

Petitions and Communications received from September 27, 2011, through October 7, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on October 18, 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 Noreen Weeden, on behalf of the Golden Gate Audubon Society and its more than 10,000 members, submitting support for preserving Sharp Park wetlands and wildlife. File No. 110966, Copy: Each Supervisor (1)

\*From concerned citizens, submitting support for preserving Sharp Park wetlands and wildlife. File No. 110966, approximately 200 letters (2)

\*From Michel & Associates, P.C., submitting opposition to proposed legislation that: 1) requires a handgun be kept in a locked container or disabled with a trigger lock; and 2) prohibits the sale of enhanced-lethality ammunition. File No. 110901, Copy: Each Supervisor, 2 letters (3)

\*From Civil Service Commission, submitting the Department of Human Resources Prevailing Wage Report. Copy: Each Supervisor (4)

\*From Office of the Controller, submitting the Human Rights Commission Local Business Enterprise Compliance Audit Report. (5)

From Office of the Mayor, submitting the following appointments: Copy: Rules Committee Clerk (6)

Airport Commission

Eleanor Johns, term ending August 31, 2015

Art Commission

Barbara Sklar, term ending July 1, 2015

Civil Service Commission

Kate Favetti, term ending June 30, 2017

Commission on the Environment

Angelo King, term ending July 19, 2015

Commission on the Status of Women

Kay Gulbengay, term ending August 2, 2015

Human Rights Commission

Mark Kelleher, term ending June 30, 2015

From Clerk of the Board, submitting copy of memorandum sent to the Board of Supervisors regarding the following appointments by the Mayor: (7)

Airport Commission

Eleanor Johns, term ending August 31, 2015

Art Commission

Barbara Sklar, term ending July 1, 2015

Civil Service Commission

Kate Favetti, term ending June 30, 2017

Commission on the Environment

Angelo King, term ending July 19, 2015

Commission on the Status of Women

Kay Gulbengay, term ending August 2, 2015

Human Rights Commission

Mark Kelleher, term ending June 30, 2015

From concerned citizens, urging the Board to find a way to rescind the \$750,000 art contract awarded to Tom Otterness. 3 letters (8)

From Commission on the Environment, regarding the Department's regulations for cell phone disclosure requirements and regulations for the safe drug disposal information ordinance. (9)

From Planning Department, submitting a revised Planning Commission Resolution regarding the City Center Special Sign District. File No. 110448, Copy: Land Use Committee Clerk (10)

From concerned citizens, submitting opposition to the formation of the West Portal Commercial Benefit District. File No. 111007, Copy: Each Supervisor, 17 letters (11)

From Vinton and Kunhing Corporation, submitting support for the proposed project at 1171 Sansome Street. File Nos. 110836 and 110946, Copy: Each Supervisor (12)

From Planning Department, submitting amendments to the Mission Alcoholic Beverage Special Use District. File No. 110767, Copy: Each Supervisor, Land Use Committee Clerk (13)

From Diane Rivera, submitting opposition to the following proposals for the western end of Golden Gate Park: 1) renovation of the Beach Chalet Soccer Fields with artificial turf and stadium lights; and 2) the Westside Recycled Water Treatment Plant. (14)

From Oakland City Attorney, Mark Morodomi, submitting a summary from the Brennan Center for Justice that outlines what various States/Cities are doing regarding capping the amount of public matching funds. File No. 110718, Copy: Each Supervisor (15)

From concerned citizens, submitting support for the Commission on Animal Control and Welfare's humane pet acquisition proposal in defense of animals. 19 letters (16)

From concerned citizens, submitting support for bird safe buildings. File No. 110785, 8 letters (17)

From concerned citizens, submitting opposition to proposed legislation concerning false advertising by limited services pregnancy centers. File No. 110899, 4 letters (18)

From Realty Equities, Inc., submitting opposition to proposed project at 3151-3155 Scott Street. File Nos. 110979 and 110937 (19)

From Laborers' International Union of North America Local Union No. 261, submitting support for the proposed amendments to the Health Care Security Ordinance. File No. 110998, Copy: Each Supervisor (20)

From Francisco Da Costa, regarding the Bayview Opera House. Copy: Each Supervisor (21)

From Ryan Bradley, submitting opposition to the proposed Parkmerced Project. Copy: Each Supervisor (22)

From Office of the Controller, submitting the FY2010-2011 Compliance Reporting Requirements Report. (23)

From Sutton Law Firm, submitting support for proposed legislation regarding capping public matching funds. File No. 110718, Copy: Each Supervisor, 3 letters (24)

From Brady Center to Prevent Gun Violence, submitting support for proposed legislation that: 1) requires a handgun be kept in a locked container or disabled with a trigger lock; and 2) prohibits the sale of enhanced-lethality ammunition. File No. 110901, Copy: Each Supervisor (25)

From Office of the Mayor, regarding amendments to the Health Care Security Ordinance. File No. 110998, Copy: Each Supervisor (26)

From United Brotherhood of Carpenters, submitting support for proposed renovation to the Beach Chalet Athletic Fields in Golden Gate Park. (27)

From Department of Public Health, submitting the FY2010-2011 Deemed Approved Uses Report. Copy: Each Supervisor (28)

From Jon Golinger, on behalf of the Telegraph Hill Dwellers, submitting support for reversing the determination by the Planning Department that the 1171 Sansome Street project is exempt from environmental review. File No. 110947, Copy: Each Supervisor (29)

From Sandy Weil, regarding the difference in noise levels between the Hardly Strictly Bluegrass Festival and the Outside Lands Music Festival. Copy: Each Supervisor (30)

From Airport Commission, submitting the FY2010-2011 Final Revenue and Expenditure Report for the San Francisco International Airport Terminal 2 Promotion Fund. Copy: Each Supervisor (31)

From Cynthia Joseph, regarding the "OccupySF" peaceful protest and assembly. 8 letters (32)

From Bill Quan, regarding some nurses in City government earning \$300,000,000 this past year. Copy: Each Supervisor (33)

From Verizon Wireless, submitting notification of nine cellular antennas to be installed at 500 Parnassus Avenue. (34)

From San Mateo County Transportation Authority, regarding the Wetland Mitigation Restoration Project receiving the Environment Enhancement Project of the year award by the California Transportation Foundation. (35)

From State Fish and Game Commission, regarding proposed regulations for the south coast marine protected areas. Copy: Each Supervisor (36)

From State Fish and Game Commission, regarding proposed regulatory action relating to non-indigenous Coho Salmon. Copy: Each Supervisor (37)

From Department of Health and Human Services, regarding resolution encouraging the Food and Drug Administration to ban the use of menthol in cigarettes. File No. 110740, Copy: Each Supervisor (38)

From Patrick Goggin, submitting his resignation from the Medical Cannabis Task Force. (39)

From Richard Skaff, regarding disability access violations within the Crab House on Pier 39. (40)

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



inspiring people to protect  
Bay Area birds since 1917

September 27, 2011

**Via Email U.S. Mail**

San Francisco Board of Supervisors  
City Hall, Room 244  
San Francisco, CA 94102  
[Board.of.supervisors@sfgov.org](mailto:Board.of.supervisors@sfgov.org)

Mayor Edwin Lee  
City Hall, Room 200  
San Francisco, CA 94102  
[Mayoredwinlee@sfgov.org](mailto:Mayoredwinlee@sfgov.org)

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2011 SEP 29 PM 3:17

BY

RBC

BOS-11

cpage

File 110966

**Re: Support for Sharp Park Restoration Legislation (Avalos) 110966**

Dear Supervisors and the Honorable Mayor Lee;

I am writing on behalf of the Golden Gate Audubon Society and its more than 10,000 members and supporters regarding support for the Park Code Long Term Management Agreement with the National Park Service for Sharp Park sponsored by Supervisor Avalos. Our mission is to protect Bay Area birds and other wildlife, to conserve and restore native habitat, and to connect people of all ages with the natural world. This proposed ordinance to restore the Sharp Park wetlands and partner with the National Park Service while retaining this City property offers an excellent solution at Sharp Park for residents, visitors, and for wildlife.

California lost 91 percent of its wetlands between 1780 and 1980.<sup>1</sup> Now, along our coasts, only about 5 percent of wetlands remain. Wetlands provide critical habitat for resident and migratory birds and other wildlife. The endangered San Francisco garter snake and the red-legged frog and other species of birds and wildlife depend on the wetland at Sharp Park.

The National Park Service has successfully restored wetlands at Crissy Field in San Francisco<sup>2</sup> and Giacomini Wetlands in nearby Marin County.<sup>3</sup>

<sup>1</sup> Mitch and Gosslink, *Wetlands 2<sup>nd</sup> Edition*. Van Nostrand Reinhold, 1993

<sup>2</sup> Crissy Field Salt Marsh Restoration See <http://www.nps.gov/goga/naturescience/wetlands.htm>

<sup>3</sup> Giacomini Wetland Restoration Project See [http://www.nps.gov/pore/photosmultimedia/multimedia\\_gwrp.htm](http://www.nps.gov/pore/photosmultimedia/multimedia_gwrp.htm)

**GOLDEN GATE AUDUBON SOCIETY**

2530 San Pablo Avenue, Suite G Berkeley, California 94702

phone 510.843.2222 fax 510.843.5351 web [www.goldengateaudubon.org](http://www.goldengateaudubon.org)





**Restore Sharp Park into a National Park**

max henning to: Board.of.Supervisors

09/29/2011 06:00 PM

Sent by: Max Henning

<agoraphobicecologist@gmail.com@change.org>

Please respond to max henning

File 110966

Greetings,

Sharp Park Golf Course is owned by San Francisco but located in Pacifica, California. With a glut of golf courses around the Bay Area, we are working to transform Sharp Park from a money-losing, endangered species-killing golf course into a new National Park that provides recreational amenities everyone can enjoy. By partnering with the National Park Service, San Francisco can redirect the money it saves back to neighborhood parks and community centers, and we all get a new National Park! Let us collectively support the restoration of Sharp Park so valuable species can thrive and all people can enjoy the beautiful gifts nature has to offer.

Firebaugh, California

Note: this email was sent as part of a petition started on Change.org, viewable at [www.change.org/petitions/restore-sharp-park](http://www.change.org/petitions/restore-sharp-park). To respond, email [responses@change.org](mailto:responses@change.org) and include a link to this petition.

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

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FW: Re: Board of Supervisors Meeting Agenda Item # 27 - File No. 11901 [MA-Interwoven.FID2928]

Claudia Ayala

to:

board.of.supervisors@sfgov.org

09/27/2011 09:10 AM

Show Details


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

File 110901

Bos-11

page

History: This message has been replied to.

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

**Sent:** Monday, September 26, 2011 5:36 PM

**To:** 'David.Chiu@sfgov.org'; 'Eric.L.Mar@sfgov.org'; 'Mark.Farrell@sfgov.org'; 'Carmen.Chu@sfgov.org'; 'Ross.Mirkarimi@sfgov.org'; 'Jane.Kim@sfgov.org'; 'Sean.Elsbernd@sfgov.org'; 'Scott.Wiener@sfgov.org'; 'David.Campos@sfgov.org'; 'Malia.Cohen@sfgov.org'; 'John.Avalos@sfgov.org'; 'Board.of.Supervisors@sfgov.org'; 'angela.calvillo@sfgov.org'

**Cc:** C.D. Michel; Clint B. Monfort; Anna Barvir

**Subject:** Re: Board of Supervisors Meeting Agenda Item # 27 - File No. 11901 [MA-Interwoven.FID2928]

**Importance:** High

Hon. Board of Supervisors & Clerk of The Board:

We respectfully submit the attached opposition letter and supporting documents on behalf of our clients. Please submit this as part of the record for tomorrows Board of Supervisors meeting regarding agenda item number 27, S.F. file number 110901.

Please feel free to contact me if you have any problems with the attachments or if you have any questions or concerns.

Thank you,

<p><b>Claudia Ayala</b> Senior Paralegal</p>	<p>Direct: (562) 216-4473 Main: (562) 216-4444 Fax: (562) 216-4445 Email: <a href="mailto:CAyala@michellawyers.com">CAyala@michellawyers.com</a> Web: <a href="http://www.michellawyers.com">www.michellawyers.com</a></p>
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# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

BOS-11 <sup>AC</sup> memo  
page

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

September 28, 2011

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2011 SEP 29 AM 9:36  
PBC

E. DENNIS NORMANDY  
PRESIDENT

KATE FAVETTI  
COMMISSIONER

MARY Y. JUNG  
COMMISSIONER

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

SUBJECT: Prevailing Wage Certification Legislation

Dear Ms. Calvillo:

At its meeting of September 23, 2011 the Civil Service Commission had for its consideration the certification of the highest prevailing rate of wages of the various crafts and kinds of labor paid in private employment in the City and County of San Francisco (CSC File No. 0222-11-3). A copy of the report prepared by the Department of Human Resources is attached.

It was the decision of the Civil Service Commission, in accordance with Charter Section A7.204 and Administrative Code Section 6.22, to adopt the Department of Human Resources' report.

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

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

Sincerely,

CIVIL SERVICE COMMISSION

ANITA SANCHEZ  
Executive Officer

Attachments

c: Paul Zarefsky, Deputy City Attorney

4



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

Issued: Human Rights Commission (HRC) Local Business Enterprise (LBE) Compliance Audit

Controller Reports to: Angela Calvillo, Peggy Nevin, BOS-Supervisors,  
BOS-Legislative Aides, Steve Kawa, Rick Wilson,  
Christine Falvey, Jason Elliott, Severin Campbell,  
Sent by: Richard Kurylo

09/29/2011 12:27 PM

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The Office of the Controller, City Services Auditor Division, has issued a report, *Human Rights Commission (HRC) Local Business Enterprise (LBE) Compliance Audit*.

The audit found that none of the three selected prime contractors fully complied with some provisions of Administrative Code Chapter 14B. The audit report includes fifteen recommendations concerning the HRC and the three departments that were the subject of this audit: the Airport, Department of Public Works, and the San Francisco Public Utilities Commission.

To view the full report, please visit our website at:  
<http://co.sfgov.org/webreports/details.aspx?id=1339>

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This is a send-only email address. For questions regarding the report, please contact Tonia Lediju at [Tonia.Lediju@sfgov.org](mailto:Tonia.Lediju@sfgov.org) or 415-554-5393, or the Controller's Office, Audits Unit, at 415-554-7469.

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

September 22, 2011

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 SEP 22 PM 1:23  
AK

Dear Ms. Calvillo,

Pursuant to the Charter of the City and County of San Francisco, I hereby make the following appointments:

Eleanor Johns to the Airport Commission for a term ending August 31, 2015

Barbara Sklar to the Arts Commission for a term ending July 1, 2015

Kate Favetti to the Civil Service Commission, assuming the seat formerly held by Donald Casper, for a term ending June 30, 2017

Kay Gulbengay to the Commission on the Status of Women for a term ending August 2, 2015

Angelo King to the Commission on the Environment for a term ending July 19, 2015

Mark Kelleher to the Human Rights Commission for a term ending June 30, 2015

Please see the attached resumes which demonstrate how these appointments represent the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Edwin M. Lee".

Edwin M. Lee  
Mayor

CITY HALL, ROOM 200  
1 DR. CARLTON B. GOODLETT PLACE  
SAN FRANCISCO, CALIFORNIA 94102-4681  
(415) 554-6141  
(415) 554-6160 FAX

RECYCLED PAPER

6

Orig: Rules, COB, Leg Dep

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

### Notice of Appointment

September 22, 2011

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 SEP 22 PM 1:23  
BY \_\_\_\_\_ AK

Honorable Board of Supervisors:

Pursuant to the Charter Section 3.100(18), I hereby make the following appointments:

Eleanor Johns to the Airport Commission for a term ending August 31, 2015

Barbara Sklar to the Arts Commission for a term ending July 1, 2015

Kate Favetti to the Civil Service Commission, assuming the seat formerly held by Donald Casper, for a term ending June 30, 2017

Kay Gulbengay to the Commission on the Status of Women for a term ending August 2, 2015

Angelo King to the Commission on the Environment for a term ending July 19, 2015

Mark Kelleher to the Human Rights Commission for a term ending June 30, 2015

I am confident that Ms. Johns, Ms. Sklar, Ms. Favetti, Ms. Gulbengay, Mr. King, and Mr. Kelleher will serve our community well. Attached are their qualifications to serve, which demonstrate how these appointments represent the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

I encourage your support and am pleased to advise you of these appointments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edwin M. Lee".

Edwin M. Lee  
Mayor

CITY HALL, ROOM 200  
1 DR. CARLTON B. GOODLETT PLACE  
SAN FRANCISCO, CALIFORNIA 94102-4681  
(415) 554-6141  
(415) 554-6160 FAX

## **BIO OF ELEANOR JOHNS**

Eleanor Johns is Executive Director of the Willie L. Brown, Jr. Institute on Politics and Public Service. She was Chief of Staff for Mayor Willie L. Brown, Jr., from July 1996 through January 2004. She is a member of the Board of Directors of JVS and the San Francisco Conservation Corps. From 1981 to 1995 she was a Special Assistant to Willie L. Brown, Jr., then speaker of the California State Assembly. From 1980 to 1995 she also served as the Financial Manager of the Willie Brown for Assembly Committee, and the Assembly Democrats Committee. In prior years she was a litigation paralegal and from 1961 to 1968 taught in various California schools.

In 1966 Ms. Johns attended the Amherst Institute of Advanced Studies in American History, Berkeley, California. She graduated from Ohio State University in 1961 with a B.A. in History and Social Science and a B.S. in Education. She attended Purdue University from 1957 to 1958.

Ms. Johns was a member of the Board of Directors of the San Francisco Jewish Community Center from 1990 to 1993. She served as a public member of the California State Commission on Judicial Performance from 1995 to 1998.

Ms. Johns was born in Steubenville, Ohio, is married to Richard Johns, an attorney in San Francisco, and has one son.

Ms. Johns was appointed to the Airport Commission by Mayor Willie L. Brown, Jr. in May 2003 to fill the unexpired term of Commissioner Henry Berman. Upon the expiration of that term in 2003, Commissioner Johns was reappointed by Mayor Willie L. Brown, Jr. Ms. Johns was appointed to a second term by Mayor Gavin Newsom in 2007.

## **BIO OF BABARA SKLAR**

Barbara Sklar has painted for the past 38 years, full time since 1989. She studied at the Cleveland Institute of Art, 1961-1964, and later at UC Berkeley and the Art Students League, New York. In 1991-1995, she was the only American to attend the Royal Watercolor Society's annual workshops for professionals. She has studied sculpture, photography, and ceramic privately in Italy. Her works, which have been shown in New York, San Francisco, Washington, Northern California, Rome and Florence, are in public, corporate and private collections throughout the United States and Europe. Ms. Sklar has served on review panels for the California Arts Council and various foundations and the San Francisco Arts Commission, the New York Foundation of the Arts Board, and the Arts in Embassies Millennium Committee. Ms. Sklar also worked for the Cultural Office of the former USIS in Washington and Sarajevo.

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Ms. Sklar, who has a Masters in Planning and Administration from Case Western Cleveland, Ohio, is also a gerontologist and from 1974-1989 her professional experience included serving as the Director of Geriatric Services for the Hospital Consortium of San Mateo County, the Director of Center for Aging & Planning for Mount Zion Hospital in San Francisco. She served on the Board of Meals-on-Wheels, Family Services Agency, the Council of International Programs, the National Council on Aging and was the Founder and a Board Member of the National Institutes of Adult Day Care and Community-Based Long Term Care.

KATE FAVETTI 837 Faxon Avenue, San Francisco, CA 94112 415-587-7606

**City & County of San Francisco Work History**

March 16, 1998 to 2007	<b>Executive Officer, Civil Service Commission</b> –Department Head; manage Civil Service Commission operations and activities; advise on the creation, revision and application of civil service rules; enforce and implement the civil service provisions of the charter; meet and confer on rule matters.
January 1995 to March 15, 1998	<b>Sr. Departmental Personnel Officer, San Francisco General Hospital</b> – managed the human resource program for a major department (approximately 3,000 employees).
June 1994 to December 1994	<b>Assistant Executive Officer, Civil Service Commission</b> – represented Civil Service Commission in negotiations; managed daily operations; acted as Executive Officer in his absence.
October 1992 to June 1994	<b>Sr. Personnel Analyst, Civil Service Commission and Department of Human Resources</b> – responsible for general inservice activities including application of Civil Service Commission Rules; represented Civil Service Commission in contract negotiations.
October 1991 to October 1992	<b>Sr. Departmental Personnel Officer, Municipal Railway</b> – responsible for the management of the Human Resource program for a major department (approximately 3,500 employees).
June 1989 to October 1991	<b>Sr. Personnel Analyst, Civil Service Commission</b> – responsible for general inservice activities including application and enforcement of Civil Service Commission Rules.
March 1986 to June 1989	<b>Sr. Personnel Analyst, Laguna Honda Hospital</b> – responsible for the daily operation of the Personnel Department, management representative on SEIU negotiations.
May 1984 to March 1986	<b>Personnel Analyst, Department of Public Health, Central Office</b> – responsible for the day-to day operation of the Personnel Department.
May 1971 to May 1984	Various positions within the City and County

## **BIO OF KAY GULBENGAY**

Kay is a native of San Francisco, born, raised, and still residing in the Parkside District. She began her career at City Hall in 1967, working in the Office of the Clerk of the Board and the Assessment Appeals Board. In 1978 Kay was promoted to serve as the Administrator of the Assessment Appeals Board and then in 1988 she was again promoted to the Assistant Clerk Position, where she served until 1994. She then became the Executive Assistant to the Director of the Retirement System until 2002, when she returned to the Clerk's Office to become the Deputy Clerk in charge of the Legislative Division.

Kay retired from her role in January 2007 after serving the City for 40 years. Later that year she was appointed to the Commission on the Status of Women and she is currently President of the Commission.

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## **Angelo P. King**

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48 Dedman Court San Francisco, CA 94124  
415-656-0260 Business 415-821-1331 Home  
[Anpiking@yahoo.com](mailto:Anpiking@yahoo.com)

**Objective:** My objective is to support institutions / instruments that help or sustain good community.

### **Work Experience**

#### **Southeast Neighborhood Jobs Initiative Roundtable (SNJIR)**

San Francisco, CA

Program Director

April 1999 to Present

I oversee and implement operation of SNJIR a community building collaborative focused on increasing capacity for workforce development efforts in Bayview Hunters Point. Serving as Director of SNJIR I have convened and facilitated community meetings, created partnerships (UCSF, Strybing Arboretum Society, BAVC), executing payroll, fundraising, and managing staff. Manage database of information: Program profiles, demographics, GIS maps, and other information. Co-produced community reference guide over 200 copies distributed. Co-Produced video on development and diversity in Bayview Hunters Point.

#### **First Page Paging Company**

Oakland, Ca

Owner

June 97 to Jan 2000

Sole Proprietor: Purchased and Sold pagers plus executed billing for small cellular and Pager Company with 75 customers at its peak. Sold business in 2000.

#### **Jackie Robinson Computer Learning Center**

San Francisco, Ca

Program Director

March 98 to June 99

I planned activities for the afterschool youth computer class. Created curriculum for adult computer class ages thirty to sixty-five where I thought MS Word, MS Excel, MS PowerPoint, and Desktop publishing software. I created brochures for promoting and fundraising for the center. There was a board that I convened and reported to.

#### **Office Depot**

San Francisco, Ca

Sales / Copy center clerk

June 96 to Jan 98

Commissioned salesmen for business machines i.e. computers, copiers, cash registers, etc.

#### **Additional Merits**

BVHP Project Area Committee Member

2002 Certificate of Honor from City & County San Francisco & Board of Supervisor

Bayview Merchants Association Member

#### **Education Experience**

##### **San Francisco State University**

Completing classes toward a BA in business administration

GED Completed

**References Upon Request**



## **BIO OF MARK KELLEHER**

Mark Kelleher is senior director of development with San Francisco State University where he is helping to expand a successful new division focused on alumni relations and securing funds from individuals, foundations, companies and government sources to counter deep state budget cuts in recent years. Special areas of focus include the development of community outreach programs, most targeting underserved individuals, such as the Family Acceptance Project which is designed to reduce suicide, HIV infection and other potential perils often faced by LGBTQ youth; as well as initiatives to improve education access and success including San Francisco Promise, the University Scholarship Program, Children's Campus, and Head Start.

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Prior to SF State, Kelleher was with the University of California, San Francisco for nearly a decade where he launched the first full-time development program for the AIDS Research Institute, managed fundraising for the School of Nursing, and served as corporate and foundation relations director. Highlights of his work at UCSF were the development of community outreach programs, most targeting underserved youth, including Valencia Health Service, LINC (child-focused domestic violence prevention), and the Women's Global Health Imperative. Also among these initiatives were the Positive Health Program, Center for Tobacco Control Research and Education and its Smoke Free Movie Campaign, and Magnet (a uniquely combined model community space and gay men's health service). Kelleher served on the CTCRE advisory board after leaving UCSF, and he remains an active Magnet board member. He is also a past Human Rights Campaign steering committee member, and served as a co-chair on the board of the Academy of Friends – a community foundation dedicated to assisting individuals affected by HIV.

Previous to UCSF, Kelleher was a regional development director at UC Berkeley where he organized its first fundraising campaign in Silicon Valley. Although

some of his ancestors were Bay Area pioneers from the mid-19th Century onward, Kelleher was raised near Boston. Before moving to California in 1994 he managed several record-breaking reunion classes for the Harvard Law School Fund. Kelleher began his career at Boston University where he helped expand a pioneering partnership to reform public schools in nearby Chelsea, at the time one of the nation's most socioeconomically challenged urban communities. During this period he was also a lead volunteer with the Wang Performing Arts Center Metropolitans. When the Boston Public Schools' arts education budget was decimated, this group of young professionals was organized to help raise funds to ensure at-risk youth would have the necessary resources to participate in the performing and fine arts.

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Kelleher earned his M.S. at Boston University and B.A. in History at St. Anselm College. He and his life partner of nearly two decades, San Francisco Treasurer José Cisneros, reside in San Francisco.

BOARD of SUPERVISORS



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

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MEMORANDUM

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Date: September 27, 2011  
To: Honorable Members, Board of Supervisors  
From: *AC* Angela Calvillo, Clerk of the Board  
Subject: APPOINTMENTS BY THE MAYOR

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 SEP 27 AM 11:15  
*DN*

The Mayor has submitted appointments to the following bodies:

- Eleanor Johns, Airport Commission, term ending August 31, 2015
- Barbara Sklar, Arts Commission, term ending July 1, 2015
- Kate Favetti, Civil Service Commission, term ending June 30, 2017
- Kay Gulbengay, Commission on the Status of Women, term ending August 2, 2015
- Angelo King, Commission on the Environment, term ending July 19, 2015
- Mark Kelleher, Human Rights Commission, term ending June 30, 2015.

Under the Board's Rules of Order Section 2.24, a Supervisor can request a hearing on an appointment by notifying the Clerk in writing.

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

Please notify me in writing by **5:00 p.m., Thursday, September 29, 2011**, if you wish any hearing on an appointment to be scheduled.

Attachments

7

Orig: Rules, COB, Leg Dep.

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

### Notice of Appointment

September 22, 2011

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 SEP 22 PM 1:23  
AK

Honorable Board of Supervisors:

Pursuant to the Charter Section 3.100(18), I hereby make the following appointments:

Eleanor Johns to the Airport Commission for a term ending August 31, 2015

Barbara Sklar to the Arts Commission for a term ending July 1, 2015

Kate Favetti to the Civil Service Commission, assuming the seat formerly held by Donald Casper, for a term ending June 30, 2017

Kay Gulbengay to the Commission on the Status of Women for a term ending August 2, 2015

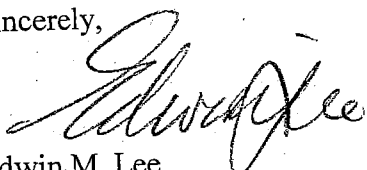
Angelo King to the Commission on the Environment for a term ending July 19, 2015

Mark Kelleher to the Human Rights Commission for a term ending June 30, 2015

I am confident that Ms. Johns, Ms. Sklar, Ms. Favetti, Ms. Gulbengay, Mr. King, and Mr. Kelleher will serve our community well. Attached are their qualifications to serve, which demonstrate how these appointments represent the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

I encourage your support and am pleased to advise you of these appointments.

Sincerely,

  
Edwin M. Lee  
Mayor

CITY HALL, ROOM 200  
1 DR. CARLTON B. GOODLETT PLACE  
SAN FRANCISCO, CALIFORNIA 94102-4681  
(415) 554-6141  
(415) 554-6160 FAX

RECYCLED PAPER

## **BIO OF ELEANOR JOHNS**

Eleanor Johns is Executive Director of the Willie L. Brown, Jr. Institute on Politics and Public Service. She was Chief of Staff for Mayor Willie L. Brown, Jr., from July 1996 through January 2004. She is a member of the Board of Directors of JVS and the San Francisco Conservation Corps. From 1981 to 1995 she was a Special Assistant to Willie L. Brown, Jr., then speaker of the California State Assembly. From 1980 to 1995 she also served as the Financial Manager of the Willie Brown for Assembly Committee, and the Assembly Democrats Committee. In prior years she was a litigation paralegal and from 1961 to 1968 taught in various California schools.

In 1966 Ms. Johns attended the Amherst Institute of Advanced Studies in American History, Berkeley, California. She graduated from Ohio State University in 1961 with a B.A. in History and Social Science and a B.S. in Education. She attended Purdue University from 1957 to 1958.

Ms. Johns was a member of the Board of Directors of the San Francisco Jewish Community Center from 1990 to 1993. She served as a public member of the California State Commission on Judicial Performance from 1995 to 1998.

Ms. Johns was born in Steubenville, Ohio, is married to Richard Johns, an attorney in San Francisco, and has one son.

Ms. Johns was appointed to the Airport Commission by Mayor Willie L. Brown, Jr. in May 2003 to fill the unexpired term of Commissioner Henry Berman. Upon the expiration of that term in 2003, Commissioner Johns was reappointed by Mayor Willie L. Brown, Jr. Ms Johns was appointed to a second term by Mayor Gavin Newsom in 2007.

## **BIO OF BABARA SKLAR**

Barbara Sklar has painted for the past 38 years, full time since 1989. She studied at the Cleveland Institute of Art, 1961-1964, and later at UC Berkeley and the Art Students League, New York. In 1991-1995, she was the only American to attend the Royal Watercolor Society's annual workshops for professionals. She has studied sculpture, photography, and ceramic privately in Italy. Her works, which have been shown in New York, San Francisco, Washington, Northern California, Rome and Florence, are in public, corporate and private collections throughout the United States and Europe. Ms. Sklar has served on review panels for the California Arts Council and various foundations and the San Francisco Arts Commission, the New York Foundation of the Arts Board, and the Arts in Embassies Millennium Committee. Ms. Sklar also worked for the Cultural Office of the former USIS in Washington and Sarajevo.

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Ms. Sklar, who has a Masters in Planning and Administration from Case Western Cleveland, Ohio, is also a gerontologist and from 1974-1989 her professional experience included serving as the Director of Geriatric Services for the Hospital Consortium of San Mateo County, the Director of Center for Aging & Planning for Mount Zion Hospital in San Francisco. She served on the Board of Meals-on-Wheels, Family Services Agency, the Council of International Programs, the National Council on Aging and was the Founder and a Board Member of the National Institutes of Adult Day Care and Community-Based Long Term Care.

KATE FAVETTI

837 Faxon Avenue, San Francisco, CA 94112 415-587-7606

**City & County of San Francisco Work History**

March 16, 1998 to 2007

**Executive Officer, Civil Service Commission**  
–Department Head; manage Civil Service Commission operations and activities; advise on the creation, revision and application of civil service rules; enforce and implement the civil service provisions of the charter; meet and confer on rule matters.

January 1995 to March 15, 1998

**Sr. Departmental Personnel Officer, San Francisco General Hospital** – managed the human resource program for a major department (approximately 3,000 employees).

June 1994 to December 1994

**Assistant Executive Officer, Civil Service Commission** – represented Civil Service Commission in negotiations; managed daily operations; acted as Executive Officer in his absence.

October 1992 to June 1994

**Sr. Personnel Analyst, Civil Service Commission and Department of Human Resources** – responsible for general inservice activities including application of Civil Service Commission Rules; represented Civil Service Commission in contract negotiations.

October 1991 to October 1992

**Sr. Departmental Personnel Officer, Municipal Railway** – responsible for the management of the Human Resource program for a major department (approximately 3,500 employees).

June 1989 to October 1991

**Sr. Personnel Analyst, Civil Service Commission** – responsible for general inservice activities including application and enforcement of Civil Service Commission Rules.

March 1986 to June 1989

**Sr. Personnel Analyst, Laguna Honda Hospital** – responsible for the daily operation of the Personnel Department, management representative on SEIU negotiations.

May 1984 to March 1986

**Personnel Analyst, Department of Public Health, Central Office** – responsible for the day-to day operation of the Personnel Department.

May 1971 to May 1984

Various positions within the City and County

## **BIO OF KAY GULBENGAY**

Kay is a native of San Francisco, born, raised, and still residing in the Parkside District. She began her career at City Hall in 1967, working in the Office of the Clerk of the Board and the Assessment Appeals Board. In 1978 Kay was promoted to serve as the Administrator of the Assessment Appeals Board and then in 1988 she was again promoted to the Assistant Clerk Position, where she served until 1994. She then became the Executive Assistant to the Director of the Retirement System until 2002, when she returned to the Clerk's Office to become the Deputy Clerk in charge of the Legislative Division.

Kay retired from her role in January 2007 after serving the City for 40 years. Later that year she was appointed to the Commission on the Status of Women and she is currently President of the Commission.



