1 PM 3:35
BY AK

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF43437B**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- (a) T-Mobile has obtained all requisite land use approvals for the project described in Attachment A.
- (b) No land use approval is required because

A copy of this notification letter is being sent to the local government agency identified below for its information. Should the Commission or the local government agency have any questions regarding this project, or if anyone disagrees with the information contained herein, please contact Kevin Flaherty, Sr. Development Manager for T-Mobile, at 415-359-5972, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at 415-703-2699.

Sincerely,

Kevin Flaherty
Sr. Development Manager
T-MOBILE WEST CORPORATION a Delaware corporation

Enclosed: Attachment A

CC:
City and County of San Francisco, City Administrator, 1 Dr. Carlton B Goodlett Place, San Francisco, CA 94102
City and County of San Francisco, Planning Director, 1650 Mission St., Suite 400, San Francisco, CA 94103
City and County of San Francisco, Clerk of the Board of Supervisor, 1 Dr. Carlton B Goodlett Place, San Francisco, CA 94102

T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C). Notification Letter for T-Mobile Site No. SF43437B:

August 29, 2011

Page 2 of 2

ATTACHMENT A

1. Project Location

Site Identification Number:	SF43437B
Site Name:	Mea Cinis
Site Address:	1500 Grant Ave., San Francisco, CA
County:	San Francisco
Assessor's Parcel Number:	0104-023
Latitude:	37° 48' 02.67"
Longitude:	122° 24' 27.12"

2. Project Description

Number of Antennas to be installed:	One (1) antenna
Tower Design:	Rooftop
Tower Appearance:	antenna(s) within a faux vent on roof
Tower Height:	41' -1"
Size of Building:	8'x8' lease area

3. Business Addresses of all Governmental Agencies

City and County of San Francisco, City Administrator, 1 Dr. Carlton B Goodlett Place, San Francisco, CA 94102
City and County of San Francisco, Planning Director, 1650 Mission St., Suite 400, San Francisco, CA 94103
City and County of San Francisco, Clerk of the Board of Supervisor, 1 Dr. Carlton B Goodlett Place, San Francisco, CA 94102

4. Land Use Approvals

Date Zoning Approval Issued: The building permit received Planning's approval on 8/16/11.

Land Use Permit #: Building Permit No. 2009.1015.9053. Discretionary Review Case No. 2010.0556D.

If Land use Approval was not required: N/A



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Please Support Humane Pet Acquisition Proposal

The Clerk's Office has received six form emails like the one below.

Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184
(415) 554-5163 fax
Board.of.Supervisors@sfgov.org

Complete a Board of Supervisors Customer Service Satisfaction form by clicking
<http://www.sfbos.org/index.aspx?page=104>

From: Janice Fitzgerald <revjanfitz@yahoo.com>
To: board.of.supervisors@sfgov.org
Date: 08/31/2011 08:32 PM
Subject: Please Support Humane Pet Acquisition Proposal
Sent by: In Defense of Animals <takeaction@idausa.org>

Aug 31, 2011

San Francisco Board of Supervisors

Dear Supervisors,

As a San Francisco voter and supporter of In Defense of Animals (IDA), I strongly encourage you to support San Francisco Animal Control and Welfare's Humane Pet Acquisition Proposal.

There is an oversupply of adoptable pets in the city, requiring ACC to unnecessarily euthanize many adoptable animals at taxpayers' expense. Meanwhile, "new" pets are bred in often horrible conditions and then sold in this city at pet stores and from small breeders, all for profit. This is grossly inconsistent with how the city of St. Francis of Assisi feels towards animals, yet most San Franciscans aren't aware of this when they decide to purchase a pet.

San Francisco Animal Control and Welfare's proposal focuses on having San Franciscans adopt our pets rather than purchasing them. This will result in:

- More adoptions and less euthanasia
- A decrease in cost for Animal Control and Welfare
- Pet stores as partners in reducing euthanasia
- Healthier pets with fewer behavioral problems

Sec. 48 of the San Francisco Health Code already prohibits the sale of rabbits and certain birds as pets. Other cities like Albuquerque, Austin, Los Angeles, and South Lake Tahoe have already prohibited the sale of dogs and cats. So San Francisco has several precedents that support strong and decisive action for all species.

Please support the San Francisco Humane Pet Acquisition Proposal and make San Francisco a leader in animal welfare.

Sincerely,

Ms. Janice Fitzgerald
212 7th St N
Safety Harbor, FL 34695-2503

9



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Please Support Humane Pet Acquisition Proposal

The Clerk's Office has received five form emails like the one below.

Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA.94102
(415) 554-5184
(415) 554-5163 fax
Board.of.Supervisors@sfgov.org

Complete a Board of Supervisors Customer Service Satisfaction form by clicking
<http://www.sfbos.org/index.aspx?page=104>

From: Lori Nicely <lorinicely@verizon.net>
To: board.of.supervisors@sfgov.org
Date: 09/02/2011 09:22 AM
Subject: Please Support Humane Pet Acquisition Proposal
Sent by: In Defense of Animals <takeaction@idausa.org>

Sep 2, 2011

San Francisco Board of Supervisors

Dear Supervisors,

As a San Francisco voter and supporter of In Defense of Animals (IDA), I strongly encourage you to support San Francisco Animal Control and Welfare's Humane Pet Acquisition Proposal.

There is an oversupply of adoptable pets in the city, requiring ACC to unnecessarily euthanize many adoptable animals at taxpayers' expense. Meanwhile, "new" pets are bred in often horrible conditions and then sold in this city at pet stores and from small breeders, all for profit. This is grossly inconsistent with how the city of St. Francis of Assisi feels towards animals, yet most San Franciscans aren't aware of this when they decide to purchase a pet.

San Francisco Animal Control and Welfare's proposal focuses on having San Franciscans adopt our pets rather than purchasing them. This will result in:

- More adoptions and less euthanasia
- A decrease in cost for Animal Control and Welfare
- Pet stores as partners in reducing euthanasia
- Healthier pets with fewer behavioral problems

Sec. 48 of the San Francisco Health Code already prohibits the sale of rabbits and certain birds as pets. Other cities like Albuquerque, Austin, Los Angeles, and South Lake Tahoe have already prohibited the sale of dogs and cats. So San Francisco has several precedents that support strong and decisive action for all species.