## Angelo P. King

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48 Dedman Court San Francisco, CA 94124  
415-656-0260 Business 415-821-1331 Home  
[Anpiking@yahoo.com](mailto:Anpiking@yahoo.com)

**Objective:** My objective is to support institutions / instruments that help or sustain good community.

### Work Experience

#### Southeast Neighborhood Jobs Initiative Roundtable (SNJIR)

San Francisco, CA

Program Director April 1999 to Present

I oversee and implement operation of SNJIR a community building collaborative focused on increasing capacity for workforce development efforts in Bayview Hunters Point. Serving as Director of SNJIR I have convened and facilitated community meetings, created partnerships (UCSF, Strybing Arboretum Society, BAVC), executing payroll, fundraising, and managing staff. Manage database of information: Program profiles, demographics, GIS maps, and other information. Co-produced community reference guide over 200 copies distributed. Co-Produced video on development and diversity in Bayview Hunters Point.

#### First Page PAGING Company

Oakland, Ca

Owner June 97 to Jan 2000

Sole Proprietor: Purchased and Sold pagers plus executed billing for small cellular and Pager Company with 75 customers at its peak. Sold business in 2000.

#### Jackie Robinson Computer Learning Center

San Francisco, Ca

Program Director March 98 to June 99

I planned activities for the afterschool youth computer class. Created curriculum for adult computer class ages thirty to sixty-five where I taught MS Word, MS Excel, MS PowerPoint, and Desktop publishing software. I created brochures for promoting and fundraising for the center. There was a board that I convened and reported to.

#### Office Depot

San Francisco, Ca

Sales / Copy center clerk June 96 to Jan 98

Commissioned salesmen for business machines i.e. computers, copiers, cash registers, etc.

#### Additional Merits

BVHP Project Area Committee Member

2002 Certificate of Honor from City & County San Francisco & Board of Supervisor

Bayview Merchants Association Member

#### Education Experience

##### San Francisco State University

Completing classes toward a BA in business administration

GED Completed

References Upon Request

## **BIO OF MARK KELLEHER**

Mark Kelleher is senior director of development with San Francisco State University where he is helping to expand a successful new division focused on alumni relations and securing funds from individuals, foundations, companies and government sources to counter deep state budget cuts in recent years. Special areas of focus include the development of community outreach programs, most targeting underserved individuals, such as the Family Acceptance Project which is designed to reduce suicide, HIV infection and other potential perils often faced by LGBTQ youth; as well as initiatives to improve education access and success including San Francisco Promise, the University Scholarship Program, Children's Campus, and Head Start.

Prior to SF State, Kelleher was with the University of California, San Francisco for nearly a decade where he launched the first full-time development program for the AIDS Research Institute, managed fundraising for the School of Nursing, and served as corporate and foundation relations director. Highlights of his work at UCSF were the development of community outreach programs, most targeting underserved youth, including Valencia Health Service, LINC (child-focused domestic violence prevention), and the Women's Global Health Imperative. Also among these initiatives were the Positive Health Program, Center for Tobacco Control Research and Education and its Smoke Free Movie Campaign, and Magnet (a uniquely combined model community space and gay men's health service). Kelleher served on the CTCRE advisory board after leaving UCSF, and he remains an active Magnet board member. He is also a past Human Rights Campaign steering committee member, and served as a co-chair on the board of the Academy of Friends – a community foundation dedicated to assisting individuals affected by HIV.

Previous to UCSF, Kelleher was a regional development director at UC Berkeley where he organized its first fundraising campaign in Silicon Valley. Although

some of his ancestors were Bay Area pioneers from the mid-19th Century onward, Kelleher was raised near Boston. Before moving to California in 1994 he managed several record-breaking reunion classes for the Harvard Law School Fund. Kelleher began his career at Boston University where he helped expand a pioneering partnership to reform public schools in nearby Chelsea, at the time one of the nation's most socioeconomically challenged urban communities. During this period he was also a lead volunteer with the Wang Performing Arts Center Metropolitans. When the Boston Public Schools' arts education budget was decimated, this group of young professionals was organized to help raise funds to ensure at-risk youth would have the necessary resources to participate in the performing and fine arts.

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Kelleher earned his M.S. at Boston University and B.A. in History at St. Anselm College. He and his life partner of nearly two decades, San Francisco Treasurer José Cisneros, reside in San Francisco.



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: Urgent - Please forward this to all 11 SF Supervisors

---

From: Karil Daniels <karil@pacbell.net>  
To: board.of.supervisors@sfgov.org  
Date: 09/30/2011 04:45 PM  
Subject: Urgent - Please forward this to all 11 SF Supervisors

---

Dear SF Supervisors,

When I first heard that my beloved city of San Francisco had awarded a \$750,000 art contract for sculptures at the Moscone Central Subway to Tom Otterness, a dog murderer who killed a dog he adopted in cold blood, filmed it and called it "art," I was overcome with sadness and outrage! I immediately signed a petition on Leland Yee's website to revoke that commission.

The Board of Supervisors and the Art Commission MUST find a way to rescind this contract and prevent \$750,000 of taxpayer money, (including taxes from many animal lovers) from going to this deranged monster.

Otterness killed that poor, innocent dog when he was an adult, at age 25, not when he was a clueless child of 6 or 8, or confused teen or pre-teen of 12, 14 or 16. At 25 our personalities and values are formed and we know what we're doing. That act of dog murder reveals a violent, sadistic man who DOES NOT DESERVE public support, but rather ostracism. He should have been prosecuted at the time to the fullest extent of the law, and he deserves all the hate and opposition he's getting now.

It is important to note that people who intentionally hurt animals have also been found to be guilty of spousal and child abuse to a far greater degree than the general population, and some animal abusers use these acts of brutality as a rehearsal for the torture and murder of people.

New York and San Francisco are great cities filled with thousands of talented, immensely creative and very deserving artists, so there's no doubt that a fine replacement artist can be found; one whose background is not stained with such despicable behavior.

Please tell me you won't let this contract go through!  
Thank you.

Karil Daniels  
San Francisco resident and animal lover  
karil@karildaniels.com  
415-821-0435

(8)

BOS-11  
C-Page



**Please revoke arts contract with Otterness**  
Bonnie Steiger to: board.of.supervisors  
Please respond to bonnie

10/06/2011 03:17 PM

Please forward to all 11 supervisors. Thank you.

Admitted dog murderer and sculptor Tom Otterness has won a contract for \$750,000 of public money to install 59 bronze sculptures in the soon-to-be-constructed Central Subway in San Francisco. Otterness was selected before the City knew of his violent, abusive, inhumane, and now illegal behavior.

About 30 years ago, at the age of 25, Otterness, trying to gain attention and make a name for himself as an artist, committed a horrible, violent act. He adopted a puppy from a dog shelter, got a gun, tied the dog up, loaded the gun and shot the poor, trusting animal to death. He film it, titled it "Shot Dog Film," and presented it as 'art' in a gallery!

Now Otterness has been awarded \$750,000 of taxpayer money to install his sculptures in public subway spaces. This is an outrage and must be stopped! We do not want our tax dollars spent to support a violent, brutal dog killer, no matter the quality of his work. Please revoke the contract. Please avoid the obvious protests and vandalism that is bound to follow any showing of his work. Please respect the life he took to further his career. Thank you.

Forgot to sign last email. Sorry.

Bonnie Steiger  
1335 Clay St., #4  
San Francisco, CA 94109  
415-673-2228



**Please revoke arts contract with Otterness**  
Bonnie Steiger to: board.of.supervisors  
Please respond to bonnie

10/06/2011 03:17 PM

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History: This message has been forwarded.

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Please forward to all 11 supervisors. Thank you.

Admitted dog murderer and sculptor Tom Otterness has won a contract for \$750,000 of public money to install 59 bronze sculptures in the soon-to-be-constructed Central Subway in San Francisco. Otterness was selected before the City knew of his violent, abusive, inhumane, and now illegal behavior.

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Forgot to sign last email. Sorry.

Bonnie Steiger  
1335 Clay St., #4  
San Francisco, CA 94109  
415-673-2228

Transmittal to Clerk of the Board's Office on Department Regulations

Fish, Monica

to:

Calvillo, Angela

09/30/2011 02:57 PM

Cc:

"Nevin, Peggy", "Bhatia, Sushma", "Sanders, Caitlin"

Show Details

Hi Angela,

The attachment(s) is a transmittal of Department of the Environment Cell Phone Ordinance and Safe Drug Disposal Information Ordinance Regulations and explanatory documents.

Please advise whether you require paper copies.

Best Regards,

Monica Fish, Commission Secretary

San Francisco Commission on the Environment

11 Grove Street, San Francisco, CA 94102

(415) 355-3709

Commission weblink: [http://www.sfenvironment.org/our\\_policies/overview.html?ssi=10](http://www.sfenvironment.org/our_policies/overview.html?ssi=10)

9



**SF Environment**

Our home. Our city. Our planet.



EDWIN M. LEE  
Mayor

MELANIE NUTTER  
Director

September 30, 2011

**TRANSMITTAL**

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

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

Pursuant to Charter Section 4.104 requirement that Rules and Regulations are to be filed with the Clerk of the Board of Supervisors, enclosed are the Department of the Environment's Regulation Nos. SFE-11-07-CPO Regulations for Cell Phone Disclosure Requirements (and attachments) that repeals Regulation No. SFE 10-03-CPO and SFE-11-08-SDDIO Regulations for Safe Drug Disposal Information Ordinance (and attachments) both adopted on September 30, 2011. If you have any questions, please contact Caitlin Sanders, Toxics Reduction Associate, Department of the Environment, telephone (415) 355-3757 or email [caitlin.sanders@sfgov.org](mailto:caitlin.sanders@sfgov.org).

Best Regards,

Monica Fish, Commission Secretary  
Commission on the Environment

Attachments: Regulation Nos. SFE 11-07-CPO and SFE 11-08-SDDIO

Cc: Caitlin Sanders, Toxics Reduction Associate  
Sushma Bhatia, Toxics Reduction Program Manager



San Francisco Department of the Environment Regulations SFE 11-07-CPO  
Requirement for cell phone retailers to provide information to their customers  
regarding how to limit their exposure to cell phone radiofrequency energy  
Ordinance No. 165-11, Adopted July 11, 2011

Regulation Effective Date: September 30, 2011

A. Authorization

San Francisco Environment Code Chapter 11:

**SEC. 1103. REQUIREMENTS FOR CELL PHONE RETAILERS.**

(a) Beginning 15 days after the Department of the Environment adopts the regulations required under Section 1104(d), cell phone retailers must display in a prominent location visible to the public, within the retail store, an informational poster developed by the Department of the Environment as referenced in Section 1104.

(b) Beginning 15 days after the Department of the Environment adopts the regulations required under Section 1104(d), cell phone retailers must provide to every customer that purchases a cell phone a free copy of an informational factsheet developed by the Department of the Environment as referenced in Section 1104. A copy of this factsheet must also be provided to any customer who requests it, regardless of whether they purchase a cell phone or not.

(c) Beginning 30 days after the Department of the Environment adopts the regulations required under Section 1104(d), if a cell phone retailer posts display materials in connection with sample phones or phones on display, the display materials must include these three informational statements, whose contents, and size, and format as printed, shall be determined by the Department of Environment:

- (1) A statement explaining that cell phones emit radiofrequency energy that is absorbed by the head and body;
- (2) A statement referencing measures to reduce exposure to radiofrequency energy from the use of a cell phone; and,
- (3) A statement that the informational factsheet referenced in subsection (b) is available from the cell phone retailer upon request.

(d) The Director may, in his or her discretion, authorize a retailer to use alternate means to comply with the requirements of subsections (a), (b) and (c). The Director shall authorize such alternate means through the adoption of a regulation after a noticed hearing, and no retailer may sell or lease cell phones to the public or offer to sell or lease cell phones to the public using any alternate means of compliance with this Chapter unless specifically authorized to do so in advance in writing by the Director.

## SEC. 1104. REQUIREMENTS FOR THE DEPARTMENT OF THE ENVIRONMENT

(a) Following a public hearing, the Department of the Environment, in consultation with the Department of Public Health, shall develop:

- (1) An informational poster, as referenced in Section 1103(a);
- (2) An informational factsheet, as referenced in Section 1103(b); and,
- (3) A set of statements that must be included in display materials, as referenced in Section 1103(c).

(b) The materials shall inform consumers of issues pertaining to radiofrequency energy emissions from cell phones and actions that can be taken by cell phone users to minimize exposure to radiofrequency energy, such as turning off cell phones when not in use, using a headset and speaker phone, or using the phone to send text messages ("texting").

(c) The Director may by regulation require the inclusion of additional information in the poster, the factsheet, and/or the statements required in connection with display materials.

(d) Within 15 days after the effective date of this ordinance or as soon thereafter as is practicable, the Department of the Environment shall, after a noticed public hearing, issue regulations specifying the contents, size, and format for the poster, the factsheet, and the statements required in connection with display materials as referenced in subsection (a), and provide templates of them for use by retailers.

- (1) The informational poster shall be a maximum size of 11 inches by 17 inches;
- (2) The informational factsheet shall be a maximum size of 5.5 inches by 11 inches (half-sheet of paper); and,
- (3) The informational statements shall be printed in a space no smaller than 1 inch by 2.625 inches.

(e) Should the scientific community or the FCC develop a new metric to measure the actual amount of radiofrequency energy an average user will absorb from each model of cell phone, the Department of the Environment shall make recommendations to the Board of Supervisors for amendments to this Chapter to require notification to the public of this metric at the point of sale.

### B. Policy or Findings

According to the World Health Organization (WHO),

- Mobile phone use is ubiquitous with an estimated 4.6 billion subscriptions globally.
- The electromagnetic fields produced by mobile phones are classified by the International Agency for Research on Cancer as possibly carcinogenic to humans.
- Studies are ongoing to more fully assess potential long term effects of mobile phone use.
- WHO will conduct a formal risk assessment of all studied health outcomes from radiofrequency fields exposure by 2012.

Leading epidemiologists who have studied the effects of radiofrequency energy absorbed from cell phones have recommended that the public be informed of the potential for adverse health effects from long-term cell phone use, particularly for children.

Cell phones are an important communication tool, especially during emergencies, and radiation exposure from cell phones can be reduced by using a speakerphone or a headset, or by sending text messages.

### C. Applicability

This regulation applies to all San Francisco cell phone retailers, defined by the San Francisco Environment Code Chapter 11, Section 1101 as:

(b) "Cell phone retailer" means any person or entity within the City which sells or leases cell phones to the public or which offers cell phones for sale or lease. "Cell phone retailer" shall not include anyone selling or leasing cell phones over the phone, by mail, or over the internet. "Cell phone retailer" shall also not include anyone selling or leasing cell phones directly to the public at a convention, trade show, or conference, or otherwise selling or leasing cell phones directly to the public within the City for fewer than 10 days in a year.

### D. Requirements

- SEC. 1103(a): Informational poster. See poster (Attachment A).

The attached poster is formatted to fit standard paper size of 11 x 17 inches. The cell phone retailer must display the poster identical to attachment A (in size, content, format and graphics).

The Department will provide hardcopy posters to cell phone retailers and make replacements available upon request. The cell phone retailers are responsible for contacting the Department to obtain the poster and future replacements in order to ensure compliance with this law. The request for posters can be made in two ways:

- o In person at The Department of the Environment, M-F (9AM to 5PM):  
11 Grove St. San Francisco, CA 94102
- o A written request to:
  - Toxics Reduction Program, SF Department of the Environment, 11 Grove St. San Francisco, CA 94102; Or
  - [cellphone@sfcenvironment.org](mailto:cellphone@sfcenvironment.org)

- SEC. 1103(b): Department factsheet. See factsheet template (Attachment B).

The attached supplemental factsheet template is formatted to fit standard paper size 8.5 x 11 inches, with two 8.5 x 5.5 inches sized factsheets per sheet. Cell phone retailers are required to provide this factsheet to customers upon request and with every cell phone sale. The factsheet provided to customers must be identical in content, format, color and graphics.

The Department shall make the factsheet template available in PDF or Microsoft Word format for printing by cell phone retailers. The Department shall provide starter kits to retailers with 50 factsheets each, and retailers are responsible for making color copies for distribution thereafter.

- SEC. 1103(c): Statements to include in display materials. See label template (Attachment C)

The attached sticker template is formatted to fit on Avery standard 5160-address labels. The font type and size are Futura size 12. A cell phone retailer may print and paste stickers on cell phone display materials or include the content of the sticker in cell phone display materials in a manner that preserves the font size, type and meets the space requirement of no smaller than 1 x 2.625 inches.

The Department shall make the sticker template available in PDF or Microsoft Word format for printing by cell phone retailers.

#### E. Attachments

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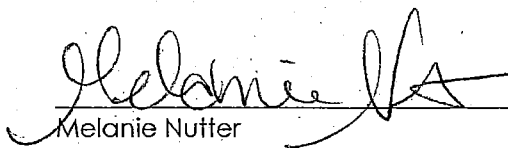
Attachment A: Informational poster

Attachment B: Informational factsheet

Attachment C: Sticker template for inclusion of informational statements in display materials

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

Approved:

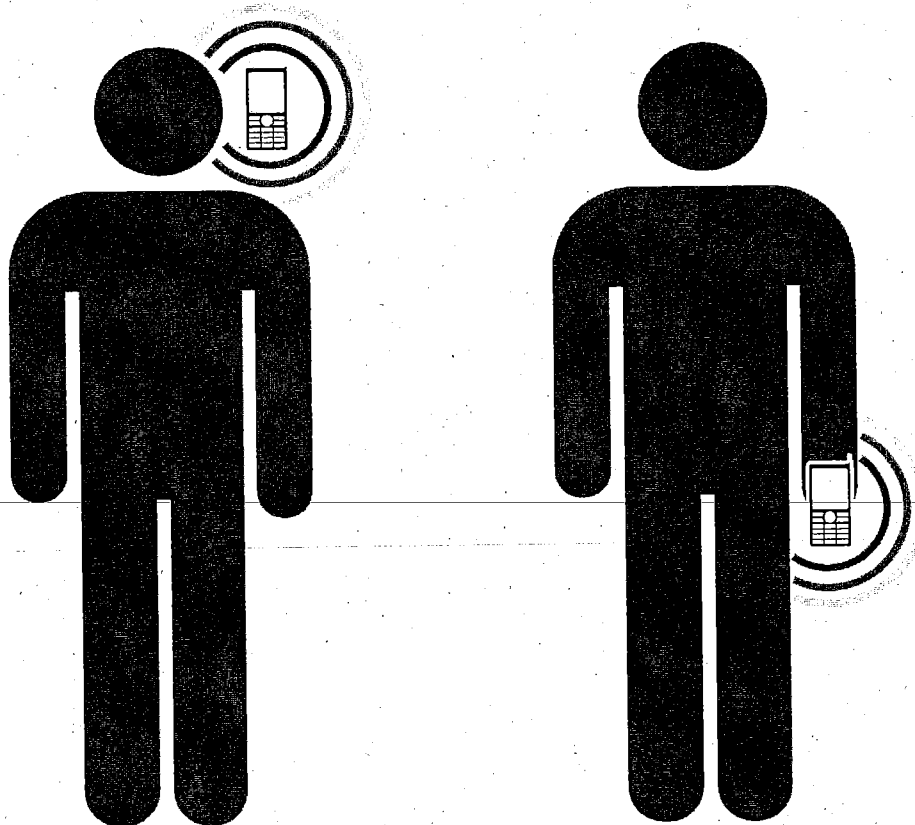
  
Melanie Nutter

9/30/11  
Date

Director, Department of the Environment



# Cell Phones Emit Radio-frequency Energy



**Studies continue to assess potential health effects of mobile phone use.**

**If you wish to reduce your exposure, the City of San Francisco recommends that you:**

- **Keep distance between your phone and body**
- **Use a headset, speakerphone, or text instead**
- **Ask for a free factsheet with more tips**



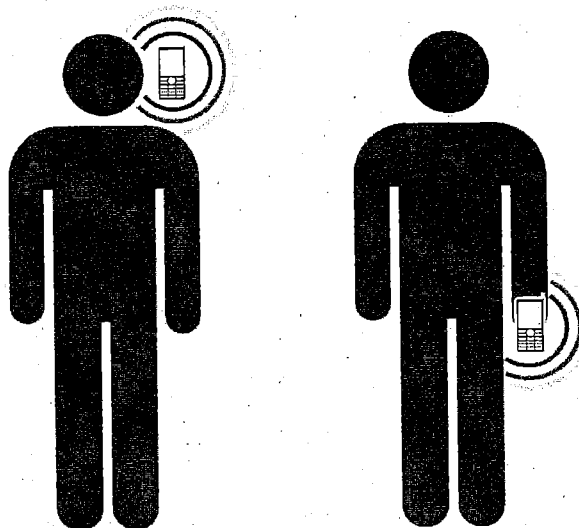
**SF Environment**  
Our home. Our city. Our planet.  
A Department of the City and County of San Francisco

Learn More:

SF Department of Environment @ [SFEnvironment.org/cellphoneradiation](http://SFEnvironment.org/cellphoneradiation)  
Federal Communications Commission @ [FCC.gov/cgb/consumerfacts/mobilephone.html](http://FCC.gov/cgb/consumerfacts/mobilephone.html)  
World Health Organization @ [WHO.int/mediacentre/factsheets/fs193/en/](http://WHO.int/mediacentre/factsheets/fs193/en/)



# You can limit exposure to Radio-frequency (RF) Energy from your cell phone.



Although studies continue to assess potential health effects of mobile phone use, the World Health Organization has classified RF Energy as a possible carcinogen.

*This material was prepared solely by the City and County of San Francisco and must be provided to consumers under local law.*

09/11

## If you are concerned about potential health effects from cell phone RF Energy, the City of San Francisco recommends:

- **Limiting cell phone use by children**  
Developing brains and thinner skulls lead to higher absorption in children.
- **Using a headset, speakerphone or text instead**  
Exposure decreases rapidly with increasing distance from the phone.
- **Using belt clips and purses to keep distance between your phone and body**  
Do not carry on your body to at least meet the distance specified in your phone's user manual
- **Avoiding cell phones in areas with weak signals (elevators, on transit, etc.)**  
Using a cell phone in areas of good reception decreases exposure by allowing the phone to transmit at reduced power.
- **Reducing the number and length of calls**  
Turn off your cell phone when not in use.



### Learn More:

**SF Department of the Environment** @ [SFEnvironment.org/cellphoneradiation](http://SFEnvironment.org/cellphoneradiation) • (415) 355-3700  
**Federal Communications Commission** @ [FCC.gov/cgb/consumerfacts/mobilephone.html](http://FCC.gov/cgb/consumerfacts/mobilephone.html)  
**World Health Organization** @ [WHO.int/mediacentre/factsheets/fs193/en/](http://WHO.int/mediacentre/factsheets/fs193/en/)

*This material was prepared solely by the City and County of San Francisco and must be provided to consumers under local law.*

09/11



San Francisco Department of the Environment Regulations **SFE 11-08-SDDIO**  
Requirement for Pharmacies to post display materials explaining how to safely and lawfully dispose  
of unused medications.

**Ordinance No. 85-11**

**Regulation Effective Date: October 1, 2011**

A. Background

The Safe Drug Disposal Information Ordinance was signed by the Mayor on May 31, 2011. The Ordinance requires that, beginning no later than December 1, 2011, all businesses in San Francisco that sell prescription drugs post display materials explaining to residents how they can safely and lawfully dispose of unused medications. This Regulation specifies the contents and format for these display materials.

B. Authorization

San Francisco Environment Code Chapter 11:

**SEC. 2252. INFORMATION REQUIRED AT POINT OF SALE.**

(a) Beginning **December 1, 2011**, any business selling prescription drugs to the public shall post display materials approved by the Director [of the Department of the Environment] explaining how members of the public may safely and lawfully dispose of unused prescription drugs. The materials shall be in English, Spanish, and Chinese, and legible and easily readable by the average person. The materials shall be posted on the premises of the business in a location visible to the public and adjacent to the area where the prescription drugs are dispensed.

(b) The Director may, in his or her discretion, authorize a business to use alternate means to comply with the requirements of subsection (a). The Director shall authorize such alternate means through the adoption of a regulation after a noticed hearing, and no business may sell prescription drugs to the public or offer to sell prescription drugs to the public using any alternate means of compliance with this Chapter unless specifically authorized to do so in advance in writing by the Director.

(c) The City urges all persons and entities providing prescription drugs to the public for free to also participate in this program.

**SEC. 2253. IMPLEMENTATION.**

(a) The Director, after a public hearing, may adopt and may amend guidelines, rules, Regulations, and forms to implement this Ordinance.

(b) By **October 1, 2011**, the Department shall issue regulations specifying the contents and format for the display materials required by Section 2252.

C. Applicability

This regulation applies to all San Francisco businesses selling prescription drugs, defined by the San Francisco Environment Code Chapter 11, Section 2251 as:

(b) "Business" means a fixed location within the City and County of San Francisco, whether indoors or outdoors, at which Prescription Drugs are offered for sale at retail and that is required to obtain a valid San Francisco business registration certificate from the San Francisco Tax Collector's office.



D. Requirements.

1. SEC. 2252 Materials to be Displayed. See attached templates.

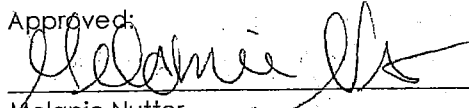
Businesses must post the poster provided by the Department of the Environment, which includes instructions on safe and lawful disposal of unused medicine. The poster must be displayed on standard paper size no smaller than 9 x 12 inches.

- (a) Businesses that collect residentially-generated pharmaceuticals through a City-administered program shall use content and format for the poster, including graphics, identical to the attached Template A.
- (b) Businesses that do not collect residentially-generated pharmaceuticals through a City-administered program shall use content and format for the poster, including graphics, and tear-off pad identical to the attached Template B.
- (c) Prior to December 1, 2011, the Department of the Environment will distribute posters and tear-off pads to businesses selling prescription pharmaceuticals in San Francisco. If a business does not receive a poster or tear-off pad (for Template B only) by November 15th, 2011, they may request one in writing, using the methods listed in section (d), to ensure receipt prior to December 1, 2011.
- (d) The Department of the Environment will continue to provide replacement materials to businesses after December 1, 2011. If a business requires replacements of a poster or tear-off pad after December 1, 2011, due to loss, theft, damage, or shortage, these materials must be requested by the business in one of the following ways to ensure continued compliance.
  - In person at The Department of the Environment, M-F (9AM to 5PM):  
**11 Grove St. San Francisco, CA 94102**
  - A written request to:  
**Toxics Reduction Program, SF Department of the Environment**  
**11 Grove St. San Francisco, CA 94102**  
**or [toxics@sfenvironment.org](mailto:toxics@sfenvironment.org)**

All information for approved methods for a poster request will also be available at [sfenvironment.org/medicine-disposal](http://sfenvironment.org/medicine-disposal).

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

Approved:

  
\_\_\_\_\_  
Melanie Nutter  
Director, Department of the Environment

9/30/11  
\_\_\_\_\_  
Date

REGULATION ATTACHMENTS: Poster Template A, Poster Template B

# SAFE MEDICINE DISPOSAL HERE

藥物可在此處安全棄置

DEPOSITE SUS  
MEDICAMENTOS AQUI



To find more sites in San Francisco:  
尋找更多位於舊金山的地點:  
Para encontrar más sitios en San Francisco:

[sfenvironment.org/medicinedisposal](http://sfenvironment.org/medicinedisposal)  
(415) 355-3700

San Francisco residents only.

必須是三藩市居民。

Para los residentes de San Francisco solamente.

Controlled substances are only accepted at designated police stations.

受控藥物只接受在指定的警察局。

Se aceptan sustancias controladas en la delegación de policia de SF solamente.



# SAFE MEDICINE DISPOSAL

藥物安全棄置

DISPOSICION SEGURA DE  
LOS MEDICAMENTOS

To find sites in San Francisco:

尋找位於舊金山的地點:

Para encontrar sitios en San Francisco:

Please take one

## SAFE MEDICINE DISPOSAL LOCATIONS

可在此處安全棄置藥物

DISPOSICION SEGURA DE LOS MEDICAMENTOS AQUI



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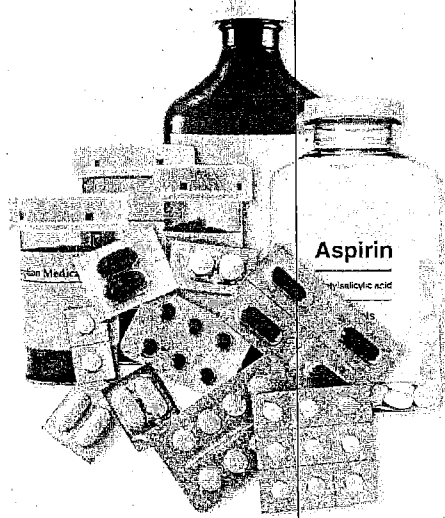
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Pharmacy Name Can Be This Long\*  
Address But Not More than 2 lines



\*This site does not accept controlled substances  
SFEnvironment.org/medicinedisposal (415) 355-3700

[sfenvironment.org/medicinedisposal](http://sfenvironment.org/medicinedisposal)  
(415) 355-3700

San Francisco residents only.

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# SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED  
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2011 SEP 30 PM 3:18  
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File 110448  
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1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

September 28, 2011

Supervisor Farrell and  
Ms. Angela Calvillo, Clerk  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: Revised Transmittal of Planning Case Number 2011.0656T  
BF No. 11-0448: City Center Special Sign District

**Recommendation: Approval with Modifications**

Dear Supervisor Farrell and Ms. Calvillo,

On August 11, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance under Board of Supervisors File Number 11-0448. Planning Department Staff neglected to include one of the Commission's recommended modifications in the final Resolution that was transmitted to the Board. Attached please find a revised Planning Commission Resolution No. 18428.

Regarding the directional signs at the parking lot entrances along O'Farrell Street, the proposed Ordinance limited the height of the directional signs to 15'. The Commission did not vote to modify the maximum height of the directional signs. However, the Commission did make the recommendation to work with the Project Sponsor for the specific project at the site to adjust the placement of the signs and the width of the base in order to make them more slender.

Supervisor, we have updated our files to with the corrected Resolution. The attached resolution provides more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers  
Manager of Legislative Affairs

Cc: City Attorneys Cheryl Adams and Judith Boyajian

Attachment (one copy of the following): Planning Commission Resolution No. 18428



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 18428

HEARING DATE: AUGUST 11, 2011

*Project Name:* City Center Special Sign District  
*Case Number:* 2011.0656TZ [Board File No. 11-0448]  
*Initiated by:* Supervisor Farrell / Introduced June 7, 2011  
*Staff Contact:* Sophie Hayward, Legislative Affairs  
sophie.hayward@sfgov.org, 415-558-6372  
*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395  
*Recommendation:* Recommend Approval with Modifications

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE AMENDING PLANNING CODE SECTIONS 602.10 (DEFINITIONS), 607.1 (SIGNS IN NEIGHBORHOOD COMMERCIAL DISTRICTS), 608 (SPECIAL SIGN DISTRICTS), ADDING SECTION 608.16 (THE CITY CENTER SPECIAL SIGN DISTRICT), AND AMENDING SECTIONAL MAP SSD OF THE ZONING MAP TO ESTABLISH THE CITY CENTER SPECIAL SIGN DISTRICT ENCOMPASSING THE REAL PROPERTY ON ASSESSOR'S BLOCK 1094, LOT 001, BOUNDED BY MASONIC AVENUE, GEARY BOULEVARD, LYON STREET, AND O'FARRELL STREET TO ALLOW ADDITIONAL PROJECTING SIGNS, FREESTANDING IDENTIFYING AND DIRECTIONAL SIGNS, AND TO MODIFY EXISTING CONTROLS ON BUSINESS WALL SIGNS.

### PREAMBLE

Whereas, on June 7, 2011, Supervisor Farrell introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0448 that would amend Planning Code Sections 602.10 (Definitions), 607.1 (Neighborhood Commercial Districts), 608 (Special Sign Districts), and add Section 608.16 ("City Center Special Sign District"), and amend Sectional Map SSD of the Zoning Map to establish the "City Center Special Sign District" encompassing the real property bounded by Masonic Avenue, Geary Boulevard, Lyon Street, and O'Farrell Street (Assessor's Block 1094, Lot 001), to allow additional projecting signs, freestanding identifying and directional signs, and to modify existing controls on business wall signs. The proposed Ordinance for a Sectional Map Amendment and Planning Code Text Changes has been introduced in order to facilitate appropriate new signage for the existing shopping center site including the proposed new formula retail use and other commercial tenants; and

Whereas, on August 11, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, on August 10, 2011, the proposed zoning changes were determined to be exempt from environmental review under Section 15061(b)(3)) of the CEQA Guidelines; and;

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends *approval of the proposed Ordinance with modifications* and adopts the attached Draft Resolution to that effect. Specifically, the Commission recommends the following modifications:

The Commission recommends three substantive modifications regarding the proposed freestanding signs that would be permitted within the SSD:

- That the large freestanding sign on Masonic Avenue near O'Farrell (described in Section 608.16(f)(4)(A)) be reduced in height from the proposed maximum of 35 feet in height to a maximum of 20 feet in height, and that the sign's maximum width not exceed its current width.
- That the four new projecting blade signs proposed for the Geary Street elevation (described in Section 608.16(f)(3)(c)) be visually distinct from and subordinate to the existing blade sign on the structure.
- That the Project Sponsor works with Planning Staff to narrow the legs and to improve the placement of the directional signs at parking lot entrances on O'Farrell Street so that drivers could see them ahead of time. The reconfigured signs may be lower than the proposed maximum 15' in height.

In addition, the Commission recommends a minor modification to the text of Section 608.16(f)(1)(C)(i). The subsection includes a reference to Masonic Street, which should be referred to as Masonic Avenue.

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The existing shopping center is an unusual suburban-style structure within an urban setting that includes both commercial sites and residential areas in the immediate vicinity;
2. That commercial uses on the subject and facing blocks include office supply stores, electronics stores, restaurants, bars, dental offices, hair salons, and other professional offices, but that the majority of buildings in the surrounding area are residential structures, and that buildings facing the subject block range from two- to four-stories tall with several taller buildings interspersed;

3. Current sign regulations for the NC-3 District do not provide sufficient visibility for businesses located within the City Center, given its particular configuration of site development, and that the existing signage is insufficient to adequately direct customers to existing businesses from the various parking lots and pedestrian entrances;
4. That a new Special Sign District would improve the existing signage and would facilitate a unified tenant sign program for the subject site as well as respond to the particular configuration and topography of the subject lot;
5. That with the Commission's recommended amendments to the proposed Ordinance, the Special Sign District would facilitate a sign program that would better respond to the surrounding context of low-scale residential buildings while still improving the signage on-site to facilitate access to both the large and small commercial tenants;
6. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN SETS FORTH OBJECTIVES AND POLICIES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES, AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

**OBJECTIVE 2:**

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

**Policy 2.1:**

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The proposed Ordinance will facilitate a Special Sign District that would allow a unified tenant sign program for the subject site that would provide improved way finding, directional, and identifying signage for businesses located within the shopping center in order to improve its economic viability.*

**OBJECTIVE 6**

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

**POLICY 6.3**

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

*The existing shopping center is well served by MUNI and is easily accessible to City residents. The proposed new Special Sign District would improve access to the site by providing clearer way finding to existing and new businesses located within the shopping center, while responding, through the careful arrangement of signs, to the surrounding residential and commercial uses.*

## II. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

### OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

#### Policy 1.9

Increase the clarity of routes for travelers:

General Plan Text under Policy 1.9: The clutter of wires, signs and disordered development should be reduced. Conflict between unnecessary private signs and street directional signs should be avoided.

*While this Section of the Urban Design Element is generally discussing the importance of distinguishing a "citywide pattern" through better street design and treatments, it does discuss the importance of reducing clutter and conflict between private signage and street signage. These policies support the recommendation to lower the parking lot freestanding directional signage.*

## III. TRANSPORTATION ELEMENT

### POLICY 19.2

*Promote increased traffic safety, with special attention to hazards that could cause personal injury.*

General Plan Text under Policy 19.2: In some cases redesign of the roadway and of intersections to reduce conflicts between vehicles, bicyclists and pedestrians is required; in others all that is necessary is to improve clarity of signs and of routing so that there is less driver uncertainty and hesitation.

*The existing shopping center has six separate surface parking lots with separate entrances from Geary Boulevard, Masonic Avenue and O'Farrell Street, which are built at different grades. In addition, the shopping center has multiple entrances and levels with commercial spaces on the upper and lower stories, and access to stores from streets as well as from each of the six surface parking lots. The separate parking lots cannot be feasibly connected and require that drivers have directional information so they enter and park in the associated lot. As proposed, with the modifications recommended, the City Center Special Sign District would permit signs that assist drivers in locating the proper entrance.*

7. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:



- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed Ordinance will encourage neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses by improving the viability of the commercial spaces within the shopping center by facilitating an appropriate sign program for the site.*

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

*The proposed Ordinance would create a Special Sign District in order to facilitate appropriate new signage for the existing shopping center site including the proposed new formula retail use and other commercial tenants. With the recommended modifications, the Special Sign District would permit signs that respond to the character of the surrounding neighborhood in order to conserve and protect the character of the district, including its cultural and economic diversity.*

- C) The City's supply of affordable housing will be preserved and enhanced:

*The proposed Ordinance will have no adverse effect on the City's supply of affordable housing.*

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

*The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.*

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any new construction or alteration associated with the Special Sign District would be executed in compliance with all applicable construction and safety measures.*

- G) That landmark and historic buildings will be preserved:

*Landmarks and historic buildings would be unaffected by the proposed amendments.*

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access to public or private property would be adversely impacted.*

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on August 11, 2011.

Linda Avery  
Commission Secretary

AYES: Commissioners Antonini, Fong, Miguel, Moore, Olague, and Sugaya

NAYS: None

ABSENT: Commissioner Borden

ADOPTED: August 11, 2011

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

File 111007  
Bos-11 (email)  
cpage  
Rec'd US mail  
originals in file

Dear San Francisco Board of Supervisors:

I am opposed to the formation of the West Portal Commercial Benefit District (CBD) based upon the May 2011 Final West Portal CBD Management Plan. I strongly believe that a CBD could be beneficial to WP, to help enhance the appearance, vitality, and business environment of WP, and would support a Future WP CBD Version that asks for a more Rational Yearly amount of around \$50K - \$100K / yr, and specifying for a more intelligent TRIAL period of at most 5 years.

I firmly believe that there are serious deficiencies in the currently proposed CBD Management Report for the Formation of the WP CBD:

- 1) Isn't nearly as robust as those of other CBD's
- 2) Didn't demonstrate sufficient justification & detailed services for their assessments
  - WP CBD costs, for its size, are disproportionately out of line w/ other CBD's
  - WP CBD Admin cost are also disproportionately out of line w/ other CBD's
  - It lacks sufficient detail of services necessary to evaluate its costs
- 3) Didn't pay due diligence to the necessity of outreaching to both the landlord / merchant exemplified by a seriously insufficient number of meetings and surveys.

ONLY the LANDLORDS GET TO VOTE BUT WE GET to PAY, But NOT VOTE. Since I do currently oppose this WP CBD, for me it Essentially means 'Taxation without Representation' !

I strongly urge to Veto this current West Portal CBD legislation and Not to Impose a Unconditionally Expensive and Rigid Proposal On Us for the Next 13 Years.

Respectfully,

Signed:

Business Name:

Business Address:

Printed Name:

*Robert Connolly*  
The Village Hill  
160 West Portal Ave.

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org);

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Respectfully,

Signed: *Norman Green*

Printed Name: *NORMAN GREEN*

Business Name: *REMAX*

Business Address: *2811 14th AVE S.F. CA*

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [gBoard.of.Supervisors@sfgov.org](mailto:gBoard.of.Supervisors@sfgov.org);

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Respectfully,

Signed:



Printed Name:

SEVAN KEVORKIAN

Business Name: REMAX PRESTIGIOUS PROPERTIES

Business Address: 2871 14th AVE  
SF. CA 94127

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
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**ONLY the LANDLORDS GET TO VOTE BUT WE GET to PAY, But NOT VOTE. Since I do currently oppose this WP CBD, for me it Essentially means 'Taxation without Representation' !**

**I strongly urge to Veto this current West Portal CBD legislation and Not to Impose a Unconditionally Expensive and Rigid Proposal On Us for the Next 13 Years.**

Respectfully,

Signed:



Printed Name:

RAY LOW

Business Name: ANNABELLE CHAWNER

Business Address: 363 WEST PORTAL AVE S.F 94127

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [gBoard.of.Supervisors@sfgov.org](mailto:gBoard.of.Supervisors@sfgov.org);

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

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Respectfully,

Signed:



Printed Name:

Vaso Moulas

Business Name:

VASO'S

Business Address:

234 W. Portal  
S.F.

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [gBoard.of.Supervisors@sfgov.org](mailto:gBoard.of.Supervisors@sfgov.org);

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Respectfully,

Signed: *Stephanie A McCardell* Printed Name: *Stephanie McCardell*  
Business Name: *Que Syrah*  
Business Address: *230 W Portal Avenue*

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [gBoard.of.Supervisors@sfgov.org](mailto:gBoard.of.Supervisors@sfgov.org);



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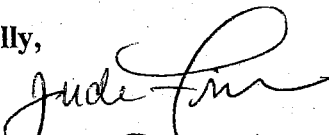
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Respectfully,

Signed:



Printed Name:

Jude Friedman

Business Name:

GROWING UP

Business Address:

240 W. PORTAL AVE  
S.F. CA 94127

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [gBoard.of.Supervisors@sfgov.org](mailto:gBoard.of.Supervisors@sfgov.org);

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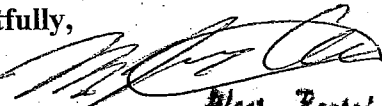
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Respectfully,

Signed:



Printed Name:

Business Name:

*West Portal Recreation Center*

Business Address:

*163 West Portal Ave 664-0700  
San Francisco, Ca 94107*

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
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[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [gBoard.of.Supervisors@sfgov.org](mailto:gBoard.of.Supervisors@sfgov.org);

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Respectfully,

Signed:

*Bella Saeg*

Printed Name:

*Bella Saeg*

Business Name:

*Simply Bella*

Business Address:

*159 West Portal Ave  
S.F. CA 94127*

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org);

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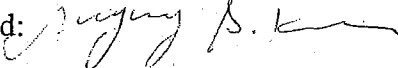
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Respectfully,

Signed: 

Printed Name: Myung S. Kwack

Business Name: West Portal Cleaning Center

Business Address: 161 West Portal Ave, S.F. 94127

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
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Respectfully,

Signed: *Ronald E. Elia J*

Printed Name: RONALD ELIA J

Business Name: PUBLIQUER

Business Address: 328 West Portal Ave.

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org);

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Respectfully,

Signed: *Andrés Neciu* Printed Name: *ANDRÉS NECIU*

Business Name: *ANDY Jewelers*

Business Address: *348 W Portal Ave*  
*S. F. Ca 94127*

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org);

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Respectfully,

Signed:

Business Name:

Business Address:

*V. Usher* Printed Name: *Markus Escher*  
*311 W R. 9 yr*

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org);

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Respectfully,

Signed:

*N.W. Van Beek*

Printed Name:

NICK W. VAN-BEEK

Business Name:

WALTER-ADAMS FRAMING

Business Address:

239 WEST PORTAL AVENUE

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org);



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

Dear San Francisco Board of Supervisors:

I am opposed to the formation of the West Portal Commercial Benefit District (CBD) based upon the May 2011 Final West Portal CBD Management Plan. I strongly believe that a CBD could be beneficial to WP, to help enhance the appearance, vitality, and business environment of WP, and would support a Future WP CBD Version that asks for a more Rational Yearly amount of around \$50K - \$100K / yr, and specifying for a more intelligent TRIAL period of at most 5 years.

I firmly believe that there are serious deficiencies in the currently proposed CBD Management Report for the Formation of the WP CBD:

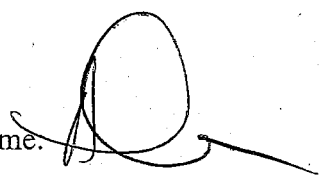
- 1) Isn't nearly as robust as those of other CBD's
- 2) Didn't demonstrate sufficient justification & detailed services for their assessments
  - WP CBD costs, for its size, are disproportionately out of line w/ other CBD's
  - WP CBD Admin cost are also disproportionately out of line w/ other CBD's
  - It lacks sufficient detail of services necessary to evaluate its costs
- 3) Didn't pay due diligence to the necessity of outreaching to both the landlord / merchant exemplified by a seriously insufficient number of meetings and surveys.

ONLY the LANDLORDS GET TO VOTE BUT WE GET to PAY, But NOT VOTE. Since I do currently oppose this WP CBD, for me it Essentially means 'Taxation without Representation' !

I strongly urge to Veto this current West Portal CBD legislation and Not to Impose a Unconditionally Expensive and Rigid Proposal On Us for the Next 13 Years.

Respectfully,

Signed: 

Printed Name: 

Business Name: CAT & PET

Business Address: 118 WEST PORTAL AVE

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org);

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Respectfully,

Signed: *George Batfiorog*

Printed Name:

Business Name:

*West Portal Shoe Serv.*  
79 West Portal, S.F., CA 94  
661-1888

Business Address:

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org);

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San Francisco Board of Supervisors  
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**I strongly urge to Veto this current West Portal CBD legislation and Not to Impose a Unconditionally Expensive and Rigid Proposal On Us for the Next 13 Years.**

Respectfully,

Signed: 

Printed Name: Ursula Marsten

Business Name: 242 West Portal Ave SF 94127

Business Address:

cc: [Eric.L.Mar@sfgov.org](mailto:Eric.L.Mar@sfgov.org); [Mark.Farrell@sfgov.org](mailto:Mark.Farrell@sfgov.org); [David.Chiu@sfgov.org](mailto:David.Chiu@sfgov.org);  
[Carmen.Chu@sfgov.org](mailto:Carmen.Chu@sfgov.org); [Jane.Kim@sfgov.org](mailto:Jane.Kim@sfgov.org); [Sean.Elsbernd@sfgov.org](mailto:Sean.Elsbernd@sfgov.org);  
[Scott.Wiener@sfgov.org](mailto:Scott.Wiener@sfgov.org); [David.Campos@sfgov.org](mailto:David.Campos@sfgov.org); [Malia.Cohen@sfgov.org](mailto:Malia.Cohen@sfgov.org);  
[John.Avalos@sfgov.org](mailto:John.Avalos@sfgov.org); [gBoard.of.Supervisors@sfgov.org](mailto:gBoard.of.Supervisors@sfgov.org);



BOS-11  
CA - 2 copies  
orig - File  
C page



September 29, 2011

Via fax: 415-554-5163  
total 23 pages

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

Item #27  
ITEM #31

Re: File NO. 110835/110945  
Application No. 2008.01554S  
Case No. 2008.0154E  
1117 Sansome Street (aka 1111 Sansome Street)  
Assessor's Parcel No. Block 0113, Lot 040

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 SEP 30 AM 8:07  
L

Dear Sir/Madam,

Attached please find a copy of my letter dated July 28, 2011 addressed to the Board in support of the captioned application to subdivide the subject property into two legal lots.

I do not have much to add since the Planning Department's Mr. Bill Wycho and Mr. Don Lewis provided very clear and eloquent responses to the appellant's claims. In addition, I wish to bring to your attention that I executed and recorded an open space easement agreement with my immediate neighbors, John Sanger and Catherine Sanger who own the property located at 36-52 Calhoun Terrace (Block 113, Lot 62). This agreement simply stated that the L-shape Parcel B will be remained an undeveloped open space in perpetuity. I will continue to identify a non-profit organization to accept this parcel as a donation. John Sanger and Catherine Sanger withdrew their appeals on September 15, 2011. A copy of this recorded easement agreement dated August 26, 2011 is enclosed herewith.

Again, I sincerely hope that you would accept the Planning Department's recommendation to uphold the Determination of Exemption from Environmental Review and deny the appeal of the CEQA Determination, and approve the application for the 2-lot subdivision.

Sincerely,

VINCENT T.C. TAI, AIA  
for and on behalf of Vinton Corporation and Kunhing Corporation

VINCENT T.C. Tai, AIA, Architect  
Architecture  
Planning  
Interior

2184 Round Top Drive  
Honolulu, HI 96822  
808-941 3778 Tel  
253-830 8892 Fax  
Email: TaiArchitecture@gmail.com

1238 Pacific Avenue  
San Francisco, CA 94109  
415-921 9808 Tel

12



July 28, 2011

via fax: 415-554-5163  
total 2 pages, original by mail

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

Re: File NO. 110835  
Application No. 2008.01554S  
Case No. 2008.0154E  
1117 Sansome Street (aka 1111 Sansome Street)  
Assessor's Parcel No. Block 0113, Lot 040

Dear Sir/Madam,

I am writing to urge the members of the Board to approve my application for the 2-lot minor subdivision. My family owned this property for 30 years since 1981. We determined it is time for us and myself in particular to move on and do something about it.

1. The 2-lot subdivision application is merely a minor land subdivision that does not include any proposed building structures. As such, there is no physical change and activity on the property. The public and the Planning Department will have the opportunity to comment if and when a building project is proposed in the future.
2. It is my intention to donate Parcel B of approximately 9,304 SF to a non-profit organization to keep it as open space perpetually. The City of San Francisco may be a potential recipient since it already owned the contiguous Upper Calhoun Terrace right-of-way above. I have written to the Telegraph Hill Dwellers on December 12, 2007, July 7, 2009 and November 28, 2009, and Mr. Daniel LaForte of the San Francisco Park Trust on February 24, 2010 and again on September 7, 2010 to find out if they can refer me to non-profit organizations that may have interest in accepting such donation. So far, there is no response. It is clear from my offer that Parcel B is to be remained undeveloped and potentially rezoned to open space.
3. There have been a number of extensive full geotechnical investigations performed during the past 25 years. The City had in possession and reviewed these geotechnical reports, notably the Treadwell & Rollo, Inc./Olivia Chen report commissioned by the Department of Public Works in 1999 which concluded the property is stable and safe to develop, particularly in the lower portion fronting on Sansome Street. If and when there is a proposal to develop Parcel A currently zoned C-2 in the future, the proposed development will be restricted to a rather small building fronting on Sansome Street due

VINCENT T.C. Tai, AIA, Architect  
Architecture  
Planning  
Interior

2184 Round Top Drive  
Honolulu, HI 96822  
808-941 3778 Tel  
253-830-8892 Fax  
Email: TaiArchitecture@gmail.com

1238 Pacific Avenue  
San Francisco, CA 94109  
415-921 9808 Tel

September 29, 2011

Page 2


President David Chiu and Clerk of the Board of Supervisors

to the 25% rear yard setback requirement. Such a structure is away from Telegraph Hill and will have minimal effect on its residents..

4. While there was a history of landslide and slope stability issues in the adjacent and nearby properties, to the best of my knowledge, there had been no landslide or major rock falling off within the subject property during the past 30 years or so. There had been a few isolated incidences during the 1980s that some rocks or boulders fell off from the top of the neighboring property (200 Green. A minor landslide occurred in the lower portion of property north of the subject property in December of 2005, but nothing noticeable within the subject property. There had been some occasional rather minor erosion of the loose gunite and shale originated from the City Right-of Way under Upper Calhoun Terrace that slid down the slope and carried the loose talus and quarry debris along with them within the subject property.
5. I wrote to Mr. Sanger to ask him what are his real reasons behind his appeals as they are clearly based on technical grounds. It is obvious that he is opposed to the 2-lot subdivision, and my proposal to not to allow any future development to occur on Parcel B. I am not clear what are his real intentions. As his neighbor, I am willing to listen and to take his concerns into consideration. If he opposes to any future development in Parcel A, he will certainly have the opportunity to voice his concerns when there is such a proposal.

I will be happy to answer any other questions you may have during the hearing on August 2. I wish to thank you in advance for your attention and favorable consideration.

Sincerely,



VINCENT T.C. TAI, AIA

for and on behalf of Vinton Corporation and Kunhing Corporation

RECORDING REQUESTED BY  
First American Title Insurance Company National  
Commercial Services

AND WHEN RECORDED MAIL DOCUMENT TO:

SANGER & OLSON  
576 Sacramento St., 7<sup>th</sup> Floor  
San Francisco, CA 94111-3023  
Attn: John M. Sanger, Esq.

FIRST AMERICAN TITLE COMPANY  
HEREBY CERTIFIES THAT THIS IS A TRUE AND  
CORRECT COPY OF THE ORIGINAL DOCUMENT

BY: KJT  
RECORDED: 8/26/11  
SERIES NO.: 2011J 260954

Space Above This Line for Recorder's Use Only

A.P.N.: Lots 62, Block 0113

### SPECIAL POWER OF ATTORNEY

I, **Catherine S. Sanger**, hereby constitute and appoint John M. Sanger as my true and lawful attorney-in-fact ("Agent") to act for me and in my name, place and stead to do any of the following but *only* with respect to transactions involving the Real Property (as defined below):

- (a) To ask, demand, sue for, recover, collect and receive each and every sum of money, debts, accounts, interests, dividends, annuities and demands whatsoever now is or hereafter shall become due, owing or payable or belonging to or claimed by me, and have, use and take any lawful ways and means, for the recovery thereof by legal process, and to compromise and agree for the same, and grant terminations, releases or other sufficient discharges for same;
- (b) To compromise any and all debts owing by me, and to convey, transfer, and/or assign any property of any kind or character belonging to me in satisfaction of any debt owing by me;
- (c) To bargain, contract, agree for, purchase, receive, and take lands, tenements, hereditaments and accept the seizure and possession of all lands, all deeds and other assurances in the law for same;
- (d) To lease, demise, bargain, sell, remise, release, convey, mortgage, and convey in trust, any hypothecated lands, tenements, and hereditaments, upon such terms and conditions, and under such covenants as my Agent shall determine as appropriate;
- (e) To exchange real or personal property for other real or personal property, and to execute and deliver the necessary instructions for transfer or conveyance to consummate such exchange;
- (f) To execute and deliver subordination agreements subordinating any lien, encumbrance or their right in real or personal property to any other lien, encumbrance, or other right therein;
- (g) To bargain and agree for, buy, sell, mortgage, hypothecate, convey in trust or otherwise, and in any and every way and manner deal in and with personal property, goods, choses in action and other property in possession or in action, including authority to utilize my eligibility for VA Guaranty; and
- (h) To sign, seal, execute, deliver and acknowledge such deeds, covenants, leases, indentures, contracts, agreements, indemnity agreements, escrow instructions, mortgages, deeds of trust, hypothecations, assignments, bills, bonds, notes, receipts, evidences of debts, releases and satisfactions of mortgage, judgments and other debts, reconveyances of deeds of trust, and such other instruments in writing, of whatever kind of nature, as may be reasonable, advisable, necessary, or proper with respect to the Real Property or any transaction pertaining to the Real Property.

**EACH AND ALL OF THE POWERS GRANTED HEREIN SHALL BE EXERCISED BY MY AGENT ONLY AS TO TRANSACTIONS INVOLVING THE FOLLOWING DESCRIBED REAL PROPERTY ("Real Property"):**

**SEE EXHIBIT "A" ATTACHED HERewith AND MADE A PART HEREOF**

Commonly known as: \* 3652 Calhoun Terrace, San Francisco, Block 113,  
LOT 62.

I GIVE AND GRANT to my Agent full power and authority to do and perform all and every act and thing whatsoever requisite, necessary or appropriate to be done involving the Real Property as fully to all intent and purposes as I might or could do if personally present, hereby expressly ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this grant of authority.

This Special Power of Attorney will automatically terminate ninety (90) days from the date of this Special Power of Attorney as indicated below ("Termination Date"): *(If you do not want this Special Power of Attorney to automatically terminate, you must cross out the foregoing sentence and initial beside it.)*

I understand and agree that (a) any third party who receives a copy of this document may act in reliance on it; and (b) that revocation of this Special Power of Attorney prior to the Termination Date is not effective as to a third party until the third party has actual knowledge of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this Special Power of Attorney. I UNDERSTAND AND AGREE THAT THIS DOCUMENT MAY BE RECORDED IN THE PUBLIC RECORDS FOR REAL PROPERTY TRANSACTIONS AND IF IT IS RECORDED, I UNDERSTAND THAT TO EFFECTIVELY REVOKE PRIOR TO THE TERMINATION DATE WILL REQUIRE THAT I RECORD THE REVOCATION.

**IT IS RECOMMENDED THAT YOU CONSULT LEGAL COUNSEL  
BEFORE EXECUTING THIS DOCUMENT.**

Dated: 8-23-11

Colleen S. Saper



STATE OF California )SS  
COUNTY OF San Francisco )

On August 23, 2011, before me, Bella Askinazi, Notary  
Public, personally appeared Catherine S. Sanger

, who proved to me on the basis of satisfactory evidence to  
be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on  
the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is  
true and correct.

WITNESS my hand and official seal.

Signature

Bella Askinazi



My Commission Expires: January 17, 2014 This area for official notarial seal

Notary Name: Bella Askinazi  
Notary Registration Number: 1874070

Notary Phone: 415-693-9300  
County of Principal Place of Business: Marin

Exhibit A to Special Power of Attorney

An undivided 22.5% interest as tenant in common to:

Real property in the City and County of San Francisco, State of California, described as follows:

Beginning at a point on the easterly line of Calhoun Terrace, distant thereon 68 feet 9 inches southerly from the southerly line of Union Street; running thence southerly and along said line of Calhoun Terrace 45 feet 10 inches; thence at a right angle easterly 91 feet 8 inches; thence at a right angle northerly 45 feet 10 inches; thence at a right angle westerly 91 feet 8 inches to the point of beginning.

---

Being part of 50 Vara Block No. 187 in Block No. 45

Assessor's Block 113, Lot 62

FIRST AMERICAN TITLE COMPANY  
HEREBY CERTIFIES THAT THIS IS A TRUE AND  
CORRECT COPY OF THE ORIGINAL DOCUMENT

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

BY:                     

RECORDED:                     

SERIES NO.:                     

*KSJ*  
8/26/11  
2011J 260955

SANGER & OLSON  
576 Sacramento St., 7th Floor  
San Francisco, CA 94111-3023  
Attention: John M. Sanger, Esq.

(Space Above This Line for Recorder's Use)  
Assessor's Block 0113, Lots 40, 62, 63

**AGREEMENT GRANTING AND ACCEPTING EASEMENT**  
1111-1171 Sansome Street

This Agreement Granting Easement ("Agreement") is made as of August 16, 2011, by VINTON CORPORATION, a California corporation, and KUNNING Corporation, a California corporation, each as to an undivided one-half interest ("Grantor"), in favor of JOHN M. SANGER, Trustee, Declaration of John M. Sanger Trust utd 10-24-03 and CATHERINE S. SANGER, as co-tenants ("Grantee 1") and JOHN M. SANGER, Trustee, Declaration of John M. Sanger Trust utd 10-24-03 ("Grantee 2"), (collectively together "Grantee").

**RECITALS**

This Agreement is made and entered into upon the basis of the following facts, understandings and intentions of the parties hereto:

- A. Grantor is the owner of certain real property situated in the City and County of San Francisco, California, and more particularly described in Exhibit A attached hereto (the "Servient Tenement").
- B. Grantee 1 is the owner of certain real property situated in the City and County of San Francisco, California, and more particular described in Exhibit B attached hereto and Grantee 2 is the owner of certain real property situated in the City and County of San Francisco, California, and also more particularly described in Exhibit B attached hereto. Together the two properties shall be known herein as the Dominant Tenement.
- C. Grantee desires to obtain, and Grantor is willing to grant to Grantee, and its successors and assigns, an easement in, to, over and across that part of the Servient Tenement defined below as the Easement Area, as more specifically set forth herein, for the purpose of preserving and protecting the Easement Area in its current undeveloped and geologically and geophysically unchanged state with its existing vegetation undisturbed except by acts of God or natural causes outside the control of Grantor in order to preserve light, air, views and geological stability for the benefit of the Dominant Tenement.

**AGREEMENT**

NOW, THEREFORE, in consideration of the foregoing Recitals and the covenants and agreements of the parties herein contained, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- 1. **Effective Date.** The effective date of this Agreement ("Effective Date") shall be the date of recordation hereof.

2. **Grant of Easement.** Grantor hereby grants in perpetuity to Grantee, and Grantee hereby accepts, the following open space and non-building easement ("Easement") over that portion of the Servient Tenement depicted in Exhibit C as "Parcel B" (the "Easement Area") appurtenant to and for the benefit of the Dominant Tenement, together with the right and obligation to preserve and protect in perpetuity the Easement Area in its existing condition as vegetated and undeveloped open space without any structure of any kind thereon except for a boundary fence along Sansome Street and to preserve the natural character, use, geological and geophysical characteristics and utility of the Easement Area in furtherance of Grantee's interest in the Easement Area for its provision of light and air, geological stability, and landscaped scenic and other values contributory to and supportive of the stability and character and use of the Dominant Tenement. The purpose of the Easement is to enable the Easement Area to remain in its existing natural and open state (relatively unchanged since the original quarrying of the area years ago) and relatively geologically stable condition enhanced by existing vegetation undisturbed by man-made intrusions in the form of infrastructure, grading, excavation or application of unnatural water flows existing such as might cause instability or loss of such values. Grantee's rights under this Agreement shall include the right to (i) enter on, inspect, observe and study the Easement Area for the purposes of identifying the baseline condition thereof, (ii) to monitor the uses of the Easement Area to determine whether they are consistent with the Easement, (iii) to prevent any activity on, use or development of the Easement Area that is inconsistent with the purpose of the Easement, and (iv) to restore vegetation lost over time.

3. **Prohibited Uses.** Any activity on, use or development of the Easement Area that is inconsistent with the purpose of the Easement, including but not limited to any excavation or grading or the erection of any building, billboard, radio or telephone towers, signs, or any other physical structure or the removal of vegetation which is not dead or diseased, all of which are prohibited.

4. **Current Conditions:** Grantee acknowledges by acceptance of this Easement that the present uses of the Easement Area are compatible with the purposes of the Easement.

5. **Grantor's Rights; Grantee's Rights and Responsibilities:** Notwithstanding anything in this Agreement to the contrary, Grantor and its successors and assigns shall have the right to maintain and preserve the Easement Area as open space, including the right to routinely maintain any existing or newly planted trees, shrubs, plants or other vegetation and to take measures not involving any excavation, shoring or construction to control landslides or rockfalls by minimal intrusion consistent with the purpose of the Easement. Grantee shall have the right and, at the request of Grantor shall accept the responsibility to maintain the Easement Area by the necessary removal of dead vegetation and the reasonable restoration of the same as may generally be deemed necessary and desirable by Grantee, with the right to assign such responsibility to any not-for-profit organization formed for the purpose of conserving hillside property in the general area.

6. **Relinquishment of Development Rights:** Grantor relinquishes all development rights that are inconsistent with the purpose of the Easement or the terms of this Agreement.

7. **Grantee's Remedies:** If Grantee determines that Grantor is in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to

Grantor of such violation and demand corrective action sufficient to cure the violation, including but not limited to the restoration of the Easement Area so injured. If Grantor fails to cure the violation within 30 days after receipt of the notice thereof from Grantee, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Agreement, to enjoin the violation by temporary or permanent injunction, to recover any damages for which it may be entitled for violation of the terms of this Agreement, and to require the restoration of the Easement Area to the condition that existed prior to any such injury. Grantee's rights under this paragraph apply equally in the event of either actual or threatened violations of the terms of this Agreement, and Grantor agrees that Grantee's remedies at law for any violation of the terms of this Agreement are inadequate and that Grantee shall be entitled to the injunctive relief described in this paragraph, both prohibitory and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Agreement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies under this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

8. **Costs of Enforcement:** Any costs incurred by Grantee in enforcing the terms of this Agreement against Grantor, including without limitation any costs or restoration necessitated by Grantor's violation of the terms of this Agreement, shall be borne by Grantor. If either Grantor or Grantee brings an action or proceeding against the other party by reason of the breach or alleged violation of any covenant, term, or obligation hereof, or for the enforcement or interpretation of any provision of this Agreement, or otherwise arising out of this Agreement, the prevailing party in such action or proceeding shall be entitled to its reasonable attorneys' fees and costs and the expenses of such action.

9. **Grantee's Discretion:** Enforcement of the terms of this Agreement shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Agreement in the event of any breach of any term of this Agreement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Agreement or of any of Grantee's rights under this Agreement. No delay or omission by Grantee in the exercise of any right or remedy on any breach by Grantor shall impair such right or remedy or be construed as a waiver.

10. **Future Conveyance:** Grantor agrees that reference to this Agreement will be made in any subsequent deed or other legal instrument by means of which Grantor conveys any interest in the Property (including but not limited to any leasehold interest).

11. **Indemnification.** Grantee hereby agrees to indemnify, hold harmless and defend Grantor against any liability, claims, losses or damages for injury to persons or damage to property caused in any way in connection with the Easement, except to the extent such liability, claims, losses or damages arise or result from the negligence or willful misconduct of Grantor, its agents or employees.

12. **Miscellaneous.** This instrument shall be interpreted as a whole, not strictly for or against either party hereto, in order to effectuate the intent of the parties to create the privileges and other rights described herein. The captions preceding the text of each section are included

only for the convenience of reference and shall be disregarded in the construction and interpretation of this Agreement.

(a) **Governing Law of this Agreement.** This Agreement shall be governed by and construed in accordance with the laws of the State of California.

(b) **Liberal Construction:** This Agreement shall be liberally construed in favor of the grant to effect the purpose of the Easement to preserve the Easement Area as undeveloped open space, notwithstanding any general rule of construction to the contrary.

(c) **Counterparts.** This Agreement may be executed in any one or more counterparts and all so executed shall constitute one and the same instrument. Any signature page on any counterpart hereof may be detached from and added to any other counterpart identical in form hereto.

(d) **Severability.** If any provision of this Agreement is held to be invalid, void, or otherwise unenforceable by any court of competent jurisdiction, such fact or action shall in no way affect the validity and enforceability of any other provisions of this Agreement.

(e) **Entire Agreement, Amendment.** This Agreement constitutes the entire agreement and understanding of the parties with respect to the subject matter herein, and all prior and contemporaneous agreements, representations and understanding of the parties, oral or written, are superseded by and merged into this Agreement. This Agreement may be amended only in writing executed by the parties hereto or their respective successors in interest.