Please support the San Francisco Humane Pet Acquisition Proposal and make San Francisco a leader in animal welfare.

Sincerely,

Mrs. Lori Nicely
5 Watchwater Ct
Rockville, MD 20850-2743



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: BART Board Announces New General Manager

From: MBurke@bart.gov
To:
Date: 08/31/2011 11:19 AM
Subject: BART Board Announces New General Manager

August 31, 2011
For Immediate Release
#2011-064

Contact: James K. Allison
Deputy Communications Officer, Communications Department
Office (510) 464-7110 I Pager (510) 899-2446
Jallis1@bart.gov

BART BOARD ANNOUNCES NEW GENERAL MANAGER

BART Board Selects Transportation

Executive Grace Crunican

OAKLAND, CA - Transportation professional Grace Crunican is taking over as the new BART General Manager. Crunican (pronounced: Krun-i-can) was appointed today, Wednesday, August 31, 2011 at a Special Board meeting, ending a nationwide search for the next General Manager of the Bay Area's premiere public transportation system.

"The Board selected Ms. Crunican because of her 32 years of experience in the public transportation industry," BART Board President Bob Franklin said. "She brings a transparent and inclusive approach, ideal qualities to lead the BART organization in providing safe and reliable transportation service for its passengers and the communities of the Bay Area."

"I believe any endeavor is stronger through partnerships," Crunican said. "I will work to build those partnerships from the first day of my job. This includes reaching out to BART's customers, the communities BART serves, employees and other stakeholders. As BART's General Manager, I will coordinate with other regional transit agencies, planning and funding organizations, our partners at the local, regional, state and federal level to enhance the services we provide daily."

Crunican's Achievements

Crunican is BART's ninth General Manager. She holds a solid background in transportation, which includes a history of successful strategies to secure

10

and increase capital and transit funding.

As former Deputy Director and Capitol Project Manager for the City of Portland, OR. Crunican increased its dedicated transportation funding from 23 to 55 percent. While working for the Federal Transit Administration as Deputy Administrator, Crunican negotiated 13 major New Start Rail Projects worth over \$3 billion dollars. In Seattle in 2002, the Mayor of Seattle appointed Crunican to Director of Seattle's Department of Transportation, where she directed the process that successfully asked the voters for a \$590 million investment in city road, bridge, sidewalk, and transit facilities in 2006. She then managed the selection and prioritization of the funded projects. Also in Seattle, Crunican helped with the citizen and business planning process, designed, financed and constructed a city streetcar line in four years which opened in 2007 with 48% private partnership.

"I look forward to securing the financial support needed for the BART's many capital projects," Crunican said. "This includes BART's rail vehicle replacement program, on-going track and station maintenance and upgrades and the expansions proposed and underway."

In her new position, Crunican will oversee operating and capital budgets totaling \$1.4 billion and lead the approximately 3,100 BART employees who serve about 350,000 riders each weekday with service at 44 stations in four counties.

--###--

Molly M. Burke
BART
Government & Community Relations
(510) 464-6172

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

EDMUND G. BROWN, JR.



Governor

BOS-11-E
cpage

Sonke Mastrup
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 2, 2011

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 29.15, Title 14, California Code of Regulations, relating to abalone sport fishing, which will be published in the California Regulatory Notice Register on September 2, 2011.

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

Ms. Marija Vojkovich, Marine Region Manager, Department of Fish and Game, phone (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 AUG 31 PM 2:56
LPO

11

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 210, 220, 240, 5521, and 7149.8, of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 220, 5521, 7145, and 7149.8, of said Code, proposes to amend Section 29.15, Title 14, California Code of Regulations, relating to abalone.

Informative Digest/Policy Statement Overview

Under existing regulations (Section 29.15, Title 14, CCR), red abalone may only be taken for recreational purposes north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay. Current regulations also specify: season, hours, daily limits, special gear provisions, measuring devices, abalone report card requirements, and sizes.

The regulation change is being proposed in response to the guidelines in the Abalone Recovery and Management Plan (ARMP), adopted by the Commission in 2005, with regard to average abalone density at eight index sites (surveyed on a three year cycle) within Mendocino and Sonoma counties. Recent scuba surveys indicate that the average density of emergent abalone (sublegal and legal sized) has trended downward over the past six years. Average density is now at 0.54 abalone/m² for the index sites which is substantially below the 0.68/m² average from the previous three years. Abalone creel surveys based on interviews with fishermen have recently shown indications of declining abalone populations. Wardens have also observed fishermen experiencing increased difficulty in catching limits of abalone. Low average densities and declining trends indicate a risk that leaving regulations unchanged could result in further reductions in average density, to values below the ARMP trigger level of 0.50 abalone/m², a density level that requires a 25 percent reduction in the total allowable catch (TAC) for the fishery. Abalone fishing effort, as well as catch, in the Fort Ross area is much higher than other sites and abalone densities there are approaching levels which would trigger closure for the site. Consequently, the Department is proposing regulations which will reduce the catch in the hopes that further reductions in average density and the closure of Fort Ross can be prevented.

The regulatory change will amend the existing regulations by either reducing fishing hours, reducing the annual limit, and/or reducing the season in the Fort Ross area, depending on which option(s) is chosen. The proposed regulation would also require every person using a container to store abalone prior to tagging to possess his own container and to retain abalone only in his own container. The following summarizes the options for regulatory change in Title 14, Section 29.15.

Option 1:

- Change the legal fishing hours to begin at 8:00 AM instead of one-half hour before sunrise.

Option 2:

- Reduce the annual limit from 24 abalone per year to no less than 12 abalone per year.

Option 3:

- Reduce the season at Fort Ross area by closing the months of April and May.

Option 4:

- Require every person who uses a container to store abalone, prior to tagging, to possess his own container and to retain abalone only in his own container.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Red Lion Hotel, 1830 Hilltop Drive, Redding, California, on Thursday, September 15, 2011 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Beach Resort Monterey, 2600 Sand Dunes Drive, Monterey, California, on Thursday, October 20, 2011 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 14, 2011 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on October 17, 2011. All comments must be received no later than October 20, 2011 at the hearing in Monterey, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Marija Vojkovich, Regional Manager, Marine Region, Department of Fish and Game, phone (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts is difficult to assess because available socio-economic and fishing effort data were not designed to address this question, and therefore assumptions must be made in the analyses that are not amenable to quantitative estimation of statistical uncertainty. In particular, changes in expenditures and fishing effort by abalone fishermen in response to new regulations could be expected to differ depending upon several factors such as distance traveled to fishing grounds and the avidity of the individual fishermen, but these kinds of variables can not be stratified from the available data sets. Consequently, estimates of economic impacts are unavoidably imprecise and possibly biased, and alternative conclusions could be reached under a different set of underlying assumptions. Notwithstanding these limitations, the potential for significant statewide adverse economic impacts that might result from the proposed regulatory actions

has been assessed, and the following initial determinations relative to the required statutory categories have been made:

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

The proposed action(s) will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, since these activities focus on resources and features unique to the North Coast.

Option 1: Early morning closure

Economic impact: The estimated economic impact for the early morning closure is predicted to fall below the Option 2 economic impact estimate because the economic analysis was based on a predicted reduction in the number of abalone trips. The early morning closure is not expected to reduce the number of trips to the same extent that an annual limit reduction would, because a significant number of shorepickers will be able to adapt to the closure by concentrating effort in the open low tide periods or behaving more like divers, who are not as dependent on early morning low tides to take their abalone.

Option 2: Reduce the annual limit.

Economic impacts: If the Commission elects to reduce the annual limit of abalone from 24 to 12 per year, annual trips and trip expenditures by abalone sport fishermen could decrease, perhaps by as much as 37 percent. This scenario assumes a shortened season for the individual abalone fishermen since their reduced annual limits would be filled sooner. This assumption is based on historic monthly harvest rates and trip activities, which under a reduced annual limit could cause the seven months abalone season to effectively shrink to two-and-a-half months for many fishermen. A 37 percent reduction in activities and trip expenditures could translate into \$4.8 million (2009\$) in potential direct revenue losses to businesses. In the area affected by these potential direct revenue losses, the economic impact could be about \$8.5 million (2009\$) in total economic output losses (due to the ripple effect). Since expenditures per trip tend to be higher for people making fewer trips and those people are less affected by a reduced annual limit, these impacts should be considered worst case scenarios.

Option 3: Fort Ross Early Season Closure

Economic impacts: A minor adverse economic impact far below the range of the overall economic impact analysis is anticipated for the regulation change altering the season opening at Fort Ross to June 1. Most abalone fishermen may shift to other areas to the north in response to this option.

Option 4: Individual Container Possession Requirement

Economic impacts: No adverse economic impact is anticipated based on this proposed option.

(b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

If the Commission elects to enact an early morning closure, job loss projections are likely to be minimal. Alternatively, if the Commission elects to reduce the annual limit from 24 to 12 abalone, the equivalent of up to 82 jobs may be lost. These job loss projections are all relative to employment levels associated with recreational abalone harvest and business activities calculated from annual averages using data from 2005 through 2009. Trips to Fort Ross are largely day trips and a reduction in such trips is not likely to generate significant economic losses under the Fort Ross early season closure.

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

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

There are no increased costs or new fees, nor new reporting requirements for private persons or businesses in the proposed regulations.

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

Unknown, though some potential loss in recreational abalone report card sales revenue could likely occur.

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

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

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

(h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: August 23, 2011



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Fw: Don't let San Francisco fall behind in Wireless

File 110941
AA - clerk

From: ka2396@att.com
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>
Date: 08/30/2011 01:48 PM
Subject: Don't let San Francisco fall behind in Wireless

August 30, 2011
Clerk of the Board Angela Calvillo
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Dear Angela Calvillo,

San Franciscans are heavy users of wireless technology. Improving our city's wireless network will improve our experience with technology innovations -- many of which may have been developed right here in San Francisco. Therefore, I urge you to approve the proposed cell site at Fourth Street and King Street, near the ballpark. This is an important area of the city that serves residents and visitors alike. If San Francisco wants to be a tech leader, then wireless service in San Francisco needs to be able to support smartphones, iPads, and apps.

Sincerely,

Kevin Arceo
455 7th Avenue
Apt 5
San Francisco, CA 94118-3062

12



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Improving cell coverage is good for the local economy

File 110941

From: gmelquis@sbcglobal.net
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>
Date: 08/29/2011 02:48 PM
Subject: Improving cell coverage is good for the local economy

August 29, 2011
Clerk of the Board Angela Calvillo
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Dear Angela Calvillo,

It's no surprise that cell coverage isn't ideal in San Francisco. Consumers today are relying on their smartphones and iPads at increasing rates. San Francisco needs more wireless antennas to keep up with these demands. To the members of the San Francisco Board of Supervisors, I extend my gratitude in advance for agreeing that we need improved coverage. I want what is best for San Francisco and a strong, wireless network that allows us to use cutting-edge devices. Please listen to our needs and support bringing more coverage and faster data speeds to our city.

Sincerely,

Gerald T. Melquist
22 Terra Vista
G-16
San Francisco, CA 94115-3802



To: BOS Constituent Mail Distribution, Andrea Ausberry/BOS/SFGOV,
Cc:
Bcc:
Subject: File 110941: Improving cell coverage is good for the local economy

From: zorlook@aol.com
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>
Date: 09/01/2011 09:38 AM
Subject: Improving cell coverage is good for the local economy

September 1, 2011
Clerk of the Board Angela Calvillo
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Dear Angela Calvillo,

It's no surprise that cell coverage isn't ideal in San Francisco. Consumers today are relying on their smartphones and iPads at increasing rates. San Francisco needs more wireless antennas to keep up with these demands. To the members of the San Francisco Board of Supervisors, I extend my gratitude in advance for agreeing that we need improved coverage. I want what is best for San Francisco and a strong, wireless network that allows us to use cutting-edge devices. Please listen to our needs and support bringing more coverage and faster data speeds to our city.