(f) **Binding Effect.** This Agreement shall run with the land and be binding on and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of Grantor and Grantee.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

GRANTOR

VINTON CORPORATION  
a California corporation

By: 

Name: Vincent T.C. Tai  
Its: President

By: \_\_\_\_\_

Name: Lily Gin  
Its: Secretary

[SIGNATURES CONTINUED ON NEXT PAGE]

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GRANTOR


VINTON CORPORATION  
a California corporation

By: \_\_\_\_\_  
Name: Vincent T.C. Tai  
Its: President

By: WY Gin Chan  
Name: Lily Gin Chan  
Its: Secretary

[SIGNATURES CONTINUED ON NEXT PAGE]

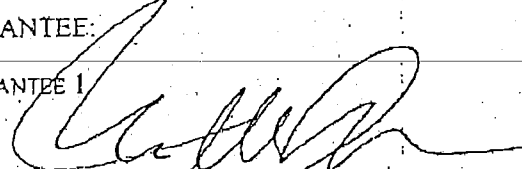
KUNHING CORPORATION  
a California corporation

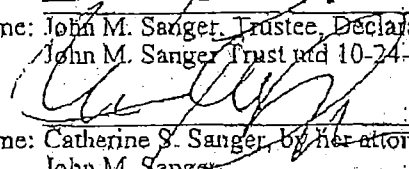
By:   
Name: Vincent T. C. Tai  
Its: President

By: \_\_\_\_\_  
Name: Lily Gin  
Its: Secretary

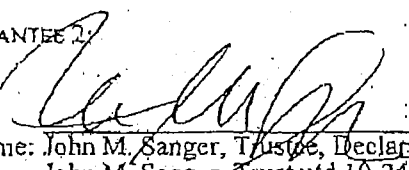
GRANTEE:

GRANTEE 1:

By:   
Name: John M. Sanger, Trustee, Declaration of  
John M. Sanger Trust ufd 10-24-03

By:   
Name: Catherine S. Sanger, by her attorney-in-fact,  
John M. Sanger

GRANTEE 2:

By:   
Name: John M. Sanger, Trustee, Declaration of  
John M. Sanger, Trust ufd 10-24-03



KUNHING CORPORATION  
a California corporation

By: \_\_\_\_\_  
Name: Vincent T.C. Tai  
Its: President

By: Wm Gin Chan  
Name: Lily Gin Chan  
Its: Secretary

GRANTEE:

GRANTEE 1:

By: [Signature]  
Name: John M. Sanger, Trustee, Declaration of  
John M. Sanger Trust utd 10-24-03

By: [Signature]  
Name: Catherine S. Sanger, by her attorney-in-fact,  
John M. Sanger

GRANTEE 2:

By: [Signature]  
Name: John M. Sanger, Trustee, Declaration of  
John M. Sanger, Trust utd 10-24-03

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE SERVICIENT TENEMENT**

**Lot 40 (Grantor's Property)**

The land situated in the City and County of San Francisco, State of California, described as follows:

**COMMENCING** at a point on the westerly line of Sansome Street, distant thereon 91 feet 8 inches northerly from the northerly line of Green Street; running thence northerly along said line of Sansome Street 68 feet, 9 inches; thence at a right angle westerly 183 feet, 4 inches to the easterly line of Calhoun Terrace; thence at a right angle southerly along said line of Calhoun Terrace 68 feet, 9 inches; thence at a right angle easterly 183 feet, 4 inches to the westerly line of Sansome Street and the point of commencement.

**BEING** a portion of 50 VARA BLOCK NO. 187, IN BLOCK NO. 45.

**Assessor's Block 113, Lot 40**

**EXHIBIT B**

**LEGAL DESCRIPTION OF DOMINANT TENEMENT**

**Lots 62 and 63 (Grantees' Properties)**

The land referred to herein is situated in the State of California, City and County of San Francisco, and is described as follows:

BEGINNING at a point on the easterly line of Calhoun Terrace, distant thereon 68 feet 9 inches southerly from the southerly line of Union Street; running thence southerly and along said line of Calhoun Terrace 45 feet 10 inches; thence at a right angle easterly 91 feet 8 inches; thence at a right angle northerly 45 feet 10 inches; thence at a right angle westerly 91 feet 8 inches to the point of beginning.

BEING part of 50 Vara Block No. 187 in Block No. 45.

Assessor's Block 113, Lot 62

BEGINNING at a point on the westerly line of Sansome Street, distant thereon 68 feet 9 inches southerly from the southerly line of Union Street; running thence southerly and along said line of Sansome Street 45 feet 10 inches; thence at a right angle westerly 91 feet 8 inches; thence at a right angle northerly 45 feet 10 inches; thence at a right angle easterly 91 feet 8 inches to the point of beginning.

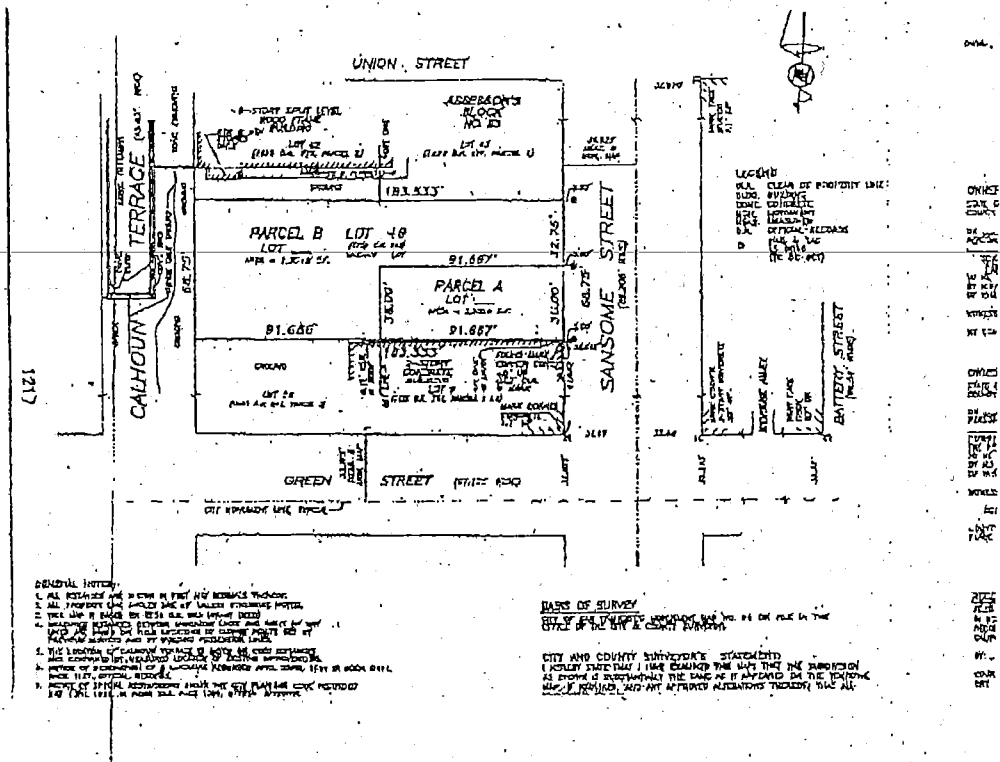
BEING part of 50 Vara Block No. 187 in Block No. 45.

Assessor's Block 113, Lot 63

# EXHIBIT C

## EASEMENT AREA

The Easement Area Consists of that Portion of Grantor's Property shown as Parcel B Per Proposed Tentative Subdivision Map of Grantor's Property as Shown Below Whether or Not Subdivided



- GENERAL NOTES:**
1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
  2. ALL PROPERTY LINES ARE SHOWN BY UNLESS OTHERWISE NOTED.
  3. THE SURVEY IS BASED ON THE 1983 NAD 83 DATUM.
  4. THE LOCATION OF CALHOUN TERRACE IS SHOWN BY THE PROPERTY LINES AND THE PROPERTY LINES ARE SHOWN BY THE PROPERTY LINES.
  5. THE LOCATION OF GREEN STREET IS SHOWN BY THE PROPERTY LINES AND THE PROPERTY LINES ARE SHOWN BY THE PROPERTY LINES.
  6. THE LOCATION OF BATTERY STREET IS SHOWN BY THE PROPERTY LINES AND THE PROPERTY LINES ARE SHOWN BY THE PROPERTY LINES.
  7. THE LOCATION OF SANSOME STREET IS SHOWN BY THE PROPERTY LINES AND THE PROPERTY LINES ARE SHOWN BY THE PROPERTY LINES.
  8. THE LOCATION OF UNION STREET IS SHOWN BY THE PROPERTY LINES AND THE PROPERTY LINES ARE SHOWN BY THE PROPERTY LINES.
  9. THE LOCATION OF ADDERSON'S BLOCK NO. 23 IS SHOWN BY THE PROPERTY LINES AND THE PROPERTY LINES ARE SHOWN BY THE PROPERTY LINES.
  10. THE LOCATION OF LOT 42 IS SHOWN BY THE PROPERTY LINES AND THE PROPERTY LINES ARE SHOWN BY THE PROPERTY LINES.

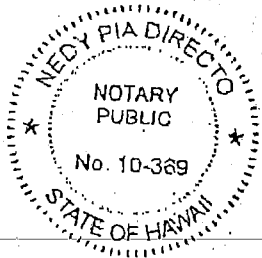
**BASIS OF SURVEY:**

CITY AND COUNTY SURVEYOR'S STATEMENT  
 I, [Name], SURVEYOR, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR AND THAT I HAVE PERSONALLY CONDUCTED THIS SURVEY AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

1217

STATE OF HAWAII )  
 ) SS.  
CITY & COUNTY OF HONOLULU )

On this the 16<sup>th</sup> day of August, 2011, before me personally appeared Vincent T. C. Tai  personally known to me - OR -  proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as such person's free act and deed. Witness my hand and official seal.



Nedy Pia Directo  
Printed Name: NEDY PIA DIRECTO  
Notary Public, State of Hawaii  
My Commission Expires: 11/7/14

NOTARY CERTIFICATION	
(Hawaii Administrative Rule § 5-11-B)	
Document Identification or Description: <u>Agreement Granting and</u> <u>Accepting Payment</u>	
Date of Document: <u>UNDATED</u>	No. of Pages: <u>11</u>
First _____ Circuit _____ (Jurisdiction of notarial act)	
<u>Nedy Pia Directo</u> Signature of Notary	A circular notary seal for Nedy Pia Directo, Notary Public, No. 10-369, State of Hawaii. The seal features the text "NEDY PIA DIRECTO", "NOTARY PUBLIC", "No. 10-369", and "STATE OF HAWAII" around the perimeter, with two small stars on either side.
<u>NEDY PIA DIRECTO</u> Type or Print Name of Notary	
<u>8/16/11</u> Date of Notary Certificate	
	(Official Stamp or Seal)

STATE OF CALIFORNIA

COUNTY OF San Francisco

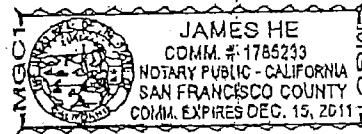
On August 19, 2011, before me, James He  
Notary Public, personally appeared Lily Gin Chan, Secretary of Vinton Corp, who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature

[Signature]  
Notary Public



(Seal)

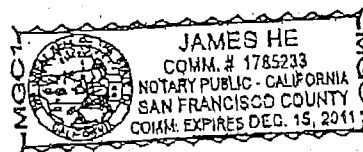
STATE OF CALIFORNIA

COUNTY OF San Francisco

On August 19, 2011, before me, James He  
Notary Public, personally appeared Lily Gin Chan, Secretary of Kunming Corp, who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

Witness my hand and official seal.



# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of San Francisco

On August 22, 2011 before me, Bella Asknazi, Notary Public  
(Here insert name and title of the officer)

personally appeared John M. Sanger

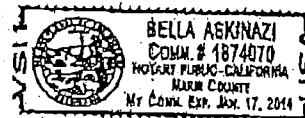
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Bella Asknazi  
Signature of Notary Public

(Notary Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Agreement Granting and  
(Title or description of attached document)

Accepting Easement  
(Title or description of attached document continued)

Number of Pages 5 Document Date 8-16-11

signed for Grantee 1  
(Additional information)

### CAPACITY CLAIMED BY THE SIGNER

- Individual (s)  
 Corporate Officer

(Title)

- Partner(s)  
 Attorney-in-Fact  
 Trustee(s)  
 Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

*Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, ~~is/are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of San Francisco

On August 22, 2011 before me, Bella Askinazi, Notary Public  
(Here insert name and title of the officer)

personally appeared John M. Sanger

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Bella Askinazi  
 Signature of Notary Public

(Notary Seal)



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- Securely attach this document to the signed document.

#### DESCRIPTION OF THE ATTACHED DOCUMENT

Agreement Granting  
(Title or description of attached document)  
and Accepting Easement  
(Title or description of attached document continued)

Number of Pages 5 Document Date 8-16-11

signed for Grantee  
(Additional information)

#### CAPACITY CLAIMED BY THE SIGNER

- Individual (s)  
 Corporate Officer

(Title)

- Partner(s)  
 Attorney-in-Fact for Catherine S. Sanger  
 Trustee(s)  
 Other \_\_\_\_\_



# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of San Francisco

On August 22, 2014 before me, Bella Askinazi Notary Public  
(Here insert name and title of the officer)

personally appeared John M. Sanger

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Bella Askinazi  
Signature of Notary Public

(Notary Seal)



## ADDITIONAL OPTIONAL INFORMATION

**DESCRIPTION OF THE ATTACHED DOCUMENT**

Agreement Granting  
(Title or description of attached document)

and Receiving Easement  
(Title or description of attached document continued)

Number of Pages 5 Document Date 8-16-11

Signed for Grantee &  
(Additional information)

**CAPACITY CLAIMED BY THE SIGNER**

Individual (s)

Corporate Officer

\_\_\_\_\_  
(Title)

Partner(s)

Attorney-in-Fact

Trustee(s)

Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

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    - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
  - Securely attach this document to the signed document.



# SAN FRANCISCO PLANNING DEPARTMENT

File 11-0767 BOS-  
COB, LU-A/isa  
leg Dep  
cpage

September 27, 2011

Supervisor Kim and  
Ms. Angela Calvillo, Clerk  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

2011 SEP 30 PM 3:17  
ES C  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479  
Reception:  
415.558.6378  
Fax:  
415.558.6409  
Planning  
Information:  
415.558.6377

Re: Transmittal of Planning Case Number 2011.0710T  
BF No. 11-0767: Amendments to the Mission Alcoholic Beverage SUD

**Recommendation: Approval with Modifications**

Dear Supervisor Kim and Ms. Calvillo,

On September 22, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance under Board of Supervisors File Number 11-0767.

At the September 22<sup>nd</sup> hearing, the Commission voted 7-0 to recommend approval with modifications of the proposed Ordinance which would amend the Mission Alcoholic Beverage Special Use Subdistrict to permit bowling alleys to serve alcoholic beverages in conjunction with a full-service, large fast food, or small self-service restaurant that is integrated with the bowling alley. At that hearing, the Commission requested that the proposal be amended to include an additional exception for single-screen movie theaters, allowing these theaters to serve beer and wine. The Commission also recommended that the Ordinance be amended to refer to Planning Code Section 249.60, which is where in the Code the Mission Alcoholic Beverage SUD is now referenced.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission. The attached resolution and exhibit provides more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers  
Manager of Legislative Affairs

Cc: City Attorneys Cheryl Adams and Judith Boyajian

Attachments (one copy of the following): Planning Commission Resolution No. 18446  
Department Executive Summary



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Planning Commission Resolution No. 18446

HEARING DATE: SEPTEMBER 22, 2011

*Project Name:* Amendments to the Mission Alcoholic Beverage SUD  
*Case Number:* 2011.0710T [Board File No. 11-0767]  
*Initiated by:* Supervisor Kim / Introduced June 21, 2011  
*Staff Contact:* Sophie Hayward, Legislative Affairs  
sophie.hayward@sfgov.org, 415-558-6372  
*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395  
*Recommendation:* Recommend Approval with Minor Modification

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

---

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH A MODIFICATION A PROPOSED ORDINANCE THAT WOULD AMEND SECTION 781.8 (NOW SECTION 249.60) OF THE SAN FRANCISCO PLANNING CODE TO PERMIT BOWLING ALLEYS IN THE MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT TO SERVE ALCOHOLIC BEVERAGES;

### PREAMBLE

Whereas, on June 21, 2011, Supervisor Kim introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0767 which would amend Planning Code Section 781.8 (now Planning Code Section 249.60, as amended August 4, 2011), the "Mission Alcoholic Beverage Special Use District" to allow bowling alleys within the geographic boundaries of the Special Use District to serve alcoholic beverages along with any full-service, large fast-food, or small self-service restaurant that is functionally and/or physically integrated with the bowling alley; and

Whereas, on September 22, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the proposed zoning changes have been determined not to be a project the California Environmental Quality Act Section 15378 and 15060(c)(3); and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends *approval of the proposed Ordinance with modifications* and adopts the attached Draft Resolution to that effect. The Commission recommends the following modifications:

- That the Ordinance be amended to provide an additional exception for single-screen movie theaters; and
- That the Ordinance refer to Planning Code Section 249.60 for the Mission Alcohol Special Use District. The Code Section was moved from Section 781.8 to 249.60 with Ordinance 140-11, Board File 2011-0482, that became effective on August 4, 2011.

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Planning Code currently prohibits new establishments, or expanded existing establishments, from distributing alcohol within the geographic area of the Mission Alcoholic Beverage Special Use District (SUD); which is bounded by Guerrero Street, San Jose Avenue, Randall Street, Mission Street, César Chavez Street, Potrero Avenue and Fourteenth Street;
2. Existing establishments that were in legal operation when the SUD was established may continue to operate provided that they do not cease to operate for a period longer than thirty days and that they neither expand the physical area devoted to the sale of alcohol nor change the character of the operation;
3. Currently, Planning Code Section 249.60 provides two exceptions for the prohibition, which are for bona fide restaurants and non-profit theaters;
4. The Commission believes that the proposed amendment is appropriate for thriving, neighborhood-serving commercial districts;
5. The Commission believes that the proposed amendment to the existing Mission Alcoholic Beverage SUD will facilitate the addition of businesses that provide recreation and entertainment in a manner that is consistent with the neighborhood character and will not contribute to the deterioration of the neighborhood;
6. The Commission notes that although the proposed ordinance would permit bowling alleys to serve alcohol, any change of use to a bowling alley would be subject to neighborhood notification as applicable in the underlying zoning district;
7. The Commission recommends that the Board of Supervisors adopt the proposed Ordinance with a minor technical amendment to change the Planning Code Section that will be amended from 781.8 to Planning Code Section 249.60.

8. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

**I. COMMERCE & INDUSTRY ELEMENT**

THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN SETS FORTH OBJECTIVES AND POLICIES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES, AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

**GOALS**

THE THREE GOALS OF THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN RELATE TO CONTINUED ECONOMIC VITALITY, SOCIAL EQUITY, AND ENVIRONMENTAL QUALITY.

**OBJECTIVE 6**

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

**POLICY 6.2**

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

**POLICY 6.10**

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

*The proposed Ordinance would preserve the intent of the Mission Alcoholic Beverage Special Use District while permitting a specific business type to move into the geographic area of the SUD. The proposal would permit bowling alleys to serve alcohol only in the context of a restaurant that is functionally and/or physically integrated with the bowling alley. This stipulation would ensure that the serving of alcohol would be secondary to the primary entertainment and dining uses, and would minimize any disruptive nuisance to the surrounding neighborhood. The proposed Ordinance will facilitate the addition of businesses that provide recreation and entertainment in a manner that is consistent with the neighborhood character and that will not contribute to the deterioration of the neighborhood.*

9. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:
- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed Ordinance will encourage neighborhood-serving retail uses and opportunities for employment in or ownership of such businesses by allowing bowling alleys to serve alcohol in conjunction with restaurants. The intent is to provide for economic growth that will support the neighborhood without causing the deterioration of the neighborhood. The proposed Ordinance will encourage and foster economic growth by helping to attract and retain customers.*

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

*The proposed amendment to allow restaurants in bowling alleys to serve alcohol is intended to provide a means for appropriate businesses that combine recreation, entertainment, and to be located within the Mission Alcoholic Beverages SUD. The proposed Ordinance would not negatively impact the existing housing and neighborhood character of the district.*

- C) The City's supply of affordable housing will be preserved and enhanced:

*The proposed Ordinance will have no adverse effect on the City's supply of affordable housing.*

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

*The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.*

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendment. Any new construction or alteration associated with a project would be executed in compliance with all applicable construction and safety measures.*

- G) That landmark and historic buildings will be preserved:

*Landmarks and historic buildings would be unaffected by the proposed amendment. The proposed amendment would not result in a physical impact to historic structures, and any proposed project would be reviewed under the Department's existing preservation policies.*

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendment.*

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on September 22, 2011.

Linda Avery  
Commission Secretary

AYES: Antonini, Borden, Fong, Miguel, Moore, Olague, Sugaya,

NAYS: None

ABSENT: None

ADOPTED: September 22, 2011



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Planning Code Text Change HEARING DATE: SEPTEMBER 22, 2011

*Project Name:* Amendments to the Mission Alcohol SUD  
*Case Number:* 2011.0710T [Board File No. 11-0767]  
*Initiated by:* Supervisor Kim / Introduced June 21, 2011  
*Staff Contact:* Sophie Hayward, Legislative Affairs  
sophie.hayward@sfgov.org, 415-558-6372  
*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395  
*Recommendation:* Recommend Approval with Minor Modification

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Mission Alcoholic Beverage Special Use Subdistrict (SUD) Planning Code Section 781.8 (recently amended by Board File 2011-0482 to be renumbered as Planning Code Section as 249.60) to permit bowling alleys to serve alcoholic beverages along with any full-service restaurant, large fast-food restaurant, or small self-service restaurant that is integrated with the bowling alley<sup>1</sup>.

#### The Way It Is Now:

The Mission Alcohol SUD, which was established in 1996, prohibits new establishments from distributing – including selling or serving – alcohol within the geographic area of the SUD, which is bounded by Guerrero Street, San Jose Avenue, Randall Street, Mission Street, Cesar Chavez Street, Potrero Avenue and Fourteenth Street. The SUD also prohibits the expansion of existing establishments that sell or serve alcohol. Establishments such as liquor stores or bars that were in legal operation prior to the establishment of the SUD may continue to operate with two specific caveats:

1. An establishment may not cease to operate for a period longer than 30 days. If a business ceases operations for any period longer than thirty days, the use will be considered abandoned; and
2. There may be no substantial change to the character of an existing business that sells alcohol, including a physical expansion of the area devoted to the sale of alcohol, nor a change in the type of retail liquor license under which the business operates.

Currently, Planning Code Section 249.60 provides two specific exceptions from the prohibition: bona fide restaurants and non-profit theaters (with live performers) may sell and/or serve alcoholic beverages.

#### The Way It Would Be:

The proposed Ordinance would add a third exception from the prohibition on selling or serving alcoholic beverages within the Mission Alcohol SUD. If adopted, the proposed Ordinance would allow bowling

<sup>1</sup> Ordinance 140-11, renumbering Planning Code Section 781.8 as 249.60 became effective August 4, 2011.



alleys to serve alcoholic beverages along with a full service restaurant that is integrated within the bowling alley.

### REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

### RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The modification recommended by the Department is minor and is technical in nature:

- Refer to Planning Code Section 249.60 for the Mission Alcohol Special Use District. The Code Section was moved from Section 781.8 to 249.60 with Ordinance 140-11, Board File 2011-0482, that became effective on August 4, 2011.

### BASIS FOR RECOMMENDATION

The Mission Alcohol Special Use District was created in 1996 as a way to combat problems within the geographic area that included loitering, littering, drug trafficking, prostitution, public drunkenness, defacement, pedestrian obstructions, and traffic circulation, parking, and noise problems on public streets.

The proposed Ordinance would preserve the intent of the Special Use District, while permitting a specific business type to move into the geographic area of the SUD. The proposal would permit bowling alleys to serve alcohol only in the context of a restaurant that is functionally and/or physically integrated with the bowling alley. This stipulation would ensure that the serving of alcohol would be secondary to the primary entertainment and dining uses, and would minimize any disruptive nuisance to the surrounding neighborhood.

The Department believes that the proposed amendment to the existing Mission Alcohol SUD will facilitate the addition of businesses that provide recreation and entertainment in a manner that is consistent with the neighborhood character and will not contribute to the deterioration of the neighborhood. Although the proposed Ordinance would permit bowling alleys to serve alcohol as-of-right, any change of use to a bowling alley that includes a restaurant would be subject to neighborhood notification as applicable in the underlying zoning district as well as the licensing requirements set forth in State Law.

The Mission Alcohol SUD was the first and most restrictive of the five established Alcohol Special Use Districts identified in the Planning Code, and is the only Alcohol SUD that provides no means of transferring liquor licenses from one location to another within the SUD, nor does it provide a means to add conditions of approval to existing establishments that are permitted to sell and serve alcohol.<sup>2</sup> The

<sup>2</sup> There are five additional Alcohol Special Use Districts established in the Planning Code: the 3<sup>rd</sup> Street Alcohol SUD (Planning Code Section 249.62, established in 2003), the Haight Street Alcohol SUD (Planning Code 781.9, established in 1999), the Divisadero

Department would encourage an expanded effort in the future to consider a more broad review of the controls in the Mission Alcohol Special Use District in order to make the specific controls more consistent with other Alcohol SUDs and to more effectively monitor and condition existing businesses that sell alcohol within the district. While the proposed Ordinance is minor in scope, the Department would encourage an effort to conduct further outreach and to consider broader changes in the future.

The Department's proposed modification is minor. On August 4, 2011 (after the proposed Ordinance was introduced by Supervisor Kim), Planning Code Section 781.8, which defined the Mission Alcohol Special Use District, was moved from Article 7 to Article 2 of the Planning Code. The Mission Alcohol Special Use District is now described, defined, and outlined in Planning Code Section 249.60.

In sum, the Department supports the proposed Ordinance to permit bowling alleys to serve alcohol, provided the alcohol is served as part of a full-service, large fast-food, or a small self-service restaurant that is functionally and/or physically integrated with the bowling alley.

#### ENVIRONMENTAL REVIEW

The proposal to amend Planning Code Section 781.8 (now Section 249.60) is not considered a project under CEQA Guidelines Section 15378, and was issued an exemption based on CEQA Section 15060(c)(3) on July 7, 2011.

#### PUBLIC COMMENT

The Planning Department received one letter regarding the proposed Ordinance. The letter was from George Rush, an attorney representing the owners of the Roxie Movie Theater, requesting that an additional exception be included in the proposed Ordinance to allow single-screen movie theaters to sell alcohol within the Mission Alcoholic Beverages Subdistrict. The letter was received by Staff three days prior to distribution of case reports; therefore, the Department does not feel that there has been sufficient internal review of the request to make a recommendation to the Planning Commission at this time. However, the letter has been included in your packets and the Planning Commission may opt to include a recommendation on the request in its resolution that is transmitted to the Board of Supervisors for its review.

<b>RECOMMENDATION:</b>	<b>Recommendation of Approval with Modifications</b>
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#### Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 11-0767
- Exhibit C: Letter from the Law Office of George M. Rush, dated September 1, 2011

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Street Alcohol SUD (Planning Code Section 783, established in 2004), the Lower Haight Alcohol SUD (Planning Code Section 784, established in 2007), and the Excelsior Alcohol SUD (Planning Code Section 785, established in 2008).



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: Golden Gate Park - Current Proposals

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From: dianariver <dianariver@aol.com>  
To: dianariver@aol.com  
Cc: info@MichelaForMayor.com, web@davidchiuformayor.com, info@bevandufty.com, info@herreriformayor.com, info@resetsanfrancisco.org, Adrianna@mayoredlee.com, emilelawrence@juno.com, sfoceanedge@earthlink.net, adachiformayor@gmail.com, john@avalosformayor.com, staff@terryjoanbaum.com, tony@tonyhallsf.com, Joanna@joinjoanna.com, info@lelandyee.com, Ascarrunz@aol.com, paulcurrier@me.com, panasiansf@yahoo.com, sfoceanedge@earthlink.net, board.of.supervisors@sfgov.org, mayoredwinlee@sfgov.org  
Date: 09/28/2011 01:14 PM  
Subject: Golden Gate Park - Current Proposals

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Dear Friends,

I'm writing to ask you ***to oppose*** two current proposals for the western end of Golden Gate Park;

- Renovation of Beach Chalet Soccer Fields with artificial turf and stadium lights
- Westside Recycled Water Treatment Plant

As a resident of the Sunset District, I am a frequent user of Golden Gate Park and Ocean Beach. I am deeply concerned about the many ways the proposed changes would impact the local area and detract from everyone's enjoyment of our parkland.

- First and foremost: These projects are short term (mis)use of natural beauty and general funds - we will be borrowing against our environment, land, property, and throwing good money (from the City's General funds and other resources) after bad, all of which belongs to future San Franciscans - See a link to the SPUR report below

In addition:

- These projects will result in the loss of trees and other wildlife habitat, in increased traffic.
- The soccer project turns what should be a meadow available to all into a single-use area.
- This is not fair to everyone else out here who would like to use the park for hiking, picnicking, and enjoying nature.
- The lighting will detract from the beauty of Ocean Beach.
- The lighting will, because of the extreme bright lighting, most importantly, ***take away the night sky and our ability to see the stars at night.***
- There should be more of a natural link between the park and the beach.
- The beach should not be marred with this very urban soccer complex proposal.
- The Water Treatment Plant is an enormous industrial building that does not

*TH*

belong in Golden Gate Park. It should be located elsewhere as the property will be eroded away over time and need to be moved just as we face the same problem at the end of Sloat Blvd at Ocean beach today.

San Francisco is becoming increasingly more dense. Golden Gate Park is a treasure for all SF residents, and it is ALL of OUR responsibility to preserve this precious open space for everyone's enjoyment and for the enjoyment of future generations of San Franciscans.

Below find a link to the SPUR.org publication regarding OUR ocean beach:

<http://spur.org/publications/library/article/future-ocean-beach>

**Here is an excerpt from SPUR's findings:**

***"Planning for uncertainty on a dynamic coastline***

*We know that sea levels are rising due to melting polar ice and thermal expansion of the oceans. The State of California projects sea-level rise of 16 inches by 2050 and 55 inches by 2100. The frequency and severity of storms are also likely to increase, and local policymakers have no choice but to adapt. Climate-change adaptation consists of policy and design responses to the negative effects of climate change that have already been "locked in," regardless of how we address carbon emissions going forward. Adaptation will be required in many arenas, from water supply to bio-diversity to extreme heat events, but few are as vivid and pressing as sea-level rise.*

*At Ocean Beach, this means that the sort of erosion episodes that took place in 1997 and 2010 will happen more frequently. As the shoreline recedes, critical wastewater infrastructure along Ocean Beach will face increasing pressure and will need to be protected, reconfigured or abandoned. Natural habitat and recreational amenities are threatened as well. Although we have a pretty clear picture of what will happen as sea levels rise, there is a great deal of uncertainty about its timing and extent.*

*Ocean Beach is the city's first real test in responding to the effects of climate change. The proximity of critical public infrastructure to the coast throws the challenges into high relief. Where should we hold the coastline? What is the economic value of a beach? A dune system? A threatened bird species? When and how will private property be exposed to coastal hazards?*

*There are also significant limitations in the available data about the effects of sea-level rise. Existing studies paint a general picture of likely impacts but do not account for local factors like coastal armoring and topography, which will shape coastal processes."*

Thank you for your consideration.

***" Unless someone like you cares.. a whole, awful lot, nothing is going to get***

***better. It's Not!"***

**-Dr. Seuss**

Respectfully submitted,

Diane Rivera

Native Sunset District Resident

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Fw: Public financing ordinance [IWOV-imanage.FID106574]  
Margaux Kelly  
to:  
BOS-Supervisors, BOS-Legislative Aides, Board.of.Supervisors  
09/26/2011 03:12 PM  
Show Details

BOS-11  
page  
file WOTY  
110718

Please see attached from Oakland City Attorney Mark Morodomi.

Margaux Kelly  
Legislative Aide  
Office of Supervisor Mark Farrell  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Phone: (415) 554-7752  
Fax: (415)554-7843

----- Forwarded by Margaux Kelly/BOS/SFGOV on 09/26/2011 03:12 PM -----

From: "Morodomi, Mark" <MMorodomi@oaklandcityattorney.org>  
To: <Margaux.Kelly@sfgov.org>  
Cc: <{F106574}.imanage@oca-svr-dms1.oca.oakland.local>  
Date: 09/26/2011 12:07 PM  
Subject: FW: Public financing ordinance [IWOV-imanage.FID106574]

Margaux

Attached is a recent summary from the Brennan Center for Justice that outlines what the various states/cities are doing.

In light of Arizona Free Enterprise the following jurisdictions have amended their laws, had them stricken by a court, or refused to distribute the public funding:

- Arizona
- Connecticut
- Florida
- Hawaii
- Maine (the Brennan Center told me that ME is in the process of paying attorney's fees to a plaintiff.)
- Nebraska
- North Carolina (though they prevailed pre-Arizona Free Enterprise they are now in the process of paying attorney's fees to the plaintiff.)
- West Virginia
- Wisconsin
- Albuquerque (the Brennan Center told me that the city is in the process of paying attorney's fees to a plaintiff.)

15

Los Angeles  
New Haven

*Mark Moradomi*

Supervising Deputy City Attorney  
1 Ogawa Plaza, 6<sup>th</sup> Fl.  
Oakland, CA 94612  
510 238-6101

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# BRENNAN CENTER FOR JUSTICE

## PUBLIC FINANCING INDEX — SEPTEMBER 2011

### I. STATE PUBLIC FINANCING SYSTEMS

**ARIZONA** — Arizona offers full public financing for legislative candidates and certain statewide candidates.<sup>1</sup> Candidates receive a lump sum payment at the beginning of the primary and general elections in exchange for agreeing to abide by expenditure limits.<sup>2</sup> Publicly financed candidates were previously eligible for triggered matching funds,<sup>3</sup> but this provision was struck down by the Supreme Court in June 2011 in *Arizona Free Enterprise Club v. Bennett*.<sup>3</sup> The Arizona legislature recently passed a resolution giving Arizona voters the opportunity to amend the state constitution, in November 2012, to prohibit all election public financing.<sup>4</sup>

**CONNECTICUT** — Connecticut offers full public funding to eligible state legislative candidates and candidates for statewide office.<sup>5</sup> Full grant amounts are set at the level historically spent in competitive contests for each office.<sup>6</sup> In July 2010, a federal appeals court struck down the program's triggered matching funds,<sup>7</sup> and the state legislature subsequently repealed these provisions.

**FLORIDA** — Florida offers public financing for primary and general election candidates for governor and three statewide cabinet positions.<sup>8</sup> Florida requires that publicly financed candidates abide by expenditure limits.<sup>9</sup> Candidates are eligible for certain small donor matching funds.<sup>10</sup> In July 2010, a federal appeals court struck down the program's triggered matching funds.<sup>11</sup>

**HAWAII** — Hawaii has a statewide public financing program that provides funds for candidates for offices including governor, lieutenant governor, state senator, state representative, mayor, and city council member, among others.<sup>12</sup> Candidates are eligible for public funding if they agree to voluntary expenditure limits.<sup>13</sup> Publicly funded candidates receive public funds that match, dollar-for-dollar, qualifying contributions from Hawaii residents of \$100 or less. As an additional incentive, the state provides a tax deduction for donations to candidates that have agreed to the voluntary expenditure limit.<sup>14</sup> In addition, Hawaii County has a pilot program, in effect for the 2010, 2012, and 2014 elections, which provides public funding to participating Hawaii County Council candidates.<sup>15</sup> Candidates must collect \$5 qualifying contributions from 200 voters in their district to qualify for a base grant pegged to the average cost of previous election campaigns in the district.<sup>16</sup> Participating candidates were also eligible to receive "equalizing funds" if they faced a high-spending privately financed opponent,<sup>17</sup> but the Hawaii Campaign Spending Commission decided not to distribute equalizing funds for future races in light of *Arizona Free Enterprise Club*.<sup>18</sup>

**MAINE** — Maine offers public financing to primary and general election candidates for governor and the state legislature.<sup>19</sup> Following *Arizona Free Enterprise Club*, the Maine legislature directed the

\* For an explanation of this term and other terms used throughout this Index, see the Glossary that follows the text.



Maine Commission on Governmental Ethics and Election Practices to investigate possibilities for changing Maine's public financing system to remove the law's triggered matching funds provisions.<sup>20</sup> The commission staff has suggested two alternative proposals,<sup>21</sup> involving either a simple lump sum distribution, or a program in which candidates could qualify for multiple grants, based upon the number of qualifying contributions that they receive. The commission must submit its recommendations by October 15, 2011.<sup>22</sup>

**MARYLAND** — Maryland provides funds to gubernatorial candidates.<sup>23</sup> Each contested primary election candidate receives a one-to-one match for each eligible private contribution received.<sup>24</sup> For the general election, all remaining public financing funds are split evenly among eligible gubernatorial candidates in a lump sum.<sup>25</sup> Participating candidates are subject to expenditure limits.<sup>26</sup>

**MASSACHUSETTS** — Massachusetts has a small donor matching funds program for statewide candidates.<sup>27</sup> The Massachusetts program matches qualifying contributions at a one-to-one ratio up to a ceiling.<sup>28</sup> Participating candidates are required to agree to expenditure limits.

**MICHIGAN** — Michigan provides public funding in primary and general elections for candidates for governor and lieutenant governor.<sup>29</sup> A candidate can receive public funding in exchange for agreeing to an expenditure limit.<sup>30</sup> Primary election candidates receive a two-to-one match of qualifying contributions (*i.e.*, donations of \$100 or less) up to a ceiling.<sup>31</sup>

**MINNESOTA** — Minnesota provides general election (but not primary election) public funding for qualified candidates for statewide offices and the state legislature.<sup>32</sup> Publicly funded candidates must agree to voluntary expenditure limits for the entire election cycle (primary and general combined).<sup>33</sup> Funds are distributed from both a general fund and from party-specific funds in a lump sum.<sup>34</sup> The program does not provide any triggered matching funds, but a publicly funded candidate may choose to have his expenditure limits lifted if a nonparticipating opponent's contributions or expenditures exceed certain threshold amounts.<sup>35</sup> If a candidate is released from the expenditure limit during the primary election, that candidate's opponents are also released from their expenditure limits in the general election.<sup>36</sup>

**NEBRASKA** — Nebraska previously relied entirely on triggered funds, by offering public funds to legislative candidates who agreed to a voluntary spending limit if their opponent exceeded the spending limit.<sup>37</sup> After *Arizona Free Enterprise Club*, the Nebraska Attorney General declared the law unconstitutional in an advisory opinion.<sup>38</sup> Following the opinion of the attorney general, the Nebraska Accountability and Disclosure Commission recently decided to discontinue the public financing program.<sup>39</sup>

**NEW JERSEY** — New Jersey provides public funding for both primary and general election gubernatorial candidates.<sup>40</sup> After an aggregate contribution threshold is reached, contributions received are matched at a two-to-one rate, up to a ceiling. Participating candidates must reach a qualification threshold of funds,<sup>41</sup> abide by an expenditure limit,<sup>42</sup> limit the use of their own personal funds, and limit bank loans.<sup>43</sup>

**NEW MEXICO** — New Mexico offers public financing for candidates for public regulatory commissioner and all judicial candidates who participate in contested statewide elections,<sup>44</sup> including candidates for the New Mexico Supreme Court and the New Mexico Court of Appeals.<sup>45</sup> Primary and general election candidates are eligible for lump sum payments in addition to triggered matching funds.

**NORTH CAROLINA** — North Carolina offers public financing to judicial candidates for the North Carolina Supreme Court and North Carolina Court of Appeals.<sup>46</sup> Candidates are eligible for lump sum payments only in the general election, but are eligible for triggered matching funds in both the primary and general elections. In 2008, North Carolina's program was upheld by a federal appeals court.<sup>47</sup>

**RHODE ISLAND** — Rhode Island's matching funds program is available to all statewide candidates in the general election. The state matches contributions under \$500 at a two-to-one ratio, and matches all other contributions at a one-to-one ratio (contributions are capped for each office).<sup>48</sup> Participants agree to abide by limits on fundraising and spending. If a participating candidate's nonparticipating opponent exceeds the applicable spending limit for that office, the participating candidate's expenditure limit is raised a corresponding amount and he or she is allowed to continue to privately fundraise.<sup>49</sup>

**WEST VIRGINIA** — West Virginia adopted a pilot program for its 2012 Supreme Court elections.<sup>50</sup> Under the program, a primary election candidate receives a lump sum payment (less the amount the candidate raised in qualifying funds) and a general election candidate receives an additional lump sum payment (less unspent primary funds).<sup>51</sup> After *Arizona Free Enterprise Club* was decided, the West Virginia Attorney General issued an advisory opinion concluding that a triggered matching funds provision included in the law was unconstitutional,<sup>52</sup> but severable from the law's remaining provisions.<sup>53</sup> Thereafter, the Secretary of State decided not to distribute triggered matching funds in the 2012 elections and to not require certain reports that had to be made in connection with the triggered matching funds provisions.<sup>54</sup> Despite a request by the West Virginia Secretary of State, the legislature has not yet revised the law.<sup>55</sup>

**WISCONSIN** — Previously, Wisconsin had two separate public financing programs. The Wisconsin Election Campaign Fund provided funds for certain statewide candidates and legislative candidates, while the Democracy Trust Fund provided funds for candidates for justice of the Wisconsin Supreme Court. Both of these programs were repealed by the Wisconsin legislature in 2011.

**VERMONT** — Vermont provides public funding for candidates for governor and lieutenant governor in lump sum grants for the primary and general elections.<sup>56</sup> After the eligibility stage, participating candidates are barred from accepting any private contributions and must spend only public funds.

## II. MUNICIPAL PUBLIC FINANCING SYSTEMS

**ALBUQUERQUE, NM**— Albuquerque has public funding for mayoral and city council candidates. The program offers lump sum grants to participating candidates in exchange for agreeing to an expenditure limit.<sup>57</sup> Following a legal challenge to the program's triggered matching funds, Albuquerque agreed to a stipulated injunction prohibiting the city from distributing triggered matching funds.<sup>58</sup> News reports suggest that Albuquerque may amend its law and adopt a small donor matching system or other model.<sup>59</sup> It is not assured that any amendments will be completed before the next municipal election on October 4, 2011.

**AUSTIN, TX**— In Austin, a candidate for mayor or city council may elect to participate in the Fair Campaign program by signing a "campaign contract"<sup>60</sup> obligating him or her to comply with limitations on contributions and expenditures, and to participate in a series of candidate forums.<sup>61</sup> Public funding is provided for qualifying candidates in a runoff election, to the extent that funds are available from the Austin Fair Campaign Finance Fund.<sup>62</sup> A participating candidate's voluntary contribution and expenditure limits are lifted if opponent spending or independent expenditures exceed certain threshold amounts.<sup>63</sup>

**BOULDER, CO**— Boulder provides public financing to city council candidates who commit to an expenditure limit.<sup>64</sup> The program provides one-to-one small donor matching.<sup>65</sup> The maximum any one candidate may receive is 50% of the expenditure limit.<sup>66</sup>

**CHAPEL HILL, NC**— Chapel Hill implemented a pilot program for the 2009 and 2011 elections; it will need further state legislative authorization to continue after 2011.<sup>67</sup> Public financing is available to candidates for mayor or city council, including a triggered matching funds provision.<sup>68</sup>

**LONG BEACH, CA**— Small donor matching funds in Long Beach are available to candidates for city council, city attorney, city auditor, city prosecutor, and mayor.<sup>69</sup> To qualify for matching funds, a candidate must accept expenditure limits, raise funds above a specified minimum, and also be opposed by a candidate who has qualified for matching funds or raised a specified amount of funds.<sup>70</sup>

**LOS ANGELES, CA**— Los Angeles provides small donor matching funds for candidates running for city office. Candidates for mayor, city attorney or controller are able to receive matching funds for the first \$500 they receive from an individual donor, and candidates for city council are able to receive matching funds for the first \$250 they receive from an individual donor.<sup>71</sup> Participating candidates agree to voluntary expenditure limits and other conditions.<sup>72</sup> Expenditure limits on participating candidates are lifted if a nonparticipating candidate spends in excess of the expenditure limit, or if independent expenditures in the aggregate exceed certain thresholds,<sup>73</sup> and participating candidates are eligible for increased matching funds.<sup>74</sup>

**MIAMI-DADE COUNTY, FL**— Public funds are available to candidates for mayor or county commissioner from the Election Campaign Financing Trust Fund.<sup>75</sup> To qualify, a candidate must agree to limits on expenditures, limits on the use of personal funds, and other conditions.<sup>76</sup> Each qualifying candidate may receive a lump sum grant from the fund in an amount specified in the county code.<sup>77</sup>

**NEW HAVEN, CT**—New Haven has public financing for mayoral candidates.<sup>78</sup> Participating candidates receive a base grant and are eligible for a two-to-one match of public funds for each contribution up to \$25.<sup>79</sup> If a nonparticipating opponent exceeds the participating candidate's expenditure limit, a participating candidate can either get an additional small lump sum in supplemental funds or have the expenditure ceiling lifted.<sup>80</sup> If the candidate chooses to have the expenditure ceiling lifted, he or she will not have further contributions matched.<sup>81</sup> The administrator of the city's Democracy Fund has stated that the trigger providing a supplemental grant may be constitutionally problematic, but that the lifting of the expenditure ceiling does not run afoul of the *Arizona Free Enterprise Club* ruling.<sup>82</sup>

**NEW YORK, NY**—New York City's public financing program applies to all city offices. Under the program, participating candidates are eligible for a six-to-one match of public funds on resident contributions of \$175 or less, up to a certain limit. When the nonparticipating opponent of a participating candidate exceeds 50% of the expenditure limit applicable to participating candidates for that office, the participating candidate has his or her spending limit increased by 50% of the original limit and becomes eligible for additional public funds matched at a 7.14 to one ratio.<sup>83</sup> If the nonparticipating opponent exceeds three times the expenditure limit for that office, the participating candidate's expenditure limit is lifted altogether and he or she becomes eligible for additional public funds matched at an 8.57 to one ratio.<sup>84</sup>

**OAKLAND, CA**—Oakland reimburses candidates for city council for certain campaign expenses.<sup>85</sup> Reimbursements are capped at 30% of the voluntary expenditure ceiling.<sup>86</sup>

**RICHMOND, CA**—Candidates for mayor and city council are eligible to receive matching funds (up to a total of \$25,000 per election) based on the candidate's receipt of matchable contributions from private donors.<sup>87</sup>

**SACRAMENTO, CA**—Qualifying candidates for mayor and city council are eligible to receive dollar-to-dollar matching funds for small contributions (*i.e.*, up to \$250 in public funds per contributor).<sup>88</sup> Participating candidates agree to expenditure limits.<sup>89</sup> These voluntary expenditure limits are lifted when contributions or expenditures for a nonparticipating opponent exceed 75% of the applicable spending limit or when independent expenditures exceed 50% of the applicable spending limit.<sup>90</sup>

**SAN FRANCISCO, CA**—San Francisco provides public funding for its board of supervisors and mayoral races. Participating candidates receive an initial lump sum grant and are eligible for a match of public funds for each contribution (contributions are matched at a four-to-one ratio up to a certain limit and are then matched at a one-to-one ratio).<sup>91</sup> When a nonparticipating candidate or hostile independent expenditure exceeds certain amounts at and above the expenditure limit, each participating candidate gets his or her expenditure limit lifted by an equal amount, up to a set ceiling.<sup>92</sup> A proposal has been made to amend the ordinance to remove the provision allowing distribution of additional funds in response to spending by private opponents;<sup>93</sup> the proposal is pending in the Rules Committee of the San Francisco Board of Supervisors.

## GLOSSARY

### *Participating Candidate / Publicly Financed Candidate / Certified Candidate*

Different public financing systems often have different ways of referring to candidates who choose public funds. All of the above terms are generally interchangeable.

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### *Nonparticipating Candidate / Privately Financed Candidate / Traditional Candidate*

Similarly, candidates who do not choose public financing are also referred to by many terms. Again, these terms are also generally interchangeable and simply vary by jurisdiction.

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### *Qualifying Contributions*

Qualifying contributions are small contributions that a candidate must collect in order to qualify for public financing. The amounts vary, but are often between \$5 and \$250 per contribution. A candidate usually must collect a minimum number of qualifying contributions in order to demonstrate the requisite public support needed to qualify for public financing.

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### *Lump Sum Grant*

Lump sum grants are public funds provided to publicly financed candidates near the beginning of the primary election season, general election season, or both. It is decidedly constitutional to award lump sum grants to publicly financed candidates.

### *Small Donor Matching Funds*

Under a small donor matching system, participating candidates collect small amount donations from many contributors and the state provides a matching amount equal to the original contribution, or based on some multiple thereof. For example, New York City's small donor matching system matches contributions at a rate of six-to-one, up to \$175. Therefore, if a contributor gave \$175 to a participating candidate, the city would provide an additional contribution equal to six times that amount (\$1,050) to the candidate as well. It is also decidedly constitutional to award small donor matching funds to publicly financed candidates.

### *Triggered Matching Funds / Fair Fight Funds / Rescue Funds*

Triggered matching funds are funds provided to a publicly financed candidate as a result of oppositional spending (either an opposing, privately financed candidate, an opposing independent group, or both). The standard method of calculating the amount of the triggered funds is to provide the publicly financed candidate with funds equal to the difference between the public funds he or she received and the amount spent in opposition. For example, if a publicly financed candidate were given \$10,000 as his or her initial lump sum grant and his or her opponent spent \$13,000, the publicly financed candidate would be given \$3,000, the difference between the two values.

The use of triggered matching funds in legislative races was deemed unconstitutional by the U.S. Supreme Court in *Arizona Free Enterprise Club v. Bennett*.<sup>94</sup> Whether *Arizona Free Enterprise Club* applies in the context of judicial elections is still an open question of law.

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## NOTES

<sup>1</sup> See ARIZ. REV. STAT. ANN. § 19-950(D) (West 2011).

<sup>2</sup> ARIZ. REV. STAT. ANN. § 19-951 (West 2011).

<sup>3</sup> *Ariz. Free Enter. Club's Freedom Club PAC v. Bennett*, 131 S. Ct. 2806 (2011). The Arizona public financing law contains a severability clause, ARIZ. REV. STAT. ANN. § 16-960 (West 2011), and an Arizona district court has found the trigger provision severable, *McComish v. Brewer*, No. CV-08-1550-PHX-ROS, 2010 WL 2292213, at \*10 (D. Ariz. Jan. 20, 2010).

<sup>4</sup> S.J. Res. 1025, 50th Leg., 1st Reg. Sess. (Ariz. 2011).

<sup>5</sup> See CONN. GEN. STAT. ANN. § 9-700(12) (West 2011).

<sup>6</sup> Participating candidates facing a minor-party opponent who has raised only a very small amount (specifically, less than the qualifying contributions level necessary to receive public funding for that office) receive a two-thirds grant; participating candidates who are unopposed receive a one-third grant. CONN. GEN. STAT. ANN. § 9-705 (West 2011).

<sup>7</sup> See *Green Party of Conn. v. Garfield*, 616 F.3d 213 (2d Cir. 2010), *cert. denied*, 79 U.S.L.W. 3377 (U.S. June 28, 2011). See also CONN. GEN. STAT. ANN. § 9-713 (repealed 2010).

<sup>8</sup> FLA. STAT. ANN. § 106.33 (West 2011).

<sup>9</sup> FLA. STAT. ANN. § 106.34 (West 2011).

<sup>10</sup> FLA. STAT. ANN. § 106.35 (West 2011).

<sup>11</sup> See *Scott v. Roberts*, 612 F.3d 1279, 1282 (11th Cir. 2010). The court found the trigger provisions severable, *id.* at 1297-98, noting that the law includes a severability clause, *id.* at 1298 (citing 1991 Fla. Sess. Law Serv. 91-107 § 36).

<sup>12</sup> See HAW. REV. STAT. § 11-425 (West 2011).

<sup>13</sup> HAW. REV. STAT. § 11-423 (West 2010).

<sup>14</sup> HAW. REV. STAT. § 11-424 (West 2010).

<sup>15</sup> 2008-244 Haw. Rev. Stat. Ann. Adv. Legis. Serv. 1-2 (LexisNexis).

<sup>16</sup> *Id.* at 8, 12.

<sup>17</sup> *Id.* at 13.

<sup>18</sup> *Minutes for July 13, 2011*, HAW. CAMPAIGN SPENDING COMM'N, <http://hawaii.gov/campaign/commission-meetings/minutes/minutes-for-july-13-2011>.

<sup>19</sup> ME. REV. STAT. ANN. tit. 21-A, § 1122(1) (West 2011).

<sup>20</sup> S.J. Res. 251, 125th Leg. (Me. 2011), *available at* [http://www.mainelegislature.org/legis/bills/bills\\_125th/chappdfs/RESOLVE103.pdf](http://www.mainelegislature.org/legis/bills/bills_125th/chappdfs/RESOLVE103.pdf).

<sup>21</sup> Memorandum from Jonathan Wayne, Executive Director of the Maine Comm'n on Governmental Ethics and Election Practices, to the Commissioners of the Maine Comm'n on Governmental Ethics and Election Practices, Proposals for Changing the Maine Clean Election Act 7-12 (Aug. 12, 2011), *available at* <http://www.maine.gov/ethics/pdf/item02.pdf>.

<sup>22</sup> S.J. Res. 251, 125th Leg. (Me. 2011).

<sup>23</sup> See MD. CODE ANN., ELEC. LAW §§ 15-101 to -111 (LexisNexis 2011).

<sup>24</sup> MD. CODE ANN., ELEC. LAW § 15-106(c) (LexisNexis 2011).

<sup>25</sup> MD. CODE ANN., ELEC. LAW § 15-106(d) (LexisNexis 2011).

<sup>26</sup> MD. CODE ANN., ELEC. LAW § 15-105 (LexisNexis 2011).

<sup>27</sup> See MASS. GEN. LAWS ch. 55C, § 4 (2011).

<sup>28</sup> MASS. GEN. LAWS ch. 55C, §§ 5-7 (2011).

<sup>29</sup> MICH. COMP. LAWS ANN. STAT. § 169.203(1) (West 2011).

<sup>30</sup> MICH. COMP. LAWS ANN. STAT. § 169.263 (West 2011).

<sup>31</sup> MICH. COMP. LAWS ANN. STAT. § 169.264 (West 2011).

<sup>32</sup> See MINN. LAWS ANN. § 10A.31(5)-(5a) (West 2011).

<sup>33</sup> MINN. STAT. ANN. § 10A.25 (West 2011).

<sup>34</sup> See MINN. STAT. ANN. § 10A.31(5)-(5a) (West 2011).

<sup>35</sup> MINN. STAT. ANN. § 10A.25(10) (West 2011).

<sup>36</sup> MINN. STAT. ANN. § 10A.25(10)(d) (West 2011).

<sup>37</sup> NEB. REV. STAT. §§ 32-1604, 1606 (2011). Generally speaking, eligible candidates included candidates for "Governor, State Treasurer, Secretary of State, Attorney General, Auditor of Public Accounts, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education." NEB. REV. STAT. § 32-1604(1) (2011).

<sup>38</sup> Neb. Attorney Gen., Advisory Opinion No. 11003, *Constitutionality of Nebraska's Campaign Public Funding Laws Under Ariz. Free Enter. Club's Freedom Club PAC v. Bennett* 4 (2011).

<sup>39</sup> Associated Press, *Neb. Will No Longer Enforce Campaign Finance Law*, REALCLEARPOLITICS (Aug. 27, 2011), [http://www.realclearpolitics.com/news/ap/politics/2011/Aug/27/neb\\_\\_will\\_no\\_longer\\_enforce\\_campaign\\_finance\\_law.html](http://www.realclearpolitics.com/news/ap/politics/2011/Aug/27/neb__will_no_longer_enforce_campaign_finance_law.html).

<sup>40</sup> N.J. STAT. ANN. § 19:44A-33 (West 2011). *See also* STATE OF N.J. ELECTION LAW ENFORCEMENT COMM'N, GUBERNATORIAL PUBLIC FINANCING, [http://www.elec.state.nj.us/publicinformation/gub\\_man.htm](http://www.elec.state.nj.us/publicinformation/gub_man.htm).

<sup>41</sup> *See* N.J. STAT. ANN. § 19:44A-3(m) (West 2011).

<sup>42</sup> N.J. STAT. ANN. § 19:44A-7 (West 2011).

<sup>43</sup> N.J. STAT. ANN. § 19:44A-44 (West 2011).

<sup>44</sup> *See* N.M. STAT. ANN. § 1-19A-2(D).

<sup>45</sup> *See* N.M. STAT. ANN. § 1-19A-13(B)(2).

<sup>46</sup> N.C. GEN. STAT. ANN. § 163-278.62(12) (West 2011).

<sup>47</sup> N.C. Right to Life Comm. Fund for Indep. Political Expenditures v. Leake, 524 F.3d 427 (2008), *cert. denied* 129 S. Ct. 490 (2008).

<sup>48</sup> R.I. GEN. LAWS ANN. §§ 17.25.19-20 (West 2011).

<sup>49</sup> R.I. GEN. LAWS ANN. § 17.25.24 (West 2011).

<sup>50</sup> *See* W. VA. CODE ANN. §§ 3-12-4, 3-12-17 (West 2011).

<sup>51</sup> W. VA. CODE ANN. §§ 3-12-11(a)(1), 3-12-11(b)(1), 3-12-12(e) (West 2011).

<sup>52</sup> Letter from Darrell V. McGraw, Jr., W. Va. Attorney Gen., to Natalie E. Tennant, W. Va. Sec'y of State (July 28, 2011), *available at* <http://www.sos.wv.gov/news/topics/elections-candidates/Documents/July%2028,%202011%20-%20AG%20SupCo%20Public%20Financing%20Opinion.PDF>.

<sup>53</sup> *Id.*

<sup>54</sup> *See, e.g.*, W. VA. SEC'Y OF STATE, PUBLIC FINANCING EXPLANATION (REVISED 8/10/11), *available at* [http://www.sos.wv.gov/elections/Documents/Public%20Financing%20FAQs%20\(revision%20\)2011.doc](http://www.sos.wv.gov/elections/Documents/Public%20Financing%20FAQs%20(revision%20)2011.doc).

<sup>55</sup> Press Release, W. Va. Sec'y of State, Tennant Requests Supreme Court Public Financing Be Added To Special Session (July 28, 2011), <http://www.sos.wv.gov/news/topics/elections-candidates/Pages/TennantRequestsSupremeCourtPublicFinancing.aspx>.

<sup>56</sup> VT. STAT. ANN. tit. 17, §§ 2851-56 (West 2011).

<sup>57</sup> ALBUQUERQUE, N.M., CHARTER OF THE CITY OF ALBUQUERQUE art. XVI, §§ 8, 12 (2011), *available at* [http://www.amllegal.com/albuquerque\\_nm/](http://www.amllegal.com/albuquerque_nm/).

<sup>58</sup> N.M. Turn Around v. City of Albuquerque, No. 1:11-cv-00536 MV/RHS (D.N.M. July 26, 2011).



<sup>59</sup> See Marjorie Childress, *ABQ Public Financing System May Change After 2011 Election*, KUNM GOV'T PROJECT, Apr. 6, 2011, <http://kunmgov.org/blog/2011/04/06/abq-public-financing-system-may-change-after-2011-election/>.

<sup>60</sup> Austin Fair Campaign Contract, [http://www.ci.austin.tx.us/election/downloads/candidate\\_contract.pdf](http://www.ci.austin.tx.us/election/downloads/candidate_contract.pdf).

<sup>61</sup> AUSTIN, TEX., CITY CODE §§ 2-2-12, 2-2-13 (2011), available at [http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:austin\\_tx\\$anc=](http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx$anc=).

<sup>62</sup> AUSTIN, TEX., CITY CODE § 2-2-63 (2011); see also *id.* § 2-2-11.

<sup>63</sup> AUSTIN, TEX., CITY CODE § 2-2-17 (2011).

<sup>64</sup> BOULDER, COLO. REVISED CODE § 13-2-21 (2011), available at <http://www.colocode.com/boulder2/chapter13-2.htm>.

<sup>65</sup> BOULDER, COLO. REVISED CODE § 13-2-20 (2011).

<sup>66</sup> *Id.*

<sup>67</sup> Aaron Keck, "Voter-Owned Elections" Faces Uncertain Future, CHAPELORO.COM, July 18, 2011, <http://www.chapelboro.com/pages/10380366.php>.

<sup>68</sup> CHAPEL HILL, N.C., CODE OF ORDINANCES § 2-95(a) (2010), available at <http://library.municode.com/index.aspx?clientID=19952&stateID=33&statename=North%20Carolina>.

<sup>69</sup> See LONG BEACH, CAL., MUNICIPAL CODE § 2.01.410 (2010), available at [http://library.municode.com/HTML/16115/level4/VO1\\_TIT2ADPE\\_CH2.01THLOBECAREAC\\_DIVIVEXCEMAFU.html#VO1\\_TIT2ADPE\\_CH2.01THLOBECAREAC\\_DIVIVEXCEMAFU\\_2.01.410EXCE](http://library.municode.com/HTML/16115/level4/VO1_TIT2ADPE_CH2.01THLOBECAREAC_DIVIVEXCEMAFU.html#VO1_TIT2ADPE_CH2.01THLOBECAREAC_DIVIVEXCEMAFU_2.01.410EXCE).

<sup>70</sup> *Id.*

<sup>71</sup> LOS ANGELES, CAL., MUNICIPAL CODE § 49.7.20 (2010), available at [http://ethics.lacity.org/PDF/laws/law\\_cfo\\_2010.pdf](http://ethics.lacity.org/PDF/laws/law_cfo_2010.pdf).

<sup>72</sup> LOS ANGELES, CAL., MUNICIPAL CODE § 49.7.13 (2010).

<sup>73</sup> LOS ANGELES, CAL., MUNICIPAL CODE § 49.7.14 (2010).

<sup>74</sup> LOS ANGELES, CAL., MUNICIPAL CODE § 49.7.22 (2010).

<sup>75</sup> MIAMI-DADE COUNTY, FLA., CODE OF ORDINANCES § 12-22(c) (2011), available at [http://library.municode.com/HTML/10620/level2/PTIICOOR\\_CH12EL.html#PTIICOOR\\_CH12EL\\_S12-22ELCAFITRFU](http://library.municode.com/HTML/10620/level2/PTIICOOR_CH12EL.html#PTIICOOR_CH12EL_S12-22ELCAFITRFU).

<sup>76</sup> *Id.*

<sup>77</sup> MIAMI-DADE COUNTY, FLA., CODE OF ORDINANCES § 12-22(f)(3) (2011).

<sup>78</sup> NEW HAVEN, CONN., CODE OF GENERAL ORDINANCES § 2-822(2) (2011), *available at* <http://library.municode.com/index.aspx?clientID=14668&stateID=7&statename=Connecticut>.

<sup>79</sup> NEW HAVEN, CONN., CODE OF GENERAL ORDINANCES § 2-827(2) (2011).

<sup>80</sup> NEW HAVEN, CONN., CODE OF GENERAL ORDINANCES § 2-825(c) (2011). Independent expenditures do not count toward the trigger threshold.

<sup>81</sup> NEW HAVEN, CONN., CODE OF GENERAL ORDINANCES § 2-825(d) (2011).

<sup>82</sup> Paul Bass, *Trigger May Be Half-Pulled on Clean Elections*, NEW HAVEN INDEP., July 5, 2011, [http://www.newhavenindependent.org/index.php/archives/entry/trigger\\_may\\_be\\_half-pulled\\_on\\_clean\\_elections/](http://www.newhavenindependent.org/index.php/archives/entry/trigger_may_be_half-pulled_on_clean_elections/) (quoting Robert Wechsler, who administers the city's Democracy Fund). The public financing ordinance has a severability clause. NEW HAVEN, CONN., CODE OF GENERAL ORDINANCES, § 2-834 (2011).

<sup>83</sup> N.Y.C., N.Y., NEW YORK CITY ADMINISTRATIVE CODE § 3-706(3) (2010), *available at* <http://www.nycfb.info/act-program/CFACT.htm>.

<sup>84</sup> *Id.*

<sup>85</sup> OAKLAND, CAL., MUNICIPAL CODE § 3.13.110 (2010), *available at* <http://oakland.legistar.com/LegislationDetail.aspx?ID=750217&GUID=A6AECEF2-369A-4B94-A63D-1C90029C186B>.

<sup>86</sup> OAKLAND, CAL., MUNICIPAL CODE § 3.13.110(E) (2010).

<sup>87</sup> RICHMOND, CAL., MUNICIPAL CODE §§ 2.43.020, 2.43.030 (2011), *available at* <http://library.municode.com/index.aspx?clientId=16579&stateId=5&stateName=California>.

<sup>88</sup> SACRAMENTO, CAL., CITY CODE § 2.14.140 (2011), *available at* <http://www.qcode.us/codes/sacramento/>.

<sup>89</sup> SACRAMENTO, CAL., CITY CODE § 2.14.050 (2011).

<sup>90</sup> SACRAMENTO, CAL., CITY CODE § 2.14.060 (2011).

<sup>91</sup> S.F., CAL., SAN FRANCISCO CAMPAIGN & GOVERNMENTAL CONDUCT CODE § 1.144 (2010), *available at* [http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:sanfrancisco\\_ca](http://www.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:sanfrancisco_ca).

<sup>92</sup> S.F., CAL., SAN FRANCISCO CAMPAIGN & GOVERNMENTAL CONDUCT CODE § 1.143 (2010).

<sup>93</sup> *See* S.F. Bd. of Supervisors, Legislation Introduced – Tuesday, July 12, 2011, *available at* <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/introduced/2011/L071211.pdf>.

<sup>94</sup> *Ariz. Free Enter. Club's Freedom Club PAC v. Bennett*, 131 S. Ct. 2806 (2011).



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

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The Clerk's Office has received 5 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>

--- Forwarded by Board of Supervisors/BOS/SFGOV on 09/28/2011 10:38 AM ---

From: cheryl braxton <cherbrax@hotmail.com>  
To: board.of.supervisors@sfgov.org  
Date: 09/28/2011 03:02 AM  
Subject: Please Support Humane Pet Acquisition Proposal  
Sent by: In Defense of Animals <takeaction@idausa.org>

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Sep 28, 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. cheryl braxton  
1000 Nelson Ranch Rd  
Cedar Park, TX 78613-4531

16



**Please Support Humane Pet Acquisition Proposal**  
Loree Mezzanatto to: board.of.supervisors  
Sent by: In Defense of Animals <takeaction@idausa.org>  
Please respond to Loree Mezzanatto

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09/27/2011 12:27 PM

Sep 27, 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.

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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. Loree Mezzanatto  
1301 Crofton Ct  
Healdsburg, CA 95448-3353



**Please Support Humane Pet Acquisition Proposal**  
Izzy chapus to: board.of.supervisors  
Sent by: In Defense of Animals <takeaction@idausa.org>  
Please respond to Izzy chapus

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09/27/2011 11:57 AM

Sep 27, 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.

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

Sincerely,

Miss Izzy chapus  
14460 mackenzie s.e  
calgary, MD 56998



**Please Support Humane Pet Acquisition Proposal**  
Meredith Reen to: board.of.supervisors  
Sent by: In Defense of Animals <takeaction@idausa.org>  
Please respond to Meredith Reen

09/27/2011 01:56 AM

Sep 27, 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. Meredith Reen  
105 Pond St  
Osterville, MA 02655-1547



Please Support Humane Pet Acquisition Proposal  
Bonni Thompson to: board.of.supervisors  
Sent by: In Defense of Animals <takeaction@idausa.org>  
Please respond to Bonni Thompson

09/27/2011 01:30 AM

Sep 27, 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.