Sincerely,

Colleen Lookingbill
1098 Page Street #401
San Francisco, CA 94117



Orig: Andrea - clerk
cc: BOS-11, COB, Leg Dep
City Attorney, Cpage

File: 110825

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 AUG 31 PM 2:56

August 30, 2011

Mr. Bill Wycko, Environmental Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479 (by email and US mail)

RE: 70-74 Gold Mine Drive: Case No. 2008.1218E

Dear Mr. Wycko,

The Applicant, Gold Mine Partners LLC, hereby withdraws the Environmental Application on this property that, along with the Categorical Exemption that is currently being appealed to the Board of Supervisors and is scheduled to be heard by that body next week. With this withdrawal, the Board of Supervisors Hearing/Appeal will be unnecessary.

Sincerely,

Edward "Toby" Morris, Architect
Kerman/Morris Architects LLP
69-A Water Street, San Francisco CA 94133
Tel 415 749-0302 toby@kermanmorris.com

cc.
Brett Bollinger, Planner, SF Planning Department
Scott Sanchez, Planner, SF Planning Department
Tina Tam, Planner, SF Planning Department
1650 Mission Street, San Francisco, CA 94103 (by email)

Angela Calvillo, Clerk of the Board
Board of Supervisors, City Hall, Room 244
1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 (by email and US mail)

Joy Lamug, Legislative Clerk
Board of Supervisors, Legislative Division, City Hall, Room 244
1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 (by email)

13

orig! AA - Clerk
C! BOS-11, COB, Leg Dep
File 110885
City Atty, Cpage
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SAN FRANCISCO
2011 SEP -1 PM 4:53
BY AK

August 30, 2011

Mr. Scott Sanchez, Zoning Administrator
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479 (by email and US mail)

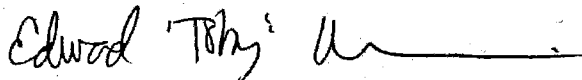
RE: 70-74 Gold Mine Drive: Case No. 2008.1218C

Dear Mr. Sanchez,

I am writing you as the authorized agent who filed the CU on behalf of the project owners.

The Applicant, Gold Mine Partners LLC, hereby withdraw the conditional use application which has not become final and is abandoning the conditional use authorization granted by the Planning Commission pursuant to Motion No. 18390 (Case No. 2008.1218C). The Applicant has submitted building permit applications and will submit revisions to those applications which have not been issued.

Sincerely,



Edward "Toby" Morris, Architect
Kerman/Morris Architects LLP
69-A Water Street, San Francisco CA 94133
Tel 415 749-0302 toby@kermanmorris.com

cc.

Tina Tam, Planner, SF Planning Department
1650 Mission Street, San Francisco, CA 94103 (by email)

Angela Calvillo, Clerk of the Board
Board of Supervisors, City Hall, Room 244
1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 (by email and US mail)

Joy Lamug, Legislative Clerk
Board of Supervisors, Legislative Division, City Hall, Room 244
1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 (by email)

August 23, 2011

White House Ruin, Canyon de Chelly, N.M., Arizona

These canyons sheltered prehistoric Pueblo Indians for more than 1,000 years. Its two steep-walled canyons, del Muerto and de Chelly, contain many ruins nestled below towering cliffs or perched on high ledges. White House ruin is the best known and most accessible.

Dear Supervisors,

Please approve Supervisor Avalos' ordinance to close Sharp Park Golf Course and to restore & manage the site in collaboration with the GGNRA.

Thank you,
Gileen Wampole
267 Lexington St.
San Francisco, CA 94110

FROM THE RUINS OF THE SOUTHWEST WISH YOU WERE HERE POSTCARD BOOK

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 SEP -1 PM 4:50

BY *AK*

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



SIERRA PRESS, INC. PO BOX 430, EL PORTAL, CA 95318

PHOTO: © JIM WILSON



To: Andrea Ausberry/BOS/SFGOV,
 Cc:
 Bcc:
 Subject: Fw: AT&T Response re 660-670 4th Street Project - Follow Up Petitions - File 110941

Board of Supervisors
 1 Dr. Carlton B. Goodlett Place, Room 244
 San Francisco, CA 94102
 (415) 554-5184
 (415) 554-5163 fax
 Board.of.Supervisors@sfgov.org

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

Complete a Board of Supervisors Customer Service Satisfaction form by clicking
<http://www.sfbos.org/index.aspx?page=104>

----- Forwarded by Board of Supervisors/BOS/SFGOV on 08/30/2011 04:04 PM -----

From: <michelle.maine@hklaw.com>
 To: <Board.of.Supervisors@sfgov.org>, <Carmen.Chu@sfgov.org>, <David.Campos@sfgov.org>, <David.Chiu@sfgov.org>, <Eric.L.Mar@sfgov.org>, <Jane.Kim@sfgov.org>, <John.Avalos@sfgov.org>, <Malia.Cohen@sfgov.org>, <Mark.Farrell@sfgov.org>, <Ross.Mirkarimi@sfgov.org>, <Scott.Wiener@sfgov.org>, <Sean.Elsbernd@sfgov.org>
 Cc: <amanda.monchamp@hklaw.com>
 Date: 08/30/2011 02:51 PM
 Subject: AT&T Response re 660-670 4th Street Project - Follow Up Petitions

Board of Supervisors and Clerk of the Board:

Following up on our correspondence to you yesterday regarding AT&T's response to the appeal of the determination of exemption from Environmental Review for the Project located at 660-670 4th Street set for the Board of Supervisor's hearing on Tuesday September 6, 2011 at 2:30pm (Planning Commission Case 2010.1042C), attached, please find signed petitions in favor of the project.

Thank you.