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

Sincerely,

Ms. Bonni Thompson  
305 Ward Ave NE  
Huntsville, AL 35801-4070



Please Support Humane Pet Acquisition Proposal  
Robin Engeroff to: board.of.supervisors  
Sent by: In Defense of Animals <takeaction@idausa.org>  
Please respond to Robin Engeroff

09/26/2011 11:17 PM

Sep 27, 2011

San Francisco Board of Supervisors

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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.

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Sincerely,

Mr. Robin Engeroff  
Igelweg 57  
Rüsselsheim, None 65428





**Please Support Humane Pet Acquisition Proposal**  
Julie Dunn- Guillen to: board.of.supervisors  
Sent by: In Defense of Animals <takeaction@idausa.org>  
Please respond to Julie Dunn- Guillen

09/29/2011 03:38 PM

Sep 29, 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.

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

Sincerely,

Ms. Julie Dunn- Guillen  
65 Delmar St  
San Francisco, CA 94117-4005



**Please Support Humane Pet Acquisition Proposal**  
Dena Garcia to: board.of.supervisors  
Sent by: In Defense of Animals <takeaction@idausa.org>  
Please respond to Dena Garcia

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09/29/2011 05:06 AM

Sep 29, 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.

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

Sincerely,

Mrs. Dena Garcia  
4805 Citrus Oak Ln  
Saint Cloud, FL 34771-8900



Please Support Humane Pet Acquisition Proposal  
Ilenia Massaroni to: board.of.supervisors  
Sent by: In Defense of Animals <takeaction@idausa.org>  
Please respond to Ilenia Massaroni

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09/29/2011 03:06 AM

Sep 29, 2011

San Francisco Board of Supervisors

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

Sincerely,

Ms. Ilenia Massaroni  
2347 28th St  
Astoria, NY 11105-2801



Please Support Humane Pet Acquisition Proposal  
Chanda Gray Chanda Gray to: board.of.supervisors  
Sent by: In Defense of Animals <takeaction@idausa.org>  
Please respond to Chanda Gray Chanda Gray

09/28/2011 09:36 PM

Sep 28, 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.

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

Sincerely,

Dr. Chanda Gray Chanda Gray  
938 Clark Ave Apt 21  
Mountain View, CA 94040-2241



**Please Support Humane Pet Acquisition Proposal**  
Helen thompson to: board.of.supervisors  
Sent by: In Defense of Animals <takeaction@idausa.org>  
Please respond to Helen thompson

09/30/2011 04:21 PM

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History: This message has been forwarded.

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Sep 30, 2011

San Francisco Board of Supervisors

Dear Supervisors,

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Sincerely,

Mrs. Helen thompson  
1403 S 6th St  
Phila, PA 19147-5801



Please Support Humane Pet Acquisition Proposal  
Mary Leitch to: board.of.supervisors  
Sent by: In Defense of Animals <takeaction@idausa.org>  
Please respond to Mary Leitch

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09/30/2011 03:51 PM

Sep 30, 2011

San Francisco Board of Supervisors

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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.

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

Sincerely,

Ms. Mary Leitch  
526 Reed St  
Phila, PA 19147-5823



**Please Support Humane Pet Acquisition Proposal**  
Denise Kurpgeweit to: board.of.supervisors  
Sent by: In Defense of Animals <takeaction@idausa.org>  
Please respond to Denise Kurpgeweit

09/30/2011 01:51 PM

Sep 30, 2011

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Sincerely,

Mrs. Denise Kurpgeweit  
PO Box 141  
Coviche, WA 98923-0141



Please Support Humane Pet Acquisition Proposal  
Michael Popowski to: board.of.supervisors  
Sent by: In Defense of Animals <takeaction@idausa.org>  
Please respond to Michael Popowski

09/30/2011 03:08 AM

Sep 30, 2011

San Francisco Board of Supervisors

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Sincerely,

Mr. Michael Popowski  
5000 St Georges Rd Apt 102a  
Ormond Beach, FL 32174-3160





**Please Support Humane Pet Acquisition Proposal**  
Lorraine Valente to: board.of.supervisors  
Sent by: In Defense of Animals <takeaction@idausa.org>  
Please respond to Lorraine Valente

09/29/2011 05:38 PM

Sep 29, 2011

San Francisco Board of Supervisors

Dear Supervisors,

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Sincerely,

Miss Lorraine Valente  
52 Sutton Dr  
Manalapan, NJ 07726-8720



To: BOS Constituent Mail Distribution, Alisa Somera/BOS/SFGOV,  
Cc:  
Bcc:  
Subject: File 110785 *2 emails*

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From: Andrew Bezella <dovienya@yahoo.com>  
To: Board.of.Supervisors@sfgov.org  
Date: 09/27/2011 07:01 PM  
Subject: Support Bird-Safe Building Standards  
Sent by: Defenders of Wildlife <ecommunications@defenders.org>

---

Sep 27, 2011

Clerk of the Board of Supervisors

Dear Board of Supervisors,

As a San Francisco resident and a supporter of Defenders of Wildlife, I am writing today to urge you to support the Standards for Bird-Safe Buildings.

Tens of millions of birds are killed each year when they collide with buildings and windows. Many are night-migrating species that migrate from Central and South America to breeding grounds in the U.S. and Canada. These include federally listed species and birds of conservation concern.

---

Millions of birds depend on the San Francisco Bay estuary system, not only during migration but throughout the winter. San Francisco's Standards for Bird-Safe Buildings direct the most serious efforts to those areas that are most at risk.

The Standards for Bird-Safe Buildings are based on sound scientific research, are well founded and are strongly supported by many architects and other members of the construction industry.

These standards provide guidance to help make smart choices when it comes to designing buildings. They also offer guidance on other remedies such as window treatments, lighting design, and lighting operation.

Please support the Standards for Bird-Safe Buildings to prevent the deaths of thousands of migratory birds each year in the Bay Area.

Sincerely,

Mr. Andrew Bezella  
160a Beulah St  
San Francisco, CA 94117-2718

----- Forwarded by Board of Supervisors/BOS/SFGOV on 09/28/2011 11:29 AM -----

From: Adrienne Urizar <ajurizar13@gmail.com>  
To: Board.of.Supervisors@sfgov.org  
Date: 09/27/2011 07:31 PM  
Subject: Support Bird-Safe Building Standards  
Sent by: Defenders of Wildlife <ecommunications@defenders.org>

---

Sep 27, 2011

Clerk of the Board of Supervisors

17

Dear Board of Supervisors,

As a San Francisco resident and a supporter of Defenders of Wildlife, I am writing today to urge you to support the Standards for Bird-Safe Buildings.

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---

Sincerely,

Ms. Adrienne Urizar  
214 Duboce Ave  
San Francisco, CA 94103-1008  
(415) 431-4500



To: BOS Constituent Mail Distribution, Alisa Somera/BOS/SFGOV,  
Cc:  
Bcc:  
Subject: File 110785 Support the Standards for Bird-Safe Buildings

---

### Support Bird-Safe Building Standards

Aleah Loney to: Board.of.Supervisors

09/26/2011 06:47 PM

Sent by: Defenders of Wildlife <ecommunications@defenders.org>  
Please respond to Aleah Loney

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Sep 26, 2011

Clerk of the Board of Supervisors

Dear Board of Supervisors,

As a San Francisco resident and a supporter of Defenders of Wildlife, I am writing today to urge you to support the Standards for Bird-Safe Buildings.

---

Sincerely,

Miss Aleah Loney  
Clayton  
San Francisco, CA 94117-1912

### Support Bird-Safe Building Standards

Elise Acosta to: Board.of.Supervisors

09/26/2011 06:57 PM

Sent by: Defenders of Wildlife <ecommunications@defenders.org>  
Please respond to Elise Acosta

---

Sep 26, 2011

Clerk of the Board of Supervisors

Dear Board of Supervisors,

As a San Francisco resident and a supporter of Defenders of Wildlife, I am writing today to urge you to support the Standards for Bird-Safe Buildings.

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Please support the Standards for Bird-Safe Buildings to prevent the deaths of thousands of migratory birds each year in the Bay Area.

Sincerely,

Ms. Elise Acosta  
243 San Carlos Ave  
Sausalito, CA 94965-2101

### Support Bird-Safe Building Standards

Richard Crane to: Board.of.Supervisors

09/27/2011 01:29 AM

---

Sent by: Defenders of Wildlife <ecommunications@defenders.org>  
Please respond to Richard Crane

Sep 27, 2011

Clerk of the Board of Supervisors

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Please support the Standards for Bird-Safe Buildings to prevent the deaths of thousands of migratory birds each year in the Bay Area.

Sincerely,

Mr. Richard Crane  
1000 Sutter St  
San Francisco, CA 94109-5818

## Support Bird-Safe Building Standards

Annalee Pineda to: Board.of.Supervisors

09/27/2011 10:56 AM

Sent by: Defenders of Wildlife <ecommunications@defenders.org>  
Please respond to Annalee Pineda

---

Sep 27, 2011

Clerk of the Board of Supervisors

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Sincerely,

Ms. Annalee Pineda  
1035 Sutter St Apt 24  
San Francisco, CA 94109-5838



**Support Bird-Safe Building Standards**  
Nancy Rabette to: Board of Supervisors  
Sent by: Defenders of Wildlife  
<ecommunications@defenders.org>  
Please respond to Nancy Rabette

10/02/2011 12:43 PM

BDS-11  
e-pages

Oct 2, 2011

Clerk of the Board of Supervisors

Dear Board of Supervisors,

As a San Francisco resident and a supporter of Defenders of Wildlife, I am writing today to urge you to support the Standards for Bird-Safe Buildings.

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Please support the Standards for Bird-Safe Buildings to prevent the deaths of thousands of migratory birds each year in the Bay Area.

Sincerely,

Mrs. Nancy Rabette  
149 Castro St  
San Francisco, CA 94114-1271

File #110785

BOS-11  
C-page



**Support Bird-Safe Building Standards**

Dianne Heitman to: Board.of.Supervisors

10/05/2011 11:43 AM

Sent by: Defenders of Wildlife  
<ecommunications@defenders.org>

Please respond to Dianne Heitman

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History: This message has been forwarded.

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Oct 5, 2011

# 110785

Clerk of the Board of Supervisors

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As a San Francisco resident and a supporter of Defenders of Wildlife, I am writing today to urge you to support the Standards for Bird-Safe Buildings.

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Sincerely,

Ms. Dianne Heitman  
2171 Revere Ave.  
San Francisco, CA 94124-2027





To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: File 110899: Pregnancy Center legislation

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## Pregnancy Center legislation

Andrey Tkachuk to: board.of.supervisors

09/26/2011 05:46 PM

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Dear Supervisor:

Please vote no on the so-called "False Advertising by Limited Services Pregnancy Centers" ordinance introduced by Supervisor Malia Cohen on August 2, 2011. The item is scheduled for a committee vote on September 26, 2011.

The ordinance is unnecessary, improperly limits the constitutional free speech rights of pregnancy care centers in San Francisco, and is redundant of state laws.

The targeting of First Resort by this ordinance and the City Attorney is based on a national campaign by NARAL to undermine a woman's right to choose the kind of support and counsel she would like to receive.

First Resort is a non-profit pregnancy counseling and licensed medical clinic providing free services for 27 years. Their trained counselors, registered nurses and OB/GYNs are committed to helping women make healthy, well-informed choices consistent with their own core values and beliefs. First Resort's communications with potential clients are not misleading; they are clear, honest and appropriate.

As a supporter of First Resort, I know they recognize a woman's legal right and personal freedom to choose abortion, and the heart of their approach is to always treat women with truthfulness, dignity and respect, whichever choice they make.

Vote NO on this unnecessary legislation.

Sincerely,  
Andrey Tkachuk



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: Proposed Ordinance 110899

---

From: "David Whisler" <dwhisler@riogrande.edu>  
To: <Board.of.Supervisors@sfgov.org>  
Date: 09/27/2011 03:33 PM  
Subject: Proposed Ordinance 110899

---

Please urge each Supervisor to vote no on proposed Ordinance 110899 and thus preserve the American constitutional right to freedom of speech and the press.

Sincerely,

Dave Whisler

---

File #110899: testimony at committee hearing

Denise LaPointe

to:

Board.of.Supervisors@sfgov.org, Rana.Calonsag@sfgov.org

09/27/2011 06:32 PM

Show Details

File 110899  
cpaye

Please submit this testimony to the legislative file for Ms. Plunkett.

The hearing was held September 26, 2011 before the City Operations and Neighborhood Services Committee.

Thank you.

---

Sincerely,

**Shari**

Shari Plunkett

CEO/First Resort

(O) 510/569-1200 ext. 12

(C) 510/435-6340

[ShariP@firstresort.net](mailto:ShariP@firstresort.net)

Good morning Supervisors, my name is Shari Plunkett, and I am the CEO of First Resort, one of the two pregnancy care centers targeted by the legislation before you.

First Resort began in 1984 and since that time we have served over 10,000 women.

Our three state licensed clinics provide pregnancy counseling and medical care for women from all socio-economic, racial and ethnic backgrounds throughout the Bay Area.

We exist to help women make fully informed decisions about unintended pregnancies; decisions which align with their own beliefs and values.

First Resort treats women with dignity and respect, and regardless of a woman's choice, her right to choose is respected by our staff.

First Resort is a non-profit organization. We are not affiliated with, or funded by any pro-life groups. Unlike Planned Parenthood, we receive no government dollars, nor do we have a financial interest in a woman's decision.

We do NOT pursue political action to undermine women's legal abortion rights.

First Resort clinics operate under the supervision of two board certified, California licensed Ob-Gyns.

Licensed registered nurses are on site - 100% of the time our doors are open.

A Master's degreed counselor or a licensed clinical social worker either supervises or conducts all counseling.

MOST importantly, our no cost care is **timely** – each person who calls is offered a same day appointment!  
Our care is high quality – and our care is supportive.

Please know, we do not use fear, isolation or manipulation with our clients, we inform every person who calls for an appointment, and mentions abortion, that we do not perform nor refer for abortion. Each client is informed again in writing through a one-page document – before she meets with a counselor or nurse.

Our communications are **clear, honest and appropriate.**

Let me assure you, **I would not participate, nor would my board of directors**, in being deceptive or misleading women in any way.

Our care allows women to make their own genuine choice and San Francisco women in unplanned pregnancies **deserve** the care First Resort provides.

I hope you learn the facts and reexamine the catalyst for this legislation – an ongoing NARAL strategy to discredit, undermine, and ultimately attempt to greatly reduce the number of women we serve.

Please supervisors, reject this deeply flawed measure that seeks to have the government, not us, control our communications to the women we serve.

BOS-11  
L-pages



Proposed Ordinance 110899  
joestorto to: Board.of.Supervisors

10/01/2011 06:35 AM

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History: This message has been forwarded.

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File # 110899

To Whom it May Concern:

Please vote NO on proposed Ordinance 110899. Since it restricts free speech rights to one side of the issue, and favors the other side, such unfair and un-thought out legislation can never stand in the USA regardless. All this ordinance will do is keep lawyers busy for a while before it falls on it's own merit. It's a waste of people's resources.

Joseph Storto



To: BOS Constituent Mail Distribution, Joy Lamug/BOS/SFGOV,  
Cc:  
Bcc:  
Subject: File 110977: 3151-3155 Scott St Case No. 2010.0420CETZ

---

From: "Howard Squires" <reisfca@earthlink.net>  
To: Board.of.Supervisors@SFGOV.ORG  
Date: 09/30/2011 04:33 PM  
Subject: 3151-3155 Scott St Case No. 2010.0420CETZ

---

Angela Calvillo

Clerk of the Board of Supervisors  
City and County of San Francisco

Dear Ms. Calvillo:

Please find attached my letter to the Board of Supervisors regarding the above noted project which comes before them on Tuesday, October 7, 2011.

Sincerely,  
Howard Squires, President  
Realty Equities, Inc.

Howard Squires  
[reisfca@earthlink.net](mailto:reisfca@earthlink.net)  
EarthLink Revolves Around You.



SFBSUPS.doc

September 30, 2011

San Francisco Board of Supervisors  
Attn: Clerk of the Board of Supervisors  
#1 Dr. Dr. Carlton B. Goodlet Place, #244  
San Francisco, Ca 94102

**Via Email and US Mail**

Re: **3151-3155 Scott Street – Case No. 2010.0420 CETZ**  
**Opposition to CEQA Approval, Opposition to Special Use District**  
**And Opposition to Approval of Conditional Use Authorization**

---

Dear Supervisors and Clerk of the Board:

The above noted Project comes before you on Tuesday, Oct 4, 2011. I hope you will seriously consider the impact on the neighborhood before voting. At a minimum, please add conditions to the project, as presented by CHA so that the neighbors have some assurance the Project will be a good neighbor.

We are the builder of property directly across the street from 3155 Scott Street and owner of other real property in the immediate neighborhood. The proposed Transitional Age Youth (TAY) project has caused our family company a great deal of trouble and financial hardship. We began construction of a new 12 unit mixed use project across the street from the *Edward Inn* in August 2008. Our project was substantially complete in March 2010 and in April 2010 we were informed by a neighbor that the TAY project was being proposed. This required us to disclose this information to all prospective buyers as part of our sales disclosure package. As a result, we have lost numerous potential sales of condos, four that were in escrow and many, many more that never reached that point because **most condo buyers do not want to live next door to a frat house dormitory of 18-24 year olds.**

If the project were for seniors, or mixed age groups it would have significantly less impact on the immediate neighbors. **Why is this so difficult to understand? It is not reasonable to place this many youth (24 - 48 youth) in one building. The Planning Code allows 16 residential units for group housing and 6 units under normal circumstances.** Also, there is no on-site parking, no open space, very little common space and a kitchen that is extremely small.

As you may be aware, the TAY proposal has been met with fierce opposition in the **Cow Hollow/Marina** neighborhood. I have been in business in this area for over 30 years and our family has been a business owner in the neighborhood for 75 years. There are few projects that I can remember that have met with this degree of resistance. The City government agencies have refused to consider legitimate concerns. The Project has been rubber stamped, without any change or compromise to the project, with complete disregard for the outcome to the neighborhood.

Everyone in this neighborhood has compassion for homeless youth. We want to invite them into our neighborhood and want this project to be an asset to the community, not something that is a problem for many years. Please consider the youth that will be housed in this facility and the impact on them, if the neighborhood feels that this project has been forced down their throats. There is a better way.

**Please consider the hard questions.** Why was this sight selected? Why does it cost so much, almost 4 times the cost per square foot, as compared to our new building across the street? Why are virtually all the neighborhood organizations and neighbors opposed? Why did the sponsorship for the project come from a supervisor outside the district? Something smells rotten here!

It is extremely unfortunate that such a deserving group of youth will forever be coupled with what has been thus far such a corrupt approval process.

Thank you for your consideration.

Howard Squires, President  
Realty Equities, Inc.



BOS-11  
C-pages



LABORERS' INTERNATIONAL UNION OF NORTH AMERICA  
LOCAL UNION NO. 261

RAMON HERNANDEZ  
Business Manager

October 3, 2011

DAVID DE LA TORRE  
Secretary-Treasurer

File # 110998

JESUS VILLALOBOS  
President

Supervisor Malia Cohen  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94103

JAVIER FLORES  
Vice President

VINCE COURTNEY  
Recording Secretary

Dear Supervisor Cohen:

OSCAR DE LA TORRE  
Executive Board

Laborers Union Local 261 urges the members of the Board to support the amendment proposed by Supervisor David Chiu to close the "loophole" in the Health Care Security Ordinance.

JOSE DE LA MORA  
Executive Board

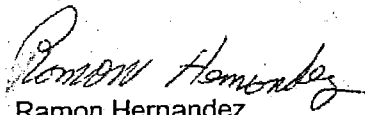
We prefer Supervisor Chiu's proposal because it achieves the main goals of Supervisor Campos' amendment without risking additional job losses. The City has already lost 30,000 jobs and it has been reported the legislation before the Board this Tuesday could cost us 460 more jobs.

Supervisor Chiu's proposal eliminates the "use it or lose it" nature of HRA's and takes care of the "January problem," where an employee tries to get reimbursed for a health care need in January, only to find that the money expired at the end of December. This goal is achieved by requiring that at least one year's worth of health care dollars must always be available to an employee.

The amendment also requires quarterly notification to employees and prominent posting of information on how to access accounts. Finally, should the Chiu amendment be enjoined by a court, the ordinance reverts to Supervisor Campos' language on permanent expenditures.

We would like to discuss this matter with you and will contact your office in order to schedule an appointment.

Very truly yours,

  
Ramon Hernandez  
Business Manager

RH:laa  
Ope3afl-cio  
Cc:Board of Supervisors



HEALTH CARE SECURITY ORDINANCE  
LESLIE AVERIETT

to:  
BOARD.OF.SUPERVISORS@SFGOV.ORG

10/03/2011 12:19 PM

Please respond to LESLIE AVERIETT  
Show Details

1 Attachment



COHEN HEALTH CARE SECURITY.pdf

PLEASE DISTRIBUTE TO EACH SUPERVISOR BEFORE TUESDAY'S BOARD MEETING.

THANK YOU.

LABORERS' LOCAL 261

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Bos-11  
C pages



Bayview Opera House is named after his mother - Ruth Williams.  
Francisco Da Costa  
to:  
Francisco Da Costa  
10/01/2011 08:32 AM  
Show Details

**Bayview Opera House is named after his Mother - Ruth Williams.  
Now run by a White Woman in a Black community - who knows  
little about the community at large - including the changed demographics.  
A charade run by the corrupt San Francisco Arts Commission that has  
high jacked the Bayview Opera House built in 1987 and built by the Free  
Masons - that was when the area was know as South San Francisco.**

**His brother Kevin Williams - was tortured by this City - and suffered a lot.  
A noose who placed at the SF Airport - he was a Compliance Officer and  
wanted the matter investigated. Mayor Willie L. Brown Jr and others did not.  
Kevin Williams a bright man worked for the Human Rights Commission.**

**Keven had a Secretary who was White. The authorities promoted his woman  
as the Director of Human Right Commission - and had Kevin Williams report to  
her. For years at 25 Van Ness - Kevin would report to work - punch in and out.**

**That was until he won his law suit - and freed himself from the shackles of  
corruption and the ploys and machinations of this City and County of San Francisco.  
This City is a RACIST - it was and it still is. Loves dog and pony - shows.**

**Kevin was given nothing to work with - on occasion heaps of paper were dumped  
on his desk - and he was told to make sense of it. A man holding two PhDs.**

**The room - at the very top was 15 feet by 15 feet - with a low slanting roof - at  
one time it was an attic. Now his dungeon to suffer from the sordid racism that  
is still prevalent in many quarters of this City and County of San Francisco.**

**Read the "Unfinished Agenda" other documents including the latest one  
"Out Migration" created by the current sell outs who say they are Black.  
It will spell out for the ignorant, the uneducated, the shallow, more the sordid -  
the true colors of this City. Blacks now number less - less then 5% of this City's  
population which is about 816,000. Go figure!**

**Kevin's brother now returns with all the patents under his name. Keven spoke fondly  
of his scientist brother - many of his inventions were linked to the heart - sophisticated pace  
makers  
and so on.**

**The paradox is his brother is coming back to the community to speak on topics that are very  
holistic.**

**His Mother worked hard but hardly anyone knows too much about her - her legacy  
drama, public speaking, have been shelved. The few that know her hardly speak of  
her and have nothing much to contributed to the community at large - accept hot air.**

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**The pretend to by leaders but have nothing substantial to offer - expect as I said - hot air - tepid and shallow. " If you are lukewarm I will spit you out of my mouth".**

**His brother was made to suffer. Kevin Williams a bright man still suffers.**

**San Francisco loves charades, Dog and Pony shows - and I will make sure I will be there - to speak to the TRUTH.**

**<http://www.blackmoney.com/10454>**

**Francisco Da Costa**

---

BOS-17  
c-pages



Stop the demolition of a national eligible masterplanned community.

Ryan Bradley

to:

board.of.supervisors

10/01/2011 04:55 AM

Sent by:

Ryan Bradley <Cellq7=yahoo.com@change.org>

Please respond to Ryan Bradley

Show Details

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

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Please help to prevent the unnecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores. Thank you for your support and interest in housing, jobs, and the environment. Sincerely Aaron Goodman

Greenbelt, Maryland

Note: this email was sent as part of a petition started on Change.org, viewable at [www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition](http://www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition). To respond, email responses@change.org and include a link to this petition.



22



# MEMORANDUM

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

**FROM:** Ben Rosenfield, Controller *BR*

**DATE:** October 3, 2011

**SUBJECT:** Office of the Controller, City Services Auditor's Contract Compliance Reporting Requirement for FY10-11

RECEIVED  
 BOARD OF SUPERVISORS  
 SAN FRANCISCO  
 2011 OCT -4 PM 3:39

In accordance with Appendix F1.112 of the City Charter that states that "The Controller shall submit an annual report to the Board of Supervisors summarizing any contracts issued pursuant to this Section and discussing the Controller's compliance with Chapters 12 et seq", the Controller is submitting this annual report for FY10-11.

In FY10-11, City Services Auditor entered into 10 contracts. All of the vendors were in compliance with the Equal Benefits Ordinance (Admin Code 12B) and three contracts had a Local Business Enterprise requirement (Admin Code 14B).

Vendor Name	Description of Service	Contract Amount	HRC LBE Sub Required	HRC LBE Sub %	HRC 12B Compliance
Moss Adams LLP*	Audit Services	\$79,200	Waived		Complies
Nimbus Consulting Group LLC	Training Services	\$2,400	N/A - contract under \$50k		Complies
Top Step Consulting LLC	Management Consulting Services	\$4,800	N/A - contract under \$50k		Complies
Moss Adams LLP*	Audit Services	\$181,000	Yes	10%	Complies
Mission Analytics Group Inc*	Management Consulting Services	\$349,360	Waived		Complies
ETC Institute*	Management Consulting Services	\$186,500	Yes	20%	Complies
Richard Alan Foster	Management Consulting Services	\$4,000	N/A - contract under \$50k		Complies
Moss Adams LLP*	Audit Services	\$160,950	Yes	10%	Complies
Courtenay Thompson & Associates	Training Services	\$9,995	N/A - contract under \$50k		Complies
Resource Development Associates Inc	Training Services	\$10,000	N/A - contract under \$50k		Complies

\*Multi-Fiscal Year contract

Please contact Rachel Cukierman at (415)554-5391 if you have any questions.

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Bos-11  
C-Pages



October 3, 2011

VIA E-MAIL

Honorable David Chiu, President  
Honorable Members of the Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

RE: October 4, 2011 Board Meeting Agenda Item No. 11 (File No. 110718):  
Amendment to Campaign and Governmental Conduct Code – Capping Public  
Matching Funds

Dear President Chiu and Honorable Members of the Board of Supervisors:

We urge you to vote yes on the proposed amendment to the City's public financing law, which appears as Item No. 11 on the agenda for the Board meeting on Tuesday, October 4, 2011, in order to prevent candidates from receiving public matching funds in excess of the existing \$900,000 cap. Although this proposal, in our opinion, does not go far enough to fully satisfy the United States Supreme Court's jurisprudence as expressed in the Arizona Free Enterprise case (Arizona Free Enterprise Club's Freedom Club PAC, et al. v. Bennett, 564 U.S. \_\_\_ (2011)), we believe it is an appropriate response to some of the main flaws in San Francisco's public financing system as the November 8 election fast approaches. This letter is respectfully submitted in our capacity as legal counsel to several organizations which participate in San Francisco elections by, among other things, exercising their First Amendment rights to make "independent expenditures" supporting and opposing candidates for San Francisco public office.

Much time has already been lost since the Ethics Commission approved this amendment on July 11 and it was thereafter introduced to the Board. As the election draws near and some of the publicly financed Mayoral candidates get closer to reaching the \$1,475,000 "Individual Expenditure Ceiling," it is critical that public funds are not provided to candidates in excess of the \$900,000 cap.

24

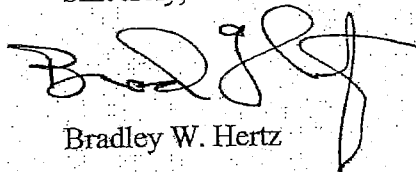
Honorable David Chiu, President  
Honorable Members of the Board of Supervisors  
City and County of San Francisco  
October 3, 2011  
Page 2

To the extent the Board does not immediately approve this legislation, the unamended public financing scheme would, in our opinion, clearly be an unconstitutional effort to "level the playing field." Just as matching fund "trigger" provisions have been struck down in Connecticut, Minnesota, Florida, Maine and Albuquerque (with challenges being waged in New York City and other jurisdictions as well), we are confident that a challenge to San Francisco's existing law will be successful – and our clients are seriously considering filing such a lawsuit, should the Board not adopt the legislation immediately. Such a lawsuit would also seek the recovery of attorneys' fees and costs, as permitted by law.

Based on the foregoing, we urge a yes vote on the proposed amendment as the most appropriate response to the Supreme Court's ruling at this time. Although this request is made without waiving any rights to future challenges to the ultimate constitutionality of the City's public financing scheme, amended or not, we believe this proposal is the best way to proceed through the November 2011 election.

Thank you for your consideration of this request, and feel free to call with any questions regarding this position.

Sincerely,



Bradley W. Hertz

cc: Benedict Y. Hur, Esq., Ethics Commission Chair  
John St. Croix, Ethics Commission Executive Director  
Mark Morodomi, Esq., Oakland City Attorney's office

BWH/slf  
#1481.01





Public financing amendment

Bradley Hertz

to:

Eric.L.Mar, Carmen.Chu, John.Avalos, Mark.Farrell, Ross.Mirkarimi, Scott.Wiener,  
sean.elsbernd, Malia.Cohen, David.Campos, Jane.Kim, Board.of.Supervisors, David.Chiu

10/03/2011 06:01 PM

Cc:

bhur, mmorodomi, ethics.commission

Show Details

1 Attachment



Chiu Proposed Amendment.pdf

Thank you for your consideration of this letter in connection with Tuesday's Board meeting.

---

Bradley W. Hertz, Esq.  
The Sutton Law Firm  
22647 Ventura Boulevard, # 301  
Los Angeles, CA 91364  
PH: 818/593-2949  
FX: 818/593-2948

THIS E-MAIL IS CONFIDENTIAL AND MAY BE LEGALLY PRIVILEGED. IF YOU RECEIVED THIS E-MAIL IN ERROR PLEASE CONTACT US IMMEDIATELY AND THEN DELETE IT OR DESTROY IT. ANY TAX ADVICE CONTAINED IN THIS COMMUNICATION IS NOT INTENDED TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF AVOIDING IRS PENALTIES OR FOR RECOMMENDING ANY TAX-RELATED TRANSACTION OR MATTER TO A THIRD PARTY.



Public financing amendment

James Sutton

to:

bhertz

10/03/2011 05:25 PM

Cc:

Eric.L.Mar, Carmen.Chu, John.Avalos, Mark.Farrell, Ross.Mirkarimi, Scott.Wiener,  
sean.elsbernd, Malia.Cohen, David.Campos, Jane.Kim, mabel.ng, bhur, mmorodomi,  
ethics.commission, Board.of.Supervisors, David.Chiu

Show Details

#110718

Thank you for your consideration of this letter in connection with Tuesday's Board meeting.

Brad W. Hertz  
The Sutton Law Firm

BOS-11  
0 pages



Re: San Francisco litigation  
Sherri Kaiser to: Board of Supervisors

10/04/2011 10:39 AM

History: This message has been forwarded.

Ms. Calvillo,

I am advised that this is a submission to the Board of Supervisors regarding proposed ordinance no. 110901, which is before the Board for final adoption later today.

File # 110901

Thank you,  
Sherri Kaiser

Sherri Sokeland Kaiser  
Deputy City Attorney  
City Hall, Room 234  
San Francisco, CA 94102-4682  
(415) 554-4691 (direct)

**CONFIDENTIAL COMMUNICATION**

This communication is subject to attorney-client and/or work product privilege. If you received it in error, please notify me and permanently delete it.

From: Daniel Vice <dvice@bradymail.org>  
To: Board.of.Supervisors@sfgov.org  
Cc: Sherri Kaiser <Sherri.Kaiser@sfgov.org>  
Date: 10/04/2011 10:25 AM  
Subject: Re: San Francisco litigation

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

Dear Ms. Calvillo:

Please accept the attached comments of the Brady Center to Prevent Gun Violence concerning Safe Storage Findings.

Daniel Vice  
Senior Attorney  
Brady Center to Prevent Gun Violence  
1225 Eye St. NW #1100  
Washington, DC 20005  
202-354-6565

25

cell 202-641-2285

[attachment "San Francisco safe storage.pdf" deleted by Sherri Kaiser/CTYATT]

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BOS-11  
C-PAGES



Re: San Francisco litigation  
Daniel Vice to: Board.of.Supervisors  
Cc: Sherri Kaiser

10/04/2011 10:25 AM

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History: This message has been forwarded.

---

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

# 110901

Dear Ms. Calvillo:

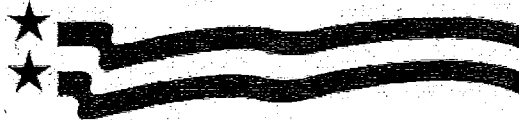
Please accept the attached comments of the Brady Center to Prevent Gun Violence concerning Safe Storage Findings.

Daniel Vice  
Senior Attorney  
Brady Center to Prevent Gun Violence  
1225 Eye St. NW #1100  
Washington, DC 20005  
202-354-6565  
cell 202-641-2285



San Francisco safe storage.pdf

# Brady Center



To Prevent Gun Violence

October 4, 2011

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

Re: Police Code – Safe Storage Findings

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Dear Ms. Calvillo:

The Brady Center to Prevent Gun Violence and Brady Campaign to Prevent Gun Violence, with its network of Million Mom March Chapters, are the nation's largest, non-partisan, grassroots organizations dedicated to creating an America free from gun violence. On behalf of our members and chapters around the nation, we strongly support San Francisco's firearm safe storage requirements.

Keeping a gun in the home greatly increases the risk of injury and death. Safe storage laws are crucial for reducing this severe risk by keeping loaded guns away from children and dangerous people. Furthermore, safe storage laws are entirely consistent with the Second Amendment. In *District of Columbia v. Heller*, 554 U.S. 570, 632 (2008), the Supreme Court held that the Second Amendment does not prevent the enactment of "laws regulating the storage of firearms to prevent accidents" because laws such as these "do not remotely burden the right of self-defense...."

Each day, eight children and teens are shot and killed.<sup>1</sup> Gun death rates are seven times higher in the states with the highest gun ownership rates compared with those with the lowest

---

<sup>1</sup> National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (2007), <http://www.cdc.gov/ncipc/wisqars/>. Calculations by Brady Center to Prevent Gun Violence.

household gun ownership rates.<sup>2</sup> All told, an estimated 41% of gun-related homicides and 94% of gun-related suicides would not occur under the same circumstances had guns not been present.<sup>3</sup>

Safe storage requirements limit unauthorized access to firearms, helping to minimize the risk of homicide in the home, which is three times higher in homes with firearms.<sup>4</sup> Overall, states with the highest levels of gun ownership have 114 % higher firearm homicide rates and 60% higher homicide rates than states with the lowest gun ownership.<sup>5</sup> Higher gun ownership puts both men and women at a higher risk for homicide, particularly gun homicide.<sup>6</sup> Securely storing firearms helps prevent gun homicides by limiting gun access by felons and persons who are found to be dangerously mentally ill.

Safe storage laws also help prevent accidental gun deaths and injuries and gun suicides. The risk of unintentional death is highest in states where higher numbers of households keep a gun that is both loaded and unlocked.<sup>7</sup> Thirty-three percent of U.S. households have a gun and half of gun-owning households do not lock up their guns, including 40 percent of households with kids under age 18.<sup>8</sup> As for suicide, studies show that keeping a firearm in the home increases the risk of suicide by a factor of 3 to 5 and increases the risk of suicide with a firearm

---

<sup>2</sup> Harvard School of Public Health: Harvard Injury Control Research Center, "Homicide – Suicide – Accidents – Children and Women," Boston: Harvard School of Public Health, 2009, <http://www.hsph.harvard.edu/research/hicrc/firearms-research/guns-and-death/index.html>.

<sup>3</sup> Douglas J. Wiebe, PhD. "Homicide and Suicide Risks Associated With Firearms in the Home: A National Case-Control Study." *Annals of Emergency Medicine* 41 (2003): 771-82.

<sup>4</sup> Arthur L. Kellermann, MD, MPH, et al. "Gun Ownership As a Risk Factor for Homicide in the Home," *New England Journal of Medicine* 329 (1993) 1084-1119.

<sup>5</sup> Matthew Miller, David Hemenway, and Deborah Azrael. "State-Level Homicide Victimization Rates in the U.S. in Relation to Survey Measures of Household Firearm Ownership, 2001-2003." *Social Science and Medicine* 64 (2007) 656-64.

<sup>6</sup> Harvard School of Public Health: Harvard Injury Control Research Center, "Homicide – Suicide – Accidents – Children and Women," Boston: Harvard School of Public Health, 2009, <http://www.hsph.harvard.edu/research/hicrc/firearms-research/guns-and-death/index.html>.

<sup>7</sup> Matthew Miller, Deborah Azrael, David Hemenway, and Mary Vriniotis., "Firearm Storage Practices and Rates of Unintentional Firearm Deaths in the United States," *Accident Analysis and Prevention*, 37(4) (2005): 661-667.

<sup>8</sup> Pew Research Center for the People and the Press, "2009 Values Survey, Final Topline, Question e.F2," April 2009, accessed 6/29/2009, at <http://people-press.org/reports/questionnaires/513.pdf>; Johnson, Renee, Tamera Coyne-Beasley, Carol Runyan, "Firearm Ownership and Storage Practices, U.S. Households, 1992–2002: A Systematic Review," *American Journal of Preventive Medicine*, 27:2 (2007): 173-182.

by a factor of 17.<sup>9</sup> If a gun is used in a suicide attempt, more than 90% of the time the attempt will be fatal.<sup>10</sup> By comparison, suicide attempts made by overdosing on drugs are fatal only 3% of the time.<sup>11</sup> Safe storage laws were associated with an 8.3% reduction rate in suicides of youth between the ages of 14 and 17 years. An estimated 333 young lives (ages 14 to 17) have been saved by safe storage laws from 1989, when the first such state law was enacted, to 2001.<sup>12</sup>

In contrast to the considerable risks of guns in the home, the data shows a vastly smaller number of defensive firearm uses to kill an attacker – only 195 justifiable gun homicides out of more than 12,000 gun homicides nationwide in 2006.<sup>13</sup> All told, guns are used “far more often to kill and wound innocent victims than to kill and wound criminals ... [and] guns are also used far more often to intimidate and threaten than they are used to thwart crimes.”<sup>14</sup> Likewise, using a gun to attempt to resist a robbery may not help prevent injuries, and in fact increases the likelihood that a robbery will escalate into a murder. After analyzing the data, one researcher concluded, “A far higher percentage of robbery killings than of robberies involve active victim resistance. ... One thing is clear: if life is dear, resistance to robbery with lethal weapons rarely makes sense.”<sup>15</sup>

Furthermore, although the gun lobby claims that programs such as Eddie Eagle and Project ChildSafe are a substitute for safe storage of firearms, studies have confirmed that this has no basis in fact. For example, in reviewing the NRA’s Eddie Eagle program, a study published in 2004 by the American Academy of Pediatrics found that children could memorize Eddie Eagle’s simple advice about avoiding guns, but that advice went unheeded when children were put in real-life scenarios and asked to role-play a response. Indeed, not a single child studied “used the skills in a real-life situation.” The authors noted, “Studies have found that

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<sup>9</sup> Arthur L. Kellermann, MD, MPH, et al. “Suicide in the Home in Relation to Gun Ownership,” *New England Journal of Medicine* 327 (1992): 467-72.; Douglas J. Wiebe, PhD, “Homicide and Suicide Risks Associated With Firearms in the Home: A National Case-Control Study,” *Annals of Emergency Medicine* 41 (2003): 771-82.

<sup>10</sup> Matthew Miller et al., *Household Firearm Ownership and Rates of Suicide Across the 50 United States*, *J. of Trauma*, Apr. 2007, at 1029.

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

<sup>12</sup> DW Webster, JS Vernick, AM Zeoli and JA Manganello, “Association Between Youth-Focused Firearm Laws and Youth Suicides,” *JAMA*, 292(2004):594-601.

<sup>13</sup> Federal Bureau of Investigation, *Justifiable Homicide by a Private Citizen by Weapon* (Table 14) (Sept. 2007), available at [http://www.fbi.gov/ucr/cius2006/offenses/expanded\\_information/data/shrtable\\_14.html](http://www.fbi.gov/ucr/cius2006/offenses/expanded_information/data/shrtable_14.html).

<sup>14</sup> David Hemenway & Deborah Azrael, *The Relative Frequency of Offensive and Defensive Gun Uses: Results From a National Survey*, 15 *VIOLENCE & VICTIMS* 257, 271 (2000).

<sup>15</sup> Franklin E. Zimring & James Zuehl, *Victim Injury and Death in Urban Robbery: A Chicago Study*, 15 *J. LEGAL STUD.* 1, 31 (1986).

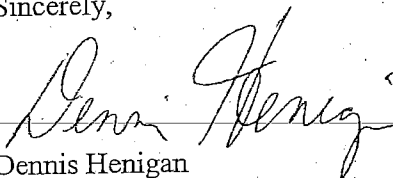


when children find guns, they often play with them,” and concluded, “Existing programs are insufficient for teaching gun-safety skills to children.”<sup>16</sup>

Finally, keeping guns securely locked and stored helps prevent gun loss by theft, minimizing the flow of guns into the hands of criminals. Stolen guns represent a significant source of trafficked guns, with half a million guns stolen from private citizens each year. About one of every six trafficked guns is stolen from residences.<sup>17</sup>

In light of the severe risk of injury and death posed by guns in the home, safe storage laws are crucial for protecting children and families from the dangers posed by unlocked, accessible firearms.

Sincerely,



Dennis Henigan  
Acting President

Brady Center to Prevent Gun Violence

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<sup>16</sup> MB Himle, RG Miltenberger, “An evaluation of two procedures for training skills to prevent gun play in children,” *Pediatrics*. 2004 Jan;113(1 Pt 1):70-7.

<sup>17</sup> Philip J. Cook & James A. Leitzel, “*Smart*” *Guns: A Technological Fix for Regulating the Secondary Market* 7, Terry Sanford Institute of Public Policy, Duke University, Working Paper Series SAN01-10 (July 2001).

OFFICE OF THE MAYOR  
SAN FRANCISCO



155-11  
C-pages  
CPB  
CA  
EDWIN M. LEE  
MAYOR

San Francisco Board of Supervisors  
Legislative Chamber, Room 250  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

File #110998  
Item #43

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 OCT -4 AM 8:09  
DE

October 3, 2011

Dear Supervisors,

Pending before you is a piece of legislation that attempts to close a loophole in our City's Health Care Security Ordinance through which some employers recoup portions of deposits made into their workers' Health Reimbursement Accounts, a procedure that, while currently legally permissible, undermines the intent of our groundbreaking universal health access law.

Supervisor David Campos and his coalition of advocates deserve much praise for identifying and shedding light on this loophole. His progressive leadership on this issue is honorable.

A solution presented to you by Supervisor Campos is currently making its way through the legislative process and is certainly one potential answer to closing the HRA loophole, as is a piece of similar legislation sponsored by President David Chiu. I have also begun to lay out a framework for yet another variation on a solution that honors our commitment to health care while protecting valuable jobs at our City's small businesses.

As we consider these various attempts to close the loophole, I am troubled that rhetoric has replaced earnest policy discussion. Politics have obscured this critical health justice issue. What should be an issue around which we coalesce has transformed into an issue where opinions are hardening and finding a real solution becomes increasingly fleeting.

Let me be clear, I share the same bottom-line objective as Supervisor Campos and the members of his community coalition: full compliance with the Health Care Security Ordinance (HCSO), on paper and in spirit. I also take to heart the impacts any changes to the structure of HRAs may have on our City's small businesses and its likelihood of costing people jobs. As San Francisco's entrepreneurs struggle to maintain their businesses in this difficult economy, we shouldn't make it even harder for them to do business and employ people in the City. At the same time, an economic downturn does not release any business from its moral and legal responsibility to comply with the HCSO. We must strike a balance.

The relative haste with which a solution was presented and moved through the legislative process has begun to divide our City and the Board by the narrowest of margins.

Supervisors, I truly believe we all share the same goals – closing the loophole, providing health care to everyone, protecting jobs, and growing our City's economy. Starting with this set of common objectives, I am confident we can solve this problem together.

I believe the fundamental answer to this problem is providing more health access while protecting low-wage jobs at our City's small businesses. Workers with HRAs should be able to draw down the funds in those accounts for a range of health care expenses from reimbursement for a comprehensive list of health-related services to payment for health insurance premiums to buying into our Healthy San Francisco program, if eligible. By increasing access to these types of health coverage options we ensure that San Francisco workers can more fully exercise the benefit provided them under the HCSO. One proposed plan would lead to HRAs that accrue and accrue, but this proposal does nothing to incentivize access to health care services – so I don't believe it fully solves the problem.

Instead of aiming to accrue money in an account as our main goal, we should focus on increasing health access. I have heard several good ideas about how to accomplish this within existing Federal laws, and I think these alternatives deserve a policy-based conversation.

I believe in working with people affected by policy, and coming to a solution that works for everyone. I don't believe in imposing solutions on people without getting their input. I, therefore, call on all impacted parties in this debate to do what should have been done from the very beginning: come together under one roof to solve a problem we all know exists and we all want to fix. Workers, organized labor, small business owners, our Department of Public Health, and us, the City's elected leaders, need to meet and work together to find the appropriate solution.

I assure you, I am committed to finding a solution. But often the first idea presented, however elegant it may seem, doesn't necessarily best address the challenge. I am confident that with thoughtful deliberation and in good faith, we can craft a solution that matches the problem. And I believe we can do it quickly.

I will continue to work with all parties involved, and I invite you to join in a series of meetings I will convene to close the loophole, preserve jobs, and provide access to affordable health care. To the extent that you are willing, I look forward to working with you on this important public policy challenge.

Sincerely,



Edwin M. Lee  
Mayor



# United Brotherhood of Carpenters and Joiners of America

LOCAL UNION NO. 22

September 28, 2011

President Mark Buell  
San Francisco Recreation and Parks Commission  
McLaren Lodge – Golden Gate Park  
501 Stanyan Street  
San Francisco, CA 94117

Dear President Buell and Commission Members,

Carpenters Local 22 wishes to express its support of the proposed renovations to the Beach Chalet Athletic Fields in Golden Gate Park. Local 22 has been representing the interests of working people in San Francisco since 1882, and we know the importance of not only providing basic amenities – such as parks and playfields – to keep families in the city, but also the necessity of making sure these parks and playfields are accessible, safe and functional for everyone.

Despite the high cost of living in San Francisco, many of our members choose to live, work, and play here because of the unique opportunities city living provides, including access to world-class parks and family activities. Unfortunately, many of our members' families must travel across town to play youth sports because the grass fields in their neighborhood are overbooked, closed for regrowth, or worn down to the point of not being safe. Older players trying to stay healthy and active are even more susceptible to on-field injuries which could force them to miss work for a day, a week or more. The City Fields Foundation and Recreation and Park's Playfields Initiative partnership has already created 66,000 hours of new play time on San Francisco's athletic fields resulting in 1,800 more local kids playing sports each year! The fields are safer, more accessible and more fun for play. This kind of successful partnership is desperately needed if we are to keep working families in the City.

Golden Gate Park's Beach Chalet Soccer Fields are broken. The current fields are completely rundown, uninviting and unsafe. They lack the basic family-friendly amenities you would expect at a city park, such as doors on bathroom stalls and spectator seating for parents. Renovating the fields with synthetic turf and field lights will dramatically increase access by tripling the amount of playtime on the fields and eliminating the need to lock the fields when not permitted for play. The sports facility will also feature a host of family friendly amenities like a viewing plaza, barbecues, bike parking, on-field spectator seating, and even a small playground. The renovation of this sports facility will be a great improvement for local kids, park visitors and Golden Gate Park.

As a proud member of the City family, I hope you will join Local 22 in supporting these renovations to create better fields and encourage San Franciscans to remain in our city.

Respectfully,

  
Manny Flores, Field Representative  
Carpenters, Local 22

cc: San Francisco Planning Commission ~~Board of Supervisors~~ Mayor Ed Lee, Planning Director John Rahaim, Recreation and Parks General Manager Phil Ginsburg, City Fields Foundation

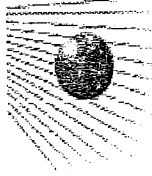
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2085 3RD STREET • SAN FRANCISCO, CA 94107  
TELEPHONE: (415) 355-1322 • FAX: (415) 355-1422

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BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 OCT - 3 PM 3:59

27

BOS-11  
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**Deemed Approved Uses Ordinance Report**

Patricia Erwin to: Angela Calvillo, Board of Supervisors  
Barbara Garcia, Faye DeGuzman, tomas.aragon, Colleen Chawla,  
Cc: Jim Soos, Dave Falzon, Kenneth Stocker, Alex Tse, Yvonne Mere,  
Richard Simon

10/04/2011 06:50 AM

From: Patricia Erwin/DPH/SFGOV  
To: Angela Calvillo/BOS/SFGOV@SFGOV, Board of Supervisors/BOS/SFGOV@SFGOV  
Cc: Barbara Garcia/DPH/SFGOV@SFGOV, Faye DeGuzman/DPH/SFGOV@SFGOV,  
tomas.aragon@sfdph.org, Colleen Chawla/DPH/SFGOV@SFGOV, Jim  
Soos/DPH/SFGOV@SFGOV, Dave Falzon/SFPD/SFGOV@SFGOV, Kenneth

Dear Clerk of the Board of Supervisors,

Attached please find a copy of the Deemed Approved Uses Ordinance report 2011 to the Board of Supervisors.

A hard copy has been hand delivered to your office.

Please contact me with any questions or comments.

Thank you, Patricia Erwin



DAO Report to the BOS-FY 10-11.pdf Cover Letter-BOS Report.pdf  
\*\*\*\*\*

Patricia Erwin, MPH  
Health Education Programs Director  
Community Health Promotion and Prevention Section  
San Francisco Department of Public Health  
30 Van Ness, Suite 2300 ~ San Francisco, CA 94102  
direct line: (415) 581-2418  
main line: (415) 581-2400  
fax line: (415) 581-2490  
email: patricia.erwin@sfdph.org  
visit us on the web: <http://www.sfdph.org/dph/comupg/oprograms/CHPP>

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Thank you.

28



City and County of San Francisco  
Department of Public Health  
Population Health and Prevention  
Community Health Promotion and Prevention Section  
www.sfdph.org

BOS-11  
C-pages  
Edwin M. Lee, Mayor  
Barbara Garcia, Director

October 3, 2011

Honorable David Chiu, President  
San Francisco Board of Supervisors  
#1 Dr. Carlton Goodlett Place  
San Francisco, CA 94103

RE: Report to the Board of Supervisors  
Deemed Approved Uses Ordinance  
Ordinance #43-06, February 28, 2006  
Signed by the Mayor: March 10, 2006

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 OCT -3 AM 11:05  
BY \_\_\_\_\_

Dear Supervisor Chiu:

Please find attached the annual report on the conduct of the Deemed Approved Uses Ordinance. This report reviews activities for the period of July 2010 through June 2011.

Each performing department has added a summary of their activities to this report and those sections are clearly marked.

Thank you in advance. I am available to answer any questions about the Department's role and activities undertaken to date.

Sincerely,

Patricia Erwin, MPH  
Health Education Programs Director  
Community Health Promotion and Prevention Section  
San Francisco Department of Public Health

**Report to the Board of Supervisors, Fiscal Year 2010-11  
Deemed Approved Uses Ordinance-San Francisco Administrative Code Chapter 26 Ordinance #43-06. February 28, 2006 signed by the Mayor: March 10, 2006**

**Mayor Edwin M. Lee**

October 2011

**Background**

In March 2006, the Board of Supervisors passed an Ordinance, which was signed by former Mayor Gavin Newsom to create a "Deemed Approved Uses" program that addresses the role and responsibilities of businesses that sell alcohol in off-sale venues in respect to community health and safety. This constitutes the fifth annual report to the Board of Supervisors and includes a summary of activities undertaken over the last year by each performing Department.

The Deemed Approved Uses Ordinance (DAO) establishes Performance Standards for businesses that sell alcohol in off-sale venues. The California Alcohol Beverage Control Board (ABC) regulates the sale of alcohol throughout the state and provides licenses to vendors to sell alcohol under specific conditions. The San Francisco Deemed Approved Uses Ordinance is based on the county's oversight of land use and planning to educate, monitor, and ultimately penalize businesses that sell alcohol in off-sale venues if they are found to be in nonconformance to the DAO Performance Standards.

**Summary of Report for Fiscal Year June 2010-July 2011:**

**Accomplishments:**

**San Francisco Department of Public Health: Vendor and Public Education**

During the fiscal year the DAO Education and Outreach program was redesigned to ensure that all vendors receive a visit from DAO staff. The purpose of the visits is to create a strong working relationship among merchants, neighbors, and city government; to provide information and support to vendors on how to comply with the DAO; and to strengthen neighborhood and community partnerships to promote the health, safety and welfare of the residents of San Francisco. Below is a summary of major accomplishments:

- Conducted 813 Educational Site Visits to H73 permit-Type 20 & 21 vendors in San Francisco County providing education and information on the DAO and to determine if Performance Standards and license certificate were posted.
- Advised vendors who were not in possession of a current license/certificate and a current copy of the Performance Standards about possible consequences for non-compliance; provided recommendations to vendors on ways to ensure compliance with Performance Standards. Compliance for all aspects of the DAO is handled by the San Francisco Department of Public Health through the IMPACT program.
- Maintained a database of findings related to educational site visits including documenting whether vendors are in possession of and displaying the current copy of their license/certificate and the DAO Performance Standards as certified by the Tax Collector.
- Revised all vendor and public educational materials including; the DAO website for the public; Performance Standards; vendor and public FAQ sheets; Educational Site Visits form; and How to Comply with the Deemed Approved Uses Ordinance

- Disseminated educational materials upon request from the public and during educational site visits, SFPD Captain's Precinct meetings, community organizations and neighborhood meetings; and direct contact through emails, phone replies, and one-on-one meetings
- Downloaded and cleaned up ABC database of current Type 20 and 21 businesses in San Francisco to provide list to Tax Collector for FY 11-12 license fee invoice mailing.

#### **Tax Collector:**

- For the period from July, 2010 thru June, 2011, the Tax Collector received \$238,989.70 in license fees and \$4,286.10 in penalties.
- Grand total collected for FY 2010-11 was \$243,235.80.
- Total number of H73 license fee bills and educational materials sent to vendors in FY 2010/2011 was 813

#### **San Francisco Police Department- Vice Crimes Division-IMPACT-Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) Inspections Program**

In May 2010 the Chief of Police created a new unit called the ABC Liaison Unit (ALU). All permanent ABC licensing responsibilities are being centralized for better monitoring and improved service to the public.

During the fiscal year 2010-2011, the Police Department visited 164 ABC licensed premises. Personnel generated 13 police reports documenting illegal activity. Incident reports were submitted to the California Department of Alcohol Beverage Control for review and administrative action.

#### **Summary of IMPACT Inspections:**

- 72 Initial Inspections
- 92 Re-Inspections
- 164 Total Inspections
- 13 Incident Reports
- 11 Decoy Operations
- 154 Premises
- 22 Incident Reports/Criminal Citations Issued

#### **City Attorney**

During fiscal year 2010-11 the City Attorney's activities related to DAO included the following:

- Receives and reviews incident reports from the San Francisco Police Department and based upon that review determines if further enforcement is necessary under the Deemed Approved Ordinance.
- Pursues legal remedies against owners found to be not in compliance with the DAO Performance Standards.
- Provides advice to City agencies regarding compliance and enforcement under the DAO.

#### **Vendor and Community Outreach & Education**

The Department of Public Health coordinate the education and outreach on DAO to vendors and the community. Activities this fiscal year included:

- DAO staff provided education and information on the DAO to 813 vendors. Vendors in need of additional information were referred to DAO Administrative staff or other DAO city partners for clarification of issues related to Performance Standards and other issues.



- DAO outreach and education and educational materials were provided at neighborhood meetings and community organizations by direct contact through emails, one-on-one meetings, and community group meetings.
- A new vendor education packet was developed and has been disseminated to vendors. Vendor education packets were also uploaded onto the DAO website.

#### **DAO Administrative Activities**

Department of Public Health staff is lead on implementing administrative responsibilities and general coordination for DAO, activities included:

- Meeting was held between Department of Public Health and the Police Department to strengthen relationship and develop strategies to support their work in the community with the IMPACT program.
- Additional meetings were held with staff from each DAO city agency: SFPD, Tax Collector's Office & City Attorney.
- Staff attended community meetings and events with Youth Leadership Institute's Alcohol Prevention Coalition and Renaissance Bayview.
- A training packet was developed for new DPH staff and consultants working on DAO.
- All educational site visits were documented and entered into DAO database. All reports are maintained in an Access database.
- Periodic reports were made to other DAO city department partners on vendor performance based on inspection reports.
- Provided Tax Collector with California Alcohol and Beverage Control monthly updates of the status of type 20 and 21 vendors in San Francisco. As of June 2010, the California Alcohol and Beverage Control no longer issues monthly updates of the status of type 20 and 21 vendors specific to each city and county in California due to state budget cuts.
- Participate in the San Francisco Department of Public Health's Alcohol Work Group, which meets to discuss the ways to reduce alcohol related health problems in San Francisco.

#### **Plans for FY 2011-2012**

- Continue activities and processes outlined above.
- DAO staff work with the Tax Collector and the City Attorney to establish protocols for addressing collection on delinquent accounts.
- DAO staff will collaborate with SFPD to provide technical support for the IMPACT program by compiling IMPACT data and generating quarterly reports related to DAO

Prepared by:

Patricia Erwin, MPH

Health Education Programs Director

Community Health Promotion and Prevention Section

San Francisco Department of Public Health

Ph: (415) 581-2418

Email: [patricia.erwin@sfdph.org](mailto:patricia.erwin@sfdph.org)

San Francisco Department of Public Health October 2011

Deemed Approved Uses Ordinance Annual Report to the Board of Supervisors

BOS -11  
C-pages



**Proposed 1171 Sansome Street Project - Reverse Exemption from Environmental Review (Items 27-34 on October 4 Board Agenda)**

Jon Golinger to: undisclosed-recipients;;  
Sent by: jongolinger@gmail.com

10/03/2011 11:27 AM

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History: This message has been forwarded.

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October 3, 2011

File # 110945-110948  
File # 110835-110838

Board President David Chiu

Members of the Board of Supervisors

San Francisco City Hall

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Re: **Proposed 1171 Sansome Street Project - Reverse Exemption from Environmental Review (Items 27-34 on October 4 Board Agenda)**

Dear President Chiu and Members of the Board of Supervisors:

On behalf of the Telegraph Hill Dwellers, a non-profit neighborhood organization with more than 650 members, I write to urge you to reject the proposed exemption of the 1171 Sansome Street Project from environmental review. The appeal of the proposed exemption by interested neighbors will be heard at your October 4 Board meeting.

This project location has been the subject of more than a decade of history of failed attempts to circumvent environmental review, which the City has consistently rejected. We urge you reject the proposed exemption of the 1171 Sansome Street Project from environmental review for two reasons that make a categorical exemption from review under the California Environmental Quality Act (CEQA) wholly inappropriate here.

29

First, as Planning Department determination letters for previous incarnations of this project have made clear, the project location on the steep rocky eastern slope of Telegraph Hill is so inherently unstable that state law requires environmental review of a proposed subdivision at this site regardless of whether a specific project has yet been proposed. The 1171 Sansome Street Project is located on the eastern slope of Telegraph Hill, an incredibly sensitive and geologically unstable location with a long history of rockslides and falling debris. The slope of this parcel is steep, with a grade as sharp as 65% in some locations. Removal of the shale on the site risks making the location vulnerable to mudslides and a catastrophic collapse. That's why, in a letter to the 1171 Sansome Street Project sponsor on June 2, 1998, the San Francisco Planning Department concluded that "While it is true that minor subdivisions are exempt from California Environmental Quality Act (CEQA) review, the proposed project site has a slope greater than 20%, and under CEQA Section 15305, the Department is required by law to review the proposed 3-lot subdivision for possible environmental impacts." The Board should similarly require CEQA review here.

Second, the project sponsor here is attempting to "piecemeal" the project in order to avoid environmental review, but CEQA specifically prohibits piecemeal environmental review of large projects into smaller projects that each has minimal potential impact on the environment but cumulatively creates significant impacts. The sponsor of the 1171 Sansome Street project has attempted numerous times over the years to win approval of a large development project on this sensitive location. In 1982, a 12 story office/residential complex along Sansome Street was proposed. In 1995, the current project sponsor proposed to split Lot 40 into three lots. Townhouse units were proposed on Sansome Street while a residential structure was proposed on Calhoun Terrace. In 1998, the project sponsor applied for a 3 lot subdivision of the subject parcels. All were rejected, withdrawn, or failed. Similarly, the current proposal for a "simple" subdivision of 1171 Sansome Street is inherently connected to plans to build a project at this sensitive location. As such, under CEQA the subdivision proposal must trigger an environmental review.

We urge you to reject the proposed exemption of the 1171 Sansome Street Project from environmental review and uphold the appeal by the neighbors at your October 4 Board meeting.

Thank you very much for your time and consideration.

Sincerely,

Jon Golinger

President

Telegraph Hill Dwellers



THDLetter\_1171Sansome\_Oct\_2011.pdf



PlanningDeptLetter\_1171Sansome\_June\_1998.pdf



October 3, 2011

Board President David Chiu  
Members of the Board of Supervisors  
San Francisco City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: **Proposed 1171 Sansome Street Project – Reverse Exemption from Environmental Review (Items 27-34 on October 4 Board Agenda)**

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P.O. BOX 330159 SAN FRANCISCO, CA 94133 - 415.273.1004 [www.thd.org](http://www.thd.org)

Founded in 1954 to perpetuate the historic traditions of San Francisco's Telegraph Hill and to represent the community interests of its residents and property owners.

Members of the Board of Supervisors

October 3, 2011

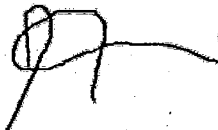
Page 2

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We urge you to reject the proposed exemption of the 1171 Sansome Street Project from environmental review and uphold the appeal by the neighbors at your October 4 Board meeting.

Thank you very much for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Golinger', with a horizontal line extending to the right.

Jon Golinger  
President



## PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street San Francisco, CA 94103-2414

(415) 558-6378

PLANNING COMMISSION  
FAX: 558-6409

ADMINISTRATION  
FAX: 558-6426

CURRENT PLANNING/ZONING  
FAX: 558-6409

LONG RANGE PLANNING  
FAX: 558-6426

June 2, 1998

Mr. Vincent Tai  
Tai Associates/Architects  
665 Chestnut Street  
San Francisco, CA 94133

RE: 1171 Sansome Street/88 Calhoun Terrace (Case # 95.231E)

Dear Mr. Tai:

In your letter to the Planning Department dated April 3, 1998, you state the following: "We believe we have submitted sufficient information for you and the City departments to process the Land Subdivision Application." The letter further states, "After all, we are only applying for a 3-lot minor subdivision." Given the steepness of the slope at the proposed project site (approximately 65%), the past and most recent (January 1998) landslide activity on the site, and the fact that Lower Calhoun Terrace would have to be extended to access the site, the Department does not characterize the proposed 3-lot subdivision as "simple." While it is true that minor subdivisions are exempt from California Environmental Quality Act (CEQA) review, the proposed project site has a slope greater than 20%, and under CEQA Section 15305, the Department is required by law to review the proposed 3-lot subdivision for possible environmental impacts. Since the proposed subdivision raises slope stability issues and is linked with future development on all three lots, the Department determined that the environmental review should analyze both the proposed subdivision and the proposed development as one project. The proposed development would include the extension of Lower Calhoun Terrace.

On March 20, 1998, the Department sent a letter to you clearly stating our decision. Specifically, the letter stated the following: "Based on information you submitted in your February 6, 1998 letter, it is the Department's intent to conduct a joint environmental review for the proposed 3-lot subdivision and the proposed future development of the site with a single family home on Lower Calhoun Terrace and two townhome buildings (total four units) on Sansome Street." The letter also requested that you submit supplemental information, including a new geotechnical report. This request was based on the preliminary geotechnical report by PSC Associates (dated November 30, 1995), which recommended (page 6) that "Considering the steepness of the site and the potential of slope instability for both the static and seismic conditions, additional investigations and studies should be performed to obtain the necessary data to evaluate the slope stability and prepare detailed design recommendations for foundation support and slope stabilization." Specifically, the report recommended (a) an updated comprehensive geotechnical and geologic investigation, including the drilling of borings to better define rock types, bedding and degree of fracture, and (b) a rock mechanic study to determine spacing, lengths and design load of the rock anchors. These findings were confirmed during a telephone conversation with Peter Chinn of PSC Associates on March 18, 1998.

V. Tai  
Page 2

You responded to the Department in a letter dated April 3, 1998, and included a geotechnical consultation prepared by a new firm, Consolidated Engineering (also dated April 3, 1998). The consultation concluded that "... it is not necessary to prepare a detailed geotechnical report or final structural design drawings to proceed with the lot split." As indicated in our letter to you dated March 20, 1998, the Department's intent is to review the entire project, the proposed lot split and the proposed residential development. As such, we need the additional geotechnical information.

The landslide on the proposed project site in January 1998 delayed the project review as the Department waited for Department of Public Works (DPW) and Department of Building Inspection (DBI) to inspect the site and determine damage caused and future action DPW may have to take to stabilize the unimproved portion of the street. Further, additional review time should be expected to review the proposed extension of Lower Calhoun Terrace (necessary to access the proposed development at 88 Calhoun Terrace). In a letter to you dated May 22, 1998, the DPW indicated that in order to extend the street, you would need to apply for a Major Encroachment Permit. The letter further states that "To obtain a permit, this Department would require a full set of civil and structural plans." DPW estimated a permit review time of about 5-6 months, without protest from adjacent property owners. Section 121(a) of the Planning Code requires that every newly created lot have and maintain frontage on a public street, from which there be vehicular access. Therefore, the proposed subdivision cannot be approved until the proposed street extension has been reviewed and approved by the DPW.