Michelle Maine | Holland & Knight
 Sr Legal Secretary
 50 California Street, Suite 2800 | San Francisco CA 94111
 Phone 415.743.6907 | Fax 415.743.6910
 michelle.maine@hklaw.com | www.hklaw.com

Add to address book

******IRS CIRCULAR 230 DISCLOSURE: TO ENSURE COMPLIANCE WITH REQUIREMENTS IMPOSED BY THE IRS, WE INFORM YOU THAT ANY TAX ADVICE CONTAINED IN THIS COMMUNICATION (INCLUDING ANY ATTACHMENTS) IS NOT INTENDED OR WRITTEN BY HOLLAND & KNIGHT LLP TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF (I) AVOIDING TAX-RELATED PENALTIES UNDER THE INTERNAL REVENUE CODE, OR (II) PROMOTING, MARKETING, OR RECOMMENDING TO ANOTHER PARTY ANY TAX-RELATED MATTER HEREIN.******

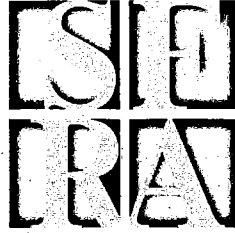
NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender

15

San Francisco
Redevelopment Agency

One South Van Ness Avenue
San Francisco, CA 94103

415.749.2400



305-11-E
page

EDWIN M. LEE, Mayor

Rick Swig, President
Darshan Singh, Vice President
Rosario M. Anaya
Miguel M. Bustos
Francee Covington
Leroy King
Agnes Briones Ubalde

Fred Blackwell, Executive Director

118-88411-146
August 23, 2011

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

Re: Report to the Board of Supervisors on certain sales subject to California Health and Safety Code, Section 33433.

Dear Ms. Calvillo:

On May 6, 2004, the Board of Supervisors (the "Board") approved the San Francisco Redevelopment Agency's (the "Agency") request for a waiver related to certain hearing requirements of Section 33433 of the California Health and Safety Code (Board Resolution 265-04). Section 33433 normally requires the Agency to hold a hearing before the legislative body prior to the sale of properties acquired with tax increment financing. As allowed under Section 33433(c) (1), the Board waived these hearing requirements for single-family homes, provided the Agency files a report with the legislative body summarizing the relevant transactions for the prior fiscal year.

During the period of July 1, 2010 to June 30, 2011 no San Francisco Redevelopment Agency sales of such single family homes occurred.

Sincerely,

A handwritten signature in black ink, appearing to be 'Fred Blackwell', written over a horizontal line.

Fred Blackwell
Executive Director

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 SEP -2 PM 2:06
AK

16

File 110835

AA-Clerk
c: BOS-11, COB, Leg Dep
City Atty cpage

SANGER & OLSON

A LAW CORPORATION

576 SACRAMENTO STREET
SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3023
TEL. 415.693.9300 ■ FAX 415.693.9322

John M. Sanger, Esq.
sanger@sanger-olson.com

September 1, 2011

BY FACSIMILE (554-5163), EMAIL AND HAND DELIVERY

President David Chiu and
Members of the San Francisco
Board of Supervisors
1 Dr. Carlton Goodlett Place
San Francisco, CA 94102-4603

**Re: FILE NO. 110835; APPLICATION NO. 2008.01554S
1171 SANSOME STREET, AKA 1111 SANSOME STREET, BLOCK 113,
LOT 40, APPEAL OF TENTATIVE MAP; APPEAL OF CEQA
EXEMPTION**

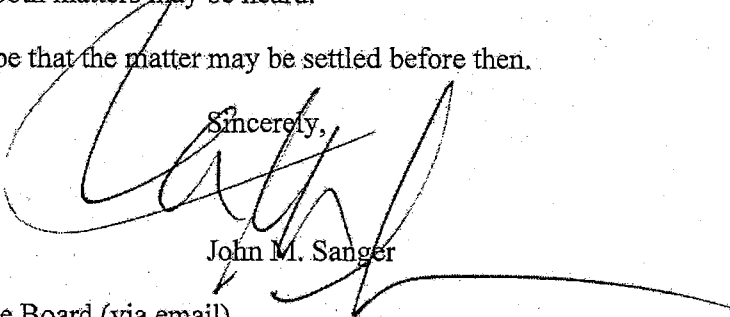
Dear President Chiu and Members of the Board:

I am writing on behalf of Appellants in the referenced matters, consisting of my daughter, myself, David Davies and Jack Weeden, and Vedica Puri.

The Clerk of the Board has advised us that the appeal of the CEQA exemption has been scheduled for October 4, 2011. It is our further understanding of the law and from the City Attorney that the appeal of the parcel map cannot properly be heard until the appeal of the CEQA exemption which underlies it is heard and decided. Therefore, we assume and hereby request that the appeal of the tentative map now scheduled for September 6, 2011 be rescheduled for October 4, 2011 at which time both matters may be heard.

Both the applicant and I hope that the matter may be settled before then.

Sincerely,



John M. Sanger

Cc: Angela Cavallo, Clerk of the Board (via email)
All members of the Board of Supervisors (via email)
Deputy City Attorney John Malamut (via email)
Vincent Tai (via email)
Clients

17

#110941

Holland & Knight

50 California Street, Suite 2800 | San Francisco, CA 94111 | T 415.743.6900 | F 415.743.6910
Holland & Knight LLP | www.hklaw.com

Amanda J. Monchamp
(415) 743-6947
amanda.monchamp@hklaw.com

August 29, 2011

*Via E-mail
and U.S. Mail*

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

Re: Appeal of Determination of Exemption from Environmental Review for AT&T's
CN 5524 Project Located at 660-670 4th Street

Dear San Francisco Board of Supervisors:

This letter responds to the arguments raised in the appeal of AT&T's proposed installation of a new wireless telecommunication facility on the rooftop of 660-670 4th Street (the "Proposed Project") in the City of San Francisco (the "City"). As explained below, the Appellant's concerns are factually inaccurate and do not raise issues that the City can lawfully consider under the California Environmental Quality Act ("CEQA"). Accordingly, the appeal should be denied.

I. Background.

On July 7, 2011, the City's Planning Commission found that the Proposed Project is categorically exempt from environmental review under Class 3 of the CEQA Guidelines¹ and voted to approve a conditional use permit. On July 25, 2011, a resident of 660-670 4th Street appealed the Planning Department's CEQA determination claiming that the potential harmful effects of radio frequency ("RF") emissions were not properly considered. Specifically, the Appellant alleges that there will be exposure to unsafe levels of RF emissions at his private roof deck. Appellant is entirely incorrect in his allegation -- not only are the RF emissions well below the Federal Communication Commission's ("FCC") RF emission standards, but the City is preempted under federal law from considering this issue based on the record evidence.

¹ The Class 3 Categorical Exemption is for the new construction of small structures. (See Cal. Code Regs. §15303).

18



To: BOS Constituent Mail Distribution,
 Cc:
 Bcc:
 Subject: AT&T Response re 660-670 4th Street Project - File 110941

*File 110941
 page*

From: <michelle.maine@hkllaw.com>
 To: <Board.of.Supervisors@sfgov.org>
 Cc: <amanda.monchamp@hkllaw.com>, <andrea.ausberry@sfgov.org>
 Date: 08/29/2011 04:03 PM
 Subject: AT&T Response re 660-670 4th Street Project

Clerk of the Board,

On behalf of Amanda Monchamp, attached, please find AT&T's response to the appeal of the determination of exemption from Environmental Review for the Project located at 660-670 4th Street set for the Board of Supervisor's hearing on Tuesday September 6, 2011 at 2:30pm (Planning Commission Case 2010.1042C).

Thank you.

Michelle Maine | Holland & Knight
 Sr Legal Secretary
 50 California Street, Suite 2800 | San Francisco CA 94111 Phone 415.743.6907 |
 Fax 415.743.6910 michelle.maine@hkllaw.com | www.hkllaw.com

Add to address book

****IRS CIRCULAR 230 DISCLOSURE: TO ENSURE COMPLIANCE WITH REQUIREMENTS IMPOSED BY THE IRS, WE INFORM YOU THAT ANY TAX ADVICE CONTAINED IN THIS COMMUNICATION (INCLUDING ANY ATTACHMENTS) IS NOT INTENDED OR WRITTEN BY HOLLAND & KNIGHT LLP TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF (I) AVOIDING TAX-RELATED PENALTIES UNDER THE INTERNAL REVENUE CODE, OR (II) PROMOTING, MARKETING, OR RECOMMENDING TO ANOTHER PARTY ANY TAX-RELATED MATTER HEREIN.****

NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.



AT&T Mobility Proposed Base station.pdf AT&T Emails.pdf Merchant Petition.pdf Non-merchant petition.pdf



8_29 Letter to SF Board of Supervisors.PDF

II. The Appellant's Roof Deck Is Not Within the FCC Public Exposure Limit.

AT&T has conclusively proven in the record that the RF emissions will be in compliance with the FCC's RF standard. Attached is a report from Hammett & Edison, an independent consulting firm, detailing the RF analysis. The FCC public exposure limit for the Proposed Project is 58 feet extending straight out from the face of the panel antennas. The antennas in question will face Townsend Street, not the Appellant's roof deck. Consequently, the 58 foot public exposure limit extends into the air off of the roof toward Townsend Street. A much smaller public exposure limit extends to the sides of the panel antennas. The public exclusion area on the sides of the antennas on the rooftop only extends approximately 13 feet beyond the face of the antenna, and will be behind a barricade to exclude the public. The worker exclusion area is a smaller area within this public exclusion area.

Appellant misunderstands the issue in making his claim that his roof deck will be unsafe. Appellant argues that his roof deck is 36.5 feet away from the proposed panel antennas and thus it is within the 58 foot RF exposure limit. However, the 58 foot exposure limit is only in the direction that the antenna is pointing, and the antennas are not pointing at Appellant's roof deck. Furthermore, AT&T has taken multiple measurements and the distance is 56 feet from the roof deck to the proposed panel antennas. At the roof deck, Hammett & Edison reports that the emissions will be only 9.6% of the FCC's RF public exposure limit.

Appellant also claims that AT&T's statement that the roof deck is not within the FCC's RF public exposure limit is "disingenuous (OK, an outright lie)." Appellant is simply mistaken. AT&T has never misrepresented the public exposure limit distance or the distance from the Appellant's roof deck. Moreover, before AT&T understood the location of the Appellant's roof deck, the first design for the Proposed Project located the panel antennas at issue to face the direction of the Appellant's roof deck. However, after a visit to the site and discussions with the Appellant, AT&T revised the design to ensure that the roof deck would not be within the public exposure limit by locating the antennas farther away from the roof deck and by facing them away from the roof deck. Appellant is aware of this design change. No amounts of the RF emissions that exceed FCC standards will reach the Appellant's roof deck and the City has no basis to uphold the appeal on the grounds presented by the Appellant.

Lastly, under the *Wireless Telecommunications Services Facilities Siting Guidelines*, the City requires a Project Implementation Report that reports RF measurements taken after installation of the Project. Thus, once design details are finalized and equipment is installed in the exact final location, the City will ensure that the FCC standards are not exceeded.

III. The Proposed Project Is Exempt From CEQA Review.

The Proposed Project is categorically exempt from environmental review under CEQA. Pursuant to the requirements of CEQA, the Secretary for Resources has found that several classes of projects do not have a significant effect on the environment and, therefore, they are declared to be categorically exempt from CEQA. (Pub. Res. Code § 21084; 14 Cal. Code of

Regs. §15300). The Class 3 categorical exemption covers the construction and location of new, small facilities or structures and the installation of small new equipment and facilities in small structures. (14 Cal. Code Regs. §15303). The CEQA Guidelines provide examples of structures which would qualify for the Class 3 categorical exemption. Several of these examples are much larger than the Proposed Project. These examples include a single-family residence, a duplex, and a retail store not exceeding 10,000 square feet. (14 Cal. Code Regs., §15303). Additionally, one of the examples of Class 3 exempt structures covers utility extensions such as the Proposed Project. (14 Cal. Code Regs. §15303(d)). None of the exceptions to the CEQA exemptions apply to the Proposed Project, nor has the Appellant alleged that the any exceptions are triggered. (14 Cal. Code Regs. §15300.2). As the Planning Department and Planning Commission found, the Project is categorically exempt.