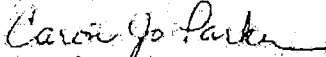
It is clear that the proposed project is complex, both in terms of site stability and in terms of the multitude of development proposals considered for the site. Proposed development scenarios for the project site have changed many times since 1984, when the Department certified an EIR for development of the site with a 12-story mixed use residential/office building on Sansome Street. The project became active again in May 1995, when you submitted an EE application for a two-lot subdivision, street extension and development of Lot 1 with a 4-story live/work building and Lot 2 with a single family dwelling unit. The Department requested additional geotechnical information in a letter to you dated September 27, 1995. In November 1995, a preliminary geotechnical report was submitted addressing the development of Lot 2 only. No geotechnical information was submitted on the proposed street extension. The report recommended updated comprehensive geotechnical and geologic investigation be performed. No additional information was submitted to the Department. In January 1998, you revised the project to propose a 2-lot subdivision (fronting on Sansome Street) with development of the lots with a total of four townhomes and no development on Lower Calhoun Terrace. Then in February 1998, you revised the project again to a 3-lot subdivision and development of Lower Calhoun Terrace with a single family dwelling. The Department feels that any delays incurred to date stem from these complexities, and the project sponsor's inability to provide sufficient information to address them.



V. Tai  
Page 3

At this point, it seems wise to schedule a coordination meeting at the Department with representatives from DPW and DBI. I would be happy to invite Gerald Green, Director of Planning, to attend, if you wish. Please call me at 558-6386 and let me know what dates you would be available to meet. Once we have reached an agreement as to how we will proceed, I will send out the new neighborhood notice.

Sincerely,



Caron Jo Parker  
Major Environmental Analysis

cc: Gerald Green, Planning Director, DCP  
Jim Miller, DCP  
Susan Yee, BOE  
Ray Gigliati, BSM  
Jane Winslow  
K.K. Chiu, DBI  
Mark A. Primeau, Director of Public Works  
Shinji Yao, Chief Surveyor, DPW

BDS-11  
C-pages



re: HSBG verses Outside Lands SOUND

sandy weil to: Board of Supervisors, recpark.commission,  
mayoredwinlee

10/01/2011 04:22 PM

History: This message has been forwarded.

Please post into the record for upcoming BOS and upcoming RPD Commission. Thank you.

Dear Supervisors, RPD Commissioners and Mayor Lee:

It is Saturday, 10/1/11 at 4pm and not a peep is to be heard from Hardly Strictly Bluegrass in my area at 28th and Pacheco either last night or today.

That is the good news. The bad news is when Outside Lands was happening, not only did I hear it blasting at my house, I heard it at Lake Merced and I heard it at Ft. Funston. I heard it during the day and I heard it in the evening all three days.

RPD will blame it on weather conditions, well that is not an excuse for music to be heard over 2 miles away at Ft. Funston and Lake Merced when the wind wasn't even blowing in that direction.

It is simple, the music for Outside Lands volume is set way too loud. It is too loud for the neighbors and the animals in the park.

RPD and Planet Ape (or whatever the promoters name is) gave a lame excuse that they didn't know what the volume levels were when asked at a public meeting held at Richmond Station. It is simple, contact HSBG and find out what they do right and copy that. If Outside Lands has to take place in the park for the next two years due to previously made contracts they must follow noise limits just like any other business. If a bar plays its music too loud it is cited and / or closed down.

Outside Lands should be moved from the park to a more appropriate venue for such huge crowds and such loud music. Outdoors at ATT Park and the ATT parking lot would be a much more appropriate venue. Better public transit from all over the Bay Area, and a more fitting venue for a loud night time concert.

Again, do some research and find out why HSBG is blaring and Outside lands does. Maybe there are solutions to improve the problems.

I would appreciate a reply from Supervisor Chu, Supervisor Mar, President Buell and Mayor Lee.

Thank you,  
Sandy Weil  
You have my email from this correspondence

BOS-11  
cpage



San Francisco International Airport

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 SEP 26 PM 3:26

September 22, 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:** Final Revenue and Expenditure Report - San Francisco International Airport  
Terminal 2 Promotion Fund

Dear Ms. Calvillo:

Ordinance No. 15-11, approved by the Board of Supervisors on February 1, 2011, and signed by the Mayor on February 10, 2011 gave San Francisco International Airport (the Airport) the authority to establish the Airport Terminal 2 Promotion Fund, a special fund to receive and expend donations to promote the opening of the newly renovated Terminal 2 (T2).

This letter reports total revenues received and total expenditures of the Airport's T2 Promotion Fund that were incurred in Fiscal Year 2010/11. To date, the Airport has received donations of \$623,875 and likewise expended this entire amount associated with the T2 Opening events. The official opening date of Terminal 2 was April 15, 2011.

Please let me know if you have any questions or comments regarding this information.

Very truly yours,

John L. Martin  
Airport Director

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AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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MAYOR

LARRY MAZZOLA  
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JOHN L. MARTIN  
AIRPORT DIRECTOR



Disappointed in SFPD's actions wrt peaceful gathering in front of Federal Reserve bldg  
Ming Wong to: Board.of.Supervisors

10/05/2011 11:37 PM

---

History: This message has been forwarded.

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Dear Ms. Calvillo,

I hope this email finds you well! My understanding is that the board of supervisors so far has taken no action in stopping or condemning the shutting down of the "occupysf" gathering in the financial district.

I'm writing to register my disappointment at SFPD's actions tonight in breaking up/shutting down this gathering in the middle of the night. I would also like to ask that the SFPD get back to me to let me know why this action was taken, who ordered this action, and who among our elected and appointed government representatives we can call to ensure this does not happen again.

The gathering as far as I can tell was completely peaceful, was not obstructing traffic (whatever traffic there was at past 10PM at night anyway), and was not creating a noise nuisance or harassing anyone passing by (again, not that there were that many people in the financial district that late at night). I am frankly shocked and disappointed in the SFPD's choice to expend resources, to send officers who I am sure would much rather be doing something else with their evenings, to essentially harass and intimidate a peaceful gathering in to dispersing. This is completely at odds with San Francisco's reputation and promise of a free, democratic city.

Please email or call me back to let me know why the SFPD engaged in this action, and what the Board can do to stop our city from wasting its resources in this way again.

Best,  
Ming Wong  
cell: 650 743 6796

32



Leave OccupySF Alone!  
Daniel Borysewicz  
to:  
board.of.supervisors, edwin.lee  
10/05/2011 11:42 PM  
Show Details

History: This message has been forwarded.

1 Attachment



image001.png

Dear Mr. Mayor and Board of Supervisors,

Please call off the SFPD and do not violate the people of OccupySF their right to peaceful protest and assembly.

---

The whole world and God is watching!

Blessings and Thanks,

Daniel Borysewicz

**Seminarian @ Pacific School of Religion**  
Berkeley, CA  
[danielbtoz@gmail.com](mailto:danielbtoz@gmail.com)  
520.731.0359

<http://www.psr.edu/>

"Always forgive your enemies; nothing annoys them so much." --Oscar Wilde

"Whatever satisfies the soul is truth." --Walt Whitman

\* Certificate of Sexuality and Religion Program

BOS-11  
C-page



Occupy SF Camp forced to leave, possessions taken  
Cynthia Joseph to: Board.of.Supervisors@sfgov.org  
Please respond to Cynthia Joseph

10/06/2011 08:50 AM

---

History: This message has been forwarded.

---

Dear Supervisors,

I'm writing to ask why the camp at the Federal Reserve building was forced to disband by police officers in helmets with batons, upon risk or arrest and their precious few essential commodities taken.

What laws were broken?

Since it is a right of the people to peacefully assemble, this seems to be against the law and a violation of their rights. I donated to this group yesterday before the march began, so I have been robbed by the San Francisco police as well.

I live in Oakland and will continue to march and donate to Occupy SF and Occupy Oakland, we're really just one.

I want to know why the police were allowed to force the camp to leave and why they were allowed to take their possessions. Their civil rights have been violated.

They'll come back, I know they're still there, probably really wet and cold.

I send deeply felt gratitude to John Avalos for defending the camp's right to assemble.

Thank you!

Sincerely,

Cynthia Joseph  
of the 99%



Leave OccupySF Alone!

Daniel Borysewicz

to:

board.of.supervisors, edwin.lee

10/05/2011 11:42 PM

Show Details

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10/06/2011 08:50 AM

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**Disgusted and saddened by SFPD's strong-arm smackdown of the Occupy  
SF site last night**

**mattyjg to: Board.of.Supervisors, mayoredwinlee**

10/06/2011 10:44 AM

**Cc: John.Avalos**

**Please respond to mattyjg**

---

History: This message has been forwarded.

---

Dear Board of Supervisors and Mr. Mayor,

I have been following the exciting "Occupy" movement as it unfurls across America and the World, giving a collective free speech outlet for folks who feel our financial system is sorely broken. I was glad to see Occupy SF had recently gathered support in our own financial district here.

I don't need to remind you of SF's long history--and active present role--as a hub for free speech, freedom of expression, and civil protest.

~~I was shocked and dismayed to read last night, in real-time online, of the massive sweep orchestrated by the SFPD and SFPW to roust the peaceful OccupySF protesters from their camp in front of the Federal Reserve Bank on Market Street.~~

Surely, there must be a better way to accommodate in some way this growing free speech phenomenon?

As you know, SF has homeless people camped out all over town on a daily basis. Now, because a group of peaceful protesters are getting media attention, SF wants them gone? Even NYC is starting to work with the Occupy Wall Street groups. I realize you want to put a good face on for Fleet Week, but OccupySF can co-exist with that event as well.

I implore you to open a dialogue with the OccupySF protesters, by heading down there, and talking to them. I applaud SF Supervisor and Mayoral candidate John Avalos for going down to the Occupy SF site at midnight last night to see what was happening first hand, and to try to reason with police. He now gets my vote for Mayor.

Please step back and take in this possibly pivotal moment in history, and ask yourself: is the current official SF response to the OccupySF movement truly the way you wish to be perceived in the short or long run?

Sincerely,

Matthew Gilreath

Matthew J. Gilreath  
2199 California Street, Apt 1  
San Francisco, CA 94115  
415-845-6928  
mattyjg@earthlink.net

BOS-11  
C-page



**Disgusted and saddened by SFPD's strong-arm smackdown of the Occupy SF site last night**

mattyjg to: Board.of.Supervisors, mayoredwinlee  
Cc: John.Avalos  
Please respond to mattyjg

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2199 California Street, Apt 1  
San Francisco, CA 94115  
415-845-6928  
mattyjg@earthlink.net  
<http://twitter.com/mattysf1>



Re: Disgusted and saddened by SFPD's strong-arm smackdown of the Occupy SF site last night

John Barry

to:

mattyjg@earthlink.net, Board.of.Supervisors@sfgov.org, mayoredwinlee@sfgov.org

10/06/2011 11:51 AM

Cc:

"John.Avalos@sfgov.org"

Please respond to John Barry

Show Details

I TOTALLY agree with my friend Matthew Gilreath,, how about moving the BEG-THUGS out, THAT should be our priority,WRITTEN AS A LIBERAL DEMOCRAT who's had it with them and the Homeless Industry.

John Barry,  
1801 Gough St  
#601,  
SF,  
CA, 94109  
A voter.

---

**From:** "mattyjg@earthlink.net" <mattyjg@earthlink.net>  
**To:** Board.of.Supervisors@sfgov.org; mayoredwinlee@sfgov.org  
**Cc:** John.Avalos@sfgov.org  
**Sent:** Thursday, October 6, 2011 10:44 AM  
**Subject:** Disgusted and saddened by SFPD's strong-arm smackdown of the Occupy SF site last night

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Sincerely,

---

Matthew Gilreath

Matthew J. Gilreath  
2199 California Street, Apt 1  
San Francisco, CA 94115  
415-845-6928  
[mattyjg@earthlink.net](mailto:mattyjg@earthlink.net)  
<http://twitter.com/mattysf1>

BOS-11  
C-page

October 5, 2011

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

RE: \$300K for City Nurses

Dear President Chiu and Supervisors:

Recently, I read with dismay that some nurses in city government have earned \$300K this past year. In an economy like the one we have now I think it is unconscionable that city employees are being compensated at such high salaries at the taxpayers' expense. I don't understand why the city can't rein in these cases; it seems to happen every year. As a city taxpayer I am frustrated and tired of reading these stories. Please do something. Thank you.

Sincerely,

*Bill Quan*

Bill Quan

2526 Van Ness Ave., #10  
San Francisco, CA. 94109

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2011 OCT -5 AM 9:10

31  
*pc*

0 pages

**verizon**wireless

1120 Sanctuary Pkwy  
Suite 150  
MC: GASA5REG  
Alpharetta, GA 30009  
(770) 797-1070

September 22, 2011

Ms. Anna Hom  
**Consumer Protection and Safety Division**  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
[alh@cpuc.ca.gov](mailto:alh@cpuc.ca.gov)

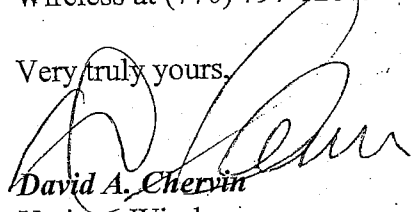
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 OCT -5 PM 3:09

Re: Notification Letter for **SF UCSF Med Ctr Parnassus** GTE Mobilnet of California Limited Partnership (U-3002-C), of San Francisco-Oakland, CA MSA

This is to provide the Commission with notice according to the provisions of General Order No. 159.A of the Public Utilities Commission of the State of California ("CPUC") for the project described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact Dave Chervin of Verizon Wireless at (770) 797-1284.

Very truly yours,



**David A. Chervin**  
Verizon Wireless  
MTS Network Compliance

Notification Letter  
GTE Mobilnet of California Limited Partnership (U-3002-C)  
September 22, 2011  
Page 2

**Attachment A**

CPUC CELL SITE REPORT GTE Mobilnet of California Limited Partnership (U-3002-C)

**PROJECT LOCATION: SF UCSF Med Ctr Parnassus - I/B**

SITE NAME: SF UCSF Med Ctr Parnassus

SITE ADDRESS: 500 Parnassus Ave

LOCATION: San Francisco, CA 94122

COUNTY: San Francisco

---

APN: 1756-001

COORDINATES: 37° 45' 49.18"/122° 27' 29.84" (NAD83)

**1. PROJECT DESCRIPTION:**

GTE Mobilnet of California Limited Partnership (U-3002-C) proposes the construction, installation, and maintenance of a new unmanned wireless telecommunications facility consisting of nine (9) new 48' panel antennas and associated radio equipment on an elevated platform on the roof of the Millberry Union building a UCSF..

ANTENNAS: Nine (9) panel antennas

TOWER DESIGN: Building

TOWER APPEARANCE: Building

TOWER HEIGHT: N/A

BUILDING SIZE: 73.9'

OTHER: Associated radio equipment

Notification Letter

GTE Mobilnet of California Limited Partnership (U-3002-C)

September 22, 2011

Page 3

**3. BUSINESS ADDRESSES OF ALL LOCAL GOVERNMENT AGENCIES:**

Cc: John Rahaim  
Planning Director  
City of San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Amy L. Brown City Administrator  
Office of City Manager City Hall Room 362  
City of San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

County Clerk  
Office of the County Clerk  
City of San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Ms. Hydra B. Mendoza, President  
San Francisco Board of Education  
555 Franklin Street 1<sup>st</sup> Floor  
San Francisco, CA 94102

**LAND USE APPROVALS:**

Type: Administrative – No Conditions  
Issued: 12/24/10  
Effective: 12/24/10  
Agency: UCSF Community & Governmental Relations –  
Damon Lew – [dlew@cgr.ucsf.edu](mailto:dlew@cgr.ucsf.edu) (415) 514-2651  
Permit No.: N/A  
Resolution No.: N/A





To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: NEWS: Transportation Authority Wetlands Project Wins Top Award

---

From: "Bartholomew, Tasha" <bartholomewt@samtrans.com>  
To: "Bartholomew, Tasha" <bartholomewt@samtrans.com>  
Date: 09/30/2011 12:06 PM  
Subject: NEWS: Transportation Authority Wetlands Project Wins Top Award

---



## NEWS

Sept. 30, 2011

Media Contact: Tasha Bartholomew, 650-508-7927

### **Transportation Authority Wetlands Project Wins Top Award**

The San Mateo County Transportation Authority's Wetland Mitigation Restoration Project was recently selected as the Environment Enhancement Project of the Year by the California Transportation Foundation.

---

The project, in cooperation with Caltrans, restored 7.85 acres of wetlands at the edge of the San Francisco Bay in Foster City. The wetland restoration work included construction of a 2,400-foot long tidal channel, installation of a 48-inch storm drain/tidal supply pipe and tide gate, extensive grading, irrigation and landscaping. The TA contributed \$3 million toward the habitat with another \$2 million coming from Caltrans.

Native salt marsh vegetation, including Pickleweed, has been planted to naturally colonize the marsh. In addition, the tides have brought in additional seeds that will germinate and grow, adding to the area's biological diversity.

The wetlands provide a habitat for a host of unique plants and animals adapted to life where the ocean meets the land, including animals found only in San Francisco Bay and threatened with extinction, such as the endangered California Clapper Rail.

The wetlands project was created to alleviate impacts associated with the Route 101 Auxiliary Lane Project between Ralston Avenue in Belmont and Marsh Road in Redwood City.

Established more than 20 ago, the California Transportation Foundation is now the leading charitable transportation organization in the state. With generous donations, CTF supports California's transportation community with various programs such as scholarships for students planning a career in transportation; financial assistance to those injured on the job and to the families of transportation workers who died; and career development, awards and recognition.

###

35

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

EDMUND G. BROWN, JR.



Governor

BOS-11 (memo)  
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

October 3, 2011

TO ALL AFFECTED AND INTERESTED PARTIES:

You are receiving this notice because you provided oral or written comments on the proposed regulations for south coast marine protected areas or you requested to be notified of proposed changes to the Commission's regulations.

During the regulatory process to amend Section 632, Title 14, California Code of Regulations, regarding south coast marine protected areas, changes were made to the originally proposed regulatory language.

Because these regulations are different from, yet sufficiently related to, the originally proposed regulations, the Administrative Procedure Act requires that we make the changes available to you for a 15-day written comment period (October 3, 2011- October 18, 2011). Comments will also be accepted at the October 19, 2011 hearing in Monterey.

The enclosed disc contains the continuation notice, including an updated informative digest, and the modified proposed regulatory language. If you would like hard copies of these documents, please contact the Commission office.

This is also to provide you with a notice of availability of a document added to the rulemaking file. The November 3, 2010 Amended Initial Statement of Reason identified Attachment 17: *California Department of Fish and Game Memo to the Commission regarding outstanding issues identified in the proposed Initial Statement of Reasons to Amend Section 632 Title 14, CCR (October 11, 2010)* as a document supporting the proposed regulations. This document is available for public inspection between the hours of 8:00 am and 5:00 pm, Monday through Friday, at 1416 Ninth Street, Room 1320, Sacramento, CA.

**Written comments must be received in the Commission office by 5:00 pm on October 18, 2011. Interested persons may attend the October 19, 2011 hearing in Monterey and offer testimony.**

Sincerely,

Sherrie Fonbuena  
Associate Governmental Program Analyst

Enclosure

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 SEP 30 PM 3:00  
BY [Signature]

BOS-11, page

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Jim Kellogg, President  
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EDMUND G. BROWN, JR.



Governor

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**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 SEP 28 PM 3:29  
*[Signature]*

September 27, 2011

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 7.00 and subsection (b)(68) of Section 7.50, Title 14, California Code of Regulations, relating to Oroville-Thermalito Complex Regulations for take of Non-Indigenous Coho Salmon, which will be published in the California Regulatory Notice Register on September 30, 2011.

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

**Mr. Scott Barrow, Fisheries Branch, Department of Fish and Game, phone (916) 445-7600 has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

*[Handwritten Signature: Sheri Tiemann]*  
Sheri Tiemann  
Staff Services Analyst

Attachment

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

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220 and 240 of the Fish and Game Code and to implement, interpret or make specific sections 200, 205 and 206 of said Code, proposes to amend Section 7.00 and subsection (b)(68) of Section 7.50, Title 14, California Code of Regulations, relating to Oroville-Thermalito Complex Regulations For Take of Non-Indigenous Coho Salmon.

**Informative Digest/Policy Statement Overview**

The Department of Fish and Game (Department) is proposing an amendment to the General District sport fishing regulations for the Oroville-Thermalito Complex (Diversion Pool, Forebay, and Afterbay) and the Feather River between the Diversion Pool Dam and Fish Barrier Dam. This proposal would expand the take of non-indigenous Coho salmon, which are currently limited to Lake Oroville proper, to include the Oroville-Thermalito Complex and the Feather River between the Diversion Pool Dam and Fish Barrier Dam.

Current Valley District regulations allow take of non-indigenous Coho salmon only in Lake Oroville. Bag and possession limits for the Oroville-Thermalito Complex and the Feather River between the Diversion Pool Dam and Fish Barrier Dam are already under the current Valley District regulations and would not require any special fishing regulations for these waters.

The Department and Department of Water Resources (DWR) have been working cooperatively to develop a successful cold water fishery in Lake Oroville. This is based, in part, on a requirement in DWR's FERC license of the Oroville Hydroelectric facility to provide a cold water fishery. DWR and the Department began stocking on an experimental basis hatchery raised non-indigenous Coho salmon into Lake Oroville in 2002. Based on the success of the non-indigenous Coho salmon fishery in Lake Oroville and the Lake Oroville Coho Salmon Stocking Risk Assessment (DWR, 2004) the Department approved stocking of hatchery raised non-indigenous Coho salmon into Lake Oroville with the stipulation that all stocked Coho be marked with an adipose fin clip and a coded wire tag.

There has been growing evidence over the last few years that planted non-indigenous Coho salmon are escaping from Lake Oroville. Recent boat based electrofishing surveys conducted in the Oroville-Thermalito Complex showed highest concentration of non-indigenous Coho salmon closest to Lake Oroville Dam. Escapement appears to be greatest during wet years though some escapement seems to happen in all years. This proposal would allow harvest by the existing popular Oroville-Thermalito Complex fishery of non-indigenous Coho salmon that escape Lake Oroville.

Concern has been raised over the potential impact that escaped non-indigenous Coho salmon could have on native salmonids in either the anadromous waters of the Feather River or in other streams and rivers with runs of native Coho salmon. Of particular concern is the potential for interbreeding with native Coho salmon stocks. Although the likelihood of the planted fish out-migrating, surviving predation and ocean fisheries, straying, and successfully spawning is extremely low, the current status of native stocks makes this a real concern. In response the Department is now requiring all non-indigenous Coho salmon planted in Lake Oroville to be triploid (sterile). In 2011, the Department approved the first experimental plant of 18,000 triploid non-indigenous Coho salmon into Lake Oroville.

Planting triploid non-indigenous Coho salmon will alleviate the potential for interbreeding in future years and this proposed regulation amendment will help continue the non-indigenous Coho salmon fishery in the Oroville-Thermalito Complex. As data show the non-indigenous Coho salmon density rapidly decreasing with distance from the dam, and a vast majority the flow from Lake Oroville goes through the Oroville-Thermalito Complex, this proposed regulation amendment targets escaped non-indigenous Coho salmon where they are most likely to be encountered. Due to extremely low numbers, a non-indigenous Coho salmon fishery is not warranted in the anadromous reaches of the Feather River and these fish are not anticipated to impact native fishes either through competition or predation.

### **Current Regulations**

Section 7.00, CCR, Title 14, allows the take of non-indigenous Coho salmon in only Lake Oroville under the General District bag and possession limit of 5 fish for the Valley District.

### **Proposed Regulations**

Section 7.00, CCR, Title 14, will be revised to expand the take of non-indigenous Coho salmon to the Oroville-Thermalito Complex (Diversion Pool, Forebay, and Afterbay) and the Feather River between the Diversion Pool Dam and Fish Barrier Dam. The current General District bag and possession limit of 5 fish for the Valley District will remain in place.

This change will allow for take of non-indigenous Coho salmon to reduce the possible threat to the anadromous waters of the Feather River over the near term until the diploid stocks already in the lake are depleted, and will provide for increased opportunity for the public over the long term if and when some triploid fish escape in the future.

Subsection (b)(68) of Section 7.50, CCR, Title 14, will be revised to clarify current enforcement practices and public understanding that all non-anadromous waters of the Oroville-Thermalito Complex and areas of the Feather River above the Fish Barrier Dam are subject to the General District regulations for the Valley District.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held at 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.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, on all actions relevant to this action at a hearing to be held at the Veteran's Memorial Building, 112 West Cabrillo Boulevard, Santa Barbara, California, on Thursday, November 17, 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 November 10, 2011, at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on November 14, 2011. All comments must be received no later than November 17, 2011, at the hearing in Santa Barbara, 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 Sheri Tjemann at the preceding address or phone number. **Scott Barrow, Fisheries Branch, phone (916) 445-7600, 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 that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes will offer more fishing opportunities with no adverse economic impacts.

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

None.

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

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:  
None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

**Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business.

**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

Jon K. Fischer  
Deputy Executive Director

Dated: September 20, 2011



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration  
Center for Tobacco Products  
9200 Corporate Boulevard  
Rockville, MD 20850-3229

AC  
BOS-11  
File 110740  
✓ C-Page

September 30, 2011

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2011 OCT -5 PM 4:37

Dear Angela:

Thank you for your letter to Commissioner Hamburg transmitting the San Francisco Board of Supervisors' resolution encouraging the Food and Drug Administration (FDA) to ban the use of menthol in cigarettes. Your letter was forwarded to FDA's Center for Tobacco Products. It was very thoughtful of you to share the document and FDA will add it to the materials we are reviewing as the Agency continues to consider the public health impact of menthol in cigarettes.

Please let your Board colleagues know that FDA appreciates hearing from them on this very important public health issue.

Sincerely,

Anne M. Henig  
Office of the Center Director  
Center for Tobacco Products

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Resignation from Medical Cannabis Task Force

patrick.goggin

to:

david.campos

10/05/2011 04:54 PM

Cc:

john.avalos, ross.mirkarimi, david.chiu, mark.farrell, carmen.chu, eric.mar, jane.kim, sean.elsbernd, scott.wiener., malia.cohen, Board.of.Supervisors, "carol.lei"

Show Details

History: This message has been forwarded.

1 Attachment



mctf\_resign\_let.pdf

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Supervisor Campos--

Attached is my letter of resignation from the Medical Cannabis Task Force effective upon the Task Force's submission of its annual report this week. I have included some recommendations to consider as well. A hard copy will follow in the mail. Thank you for the opportunity to serve the City and County of San Francisco.

Very truly yours,

Patrick D. Goggin

--

Law Offices of Patrick D. Goggin

Flood Building

870 Market Street, Suite 1148

San Francisco, CA 94102

415.981.9290

415.981.9291 f

415.312.0084 c

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LAW OFFICES OF  
PATRICK D. GOGGIN

870 MARKET STREET, SUITE 1148  
SAN FRANCISCO, CA 94102  
415.981.9290 PHONE

PATRICKDGOGGIN@GMAIL.COM  
PATRICKDGOGGIN.COM  
415.981.9291 FAX

October 5, 2011

Supervisor David Campos  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, Ca. 94102-4689

Re: Medical Cannabis Task Force

Dear Supervisor Campos:

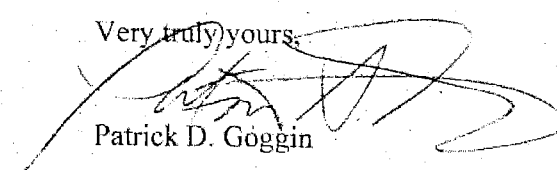
While it has been an honor to serve the City and County of San Francisco on the Medical Cannabis Task Force (Attorney seat (9) and Legal Committee Chair), I hereby resign from my seat effective upon the Task Force's submission of its annual report this week to the Clerk of the Board.

The Task Force faced many challenges since its inception a year and a half ago in part due to the nature of the subject matter but also because of its legislated structure that required a rotating chair. Initially, I believed that a rotating chair was a good solution to avoid a power grab and in furtherance of the democratic process. However, in practice it made the body's job more difficult. Essentially, we lacked effective leadership that amounted to a rudder-less ship. All this said, we made moderate progress resulting in the submission of a respectable annual report this week.

Given the above, I recommend that, should the Board be interested in the Task Force's continuation to its sunset three years from its legislated adoption, the legislation should be amended to require a permanent chair. Absent that, I recommend an early sunset of the Task Force using the annual report as a guidepost from the medical cannabis community on a balanced approach to regulating medical cannabis in San Francisco bearing in mind concerns from all sectors of the City.

Please do not hesitate to call on me if I can be of further assistance to your office or the Board as a whole. Thank you for the opportunity to serve our beloved San Francisco.

Very truly yours,

  
Patrick D. Goggin

cc: Board of Supervisors Members (email only)  
Clerk of the Board (email only)



RE: Crab House - Pier 39 - Apparent Access Violations

Richard Skaff

to:

'Dante Serafini'

10/06/2011 03:32 PM

Cc:

"Louis Verdugo Jr.", zita.johnson.betts, "Ed Lee", steve.kawa, board.of.supervisors,

"Monique Moyer"

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History: This message has been forwarded.

October 6, 2011

Dante Serafini, Owner  
The Stinking Rose: San Francisco/Beverly Hills  
Franciscan Crab Restaurant  
Crab House Pier 39  
The Dead Fish  
Calzone's  
Boboquivaries  
Salito's  
The Old Clam House

Dante,

Thank you for the attached update and your pro-active effort to resolve all of the disability access violations within the Crab House on Pier 39. I'm sorry you are now being faced with having to make possible modifications/corrections to your restaurant. Like other business owners, you probably assumed that by using licensed architects and contractors and receiving an occupancy approval from the Port of San Francisco, the Crab House Restaurant was in complete compliance with all state and federal access codes and regulations. What a surprise!

Based on my experience, I believe that you will find the site review work done by Ms. Puente-Peters to be correct and complete. Each of the three consultants I recommended to you, Ms. Puente Peters, Mr. Peter Margen and Mr. Jonathon Adler, are all CASp members and highly respected state and federal access code and regulatory experts. I have seen much of their work and respect their level of knowledge and integrity. It is my belief that with Ms. Puente-Peters site review report in hand, you and your partners will have the tool (the site report document) that if followed (and followed in a timely fashion), can help to assure that the Crab House Restaurant will be in compliance with all state and federal

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access codes and regulations.

As an aside, please let me know what you and the other owners in your restaurant group will be doing to assure that all of the other restaurant sites your group owns will be audited for compliance with all state and federal access codes and regulations and those completed surveys will be used to resolve any access code/regulatory violations found in a timely fashion.

Thank you.

Richard Skaff, Executive Director  
Designing Accessible Communities  
P.O. Box 2579  
Mill Valley, CA 94942  
Voice/Fax: 415-388-7206  
Cell: 415-497-1091  
Email: [richardskaff@designingaccessiblecommunities.org](mailto:richardskaff@designingaccessiblecommunities.org)  
Web: [www.designingaccessiblecommunities.org](http://www.designingaccessiblecommunities.org)

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**From:** Dante Serafini [<mailto:danteserafini@gmail.com>]  
**Sent:** Thursday, September 29, 2011 9:39 AM  
**To:** Richard Skaff  
**Subject:** Re: Crab House

Richard,

I hired Gilda Puente Peters Architects. I called Le Mar(as you suggested) and she was recommended by them. They've already done the site survey and will have the report ready next week. I will let you know when it is complete and send you a copy as well.

We will address the issues immediately and I will keep you posted as we progress. Let me know if you'd like to meet in person.

Thanks,

On Thu, Sep 29, 2011 at 8:34 AM, Richard Skaff <[richardskaff1@gmail.com](mailto:richardskaff1@gmail.com)> wrote:

Dante,

What's up? Have you hired an expert to do the site review of the Crab House? If so, when do you expect to have their report?

I look forward to your timely response.

Richard Skaff, Executive Director  
Designing Accessible Communities

On Sep 17, 2011 7:19 PM, "Dante Serafini" <[danteserafini@gmail.com](mailto:danteserafini@gmail.com)> wrote:

> Gilda,  
> We apperantly do not have any floor plans for the Crab House at Pier  
> 39. It was built in 1978 and we took it over and decorated it in 1997. I can  
> ask The Pier but I can assure you that it will take longer than we want. I'd  
> like to see your fee proposal on Monday and then meet with you along with my  
> business partner, Jerry DalBozzo  
> at the earliest conveneience for all. Hopefully late next week.  
> Thanks,  
>  
>

---

> On Wed, Sep 14, 2011 at 6:44 PM, Gilda Puente Peters <

> [gilda@gppaarchitects.com](mailto:gilda@gppaarchitects.com)> wrote:

>  
>> Hello Dante,  
>>  
>> Likewise, it was nice talking to you today.  
>> I look forward to getting the information requested from you, so we can  
>> prepare the fee proposal to conduct the facility accessibility survey of  
>> your restaurant.  
>>  
>> I look forward to assist you in your efforts to make your restaurants  
>> accessible.  
>>  
>> Sincerely,  
>>  
>> Gilda  
>>  
>> Sent from my iPhone  
>>

>> On Sep 14, 2011, at 4:56 PM, Dante Serafini <[danteserafini@gmail.com](mailto:danteserafini@gmail.com)>

>> wrote:

>>  
>>> Gilda,  
>>> It was nice talking to you. To re-cap our conversation: I will be  
>>> getting you site and floor plans for Crab House on Pier 39 by next Monday so  
>>> you can submit your proposal. We'll begin with a site review as soon as  
>>> possible for you.  
>>>  
>>> We will begin with the Crab House since there is an immediate  
>>> urgency with the men's room and then will discuss a similar review and

>> assesement for our othe restaurants.  
>>> I look forward to working with you,  
>>>  
>>> Dante Serafini  
>>>  
>>>  
>>> --  
>>> Dante Serafini  
>>> The Stinking Rose: San Francisc/Beverly Hills  
>>> Franciscan Crab Restaurant  
>>> Crab House Pier 39  
>>> The Dead Fish  
>>> Calzone's  
>>> Boboquivaries  
>>> Salito's  
>>> The Old Clam House  
>>>

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