IV. Federal Law Preempts CEQA Review of RF Emissions.

Local governments are prohibited by the Federal Telecommunications Act ("TCA") from regulating the placement or construction of wireless service facilities on the basis of environmental effects of RF emissions if such facilities comply with the FCC RF emission limits. (TCA §332(c)(7)(B)(iv)). The FCC's RF emission limits include the site specific RF emissions as well as the cumulative exposure to RF emissions from other wireless service facilities in the surrounding area. As explained above, the Proposed Project will not exceed the FCC RF emission limits. Therefore, the City is federally preempted from considering RF emissions in its environmental or other review of the Proposed Project. As discussed below, two CEQA cases illustrate this Federal preemption.

A. The Proposed Project Is Not Subject to the TCA's Savings Clause for Local Review.

The City is preempted from regulating wireless facilities on the basis of RF emissions. The TCA's savings clause preserving local zoning authority "over decisions regarding the placement, construction, and modification of personal wireless service facilities" does not carve out an exception to the TCA's Federal preemption regarding the regulation of RF emissions. (TCA §§332(c)(7)(A), 332(c)(7)(B)(iv)).

In *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, the Court of Appeal held that CEQA challenges to the operation of the hydroelectric project were not preempted by the Federal law at issue in that case, the Federal Power Act. The Federal Power Act includes a broad savings clause allowing continued application of State laws governing the control, appropriation, use, or distribution of water. (*County of Amador*, 76 Cal.App.4th at 958). The court found that the State law requiring environmental review for the hydroelectric project was a law relating to the control, appropriation, use or distribution of water, falling within the Federal Power Act's savings clause and resulting in no Federal preemption. (*Id.*, at 960-961).

The *County of Amador* case is distinguishable from the TCA and the Proposed Project. The TCA's savings clause preserving local zoning authority for the placement, construction, and modification of wireless facilities does not encompass regulating RF emissions. Therefore, unlike in *County of Amador* where the State law requirements fell within the Federal law's savings clause for continued State authority, here, applying CEQA review to analyze RF emissions is not within the TCA's local zoning authority savings clause. In fact, the proposed CEQA review falls within the TCA's express Federal preemption clause preventing State and local governments from regulating the placement, construction, and modification of facilities on the basis of the environmental effects of RF emissions. (TCA §332(c)(7)(B)(iv)). Therefore, CEQA review of RF emissions is preempted by the TCA.

B. Recent Case Law Makes it Clear that RF Emissions Cannot Be Considered Under CEQA.

The Proposed Project is directly analogous to *Richmond Residents for Responsible Antenna Placement v. City of Richmond* (2009) Cal. Rptr. 3d, 2009 WL 5149855 case. In that unpublished case, the City of Richmond ("Richmond") issued a building permit for the construction of a wireless telecommunications facility on the roof of an apartment building and opponents claimed that the project was not exempt from CEQA review because of potential harmful effects of RF emissions.

The Court of Appeal explained that an activity is only a "project" triggering CEQA review if it may cause either a direct or reasonably foreseeable indirect physical change to the environment." (*Ibid.*) The Court found that Richmond was prohibited by the TCA from regulating the placement or construction of wireless service facilities on the basis of environmental effects of RF emissions if such facilities comply with the FCC RF emissions regulations. (*Ibid.*, citing TCA §332(c)(7)(B)(iv)). This TCA Federal preemption includes "concerns over even indirect environmental effects of RF emissions, such as diminution in property values due to fears about health effects of RF emissions." (*Ibid.*) Consequently, the court concluded that unless RF emissions exceed FCC limits, Richmond was precluded from considering the RF emissions' environmental effects in its assessment of the wireless service facility's permit application. Therefore, due to the Federal preemption of RF emissions, the claims regarding potential adverse physical and economic impacts from RF emissions were irrelevant and that the installation did not even qualify as a project triggering any CEQA review. The court declined to reach the other reasons the project was exempt.

The *Richmond* case applies directly to Appellant's arguments. The RF emissions are below FCC levels and the City cannot consider RF emissions as a reason to find a project is not exempt from CEQA or use CEQA to assess RF emissions. The Appellant's only challenge to the Planning Department's review of the Project relates to RF emissions, which is not a proper basis for review under CEQA, and the appeal must be denied.

V. Conclusion.

For all of the preceding reasons, the appeal should be denied. The Appellant's roof deck is not within the FCC public exposure limits. The Proposed Project is categorically exempt from CEQA review and the Appellant has not raised any issue that the City can legally consider under CEQA because the Federal TCA preempts the City's review of RF emissions.

In addition, we have attached numerous e-mails in support of the Proposed Project for your review and consideration.

Thank you for the opportunity to respond to the appeal and clarify the Appellant's misunderstandings. If you have any questions, please do not hesitate to contact me.

Sincerely yours,



Amanda J. Monchamp

AJM:mlm

cc: Marlena G. Byrne, Deputy City Attorney
Andrea Ausberry, Board Clerk's Office
Angela Calvillo, Clerk of the Board of Supervisors
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
Nannie Turrell, Major Environmental Analysis, Planning Department
John di Bene, AT&T General Attorney
Jason Sanders, Appellant



To: BOS Constituent Mail Distribution,
 Cc:
 Bcc:
 Subject: COSW: Resolution objecting to Playboy Club TV series

From: "Murase, Emily" <emily.murase@sfgov.org>
 To: Board of Supervisors <board.of.supervisors@sfgov.org>
 Cc: BOS-Legislative Aides <boslegislativeaides@sfgov.org>, "Gulbengay, Kay" <kay.gulbengay@sfgov.org>
 Date: 08/29/2011 03:01 PM
 Subject: COSW: Resolution objecting to Playboy Club TV series

On behalf of President Kay Gulbengay, I am forwarding to you the resolution adopted by the Commission last week objecting to the new NBC series "Playboy Club." This issue is receiving growing media attention. Kay is available to answer have any questions you may have about this resolution, sosgirl69@aol.com, 415.760.3178. I have also attached the SF Examiner article about it that appeared over the weekend.

Emily M. Murase, PhD, Executive Director

San Francisco Department on the Status of Women

25 Van Ness Avenue, Suite 240 *NEW OFFICES*** San Francisco, CA 94102**

Support the San Francisco Commission on the Status of Women! Join the Friends of the Commission at the 2011 Women's Human Rights Awards Luncheon "*Inspiring an Equal Future*" on Monday, October 17, 2011, 11:30 am - 2 pm. Details at <http://www.friendscosw.org/events>.

****Please note that due to the high volume of email I receive, your message may be read by my assistant Cynthia Vasquez. I generally check email once a day. If you require an immediate response, please contact Ms. Vasquez at 415.252.3206 and she will know how to get a hold of me. Thank you for your patience.****



'Playboy' show has San Francisco group hopping mad

By: [Joshua Sabatini](#) | Examiner Staff Writer | 08/28/11 10:00 PM



Birth of the bunnies: From left, Amber Heard, Natori Naughton and Leah Renee appear in a scene from "The Playboy Club," a controversial new NBC series. (NBC/AP)

19



*San Francisco Commission on the Status of Women
Resolution Deploing "The Playboy Club" Television Series*

BE IT KNOWN that the Commission on the Status of Women of the City and County of San Francisco hereby issues, and authorizes the execution, by the subscribing Commissioners, of the following resolution:

WHEREAS, NBC Television has announced a pilot television series called "The Playboy Club," to air primetime on Mondays, 10 - 11 pm beginning September 19, which is set in 1960s Chicago and glorifies the early years of the exclusive men's club where waitresses were required to wear form-fitting satin animal costumes including bunny ears and a tail while serving drinks and cigarettes to the all male clientele; and,

WHEREAS, The show represents a major step backward for women who have struggled to earn an equal place in the workplace, in the community, and at home; and,

WHEREAS, In particular, the episode that depicts the trials of an African American character in the show trying to become the first Playboy centerfold trivializes the real-world struggle for basic human rights that African Americans endured at the time; relegated to second-class citizen status, African Americans, including those in the Chicago area, were targets of racial discrimination and stereotyping that systematically denied the most basic human rights such as access to decent housing, quality education, and living wage jobs; and

WHEREAS, Gloria Steinem, the legendary leader of the feminist movement who went undercover posing as a Playboy bunny to expose the sexist and exploitive practices of the clubs (such as requiring waitresses to be tested for sexually transmitted diseases) has, this month, publicly called for an outright boycott of the television series;

NOW THEREFORE BE IT RESOLVED That the San Francisco Commission on the Status of Women expresses its strongest objection to the new "Playboy Club" television series and urges NBC Television and its affiliates to replace the program with a series that, instead, depicts women's substantive achievements.

Kay Gulbengay, President

Julie Soo, Vice President

Alicia Gamez Nancy Kirshner-Rodriguez Rebecca Prowda Stephanie Simmons Andrea Shorter

*San Francisco Commission on the Status of Women
August 24, 2011*

The new NBC television series "The Playboy Club" demeans women and should never be broadcast, a San Francisco city commission advocating women's rights is saying.

The new television series, scheduled to air Sept. 19, is about the scantily clad "bunnies" who worked in the first men's club Playboy Magazine founder Hugh Hefner launched in Chicago in 1960.

The show has come under fire from San Francisco Commission on the Status of Women, which passed a resolution last week condemning it and calling on NBC "to replace the program with a series that, instead, depicts women's substantive achievements."

"The show represents a major step backward for women who have struggled to earn an equal place in the workplace, in the community, and at home," the resolution says.

Julie Soo, one of seven women appointed by the mayor to serve on the commission, said the series glamorizes the Playboy world "and I don't think it's so glamorous in the Playboy Mansion.

"It's a portrayal of women that's very demeaning," Soo said.

The commission also plans to ask the Board of Supervisors to adopt a similar resolution when it returns from legislative recess next month. While the board's resolutions are nonbinding, they can send a strong message and apply political pressure.

San Francisco's Commission on the Status of Women is not alone in attacking the show and calling for its cancellation.

Well-known feminist Gloria Steinem, who had posed as a bunny in one of the clubs to expose how the women were treated, called this month for a boycott of the show.

Morality in Media, an interfaith organization established in 1962 to combat obscenity and uphold decency standards in the media, is applying pressure to NBC's advertisers to prevent the showing from airing.

"Playboy is poised to cause even more harm, this time bringing its pornographic worldview directly into America's living rooms," Patrick A. Trueman, president of Morality in Media, said in an Aug. 10 statement. "We don't need NBC to pour more fuel to that fire."

Those involved in the show's production have defended the television series in numerous media outlets as the criticism has intensified.

"This show is all about empowering these women to be whatever they want to be," executive producer Chad Hodge was quoted as saying earlier this month.

NBC did not immediately respond to requests for comment.
jsabatini@sfexaminer.com



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: NEWS: Caltrain Board Welcomes New Member

From: "Bartholomew, Tasha" <bartholomewt@samtrans.com>
To: "Bartholomew, Tasha" <bartholomewt@samtrans.com>
Date: 09/02/2011 12:00 PM
Subject: NEWS: Caltrain Board Welcomes New Member



Sept. 2, 2011
Media Contact: Tasha Bartholomew, 650.508.7927

Caltrain Board Welcomes New Member

The Peninsula Corridor Joint Powers Board, which owns and operates Caltrain, swore in new board member Tom Nolan at its meeting today replacing Nat Ford. Nolan, who serves as chair of the San Francisco Municipal Transportation Agency, will represent the agency on the JPB.

Nolan is the executive director of Project Open Hand. Nolan joined the SFMTA Board of Directors in 2006 and was elected chairman in 2009.

This is the second time that Nolan has served on the Caltrain Board. Previously, as a member of the San Mateo County Board of Supervisors, he served on the Metropolitan Transportation Commission, the SamTrans Board and the Caltrain Board. Nolan has long been recognized as a champion of public transit and is a regular Muni rider.

The JPB has nine members, with three representatives from each of the three counties through which the rail service operates – San Francisco, San Mateo and Santa Clara. The JPB meets the first Thursday of each month at 10 a.m. at 1250 San Carlos Ave., San Carlos, two blocks from the train station. For more information about the board or for other Caltrain information, 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 86 local, limited and express weekday trains is 44,000. 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 City and County of San Francisco, the San Mateo County Transit District and the Santa Clara Valley Transportation Authority.

20